

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

NOVEMBER 15, 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 10:30 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:

Jim McGillis, 1291 Division St, Nipomo - Plea to Board to search for water for the future.

Mike Sears, Interim Deputy Superintendent with the LMUSD - Reported that the agreement between NCSD and LMUSD was approved and signed at the Nov. 14th LMUSD Board meeting. He presented President Blair with two copies of the agreement and a letter from the Lucia Mar Unified School District Board President.

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

D-1) COUNTY'S ANNUAL RESOURCE MANAGEMENT SYSTEM (RMS)

County presentation of RMS and growth issues (Bryce Tingle & John Hand)

Bryce Tingle, Assistant Planning Director for the SLO County Planning Department made a presentation on the "1999 Resource Management System Annual Resource Summary Report." He invited NCSD Board to their Dec. 12 meeting discussing the report.

John Hand, Manager of Resource Management Systems - reported that this area is at a Level II Severity and occurs when the current rate of resource use will deplete the resource before its capacity can be increased. DWR Report is supposed to be issued in March 2001.

Mr. Tingle answered questions from the Board. He assured NCSD that there was a very large gray area in our discretionary powers and he would send discussion information to the District explaining.

District cannot decide on land use

District is legally bound to serve water

Technical build-out analysis might be helpful

Ag users not required to report water usage

DWR draft will not include data after 1995; briefly explained vesting

Would like NCSD's help to understand District's expectations.

The following members of the public spoke:

George Layman - Nipomo Mesa resident - The Mesa needs a supply of water

Jim McGillis, 1291 Division St., Nipomo - District needs supplemental water

Jim Tefft, 1245 Dawn Rd., Nipomo - What happens if private water companies go dry?

Ans: Some companies would be taken over by a public entity.

- D-2) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEX. NO. 18
Approving property tax exchange with SLO County for Annex. No. 18

A request was received from Bob Newdoll for annexation of Tract 2392, an 8-lot 2½ acre development at Cyclone & Grande Streets. The State Revenue & Taxation Code Sec. 99 requires the District and the County to negotiate the property tax exchange for the property being annexed into the District. This resolution needs to be to LAFCO before the annexation can go forward. There were no public comments. Upon motion of Director Winn and seconded by Director Mendoza, the Board unanimously approved Resolution 00-747 with the stipulation that this action not be construed as commitment to annexation of Tract 2392.

RESOLUTION 00-747

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO
TO NIPOMO COMMUNITY SERVICES DISTRICT FOR ANNEXATION NO. 18 (NEWDOLL)**

- D-3) REQUEST FOR ANNEXATION - TRACT 2325
Consideration to annex Tract 2325, a 55-lot development on Willow Rd. across from Black Lake Golf Course

A request was received from Jon Martin of Martin-Farrell Homes, Inc. for consideration of water service for Tract 2325, a 55-one-acre lot subdivision on 160 acres across from Black Lake Golf Course. There was some discussion.

Jon Martin, Martin-Farrell Homes, Inc. - Tract is an approved tentative vesting map. Property is capable of supporting itself but developer would rather the water and sewer services be run by a public agency.

The following members of the public spoke:

Jim Tefft, 1245 Dawn Rd., Nipomo

Jim McGillis, 1291 Division St., Nipomo

Upon motion of Director Winn and seconded by Director Simon, the Board unanimously agreed to look favorably upon annexing Tract 2325 to the District and consider the concept of dedicating overlying water rights. District water counsel will review this issue.

- D-4) REQUEST FOR SERVICE - APN 092-142-034
Request for water & sewer service for a 20-unit apartment development at Ave. de Amigos

A request was received from Norman & Vasquez Associates for water and sewer service to a 20-unit apartment complex on Ave. de Amigos.

The following member of the public spoke:

Mark Vasquez, 101 W. Branch, Arroyo Grande - described the layout

No other public comments. Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved the issuance of an Intent-to-Serve letter for the project at APN 092-142-034 with the conditions as outlined in the Board letter.

- D-5) REQUEST FOR SERVICE - APN 092-142-036
Request for water & sewer service for a 22-unit apartment development at Ave. de Amigos

A request was received from Norman & Vasquez Associates for water and sewer service to a 22-unit apartment complex on Ave. de Amigos.

The following member of the public spoke:

Mark Vasquez, 101 W. Branch, Arroyo Grande - described the layout

No other public comments. Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously approved the issuance of an Intent-to-Serve letter for the project at APN 092-142-036 with the conditions as outlined in the Board letter.

