

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

September 19, 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**

In the absence of President Blair, Vice President Mobraaten called the meeting to order at 10:30 a.m. and led the flag salute.

**B. ROLL CALL**

At Roll Call, the following Board members were present: Directors Mobraaten, Winn, Wirsing and Trotter.

**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.**

Vice President Mobraaten asked for public comments.

The following members of the public spoke:

Vince McCarthy, 191 E. Dana, Nipomo - Asked Director Trotter if he prepared his comments to McKenzie concerning the draft EIR supplemental report on the Woodland Specific Plan. Mr. Trotter answered that he decided that the Board's comments were sufficient for now.

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

**D-1) PUBLIC HEARING - ASHLAND SEWER REIMBURSEMENT (NEWDOLL)**  
Review cost spread for developer-installed sewer line in Ashland Lane

The meeting was opened to a Public Hearing to review the cost spread of developer-installed sewer lines in Ashland Lane. No protests were received. There was no public comment. Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously approved Resolution 2001-786 approving the reimbursement amount for the Ashland lane sewer line improvements. Vote 4-0

**RESOLUTION NO. 2001-786**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**APPROVING THE REIMBURSEMENT AMOUNTS**  
**FOR ASHLAND LANE SEWER LINE IMPROVEMENTS (NEWDOLL)**

**D-2) REQUEST FOR ANNEXATION - TRACT 2336 (CRAIG)**  
Consideration to annex a 41-lot dev. on approx. 40 ac. on Division St. across from Galaxy Park

The Board reviewed a request from J. M. McGillis (Ken Craig, owner) to annex a 40-acre parcel on Division Street across from Galaxy Park designed for a 41-lot development, Tract 2336. The parcel is within the Cal Cities Water service area. Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to direct staff to write a letter to the developer recommending that the applicant resolve the matter of water service jurisdiction before the District proceeds with the annexation request. There was no public comment. Vote 4-0 with Director Wirsing abstaining.

- D-3) REQUEST FOR SERVICE - 427 Amado St. (NUNEZ)  
Request for water & sewer service to one residence outside of the District boundary

A request was received from the Nunez family for water and sewer service to 427 Amado Street, outside District boundary. There was no public comment.  
Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously agreed to send a letter to the Nunez requesting documentation of hardship. Vote 4-0

- D-4) REQUEST FOR SERVICE - CO 01-0351 (CORELLA)  
Request for an Intent-to-Serve letter for a 3 lot development between Tefft & Hill St.

The Board reviewed a request from EDA, representing Corella, for a 3-lot development between Tefft and Hill Streets.

The following members of the public spoke:

Vince McCarthy, 191 E. Dana, Nipomo - commented about Title 22 of the California Code.  
Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved the Intent-to-Serve letter for Parcel Map CO 01-0351 with the conditions as outlined in the Board letter. Vote 4-0

#### E. OTHER BUSINESS

- E-1) VIDEO PROPOSAL TO TELEVISION BOARD MEETING  
Review AGP video proposal to televise Board meeting

The Board reviewed a proposal from AGP Video to televise regular District Board meetings. Steve Mathieu and Nancy Castle from AGP explained how the program works. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to study the funding to televise District Board meetings. Vice President Mobraaten appointed Director Trotter and Director Wirsing to be on a sub-committee to study televising Board meetings and funding for it.

- E-2) REQUEST FOR LANDSCAPING SERVICE (EDWARDS)  
Request NCSD to perform landscaping service within streets rights-of-way

A request was received from Ron Edwards to provide landscaping services for his development on Tefft St. across from the Dana Elem. School.

The following members of the public spoke:

Ron Edwards, developer of Tract 2409 - would like the Board to consider assuming the power of landscaping for his project.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo - spoke in favor of the District taking on landscaping.  
John Eppard, 1505 Champions Lane, Nipomo - Would like the Board to consider the water use.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to direct staff to prepare the necessary resolution and to contact our representatives to process legislation giving the NCSD the additional powers to provide landscaping services and to report the costs for the process. Vote 4-0

- E-3) NIPOMO AREA ACTIVITIES  
Review District participation in the following:
- CREEK DAY (OCTOBER 6)
  - MESA CLEAN UP (OCTOBER 20)

Creek Day - October 6, 2001

Larry Vierheilg, 950 Waypoint Drive, Nipomo - presented the Board with a list of requests of things to borrow for the October 6<sup>th</sup> Creek Day. Upon motion of Director Trotter and seconded by Director Winn, the Board authorized the general manager to see what items the District could be loaned.

Mesa Clean Up - October 20, 2001

Jim Kinninger, 660 Camino Roble, Nipomo - presented the Mesa Clean Up planned for October 20<sup>th</sup>.

There was no public comment.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to authorize the expenditure of up to \$4,000 for Solid Waste to defray the costs. The District will pay the bills directly to vendor or service. Vote 4-0

- E-4) WATER RESOURCES vs. GROWTH (Telegram Tribune article)  
Review and comments on newspaper article

The Board reviewed the article in the Telegram-Tribune. The Board discussed land use vs. Will-Serve letters.

Director Trotter will have Dick Moss from Friant Water Authority contact the District to provide information concerning this subject.

**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 September 5, 2001 Regular Board meeting  
F-3) ACCEPTANCE OF IMPROVEMENTS-CO 97-0231 (BONITA HOMES) [RECOMMEND APPROVAL]  
Accepting water and sewer improvements for a 4-lot development on Melanie Lane

**RESOLUTION NO. 2001-787  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR PARCEL MAP CO 97-0231 (BONITA HOMES)**

- F-4) ACCEPTANCE OF IMPROVEMENTS-TRACT 2278 (BONITA HOMES) [RECOMMEND APPROVAL]  
Accepting water and sewer improvements for a 6-lot development on Melanie Lane

**RESOLUTION NO. 2001-788  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR TRACT 2278 (BONITA HOMES)**

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved the items on the Consent Agenda. There was no public comment. Vote 4-0

**G. MANAGER'S REPORT**

General Manager, Doug Jones presented information on the following.

G-1) Request review of billing procedures - bill owner or tenant

The Board reviewed a couple of situations where two rental units are on one meter and one renter is required to pay the water bill. The Water Committee (Directors Winn and Blair) will meet to discuss situations such as these.

**H. DIRECTORS COMMENTS**

Director Winn would like to see coordination between PG&E, the Olde Towne and NCSD for construction on Tefft Street.

Legal Counsel, Jon Seitz, announced the need to go into Closed Session.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

- a. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.
- b. NCSD vs State Dept of Health Services CV 990716
- c. Istar Holliday, Jesse Hill vs. NCSD CV 010563
- d. Liability claim, Hubler vs. NCSD
- e. Property Negotiation - Barlogio/NCSD, Camino Caballo & Via Caballo, Terms & Conditions of purchase

The Board came back into Open Session with the following reports:

- a. The Board was given an update on SMVWCD vs. NCSD.
- b. The Board was given an update on NCSD vs. SDHS.
- c. Not discussed
- d. The Board rejected the Hubler claim on a 4-0 vote.
- e. Director Winn excused himself because of a conflict of interest.  
On a 3-0 vote, the Board directed the General Manager to negotiate the terms and conditions of the purchase.

**ADJOURN**

Vice President Mobraaten adjourned the meeting at 2:55 p.m.

The next regular Board meeting will be held on October 3, 2001.