

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 19, 2000 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

GENE KAYE, **PRESIDENT**
AL SIMON, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
RICHARD MOBRAATEN, **DIRECTOR**
ALEX MENDOZA, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SECRETARY TO THE BOARD**
JON SEITZ, **GENERAL COUNSEL**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

1. ROLL CALL

President Kaye called the meeting to order at 7:00 p.m. and led the flag salute.
At Roll Call, all Board members were present.

President Kaye presented an engraved gavel to past-President Blair in appreciation of serving as president of the Board for 1999. Director Blair thanked the staff and the Board.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

During this agenda item, the following members of the public spoke:

Nancy DePue- Lucia Mar Unified School District - Spoke in favor of resolving the water for the school.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. PUBLIC HEARING - WIDOW LANE SEWER REIMBURSEMENT RESOLUTION NO. 00-715 Public hearing on the cost spread to property owners benefiting from Widow Lane Sewer Improvements

President Kaye opened the Public Hearing to hear comments on the reimbursement for a sewer line constructed in Widow Lane, northerly of Southland Street to provide sewer service to properties belonging to Mr. Mike Kelley and Mr. John Perkins.

During this agenda item, the following members of the public spoke:

Terry Aguilar 771 Widow Lane, Nipomo - asked questions about the construction in the Widow Lane easement, which were answered. The reimbursement period is for 10 years.

Upon motion of Director Blair and seconded by Director Simon, the Board approved Resolution 00-715 with a 5-0 vote.

RESOLUTION NO. 00-715

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR WIDOW LANE SEWER LINE IMPROVEMENTS (KELLEY/PERKINS)**

4. SUMMIT STATION

Boyle Engineering report on AD 93-1, Summit Station, water distribution system

James Peifer gave a summary of the draft report from Boyle Engineering concerning the Summit Station water distribution.

The Board asked questions and made suggestions for a more complete analysis of the situation. Glen Hille, of Boyle Engineering, answered some of the Board's questions.

Upon motion of Director Mendoza and seconded by Director Mobraaten, the Board requested that a meeting between the Committee members and Boyle Engineers be held to discuss more precise areas to be investigated to refine the report.

During this agenda item, the following members of the public spoke:

Mary Holder, 234 Summit Station Road, Arroyo Grande - reminded the Board that the booster put on the Swanson's property did not work.

5. FOLKERTS OAKS SEWER MAINTENANCE DISTRICT NO 76-1 RES. 00-722 & 00-716

Dissolution of Sewer Maintenance District No. 76-1 and distribution of fund balance

A) The property taxes received by the District for the Sewer Maintenance District (NSMD) 76-1, Fund 180 be allocated for District purposes, and

B) Vacating a Public Service Easement for on-site sewer septic purposes.

There were no Director's Comments and no Public Comments.

District Counsel, Jon Seitz, read the two resolutions before the Board in title only.

(A) Upon motion of Director Mendoza and seconded by Director Mobraaten, the Board approved Resolution 00-722 with a 5-0 vote.

RESOLUTION NO. 00-722

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING NSMD 76-1 TAXES BE ALLOCATED FOR DISTRICT PURPOSES AS PART OF THE DISTRICT'S ANNUAL BUDGETING PROCESS

(B) Upon motion of Director Mobraaten and seconded by Director Blair, the Board approved Resolution 00-716 with a 5-0 vote.

RESOLUTION NO. 00-716

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT VACATING A PUBLIC SERVICE EASEMENT

6. BOARD OF DIRECTOR BY-LAWS

Review of By-Laws Section

Mr. Jones told the Board that the By-Laws require annual review at the first meeting in February and suggested this item be tabled until the next meeting. There were no public comments.

Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously agreed to table this item until the February 2, 2000 meeting.

7. **REPLACEMENT OF PB WATER SERVICES - RESOLUTION NO. 00-717**
Review of bids and award contract for the replacement of PB water services

Bids were requested and received for replacement of PB water services within the District. District Counsel, Jon Seitz, read the resolution in title only. There were no public comments. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 00-717 with 5-0 vote awarding the contract to TLC Backhoe with Alternate 1 - Copper for \$167,190.

