

CAYUCOS SANITARY DISTRICT
200 Ash Avenue
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805-995-3290

GOVERNING BOARD

R. B. Enns, President
D. Chivens, Vice-President
S. Lyon, Director
M. Foster, Director
D. Lloyd, Director

SPECIAL MEETING
MINUTES
Monday, January 7, 2013
12:00 p.m.

1. ESTABLISH QUORUM AND CALL TO ORDER

President Enns called the meeting to order at 12:02 p.m.

Board members present: President Robert Enns, Director Shirley Lyon, Director Michael Foster, Director Dan Chivens and Director Dan Lloyd

Staff present: Interim District Manager Rick Koon, District Counsel Tim Carmel and Administrative Services Tech Anita Rebich

2. PUBLIC COMMENTS

President Enns opened the meeting to Public Comments.

- Barry Branin – Stated the WWTP project is stillborn and has never changed. To attempt to go forward with it is a waste of taxpayer dollars. Withdrawal of the project isn't the way to accept the CCC recommendation.
- Marla Jo Bruton – Asked when are we proposing to communicate our decision to Morro Bay
- Steve Hennigh – Wants to encourage the Board to go along with CCC decision and choose a property that is suited for this facility, not the choice property where it is now.
- Barbara Doerr – Challenges the location due to space confinements. Suggests we listen to the MB City Council meeting and realize this is the wrong place for a WWTP. She read the JPA agreement and stated that fighting the CCC goes against the agreement. She feels the weight of our vote on the project should reflect our monetary input.
- Richard Sadowski – Accused the District of acting as a sovereign entity.
- Richard Margotson – Asked if there was going to be Public Comment after each agenda item. He found it interesting that a pre-conclusion letter of a vote, and a resolution that haven't happened yet, are on the agenda. He agrees with Branin's comments and is concerned about fines.
- Bill Martony – Current site is the wrong location now and going forward. The Righetti property is \$5000 an acre and we could use the balance of the property for alternative income. He stated a wastewater line exists now to the property and to the Rancho Colina trailer park. They would both just need an upgrade.
- Jamie Irons – The goal is to meet as a Board and make the right decision.
- Sue Moyer – She is against moving the WWTP, cost is the #1 factor.
- Karen Elliott – It's ridiculous to butt heads with the CCC, no one has prevailed to date. Asked why this meeting was on such short notice.
- Bernadette Pekarek – We need to work with the CCC.
- Jamie Irons – Clarified Morro Bays position to "support Coastal Staff in denying" the project.

Hearing no further Public Comments, President Enns closed Public Comments.

CLOSED SESSION:

3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, Initiation of Litigation pursuant to Govt. Code Section 54956.9(c) involving one potential case.

RECONVENE TO OPEN SESSION:

4. **ANNOUNCEMENT OF REPORTABLE ACTION FROM CLOSED SESSION**

There was no action to report.

5. **DISCUSSION AND CONSIDERATION OF ADOPTION OF A RESOLUTION REQUESTING WITHDRAWAL OF CALIFORNIA COMMISSION APPLICATION NO. A-3-MRB-11-001 (WASTEWATER TREATMENT PLANT UPGRADE PROJECT) CURRENTLY SCHEDULED FOR CONSIDERATION ON JANUARY 10, 2013**

President Enns explained our request for withdrawal of the project from the CCC was due to conditions put on the project by the CCC staff that would de-value the property. The District doesn't want to see this happen. Lloyd referenced his background in land use planning and agreed that conditions placed on the project could restrict the future use, a withdrawal of the project would be a win-win in not prejudicing the land. Lyon concurred with Lloyd. Chivens stated he had been concerned about the potential fines but seeing the letter from the RWQCB he feels better about asking for a withdrawal and not putting negative implications on the land. Foster said his preference is to move forward and referenced a letter from the CCC dated 8/31/11 and the findings listed in the letter. He continued by stating that you can't challenge the findings, but his second preference would be to withdraw or suspend the current project.

Enns made a statement to Irons regarding the value and devaluing of the land and pointed out that two MB councilmembers also made reference to this. Irons responded that he wants a postponement, not a denial, and continued by saying the conditions had previously been put on the land by the CCC but they stated there were viable redevelopment options which we should get in writing from them. Irons continued saying he couldn't speak for the Council but was willing to meet with the full JPA to discuss. Should the MB City Council want to put this option on the agenda for the 1/8/2013 meeting, City Manager Lueker confirmed the MB City Council has the ability to approve/add an emergency agenda item but it would require a 4/5ths vote by the Council.

