

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

MARCH 20, 2002

**REGULAR MEETING 9:00 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**

President Mobraaten called the meeting to order at 9:06 p.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.**

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

Donna Mills, 655 Sweet Donna Place, Nipomo – Thanked Directors Blair, Winn and Mobraaten for supporting the Craig project at the Board of Supervisors meeting on Tuesday.

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

**D-1) REVIEW SOLID WASTE MANDATORY OPERATIONS**

Consider mandatory garbage service for District residents

The Board reviewed possible mandatory garbage service.

The following members of the public spoke:

Vince McCarthy, in District – Asked that the Board look at the kind of service that causes a mess on a windy day.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to hold a Study Session and to invite Tom Martin, South County Sanitation and IWMA representative to discuss service levels, franchise fees, and mandatory vs. voluntary service. Vote 5-0

**D-2) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE**

Introduction and first reading of a variance procedure ordinance

The Board reviewed the Ordinance to adopt variance procedure.

The following member of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo – felt that all businesses should pay the same way.

Director Winn made a motion to accept the first reading with the exception of Section I a & c. Motion failed for lack of a second. Upon motion of Director Wirsing and seconded by Director Trotter, the Board agreed to accept the introduction of and first reading of Ordinance 2002-92 as modified (eliminating Section I in full) and to bring the ordinance to the next meeting for second reading and possible adoption. Vote 3-2 with Directors Winn and Blair voting no.

NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE 2002-92

AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING VARIANCE PROCEDURES

D-3) FIRE CAPACITY FEE

Review the establishment of the District's Fire Capacity Fee

The Board reviewed the establishment of the Fire Capacity Fee.

The following members of the public spoke:

Steve Cool, Nipomo Partners, LLC. – Asked the Board to study the figures for the fire fee and asked if their fee could be considered retroactively if fees are lowered.

Richard Meyer, Meyer Asset Mgmt – supported Mr. Cool's comments and asked that the payment he would be making on his project (Tr 2412) be considered retroactive also.

Director Blair excused himself from this matter for a possible conflict of interest.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to have fire capacity fees remain as established but would like a study to review the fee. If the fee is lowered, it will be made retroactive to this date. Vote 4-0

D-4) REQUEST FOR SERVICE – TRACT 2282 (COOL)

Re-subdivision of Lot 4 of Tract 2282 – one lot

The Board reviewed a request for water and sewer service to divide Lot 4 of Tract 2282 into two lots. There was no public comment. Upon motion of Director Winn and seconded by Director Blair, the Board approved the Intent-to-Serve letter for water and sewer service to one lot created by splitting Lot 4. Vote 5-0 with Director Wirsing abstaining due to our groundwater source and not having supplemental water in place.

D-5) WATER AND SEWER SYSTEM MASTER PLAN 2001 UPDATE

Receive and file the Water and Sewer Master Plan 2001 Update by Boyle Engineering

There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to receive and file the Water and Sewer Master Plan 2001 Update by Boyle Engineering. Vote 5-0

**E. OTHER BUSINESS**

E-1) DISTRICT BOARD ROOM USE POLICY

Review/approve revision of the Board Room Use Policy

President Mobraaten proceeded to Item E-2 to accommodate participant in audience.

The Board reviewed the revised Board Room Use Policy.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo – Wanted to make sure no parties, loud music nor messy activities would be allowed.

Donna Mills, NCS resident – gave some insight into rules from other communities, such as resident/non-resident fees, responsibility, etc.

The Board tabled this item until the next meeting after some revisions are made.

E-2) TELEVISION BOARD OF DIRECTORS' MEETINGS

Review a proposal from AGP to televise Board meetings

President Mobraaten took this item before E-1.

The Board reviewed a proposal from AGP Video to televise regular District Board meetings. Steve Mathieu from AGP explained more about the proposal.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo – suggested that the Board try the taping for about 6 months.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to try the taping of the meetings if the District could get help to pay for the service from the County "pass through fees". Vote 4-1 with Director Wirsing voting no.

The Board went to Item E-1.

At the end of the meeting, Mr. Mathieu came back into the meeting and explained that there were 3500 cable customers in Nipomo with a potential of 5200. It is unknown how many **District** customers are included in that number. He will return with more information at a future meeting.

- E-3) MISSION STATEMENT  
Review potential District mission statements

The Board reviewed the proposed mission statement for the District.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed upon the following mission statement. Vote 5-0

*The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.*

- E-4) TEFFT STREET LIFT STATION DESIGN  
Proposal to design improvements for the Tefft Street Lift Station  
The Board reviewed the proposal from Garing, Taylor & Associates to design improvement to the Tefft Street Lift Station. There was no public comment.  
Upon motion of Director Winn and seconded by Director Trotter, the Board authorize staff to prepare a consultant agreement for Garing, Taylor & Associates to design the improvements to the Tefft Street Lift Station and have the President of the Board execute the agreement. A picture of a wooden water tank will be provided to GTA to possibly use in the design of an enclosure.

- 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 March 6, 2002 Regular Board meeting  
Minutes of March 14, 2002 Special Board meeting

There was no public comment.

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

**G. MANAGER'S REPORT**

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

- CSDA – Legislative Update

**H. COMMITTEE REPORTS**

NONE

**I. DIRECTORS COMMENTS**

Hazardous Waste program to start in 2 weeks. Will be Saturdays from 10:00 a.m. to 3:00 p.m.  
Director Winn noted that at the Board of Supervisors meeting held on Tuesday, the vote for the Craig annexation was 3-1. He also reported on the Government Affairs Day trip attended by Director Blair and himself.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Item C.

**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. SAVE THE MESA VS. NCSD CV 020181

CONFERENCE WITH NEGOTIATOR GC\$54956.8

- D. 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 announced that the legal counsel presented an update of Item C above.

**ADJOURN**

President Mobraaten adjourned the meeting at 12:12 p.m.

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

**The next regular Board Meeting will be held on April 3, 2002 at 9:00 a.m.**