

SOUTH COUNTY ADVISORY COUNCIL Minutes for the June 24, 2013 Meeting

The meeting was called to order at 6:30 p.m. by Chairman Dan Woodson. Vince McCarthy led the Pledges of Allegiance and Secretary Elaine Thomas called the roll.

The following members were present:

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| Sandra Caughell | Bill Dorland |
| Pat Duron | El-Jay Hansson |
| Istar Holliday | Vince McCarthy |
| Gary Spelbring | Elaine Thomas |
| Dan Woodson | Vern Dahl, LMUSD |
| Craig Armstrong, NCSD | |

The following members were absent:

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| Susan Cholakian | Rick Dean |
| Harry Walls | Richard Wright |

A quorum was declared. Several items on the agenda were moved to accommodate those community residents who wished to speak.

Approval of Minutes for April 22, 2013 Meeting: El-Jay Hansson moved, seconded by Istar Holliday that the minutes be approved. Motion carried.

Treasurer's Report: In the absence of Treasurer Rickard Wright, Dan Woodson made the following report:

Dump Fees: \$895.76 Library: \$952.42 Total: \$2088.18

Istar Holliday moved, seconded by El-Jay Hansson that the Treasurer's Report be accepted and filed. Motion passed.

Community Presentations:

Cal-Fire Battalion Chief Paul VanGerwen was present for his first meeting of the SCAC since his assignment to the South County Area. He was welcomed and said he had no report at this time. He can be reached at 805-543-4244 or on his mobile phone at 805-903-3412.

Sheriff's Office – not present

California Highway Patrol – not present

SLO Planning Staff – not present

Lucia Mar School District – **Vern Dahl** reported there are some personnel changes taking place in the various schools. The teachers and administrator have received a 2% raise. A staff member has been placed in charge of safety issues such as gang violence and bullying. A long term solar project is being studied in order to save money on electricity which costs the district approximately \$2 million a year.

“Common Core” was discussed. It is a Federal program that schools have agreed to implement. Vern said he will provide speakers in the future to present information both for and against the new program. It grants the Federal Government more control of the local schools.

Chamber of Commerce – Randy Stowell reported a new Executive Director for the Chamber is being considered. There are three candidates for the position and each are well qualified.

The Chamber luncheon will have speakers Supervisors Paul Teixeira and Adam Hill. The new offices for the Chamber are near completion and are located on the corner of Tefft and Wilson and consist of 1400 square feet.

NCSD: Craig Armstrong introduced NCSD General Manager Michael LeBrun. The Santa Maria Pipeline was discussed as well as the water issues that now exist in South County and on the Mesa. At the June 12, 2013 meeting of the NCSD a report was received from Dr. Brad Newton, groundwater hydrology expert. The ground water levels have declined resulting in an estimated 25% decrease in the ground water index. NCSD has obtained financing for Phase I of the Santa Maria pipeline project to bring supplemental water to the Mesa. The initial construction contract has been awarded. Phase 2 and 3 will be completed at a later date and will involve construction of additional pumping and pipeline capacity to increase the amount of water that can be delivered from Santa Maria.

The judge overseeing the litigation brought by the Mesa Community Alliance rejected MCS's request for a temporary restraining order and rejected MCA's request for a preliminary injunction to bar NCSD from moving forward on the pipeline project. The only open issue is whether NCSD's proposed use of reserve funds to cover part of the cost of the pipeline was improper, and NCSD intends to aggressively defend its position in court.

Supplemental Water Alternative Evaluation Committee (SWEAC) was discussed. The SCAC is requested to communicate to the BOS that the following proposals should be adopted as policy regarding South County water issues.

1. Develop plans for a complete aquifer management study and development of a unified model covering a full extent of Santa Maria groundwater basin.
2. Pursue additional regional partnerships.
3. Provide better public education and outreach.
4. Consider solutions that may provide less supplemental water individually, but together can help meet the Nipomo Mesa region's needs.
5. Encourage individual well owners and agricultural and industrial water users – the non-stipulated parties within the NMMA – to be part of any solution.
6. Incorporate water conservation in any project or program.
7. Pursue opportunities to minimize the impact of water rate adjustments on all users, and particularly on low-income customers.