President Enns opened the item for Public Comments.

- Barry Branin – Stated he doesn't trust the CSD and the announcement of this meeting was too short of notice. The CCC has made its decision, we need to go forward.
- Nancy Bast - Agrees with Branin.
- Julie Tacker – Both agencies should ask for a continuance then meet as full JPA at a later date.
- Barbara Doerr – Said the CSD has already made its intent clear with the Resolution that's on the agenda.
- Joanne Tobias – Wanted to point out the people here do not represent the entire populous of Morro Bay.
- Marla Jo Bruton – She has a problem with all the cancellations that have taken place with the JPA meetings and accused the CSD of a lack of transparency. She continued by stating the voting weight isn't consistent with the ownership of the WWTP and further accused Enns of continual delays on the plant upgrades.

Hearing no further comments, President Enns closed Public Comments.

Enns asked CSD Legal Counsel Tim Carmel to clarify what a continuance would mean. Carmel explained continuance and postponement is just a matter of semantics, they both would move the item off the CCC current agenda. A withdrawal would remove the item from the CCC jurisdiction and a denial would be based on the findings of the CCC and would attach conditions to the property.

MOTION: 1st by Lloyd 2nd by Chivens to Adopt Resolution #2013-1 Requesting Withdrawal of CCC Application No. A-3-MRB-11-001 (WWTP Upgrade Project) Currently Scheduled for Consideration on January 10, 2013 with correction to the resolution wording in paragraph 7 from "requesting that the Coastal Commission deny the project" to "supporting the Coastal Commission staff recommendation to deny the project".

ROLLCALL VOTE: Enns-yes, Lyon-yes, Chivens-yes, Foster-no, Lloyd-yes. Motion passed **VOTE 4-1**

6. DISCUSSION AND CONSIDERATION OF TERMINATING, SUSPENDING OR CONTINUING CONSULTANT SERVICES AGREEMENTS WITH DELZEIT, DUDEK AND MCCABE AND COMPANY

Carmel explained what suspending the contracts with the consultants meant, Manager Koon recommended suspension of all three contracts.

MOTION: 1st by Lloyd, 2nd by Chivens to Suspend Consultant Services Agreements with Delzeit, Dudek and McCage and Company.

ROLLCALL VOTE: Enns-yes, Lyon-yes, Chivens-yes, Foster-yes, Lloyd-yes. Motion passed **VOTE 5-0**

7. DISCUSSION AND CONSIDERATION TO APPROVE A LETTER TO MORRO BAY CITY COUNCIL REQUESTING THAT THE CITY COUNCIL RESCIND RESOLUTION NO. 07-13 AND JOIN CAYUCOS IN REQUESTING WITHDRAWAL OF CALIFORNIA COASTAL COMMISSION APPLICATION NO. A-3-MBR-11-001 (WASTEWATER TREATMENT PLANT PROJECT)

President Enns opened the item for Public Comments.

- Barry Branin – Asked for the clarifications of the resolution.
- Marla Jo Bruton – A withdrawal cause fines.
- Barbara Doerr – Stated our letter contains errors and doesn't reflect the CSD Board opinion at today's meeting.

Hearing no further comments, President Enns closed Public Comments.

MOTION: 1st by Lloyd, 2nd by Lyon to Approve the Letter to MB City Council Requesting that the City Council Rescind Resolution No. 07-13 and Join Cayucos in Requesting Withdrawal of CCC Application No. A-3-MBR-11-001 WWTP Project) with correction if needed of the voting outcome and to strike the entire last sentence of the last paragraph of the letter.

ROLLCALL VOTE: Enns-yes, Lyon-yes, Chivens-yes, Foster-no, Lloyd-yes. Motion passed **VOTE 4-1**

Foster stated he wants to strike the entire letter. Lyon thinks it's important that the entire MB City Council see the letter and have a chance to vote.

8. ADJOURNMENT

The meeting adjourned at 2:35 p.m.

Minutes recorded by: _____


Anita Rebich, Administrative Services Tech