

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

NOVEMBER 1, 2000

REGULAR SESSION 10:30 A.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, PRESIDENT
AL SIMON, VICE PRESIDENT
RICHARD MOBRAATEN, DIRECTOR
ALEX MENDOZA, DIRECTOR
MICHAEL WINN, 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.

A. CALL TO ORDER AND FLAG SALUTE

President Blair called the meeting to order at 10:37 a.m. and led the flag salute.

B. 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 Blair opened the meeting to Public Comments.

The following members of the public spoke:

Jessie Hill, reminded Board of Nipomo Water Planning Forum with Susan Litteral, Monday, November 13, 2000 in the District Board room.

Mike Branigan, 1541 Los Padres informed the Board that Arroyo Grande High School is at Level 3 overcrowding according to the County Resource.

D. ADMINISTRATIVE

D-1) AMENDMENT TO WATER & SEWER SERVICE AGREEMENT BETWEEN NCSD & LUCIA MAR UNIFIED SCHOOL DISTRICT

Review and discussion only

Jon Seitz, District Legal Counsel, reviewed the changes made to the first Amended Agreement for Extraterritorial Water and Sewer Service Between the Nipomo Community Services District and the Lucia Mar Unified School District.

Dean Derleth, Attorney for Lucia Mar Unified School District from Best, Best & Kreiger, 3750 University Ave., Riverside - agreed with Mr. Seitz that there are only minor points that need to be changed. He clarified that before the School District gets service, LMUSD will provide NCSD with a water source. Adequate assurance will be approved by NCSD. The changes are designed to protect the NCSD.

Director Winn asked Mr. Derleth

How does the draft handed to the Board today differ from the one received in the Board packet last week?

Mr. Derleth: thought Mr. Seitz explained the changes well. The water the School District will be receiving will be excess water and not impacting NCSD's water.

Director Winn: asked Mr. Derleth if the LM School District is supportive of the draft received today.

Mr. Derleth says the School District is anxious for the NCSD to approve.

Is it still in the agreement that the Community Services District must have adequate assurances of the sufficiency of this source before we provide service? Mr. Derleth answered Yes. The agreement states that before the School District gets service, we provide you with a water source. That is still a condition precedent. Mr. Winn: When we say adequate assurances, to satisfy whom? Mr. Derleth: NCSD has to approve. The hydrology study will say whether or not the well is good. That hydrology report has to be approved by NCSD. Mr. Winn asked about the hydrology report and the different numbers coming from the test well.

Mike Sears, Interim Deputy Superintendent for business for the School District, read from a pump test report that stated the well had been tested at up to 120 gallons per minute with a maximum pumping level of 343 feet for 48 hours. The well should be equipped to produce no more than 80 gallons per minute. Based on the maximum month demand estimate, the well needs to have a continuous pumping rate of 60 gpm for one or two months duration. The estimated demand would be at the least at the initial start-up of the school since the number of students would not be at the ultimate level planned for by the School District.

Mr. Derleth said this is only a test well and requires us [School District] to study the production capability and a longer period of time. We're hoping that to be several months before the school is in operation and if it doesn't work out then we need to look to other sources to supplement that well.

Director Winn: Section 3.11.5 needs clarification - If the source failed over a period of 18 months to 2 years, and could not be remedied, the NCSD has the option to terminate the school's water service. Would like wording to be reduce or terminate ...

Mr. Derleth agreed to change in wording.

President Blair asked about credits. Mr. Derleth would like to discuss that if the time came that there was a problem, but did not want that issue to prevent approving the agreement.

There was more discussion by the Board. Mr. Seitz and Mr. Derleth agreed that before the School District receives water service, NCSD must be satisfied.

Mr. Derleth explained that the agreement will require the LMUSD to study the production capability for a longer period of time.