Discussion followed. Istar Holliday moved that the SCAC commend the SCEAC committee for their work and approve of their principles proposed for advocating additional water supply. Pat Duron seconded the motion. Additional discussion followed with some SCAC members indicating the recommendation should be stronger and more specific.

A roll-call vote was called:

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| Sandra Caughell - | no | Dan Woodson | yes |
| Istar Holliday | yes | El-Jay Hansson | yes |
| Vince McCarthy | no | Pat Duron | yes |
| Bill Dorland | yes | Gary Spelbring | yes |
| Elaine Thomas | yes | | |

Motion carried.

New Business:

- **Picacho Ranch LLC Antenna:** Mr. Kris Vardus, Senior and Planner, PG&E presented a request for approval for an antenna at Picacho Ranch. There are presently 5 towers at the site. A hydrogen fuel cell would be used since no emissions will be generated. Istar Holliday, Dan Woodson, El-Jay Hansson and Harry Walls toured the site with Mr. Vardus and the Land Use Committee gave approval of the recommendation for the tower. El-Jay Hansson moved, seconded by Sandra Caughell that the request for the construction of the tower be approved. Motion passed.

Phillips 66 Railroad Spur Request. Mr. James Anderson, P.E., Superintendent of Maintenance, Phillip 66 presented information on the need for a railroad spur to transport crude oil to the refinery on the Mesa. He indicated the crude oil is only received by pipeline presently. An EIR will be done on this project and further information will forthcoming at that time. He also said the refinery will not increase production past the 44,000 barrels that are presently processed per day.

DeGroot Industrial Subdivision: Ed Eby stated that the application for approval of this project did not indicate the source of water to be used and did not indicate whether a will-serve letter had been issued. There was no representative present to discuss this project. The proposed project is at Winterhaven and Highway 1.

Cell Tower at Guadalupe Cooling: No discussion since there was no representative present and there had been no response to the Land Use Committee.

Old Business

Mike Berry, Nipomo resident speaking about Viva Farms truck traffic on Camino Caballo said the residents in the area had hired a lawyer, and action being taken.

Application for Funds: The SCAC is submitting a request for funding for the coming 2013-14 year. El-Jay Hansson moved, seconded by Vince McCarthy that a request for \$1000 be submitted to Supervisor Paul Teixeira. Motion carried.

SCAC Audit: Financial Audit for the Fiscal year ending March 2013 was performed by SCAC members Sandra Caughell, Susan Chelokian and Harry Walls. Bill Dorland moved, seconded by Istar Holliday that the audit be accepted. Motion carried.

Traffic and Circulation Committee: On March 20, 2013, Supervisor Paul Teixeira notified Chairman Dan Woodson, longstanding member of the Traffic and Circulation Committee that his services were no longer required as of March 29, 2013. On June 1 a member of SLO Public Works wrote Mr. Woodson that his department was advised by the Supervisor to submit all input for traffic issues in Nipomo to his the new appointee Mr. William Dana Marsalak, a local grower. Repeated requests to contact the new appointee have been ignored by Mr. Teixeira's staff.

It was suggested that a registered letter be sent to the County Traffic and Circulation Representatives asking the new appointee to attend the Traffic and Circulation Committee meetings, the Land Use meetings, the SCAC meetings and the SLOCOG meetings. At this time Mr. Marsalak has not attended any of these meetings to acquaint himself with the South County.

Since information to reach Mr. Marsalak is not available, the SCAC is submitting the following list of traffic and transportation need directly to Supervisor Teixeira.

El-Jay Hansson moved, seconded by Pat Duron that since the information to reach Mr. Marsalak is not available, the SCAC should convey the transportation needs and requests for information and action to the Board of Supervisors directly. The following list was to be submitted:

1. Excessive vegetation South of Shiffrar on Division Rd needs to be removed. It is becoming a hazard to vehicles trying to turn onto Division.
2. A request was made for parking limitations on Tefft in front of McDonald's restaurant. to eliminate long-term car-for-sale parking. What is the status of this request?
3. A request to change the stop signs to yield signs on the Black Lake Canyon Dr. at the traffic circle in Knollwood has been made. What is the progress on this request?
4. A request for flashing signal light at Willow and Thompson has been made. Is there any progress on this request?
5. A request for "Not a Through Road" sign on Honey Grove Lane and Storey has been made. Is there any progress on this request?
6. A new request for signage on Willow Rd. warning of areas with limited sight distance.
7. A new request to address sight distance problems at Winterhaven and SR1. The proposed industrial development at that location is going to make the problem more severe. Perhaps the developer could be required to install acceleration lanes on SR 1.
8. What is the status of the Highway 101 corridor study for the segment between Los Berros Rd. and the Santa Maria River Bridge?
9. Large trucks are parking in the bike lane on the East side of Division Rd. between Sequoia and Orchard.

