

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

August 15, 2001

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

BOARD MEMBERS

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

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SEC. 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 10:34 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.

Jesse Hill, 1910 Grant Ave, Arroyo Grande - NCAC has a 3/4 map on order and would like to hang it in the District Board room.

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

D-1) REVIEW OF DISTRICT WILL-SERVE LETTER

Possible revision to language within existing Will-Serve letter

Legal Counsel, Jon Seitz, explained that the SLO County has been rejecting some of the Will-Serve letters and Intent-to-Serve letters because the language within the letters contained the District's disclaimer referencing the Santa Maria Valley Groundwater adjudication. Staff and counsel met with County officials to meet the needs of the County.

The following members of the public spoke:

Jim McGillis, local surveyor - Asked that the change be made soon because August 28 is the date the County Road tax will increase.

John Snyder, 662 Eucalyptus Rd., Nipomo - asked a question about the new wording.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved the changes in the Intent-to-Serve letter and the Will-Serve letter sent out by this District. Vote 5-0

D-2) AMENDMENT TO THE REVENUE SHARING AGREEMENT

Possible amendment to existing revenue sharing agreement with the Nipomo Oaks

A request was received from representatives of the Nipomo Oaks to amend the lease agreement for the cell sit at the standpipe water storage facility.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously approved to amend the Revenue Sharing Agreement on Page 2, Section B. Vote 5-0

D-3) CELL SITE LEASE AGREEMENT

Approve a lease agreement with Verizon Wireless to use the standpipe for communication facilities

Director Mobraaten excused himself from this item because of a conflict of interest.

Mr. Seitz provided an overview of the agreement between NCSD, Nipomo Oaks and GTE Mobilnet. There were no public comments.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously approved the agreement and Resolution 2001-783. Vote 4-0 with Director Mobraaten excused from the vote.

**RESOLUTION 2001-783
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING A COMMUNICATION SITE LEASE AGREEMENT
WITH GTE MOBILNET OF SANTA BARBARA LIMITED
PARTNERSHIP dba VERIZON WIRELESS**

D-4) REIMBURSEMENT AGREEMENT - ASHLAND LANE (NEWDOLL)

Set a Public Hearing (9/19/01) to review cost spread of developer-installed sewer line in Ashland Lane

The Board reviewed the cost spread for a developer-installed sewer line in Ashland Lane. There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Wirsing, the Board unanimously agreed to set a Public Hearing to be held September 19, 2001 at 10:30 a.m. in the District Board room to hear comments on the sewer reimbursements for the Ashland Lane development by Robert Newdoll Construction. Vote 5-0

D-5) REQUEST FOR SERVICE - APN 092-381-016, 020 (KESHTGAR)

Request for water & sewer service for commercial/storage development at S. Frontage & Division

Mr. Robert Armet - representative for Amid Keshtgar, developer of proposed commercial/storage at S. Frontage & Division - explained the possible uses for this development.

The following members of the public spoke:

Jim McGillis, local surveyor - In favor of project

Jesse Hill, 1910 Grant Ave, Arroyo Grande - In favor of project

Upon motion of Director Mobraaten and seconded by Director Trotter, the Board unanimously approved the issuance on an Intent-to-Serve letter for APN 092-381-016/020, a commercial/storage development. Vote 5-0

E. OTHER BUSINESS

E-1) REVIEW BIDS TO PAINT WATER STORAGE TANKS

Consideration to award painting contract to the lowest responsible bidder

The Board considered the bid to paint the Dana-Foothill and Black Lake water storage facilities.

There were no public comments.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously approved Resolution 2001-784, awarding the contract to lowest responsible bidder (West Coast Industrial Coatings) and authorized staff to transfer reserves to pay for the difference between the bid and the budgeted amounts. Vote 5-0

**RESOLUTION 2001-784
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING A CONTRACT TO PAINT THE
DANA-FOOTHILL AND BLACK LAKE WATER STORAGE FACILITIES
TO WEST COAST INDUSTRIAL COATING**

- E-2) CALIFORNIA SPECIAL DISTRICT ASSOCIATION - Board Elections
Voting for CSDA Board of Directors Election

There were no public comments.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to send the ballot for the open seat on the Board of the California Special District Association to vote for William Miller. Vote 5-0

- E-2) PRIMARY & GENERAL ELECTION - 2002
Request from SLO County Elections Office to use District Board room to hold the 2002 elections.

There were no public comments.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to allow the SLO Elections to use the District Board room for March 5 & Nov. 5, 2002 for elections at no charge. 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]
Minutes of August 1, 2001 Regular Board meeting

There were no public comments.

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

G. MANAGER'S REPORT

The Manager had no report.

H. DIRECTORS COMMENTS

Director Wirsing asked to have video taping of meetings be placed on future agenda.
Director Winn - October 221, 2001 Clean up
President Blair - SLO COG meeting, will be a center divider on Hwy 101

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below. Counsel gave a report on the Closed Session held before the meeting. Water Law Attorney, James Markman updated the Board, but had no reportable action.

CLOSED SESSION

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. Istar Holliday, Jesse Hill vs. NCSD CV 010563
- d. Anticipated Litigation, Linda Hubler, copy in office GC§54956.9(b) 3(d) & (c)
- e. Anticipated Litigation, one case

The Board came out of Closed Session and reported the following:

- a. Legal counsel gave update and had no reportable action.
- b. Legal counsel gave update and had no reportable action.
- c. Legal counsel gave update and had no reportable action.
- d. On a 5-0 vote, the Board rejected the claim
- e. Legal counsel gave update and had no reportable action.

ADJOURN

President Blair adjourned the meeting at 12:55 p.m.

The next regular Board meeting will be held on September 5, 2001.