

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

FEBRUARY 20, 2002

REGULAR MEETING 9:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

RICHARD MOBRAATEN, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
ROBERT BLAIR, **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

Vice President Winn called the meeting to order at 9:30 a.m. and led the flag salute.

B. ROLL CALL

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

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 Winn asked for comments from the public for any matter not on the agenda.

Paul Allen from Air Pollution Control Board and head of the Green Waste Disposal Committee informed the Board and the audience that a Town Hall meeting is to be held March 6th at the Dana School multi-purpose room from 7:00-9:00 p.m. He also told of dates for chipping of green waste.

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

In waiting for Boyle Engineering to come and set up their presentation, Vice President Winn moved to Item D-2).

D-1) WATER AND SEWER SYSTEM MASTER PLAN - 2001 UPDATE Review Water & Sewer Master Plan - Boyle Engineering

David Rice, Senior Engineer of Boyle Engineering and Glen Hille gave an overview of the Water And Sewer System Master Plan - 2001 Update. The Board members and the presenters discussed the report.

The following members of the public spoke:

John Snyder, 662 Eucalyptus, Nipomo - Recommended that the Board allow the public more time to view the draft document. He also asked about the comparison of the pumping from 1995. He thought Black Lake should be included in report. Also suggested a variable speed pump for Summit Station. Asked about the future demand and whether it included the Woodlands.

Herb Kandel, 776 Inga Road, Nipomo - Asked if the 2.3% growth rate took into account the other types of growth. Would like to see infrastructure built when community decides how to grow rather than building infrastructure which allows for more annexation.

The Board had comments and questions about the report and had suggestions to be incorporated into the final report, ie: Woodlands-not a part of NCSD, State Water replaced with supplemental water, included reference to inter-tie with Black Lake, time line of 5% growth rather than 2.3%, report designed with 30 psi minimum included. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to direct Boyle Engineering to finalize the report with the amendments as noted. Vote 4-0.

D-2) REQUEST FOR SERVICE - CO 02-0021 (FLYNN)

Request for water & sewer service for an 18 unit apartment at 555 Orchard Rd.

A request was received from Mr. Flynn for water and sewer service for 18 three-bedroom multi-family units on Orchard Road.

Ed Flynn, 356 Foxenwood Drive, Santa Maria, Developer of project - said project has been changed to a 16-unit complex.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board approved an Intent-to-Serve letter for Parcel Map CO 02-0021, a 16-unit apartment complex with conditions as mentioned in the Board letter. Vote 3-1 with Director Trotter voting no and Director Wirsing abstaining. An abstention is counted as a yes vote.

Director Trotter explained his no vote saying that its time that the Board disallow or delay water service until we know more about where we are going as a Board. The issue of overdraft dominates everything we do here. We must resolve that and determine where we are before we continue with these things.

D-3) REQUEST FOR SERVICE - D010239 (KLUVER)

Request for water & sewer service for an office building @ 250 W. Dana St.

Upon motion of Director Wirsing and seconded by Director Trotter, the Board agreed to table this item until after Item D-1 was heard. Vote 3-1 with Director Blair voting no.

Vice President Winn directed the meeting back to Item D-1.

A request was received from Laborer's International Union Local 402 for water and sewer service for an office building at 250 W. Dana Street.

Owen Betts, Business Manager for the Laborer's Union - explained that the building would be 4000 sq ft with 2 spaces available for possible lease and the Laborer's Union office.

The following member of the public spoke:

John Snyder, 662 Eucalyptus Rd., Nipomo - reminded this Board that findings were made in the 1980's that the basin was over-drafted and a there was a moratorium on hookups as a part of that.

Manager Doug Jones, explained that moratorium was set because the pumping was not available. Once the Eureka Well was on line, the moratorium was lifted.

Jon Seitz, District Legal Counsel reminded the Board that of the process to declare a moratorium.

Director Winn made the motion to approve an Intent-to-Serve letter for this project. Director Blair seconded the motion. Vote 2-2. Directors Blair & Winn voted yes and Directors Wirsing and Trotter voted no. Motion did not pass or fail.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to table this item until next meeting. Vote 4-0.

D-4) URBAN CREEK RESTORATION PROGRAM - KANDEL

Request for a letter of support for the Creek Restoration Program

Herb Kandel, 776 Inga Road, Nipomo - Thanked the Board for hearing proposal.

Brett Wilkison, 173 Chorro Street, SLO - Creek Committee - Told Board some of the goals of the grant program. Explained some of the plans.

Upon motion of Director Wirsing and seconded by Director Trotter, the Board agreed to submit a letter, as amended, supporting the efforts of the Urban Creek Restoration Program. Vote 3-1 with Director Blair voting no.

E. OTHER BUSINESS

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to table Item E-1 until next meeting. Vote 4-0

E-1) UPDATE BOARD OF DIRECTORS BY-LAWS

Resolution to change meeting time to 9:00 a.m., limit length of meeting, and establish adjustability of meeting dates

Upon motion of Director Winn and seconded by Director Blair, the Board tabled this item until the next meeting. Vote 4-0

E-2) ESTABLISH A VARIANCE PROCEDURE

Renew draft variance procedure to incorporate into the District Codes

Jon Seitz, District Legal Counsel, presented three examples of variance policies. There was much Board discussion.

There was no public comment.

Upon motion of Director Blair and seconded by Director Wirsing, the Board requested staff to bring Example #3, with suggested modifications, back to the Board in the form of an ordinance. Vote 4-0

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 January 23, 2002 Regular Board meeting

Minutes of February 1, 2002 Special Board meeting

Minutes of February 6, 2002 Regular Board meeting

F-3) ACCEPTANCE OF IMPROVEMENTS - HONEY GROVE II & III [RECOMMEND APPROVAL]

RESOLUTION NO. 2002-810

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR HONEYGROVE II & III (R. H. NEWDOLL, INC.)

The following member of the public spoke:

John Snyder, 662 Eucalyptus, Nipomo - Suggested including more complete statements made by the Board members.

Item F-2 (Minutes of January 23, 2002) was pulled for discussion

Upon motion of Director Blair and seconded by Director Trotter, the Board approved F-1, F-2 Minutes of Feb. 1st and 6th and F-3. Vote 3-1 Director Wirsing voted no.

Upon motion of Director Wirsing and seconded by Director Trotter, the Board agreed to table the Minutes of the January 23, 2002 meeting until the staff revises the minutes to reflect the Board comments because the Board was acting in a quasi-judicial manner and then have staff submit a copy to each director for approval before presenting at the next meeting. Vote 3-1 with Director Blair voting no.

The Board then went to Item E-2.

G. MANAGER'S REPORT

- LAFCO REVIEW OF DISTRICT'S SPHERE OF INFLUENCE SCHEDULE TO BEGIN MAY, 2002
- AWWA ARTICLE - THE COMING CRISIS - WATER INFRASTRUCTURE
- WRAC, JANUARY 2002 Copy of document found at www.NoNewWipTax.com
- MISSION STATEMENT

J. COMMITTEE REPORTS
I. DIRECTORS COMMENTS

CLOSED SESSION

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Item B. Director Blair excused himself for a possible conflict of interest.

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

CONFERENCE WITH NEGOTIATOR

C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR- DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE

The Board came back into Open Session and reported that upon motion of Director Wirsing and seconded by Director Trotter, the Board gave settlement authority to legal counsel. Vote 3-0

ADJOURN

Vice President Winn adjourned the meeting at 1:30 p.m.

The next regular Board Meeting will be held on March 6, 2002 at 9:30 a.m.