

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

October 17, 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 10:32 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.

The following members of the public spoke:

Bill Deneen, 1040 Cielo Lane, Nipomo – spoke about the dunk tank at the Octoberfest

Jesse Hill, 1910 Grant Ave, Arroyo Grande - stated dunk tank profit was \$220-proceeds go for sponsoring a field trip

Director Blair – stated he could not attend due to personal reasons but would be happy to make a donation to the field trip

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

D-1) PUBLIC HEARING - ENVIRONMENTAL NEGATIVE DECLARATION - Montecito Verde II Sewer Tie-in Environmental Review of Montecito Verde II sewer tie-in to District system

Sandy Harwood, Engineer from EDA, presented the Environmental Review for the Montecito Verde II sewer tie-in to the NCS D system and recommended a mitigated negative declaration. The Public Hearing was opened. There were no public comments.

Upon motion by Director Winn and seconded by Director Wirsing, the unanimously approved Resolution 2001-792 adopting a mitigated negative declaration. Vote 5-0.

RESOLUTION NO. 2001-792

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE MONTECITO VERDE II PROJECT

D-2) NIPOMO SHELL CAR WASH FEE

Review capacity fee for a commercial car wash development

Mr. Robert Gouin, owner of Nipomo Shell, presented his testimony stating that he had taken into consideration the water capacity fee when planning his project, however, he did not plan on the sewer capacity fee. Mr. Gouin stated his estimate of 40 cars per day was based on the volume at the similar car wash in AG and it is estimated that it will take 3 years before they have 100 cars per day. Mr. Gouin stated that a monitoring device is installed on-site. He asked that the Board consider the impact on the system since his car wash recycles water.

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, Arroyo Grande – NCAC was told that it will take approx. 2/3 acre feet of water to run the car wash

Herb Kandel, 776 Inga Rd, Nipomo – questioned how the monitoring of contaminants was done-on-site or at the sewer plant

D-2) Continued

Director Winn suggested that a checklist be prepared to hand out to developers outlining all of the fees so that no fees are overlooked. Director Winn also stated that the sewer fees should be upheld, but the policy for car washes fees should be looked into for the future.

Upon motion of Director Winn and seconded by Director Wirsing, the Board directed staff to provide findings for alternative water policy fee structure to give some significant savings to people who set up car washes and provide savings for the aquifer. The vote was 3-2, with Director Trotter and Blair voting no.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously voted to uphold the District fee schedule for sewer fees as adopted. Vote 5-0.

D-3) REIMBURSEMENT OF EXPENSES FOR EASEMENTS (TRACT 2219)
Consider Resolution authorizing reimbursement of expenses for easement.

Director Winn excused himself from the Board due to a conflict of interest.

Mr. Jones reviewed the reimbursement of expenses to acquire the two Dana Well easements. The property owner is in agreement.

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, Arroyo Grande – asked to see a map of the wells

Upon motion of Director Mobraaten and seconded by Director Trotter, the Board approved Resolution 2001-793 authorizing the reimbursement of expenses. Vote 3-1, with Director Wirsing voting no because the wells may be used for The Bluffs project.

**RESOLUTION NO. 2001-793
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING REIMBURSEMENT OF EXPENSES FOR EASEMENT**

Director Winn rejoined the Board of Directors.

D-4) DRAINAGE AND FLOOD PROTECTION AUTHORITY
Review District powers to provide drainage and flood control services

The Board reviewed the possibility of providing drainage and flood control services to the community. NCSD has drainage power but not flood control powers. A Joint Powers Agreement with the County may be possible.

The following members of the public spoke:

Herb Kandel, 776 Inga Rd, Nipomo – County is currently preparing a flood control study and supports the formation of a NCSD committee to look at this issue and possible funding for projects. Mr. Kandel handed out minutes from the Creek Committee meeting held 9/19/01. Eight major clogs in the creek have been identified in the old town.

Vince McCarthy, 194 E. Dana, Nipomo – stated the creek is a garbage dump.

President Blair appointed Director Winn and Director Trotter to the Flood Zone Committee and requested they meet and report back to the full board at some future date.

D-5) EVALUATION OF WATER SUPPLY ALTERNATIVES
Receive Final Report from Kennedy/Jenks Consultants on supplemental water

The final report from Kennedy/Jenks was presented to the Board of Directors. Staff requested that a Study Session be set up to review the report in detail.

