

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JULY 18, 2001

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

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**
RICHARD MOBRAATEN, **DIRECTOR**
MICHAEL WINN, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SEC. TO THE BOARD**
MIKE SEITZ, **DEPUTY 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.

President Blair welcomed Director Trotter to the Board.

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. There was none.

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

D-1) REQUEST FOR SERVICE -TRACT 2439 (ALONZO)

Request for water service for a 5-lot development between Pomeroy & Glenhaven

The District received a request from Jim McGillis, representing the applicant Alonzo for an Intent-to-Serve letter for water service to a 5-lot development between Pomeroy Rd. and Glenhaven Place.

The following members of the public spoke:

Jim McGillis, representative for Alonzo - told the Board that the property is zoned residential suburban and answered other questions from the Board.

Upon motion of Director Trotter and seconded by Director Mobraaten, the Board unanimously approved the Intent-to-Serve letter with the standard verbiage. Vote 5-0

D-2) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION No. 19 (LMUSD)

Approve property tax exchange with SLO County for Annex. No. 19

As a part of the annexation process, the State Revenue & Taxation Code Sec. 99 requires the District and the County to negotiate the property tax exchange for the property being annexed. There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously adopted Resolution 2001-776. Vote 5-0

RESOLUTION NO. 2001-776

**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. 19 (LUCIA MAR UNIFIED SCHOOL DISTRICT)**

- D-3) REQUEST FOR ANNEXATION - TRACT 2380
Request to annex a 16 lot development on 40 acres at Willow Rd. & Via Concha

The following members of the public spoke:

Bob Beedle, 559 Woodgreen, Nipomo - Would like to see Sec 6.49E go to the Black Lake Advisory Council.

Dan Filer, 755 Countrywood Lane, Nipomo - Against changing rural residential land use

John Eppard, 1505 Champions Lane, Nipomo - Concerned about Black Lake involvement with this project.

Nora Jenae, 692 Beverly Dr, Nipomo - concerned about the water on Cherokee

Vincent McCarthy, 194 E. Dana, Nipomo - Against annexations

Jesse Hill, 1910 Grant Ave, Arroyo Grande - NCAC is not in favor of annexation or moving the Village reserve line.

Donna Mills, 655 Sweet Donna Place, Nipomo - June 26, 2000 NCAC approved project coupled with donation of school site but wants Village Reserve Line to remain the same.

Mike Sears, Lucia Mar Unified School District - The agreement with Ken Craig is in place for the new school site.

Larry Vierheilg, 950 Waypoint Drive, Nipomo - Would like more information on project.

Jim McGillis, surveyor for the project - Project was originally planned as a stand alone project. The County requested for the project to be annexed to the District.

Each Board member expressed feelings about the project. Director Wirsing made a motion to table this item. The motion was seconded by Director Trotter, wishing more information on the project.

Vote 3-2 Yes votes - Directors Wirsing, Trotter and Mobraaten.

No votes - Directors Winn and Blair.

The Board directed the manager to return this item to the Board at the next meeting and to send information about item to the Black Lake Advisory Council. Contact person for the Council temporarily will be Mr. John Eppard while Mr. Swenson is away.

E. OTHER BUSINESS

- E-1) SOLID WASTE DISPOSAL AGREEMENT
Review franchise agreement for providing solid waste services

The Board reviewed the final version of the franchise agreement for providing solid waste service. There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously approved the adoption of Resolution 2001-777. Vote 5-0

RESOLUTION 2001-777
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING A SOLID WASTE COLLECTION FRANCHISE
AGREEMENT WITH SOUTH COUNTY SANITARY SERVICE, INC.

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]
Minutes of June 27, 2001 Regular Board meeting
Minutes of July 12, 2001 Special Board meeting
F-3) ACCEPTANCE OF IMPROVEMENTS-TRACT 2363 (Kelly) [RECOMMEND APPROVAL]
Accepting water and sewer improvements for a 6-lot development on Daffodil St.
RESOLUTION NO. 2001-778
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2363 (Kelly)

- F-4) ACCEPTANCE OF IMPROVEMENTS-TRACT 2282 (COOL) [RECOMMEND APPROVAL]
Accepting water and sewer improvements for a 9-lot development on Juniper St.
RESOLUTION NO. 2001-779
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2282 (COOL)
- F-5) ACCEPTANCE OF IMPROVEMENTS-BROOKSIDE PROJECT LOTS 3,4,10-14 [RECOMMEND APPROVAL]
Accepting water and sewer improvements for a 7-lot development on Thompson & Burton Sts.
RESOLUTION NO. 2001-780
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR
BROOKSIDE LOTS 3, 4, & 10-14 (CARRIAGE HOMES)
- F-6) ACCEPTANCE OF IMPROVEMENTS, ASHLAND LANE (NEWDOLL) [RECOMMEND APPROVAL]
Accepting sewer improvements in Ashland Lane
RESOLUTION NO. 2001-781
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE SEWER IMPROVEMENTS FOR ASHLAND LANE (NEWDOLL)
- F-7) INVESTMENT POLICY - QUARTERLY REPORT [RECOMMEND APPROVAL]
June 30, 2001 Second Quarter Report

There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board approved the items on the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

General Manager, Doug Jones, presented information about the following:

- G-1) ARTICLES ON LAND USE, PUBLIC WORKS PROJECTS AND CONTROLLING CO₂
- G-2) CSDA - ANNUAL CONFERENCE
- G-3) STATUS OF PROJECTS

H. DIRECTORS COMMENTS

Director Winn - Would like to have a study on redevelopment.

Director Wirsing - Asked about possible County land purchase and was informed that information was incorrect.

President Blair - Spoke about visit to Pittsburgh and the Washington, DC Water Conference attended by Mr. Jones and himself in June.

The following members of the public spoke:

Larry Vierheilig, 950 Waypoint, Nipomo - He felt that the Hermreck project would happen.

Vince McCarthy, 194 E. Dana, Nipomo - He felt that the redevelopment meeting was very informative and has a tape available for loan.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- a. Litigation CPUC Appl. No. A 00-03-029
- b. NCSD vs State Dept of Health Services CV 990716
- c. Anticipated litigation, Miller Claim, copy in office, GC §54956.9 (b) 3(d) and (c)
- d. Istar Holliday, Jesse Hill vs. NCSD

The Board came back into open session and reported that direction was given to counsel for Items a & b. No reportable action for Item d. By unanimous vote, the Board rejected the Miller claim - Item c.

ADJOURN

President Blair adjourned the meeting at 1:25 p.m.

The next regular Board meeting will be held on August 1, 2001.