

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

February 2, 2000

CLOSED SESSION (CONFERENCE ROOM) 6:30 P.M.

CONFERENCE WITH LEGAL COUNSEL GC§54956.9
NCSD vs. State Dept of Health Services CV 990706

REGULAR SESSION 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 AND MIKE SEITZ, **GENERAL COUNSELS**

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

A. CALL TO ORDER

President Kaye called the meeting to order at 7:03 p.m.

District Deputy Legal Counsel reported on the 6:30 p.m. Closed Session

The Board authorized the General Manager to sign the settlement agreement with the Department of Health Services. The agreement will be available in the District office by tomorrow. Papers will be obtained from the Attorney General's office with their agreement.

Vote 5-0.

The Board approved a proposal from Boyle Engineering to provide two services to the District.

1. To provide a proposal to modify the draft report for the Summit Station area to incorporate the future anticipated Title 22 revisions, i.e. 30 psi at the meter.
2. Review the previously completed Master Plan with a focus on increasing pressure to at least 45 psi or a general range of 40-50 pounds of pressure as a part of that plan. Vote was 4-1 with Director Kaye dissenting.

B. FLAG SALUTE

President Kaye led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

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.

President Kaye opened the meeting to Public Comments.

During this agenda item, the following member of the public spoke:
John Snyder, 662 Eucalyptus, Nipomo - Informed the Board that the Scalmini Report stated the groundwater basin is not in an overdraft.

D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

D-1) WATER AND SEWER REPLACEMENT STUDY

Review and receive final water and sewer replacement study by Boyle Engineering

The services of Boyle Engineering were acquired to prepare a water and sewer replacement study for the Town and the Black Lake Division's water and sewer system.

Bruce Nybo, Boyle Engineering, 973 Higuera St., San Luis Obispo - Reviewed the report with the Board, summarizing the process used.

There were no public comments.

Upon motion of Director Mendoza and seconded by Director Mobraaten, the Board received the Water and Sewer Replacement Study into file. Vote 5-0.

D-2) REQUEST FOR SERVICE - TRACT 1876 (RIEWALD)

Request to renew an Intent-to-Serve letter for a 9-lot development on Colt Lane

Request was received from Coastal Oak Properties to renew an Intent-to-Serve letter for a nine (9) lot development on Colt Lane.

During this agenda item, the following member of the public spoke: Michael Neuhauser 221 Blue Sky Dr., Arroyo Grande - Answered questions from the Board concerning the development.

Upon motion of Director Simon and seconded by Director Blair, the Board approved the request for the Intent-to-Serve letter for Tract 1876 with the conditions listed in the Board letter. Vote 4-1 with President Kaye dissenting.

D-3) REQUEST FOR SERVICE - TRACT 2370 (KRICHEVSKY)

Request for an Intent-to-Serve Letter for a 6-lot development on Evergreen Way

Request was received from Westland Engineering for an Intent-to-Serve letter for a six (6) lot development on Evergreen Way.

During this agenda item, the following member of the public spoke: Thor Krichevsky, 1054 Evergreen, Nipomo - Answered questions from the Board concerning the development.

Upon motion of Director Blair and seconded by Director Simon, the Board approved the request for the Intent-to-Serve letter for Tract 2370 with the conditions listed in the Board letter. Vote 4-1 with President Kaye dissenting.

D-4) BOARD OF DIRECTORS BY-LAWS

Annual Review of the Board By-Laws

District Legal Counsel, Jon Seitz, reviewed the Board of Directors By-Laws There was a modification to Section 5.5. There were no public comments. Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved Resolution 00-723. Vote 5-0.

RESOLUTION NO. 00-723

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT REVISING BOARD BYLAWS**

E. OTHER BUSINESS (The following may be discussed and action may be taken by the Board.)

E-1) STATE WATER SALE

Review SLO Co. Water Conservation Dist. Proposal for temporary sale of State Water Contract Board directed staff to get information about the proposal for the temporary sale of the SLO County Flood Control and Water Conservation District's State Water allocation.

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

John Snyder, 662 Eucalyptus, Nipomo - Commented about 2,182 ac. ft. pipe capacity in Santa Barbara County.

Director Blair explained that there were 20,000 ac. ft. available and would like a letter sent to the County. This was an information item. No action was taken.

E-2) WATER LINE ACROSS NIPOMO PARK

Review location and estimated costs

It is proposed that a water line be extended across the southerly end of the Nipomo Regional Park connecting Osage Rd. to Tefft St. to enhance the circulation of water from the west side to the east side. The Board asked Bruce Nybo of Boyle Engineering some questions about the project. Mr. Nybo answered. The Board suggested the District go out for RFP's in the future. Upon motion of Director Mendoza and seconded by Director Simon, the Board authorized staff to acquire the engineering services from Garing, Taylor and Associates to design the water system and bring back the design concepts to the Board for approval to go to bid. Vote 5-0 with Director Blair abstaining.

- E-3) **MONTECITO VERDE II SEWER SYSTEM**
Review RWQCB correspondence and schedule to connect sewers to District system
The District received a letter from the Regional Water Quality Control Board encouraging the District to connect the on-site sewage disposal system at Montecito Verde II to the District's area-wide system. An application has been submitted for a Community Development Block Grant from the County. If the Board of Supervisors decide in March to award grant funds to the project, the funds can be used for the construction of the on and off site improvements and not capacity fees or right-of ways.
Upon motion of Director Mobraaten and seconded by Director Simon, the Board unanimously directed staff to submit a tentative schedule to the RWQCB. There were no public comments. Vote 5-0.

F. 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.*

- F-1) **WARRANTS (RECOMMEND APPROVAL)**
F-2) **BOARD MEETING MINUTES (RECOMMEND APPROVAL)**
Approval of Minutes of January 19, 2000 Regular Board meeting

Director Blair had a question about the Minutes which was clarified.
Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously approved the items on the Consent Agenda.
There were no public comments. Vote 5-0

G) MANAGER'S REPORT

General Manager, Doug Jones, presented information on the following items.

- G-1) Cal. Co. article on water issues
G-2) Global Warming article
G-3) Information on low flush toilets
G-4) Incident Report

There were no public comments.

H. DIRECTORS COMMENTS

Director Blair reported on the WRAC meeting today (Katcho requested that Nipomo area be included in future discussions) and the Feb. 2, 2000 SLO COG meeting.
Director Mobraaten asked about the video mentioned several meetings back.
He also reported on the Port San Luis Harbor meeting, the Chamber of Commerce meeting (about Olde Towne Nipomo, Nipomo growth, etc.) and the SLO seminar Jan 21.
President Kaye reported on the Nipomo Advisory Counsel meeting about incorporating Nipomo, Laetitia Winery, King Ventures.
Legal Counsel Jon Seitz commented on the CSDA ad hoc committee for local planning.

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 NCSO Case No. CV 770214 and related cases, Case Nos. CV 990266, CV 990391, CV 990392, CV 990556, CV 990558, CV 990738, CV 990739, SM 112867, SM 113421, SM 113422, SM 113424, SM 113425, SM 113788, SM 113789
b. NCSO vs. Shell Oil, et. al. Case No. CV 077387

The Board came back into Open Session and reported that the Shell Oil matter has been settled and a check for \$145,000 has been received and deposited.

JOURN

President Kaye adjourned the meeting at 8:50 p.m.