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, Arroyo Grande – Asked if the report changed significantly from the draft. A copy is available for review in the office.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously agreed to hold a Study Session on November 9, 2001 at 9:00 a.m. Vote 5-0.

E. OTHER BUSINESS

- E-1) CHANGE BOARD OF DIRECTORS BOARD MEETING TIME
Consider changing Board meeting from 10:30 a.m. to 9:30 a.m.

There was no public comment. Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Resolution 2001-794 to change the Board Meeting time from 10:30 to 9:30 a.m. Vote 5-0

RESOLUTION NO. 2001-794

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING THE TIME FOR HOLDING ITS REGULAR MEETINGS**

- E-2) REQUEST LEGISLATION FOR STREET LANDSCAPING POWERS
Initiate procedures for the District to acquire public street landscaping powers

Staff has made contact with Abel Maldonado's office regarding this request.

The following members of the public spoke:

Herb Kandel, 776 Inga Rd, Nipomo – This type of service is needed in the community. He asked if maintenance could be provided on a strip of land that has a part of the creek in it that has park like use.

Vince McCarthy, 194 E. Dana, Nipomo – Asked when the legislation would happen

Director Wirsing asked about how the assessment district boundaries would be set up and who would vote.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Resolution 2001-795 requesting additional powers from the legislature.
Vote 5-0.

RESOLUTION NO. 2001-795

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
TO REQUEST ADDITIONAL POWERS FROM THE LEGISLATURE RELATING TO LANDSCAPING
AND LIGHTING ACT OF 1972**

- E-3) WATER & SEWER MASTER PLAN UPDATE - BOYLE ENGINEERING
Approve a change order to complete the Water and Sewer Master Plan

Staff received a change order request from Boyle Engineering in the amount of \$5,865 due to changes that have occurred. Director Mobraaten asked if the Tosco letter was sent to Boyle Engineering.

There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Trotter, the Board unanimously approved the change order in the amount of \$5,865.

Vote 5-0.

- E-4) MONTECITO VERDE II SEWER PROJECT
Approve a change order to design the on-site sewer collector system

The original contract with EDA was to provide options on the connection of Montecito Verde II to the NCSD system. The change order in the amount of \$3,500 is to design and provide construction drawings for the on-site connection.

There was no public comment.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved the change order in the amount of \$3,500. Vote 5-0.

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- E-5) REQUEST FROM SOUTH COUNTY SANITARY SERVICE INC. TO PLACE A PAYMENT DROP
Request from Tom Martin, South County Sanitary Ser. to place payment drop box in NCSD lobby.

South County Sanitary Service would like to place a payment drop box at NCSD for their customers to pay their bills locally.

There was no public comment.

Upon motion of Director Mobraaten and seconded by Director Wirsing, the Board unanimously approved the request from South County Sanitary Service to allow a payment drop box at NCSD and have staff work out the details.

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]

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F-3) INVESTMENT POLICY - QUARTERLY REPORT

There was no public comment.

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

G. MANAGER'S REPORT

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

G-1) CA/NV AWWA CONFERENCE – Report given by Mr. Jones and Director Blair

G-2) Board meeting schedule changes – The Board concurred with proposed schedule changes.

	MEETING DATE
Regular meeting	November 7, 2001
Change Nov. 21 (Thanksgiving Eve)	November 28, 2001
One meeting in Dec.	December 12, 2001
Change January 2, 2002	January 9, 2002
Change January 16, 2002	January 23, 2002
Back to regular schedule	First & third Wed. thereafter

There was no public comment.

H. DIRECTORS COMMENTS

H-1) American Groundwater Trust Conference - Director Trotter and Legal Counsel, Jon Seitz.

Director Trotter requested that Staff write a "strong" letter to the DWR and County urging them to complete the Groundwater Study. The Board directed Staff to write the letter.

Director Winn would like staff to look into the point system of issuing Will Serve Letters similar to Petaluma and would like Director Trotter to give us his summary of what "mining the basin" means.

Director Mobraaten would like to see the complaint log.

There was no 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. Property Negotiation - Barlogio/NCSD, Camino Caballo & Via Caballo, Terms & Conditions of purchase

ADJOURN

President Blair adjourned the meeting at 12:39 p.m.

The next regular Board meeting will be held on November 7, 2001.

There will be a Special Study Session November 9, 2001.