The following members of the public spoke in favor of the Board approving the agreement today:

Mike Sears,
Bill Petrelli, County probation officer
Jessie Hill, 1910 Grand Ave., Arroyo Grande
Susie Bickmore, 590 Story St., Nipomo
Abby Lassen, 765 Monarch Way, Nipomo
Evan Evanoff, 490 Brytec, Nipomo
Bill Senna, Oceano
John Barlogio, Nipomo

Jim Dunbar, 740 Black Oak Lane, Nipomo
Lori Kilpelainen, 464 Violet, Nipomo
Georgie O'Conner, 310 W. Cherry Ave.
Bill Deneen, 1040 Cielo Lane, Nipomo
George Lymon
Jacqueline Frederick, 267 W. Tefft St., Nipomo
Donna Mills, 655 Sweet Donna Place, Nipomo

John Snyder, 662 Eucalyptus Rd., Nipomo - handed the Board a letter asking a question concerning water for the new school. District Legal Counsel advised the Board that due to current litigation, no response should be given.

Director Mobraaten made the motion to approve the agreement with the addition of a reduction provision to Section 3.11.5 of the agreement. Director Winn requested that the maker of the motion amend the motion to include the following:

In Sections 3.4.3, 3.6.2, & 3.8 to include closure or cap, to be renegotiated; Sections 3.8 & 3.10 to add expression about pumps as mentioned in the School's EIR; Section 3.11.5 reduce or "terminate..."; and Section 3.12 to incorporate some language to not obligate NCSD to double fees if annexation could not be commenced in 3 years. Mr. Derleth would like 3.8 to not include the cap, but could renegotiate in good faith.

Director Mobraaten agreed to change the motion, as discussed. After more discussion, Director Mendoza seconded the motion as amended. The Board unanimously agreed to the first Amended Agreement for Extraterritorial Water and Sewer Service Between the Nipomo Community Services District and the Lucia Mar Unified School District with the minor changes as amended in the discussion.

D-2) REPLACEMENT OF FIRE HYDRANTS

Award the replacement of fire hydrants to low bidder- Benergy Inc.

Twelve bids to replace approx. 20 fire hydrants in the District were received on October 10, 2000. The low bidder was Benergy, Inc. from Southern California. There were no public comments. Upon motion of Director Mendoza and seconded by Director Simon, the Board unanimously approved Resolution 00-746 awarding the contract to replace fire hydrants to Benergy, Inc.

RESOLUTION NO. 00-746

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO BENERGY, INC FOR THE REPLACEMENT OF FIRE HYDRANTS**

D-3) REQUEST FOR SERVICE - CAR WASH @ SHELL STATION

Request for water & sewer service for a proposed car wash at 501 W. Tefft St.

A request was received for water and sewer service for a car wash at the Shell Station at 501 W. Tefft St. in Nipomo. Dennis Telgis from Mark II in Fresno explained that the process recycles water whereby saving water. He said there were no hydro-carbons generated. There were no public comments. Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved an Intent-to-Serve letter with the conditions outlined in the Board letter for a car wash at the Shell Station on W. Tefft Street.

E. OTHER BUSINESS

E-1) SLO COUNTY AD-HOC PLANNING ADVISORY COMMITTEE

Review committee's recommendations on area planning process

Jon Seitz, District Legal Counsel, reported on the SLO County Ad-Hoc Planning Advisory Committee meetings. There were 3 recommendations for consideration.

- Municipal Advisory Councils
- Advisory Groups
- Combination of Approaches

There were no public comments. Upon motion of Director Winn and seconded by Director Simon, the Board unanimously agreed to direct staff to write a letter to the County Board of Supervisors announcing the District's support of the concept of Area Ad Hoc Planning Committees, especially the combination approach.

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 October 18, 2000 Regular Board meeting

There were no public comments. Upon motion of Director Mobraaten and seconded by Director Winn the Board unanimously approved the items on the Consent Agenda.

G. MANAGER'S REPORT

Manager, Doug Jones presented information on the following.

G-1) COUNTY ROAD IMPROVEMENT FEES

Mr. Jones provided copies of a letter from Mrs. Maloney to the Board.

H. DIRECTORS COMMENTS

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

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC\$54956.9

d. Anticipated Litigation, one case, GC § 5495619

The Board came back into Open Session and had no reportable action.

ADJOURN

President Blair adjourned the meeting at 1:12 p.m.