**RESOLUTION NO. 00-717
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO TLC BACKHOE
FOR REPLACEMENT OF POLYBUTYLENE PIPE WATER SERVICES**

8. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

Items a - f were pulled from the Consent Agenda for Board discussion. There were no public comments Items g, h and i. They were unanimously approved by motion of Director Simon and seconded by Director Blair. Vote 5-0.

- a) **WARRANTS**
There were no public comments.
Motion by Director Mobraaten, second by Director Mendoza Vote 5-0
- b) **BOARD MEETING MINUTES**
Approval of Minutes of the December 1, 1999 Regular Board meeting
Approval of Minutes of the December 15, 1999 Regular Board meeting
Approval of Minutes of the January 12, 2000 Study Session

There were no public comments.
Motion by Director Blair, second by Director Mobraaten Vote 5-0
- c) **RESOLUTION NO. 00-718**
Adoption of Records Management and Records Retention Policy

There were no public comments.
Motion by Director Mobraaten, second by Director Mendoza Vote 5-0
- d) **RESOLUTION NO. 00-719**
Adoption of the District Investment Policy

There were no public comments.
Motion by Director Simon, second by Director Mendoza Vote 5-0

- e) RESOLUTION NO. 00-720
Acceptance of water and sewer easements in Tract 2266

There were no public comments.

Motion by Director Simon, second by Director Mobraaten Vote 4-1 Director Blair-No

- f) RESOLUTION NO. 00-721
Acceptance of a Deed Restriction Easement in Tract 2108

There were no public comments.

Motion by Director Blair, second by Director Mendoza Vote 5-0

Consent Agenda Approved - There were no public comments.

- g) 1999 INVESTMENT POLICY - 4TH QUARTER REPORT
Review and approve 4th Quarter Investment Policy Report
Received into file.
- h) FY 99-00, SECOND QUARTER FINANCIAL REPORT
Review and approve 2ND Quarter Financial Report
Received into file.
- i) RENEWAL OF INTENT-TO-SERVE LETTER - TRACT 2297
Approve renewal of Intent-to-Serve Letter for a 6-lot development at Pomeroy & Willow
Letter approved

OTHER BUSINESS

10. MANAGER'S REPORT

Mr. Jones presented information on the following items:

- 1. RWQCB letter concerning outside District sewer service

During this agenda item, the following member of the public spoke:

Michael LeBrun, California Regional Water Quality Control Board, Central Coast Region - encouraged the Board to discuss an administrative solution to the problem of property outside the District being able to connect to the District sewer system.

- 2. WSJ article on area planning commissions
- 3. New Water Line across Nipomo Regional Park

11. DIRECTORS COMMENTS

Director Blair reported on the Nipomo Community Area Council meeting. He asked Mr. Jones to put the issue of the SLO County Engineering Department's selling of State Water on a future agenda.

Committee Appointments

President Kaye appointed the following committee members

| Committees for 2000 | Member | Alternate |
|-------------------------------------|----------------|------------------|
| Nipomo Community Advisory Committee | Gene Kaye | Al Simon |
| Water Resources Advisory Committee | Doug Jones | Bob Blair |
| Chamber of Commerce | Dick Mobraaten | Gene Kaye |

The following committees require two (2) members

| Committees for 2000 | Members |
|----------------------------|---------------------------------|
| Finance Committee | Gene Kaye and Al Simon |
| Water Committee | Al Simon and Bob Blair |
| High School Committee | Alex Mendoza and Dick Mobraaten |

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below.

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)
- a. SMVWCD vs NCSD Case No. CV 770214 and related cases
Case Nos. CV 990556, CV 990391, CV 990392, CV 990558, CV 990266,
CV 770214, SM 113422, SM 112867, SM 113425, SM 113421
 - b. NCSD vs. State Dept of Health Services CV 990706

The Board came back into Open Session. Instructions were given to the negotiator.

ADJOURN

President Kaye adjourned the meeting at 9:50 p.m.