- D-6) REQUEST FOR SERVICE - D000076D/80V (GILL)
Request for water & sewer service for 6.7 acre commercial/light industrial/residential development at S. Frontage & Story

A request was received from Gordon Gill for water and sewer service to a 6.7 acre development on S. Frontage Rd. at Story St.

The following member of the public spoke:

Gordon Gill, 1010 S. Broadway, Santa Maria - Representing his client

No other public comments. Upon motion of Director Mobraaten and seconded by Director Simon, the Board unanimously approved the issuance of an Intent-to-Serve letter for water and sewer service to Project D000076D/80V with the conditions as outlined in the Board letter.

E. OTHER BUSINESS

- E-1) SUPPLEMENTAL WATER SUPPLY STUDY
Review proposals to evaluate a supplemental water source for the District

Proposals were received from two engineering firms to evaluate the availability of a supplemental water supply for the District. The Board's Sub-Committee, Directors Blair and Simon recommended Kennedy/Jenks.

The following member of the public spoke:

Jim Garing, District Engineer, 141 S. Elm, Arroyo Grande - confirmed Kennedy/Jenks as a reliable firm.

Upon motion of Director Winn and seconded by Director Mendoza, the Board unanimously awarded the contract to Kennedy/Jenks Consultants to perform the evaluation and to fund the project from reserves.

- E-2) DISTRICT METER FEE
Review the effective date of the increased meter fee
A request was received from John Barlogio, developer of Tract 2219, to consider waiving the increased meter fee of \$105.00 per meter.

The following members of the public spoke:

John Barlogio, 1045 Camino Caballo, Nipomo - The effective date for the new meter fee was after the letter written with the fees itemized.

E-2 CONTINUED

Upon motion of Director Winn and seconded by Director Simon, the Board unanimously approved the appeal waiving the increase of \$840.00 of the meter fees based on the findings

- Applicant came into office to pay fees on October 4 - before the effective date of the increase
- Applicant submitted a letter stating that he would have paid the fees at that time had he known the fees were being increased.
- Letter of Sept. 12, 2000 from the District to the Applicant showing fees due, not reflecting future increased fees

E-3) RIVER BLUFFS DEVELOPMENT SERVICES

Review proposed homeowners association to operate the water & sewer systems for the development

A letter from Kent Stephens October 30, 2000 requesting assistance and advice for his project Tract 1808, also known as "River Bluffs".

The following members of the public spoke

Kent Stephens, 930 S. Broadway, Santa Maria - Would like the Board to consider his tract only. The other two tracts next to Tract 1808 do not belong to him.

Clay Bradfield, Pacific Engineers - described some of the engineering for the septic system.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board directed staff to write a letter to SLO County Planning opposing the formation of a homeowners association to operate the water and wastewater system for Tracts 1802, 1808 and 1856 and that it should be a public entity. Vote 4-0 with President Blair abstaining and Director Simon absent for the vote. (Director Simon left a few minutes before the motion.)

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 November 1, 2000 Regular Board meeting

F-3) INVESTMENT POLICY QUARTERLY REPORT ENDING 9/30/00 [RECOMMEND RECEIVE & FILE]

There were no public comments. Upon motion of Director Mobraaten, seconded by Director Winn, the Board unanimously approved the items on the Consent Agenda. Vote 4-0.

G. MANAGER'S REPORT

G-1) REFUSE COLLECTION

General Manager, Doug Jones, presented information concerning possible trash collection services to be provide by the District.

There were no public comments

Upon motion of Director Winn and seconded by Director Mendoza, the Board directed staff to explore trash collection and possibly expanding the Sphere of Influence to include more of Nipomo. Vote 4-0.

H. DIRECTORS COMMENTS

Director Winn reported on the Nipomo Water Forum held Monday night with Supervisor Achadjian. A meeting will continue on the second Monday of each month.
Last Tuesday SLO County Planning Committee presented the 2000 Strategic Plan.
President Blair reported on the APCD meeting. He felt there was conflicting information given.

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. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.
- c. Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)

The Board came back into the Open Session and reported that NCSD would pursue providing Cypress Ridge services except water.

ADJOURN

President Blair adjourned the meeting at 2:22 p.m.

A Special Meeting will be held November 17, 2000 at 8:30 a.m. (CONSULTANT'S WATER & WASTEWATER RATE STUDY)
A Special Meeting will be held November 29, 2000 at 10:30 a.m.
The Regular Meeting for December 6, 2000 will be changed to December 13, 2000 and the Regular meeting for December 22 will be canceled. The office will be closed after December 22, 2000 and open on January 2, 2001.