Motion carried.

Chairman Dan Woodson said there will be speakers from the County Traffic and Circulation Committee present at the July 22, SCAC meeting to discuss local issues.

Enhance Public Awareness of the SCAC: Various avenues of publicity were discussed. The SCAC was encouraged to keep looking for ways for the public to be aware of SCAC meetings and issues.

Letter to Supervisor Paul Teixeira: Discussion took place concerning the relationship of the SCAC with Supervisor Teixeira. Sandra Caughell moved, seconded by Pat Duron that the following letter be sent as a Guest Commentary to the Santa Maria Times, The Tribune, Sun Times, New Times, Adobe Press and the Times Press Reporter. Discussion followed. Motion carried.

“Why is Supervisor Paul Teixeira Ignoring the South County Advisory Council?”

In 1995, the San Luis Obispo County Board of Supervisors formally recognized Community Advisory Councils through the adoption of Resolution #96-485. Eleven area councils were recognized within the County, including the South County Advisory Council, which represents the unincorporated area of the southern portion of San Luis Obispo County. The members of SCAC are volunteers elected by the community. There are 14 members on the Council representing 7 geographical areas, an agriculture representative, a public safety representative, and non-voting but advisory members from the NCSD and LMUSD.

Shortly after assuming office a couple years ago, 4th District County Supervisor Paul Teixeira proposed eliminating the "elected" advisory Council in favor of one that he would appoint, but this effort was defeated after public support for SCAC was presented to the full Board of Supervisors.

Supervisor Teixeira's next move was to defund the SCAC for two years. However, the council members, all volunteers, used other resources to pay for the P.O. Box and webmaster, used their own funds to print and provide County materials, and continued to function. Recently, after a direct request by the SCAC to the Full County Board of Supervisors, Supervisor Teixeira agreed to a partial funding of "his" advisory council in 2013.

Now, in an unprecedented action by a Supervisor, 4th District Supervisor Paul Teixeira has again indicated he is attempting to dissolve or incapacitate the South County Advisory Council (SCAC), by separating the Community and its elected representatives from contact with the County departments that have worked with the SCAC for many years, and replace them with his own appointees.

These County representatives from Planning and Public Works Departments have routinely worked with the members of the Land Use Committee, Traffic and Circulation Committee and the full SCAC, reviewing development applications, Nipomo area's circulation needs and problems, and other projects affecting the South County planning area. Committee members visited the project sites and provided the SCAC members with valuable insights and suggestions.

The full SCAC held regular, open, public meetings for community education and input, shared the information gathered on its website, and then made recommendations to the Supervisors through the 4th District Supervisor representing the area, who usually facilitated the cooperation between County, Council, and Community..

The latest move by Supervisor Teixeira, however, was an overt attempt to create a schism between the County and the Community. On March 20, Supervisor Teixeira notified the longstanding, effective and hardworking Chair of the Nipomo Traffic and Circulation Committee (and current Chair of SCAC), Dan Woodson, that his twelve years of service on the SLO County's Citizens' Transportation Advisory Committee were no longer required as of March 29. Then, on June 1, a member of SLO County Public Works wrote Mr. Woodson that Public Works was advised by the Supervisor to submit all input for traffic issues in Nipomo to Teixeira's appointee, later identified as William Dana Marsalak, a local grower.

However, repeated requests by Council members for contact information for this new "appointee," were denied by Supervisor Teixeira's staff and apparently ignored by his newly appointed "area representative," who is known by name only and has never attended an Advisory Council, Land Use, Traffic and Circulation, or SLOCOG committee meeting, but is expected to "represent" the community's needs and wishes on transportation, roads, and other public works issues.

In spite of these efforts to undermine their effectiveness, the elected members of the SCAC have determined to continue their efforts to relate to the County staff and the community and provide appropriate recommendations to the public and the County Board of Supervisors on behalf of the people of the South County.

The SCAC urges the residents of the South County Area to participate in the ongoing planning and development of the community by attending its regular meetings at the Nipomo Community Services District, 148 S Wilson Street in Nipomo. The Traffic and Circulation Committee meets on the 2nd Thursday of every month at 9 a.m. Land Use Committee meets the 3rd Monday of every month at 9 a.m. The full SCAC meets every 4th Monday of the month at 6:30 p.m. They are all open to the public. Further information can be obtained at scac.ca.gov.

Committee Reports:

Land Use Committee: Istar Holliday, no further report

Traffic and Circulation Committee: Dan Woodson announced there will be speakers on at July 22, 2013 SCAC meeting from the County Traffic & Circulation Committee who will discuss corridor Highway 101 mobility.

There will be a display of local artist at the Nipomo Library.

PM10: Patricia Duron submitted the following report:

1. Monitoring data indicates the air quality problem from particulate matter from the Oceano Dunes has worsened this year. In the last 12 months, we have exceeded FEDERAL REGULATORY LEVEL FIVE TIMES. Federal regulations require the

pollution to reach three times the level set by state standards. Should this persist, the United State EPA could be involved and raise the level of enforcement.

Once again, if you see evidence of particulate matter in the air and around your property, or if the winds are blowing or the air index on the weather map in *The Tribune* is yellow, orange or red, you should modulate your outdoor activity between the peak hours of 11:00 a.m. and 4:00 p.m.

The APCE Air Quality forecast map is on our web site WWW.nipomomesa-air.org (look under APCD Report, Community Monitoring Project E brochure) These zones change based on wind conditions.

2. The Off-Highway Division of State Parks is once again trying to buy the LaGrande Tract from the County. The LaGrande Tract is land within the Oceano dunes off-road park which the county leases to the OHV. While the OHV Division would love to get control of these 584 acres, we firmly believe the county must retain control to keep options open in efforts to protect the Nipomo Mesa and resident's health. Even *The Tribune* stated in an editorial: "We must keep the Dunes under the county's control." Residents are urged to write or email all five Supervisors asking them to retain control of the LeGrande Tract. The Sierra Club article about the proposed purchase is: <http://santalucia.sierraclub.org/lucian/2013/006June.pdf>

3. State Parks has been very slow in its compliance with Rule 1001, enacted to resolve the air quality. Even though communications has been submitted. State Parks has missed almost every deadline and has forced the APCD to re-evaluate the timeline originally put in place. What has NOT changed is the final compliance date at which State Parks must have taken the necessary step to ensure that our air quality is no longer impacted by the OHV Dune Park. That date remains as May 31, 2015, after which they are subject to APCD fines. Intermittent timelines however have been pushed out as much as 15 months.

4. Another area in the State of California has been impacted with poor air quality by off-road vehicles and a lawsuit has ensued. Public Employees for Environmental Responsibility (PEER) and the Desert Protective Council (DCP) have filed a lawsuit to stop open riding at Ocotillo Wells State Vehicular Recreation Area. The lawsuit alleges that the California Department of Parks and Recreation (State Parks) is not enforcing various Public Resources Codes with respect to trail maintenance and environmental protection. CCCA members have pointed out on numerous occasions that State Parks has not maintained the Oceano Dunes OHV park, allowing the fore dunes and numerous vegetated islands to disappear due to vehicle traffic. According to the California Geological Survey study in 2007, the loss of the fore dunes makes it difficult to establish new growth inland. State Parks has also failed to follow the 2008 Soil Conservation Guidelines for OHV Parks and which areas of erosion will be closed and repaired. Further information of the PEER lawsuit press release: <http://www.peer.org/news/press-clips/2013/06/04/lawsuit-threatens-ocotillo-wells/>

It was agreed that the LaGrande Tract will be agendized for the July SCAC meeting. Also on the agenda will be the suggestion that the Nipomo Park be renamed the Mankin Park since Mr. Mankin was an outstanding member of the community in the past.

Meeting adjourned at 9:05 p.m. Next SCAC meeting well be July 22, 2013