

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SEPTEMBER 4, 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 9:00 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.

Larry Vierheilig, representing the Nipomo Creek Committee, requested that an item be placed on next agenda concerning funding for the Nipomo Creek Clean-Up Day, Saturday, October 5th.

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

D-1) ANNEXATION NO. 18 –(NEWDOLL)

Resolution approving Annex. No. 18, 2.5 ac/8-lot development @ Cyclone & Grande

The Board discussed the annexation request for an 8-lot development, approx. 2.5 acres at Cyclone Street and Grande Avenue.

Jim McGillis, representative for Robert Newdoll, answered questions from the Board.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Resolution 2002-829. Director Wirsing wanted it on the record that she was not happy about this annexation. Vote 5-0

RESOLUTION NO. 2002-829
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ANNEXATION NO. 18 (NEWDOLL)
[GOVT. CODE SECTION 57075 (b)]

D-2) ANNEXATION NO. 21 – KNOLLWOOD (MARTIN)

Resolution approving Annex. No. 21, 160 ac/55-lot development across from Blacklake Golf Course

Jon Martin, applicant for proposed Annexation No. 21, answered questions from the Board. There was no other public comment.

Jon Seitz, District Legal Counsel, asked that this matter be tabled until the District knows if this property has been served with the SMVWCD vs. NCSL lawsuit. The service date has been extended to December 15, 2002.

Upon motion of Director Winn and seconded by Director Wirsing, the Board agreed to table this item to the September 18th meeting. Vote 4-1 with Director Blair voting no.

D-3) INTENT-TO-SERVE RENEWAL – CO 00-0170 (BUTLER)

Request to renew an Intent-to-Serve letter for a 4-lot development at 135 Pino Solo St.

The Board discussed the request from Jim McGillis for a renewal of an Intent-to-Serve letter for water and sewer service for a 4-lot development on Pino Solo Ct.

There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to issue an Intent-to-Serve letter with the conditions, as outlined in the Board letter for Parcel Map CO 00-0170. Vote 5-0 but with Director Wirsing not happy about the water situation.

D-4) WATER LINE EASEMENT - LUCIA MAR UNIFIED SCHOOL DISTRICT

Resolution accepting a water line easement across the Dana School property

The following member of the public spoke:

Mike Sears, Lucia Mar Unified School District Superintendent of Business, reported that the School District Board approved the water line easement across the Dana School property if the NCSD Board approved the waiver of the annexation fees for the new high school. There was no other public comment. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Resolution 2002-830 accepting a utility easement. Vote 5-0

RESOLUTION NO. 2002 – 830

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A UTILITY EASEMENT IN LIEU OF ANNEXATION FEES**

E. OTHER BUSINESS

E-1) PERSONNEL POLICY AMENDMENTS

Review District personnel Policy, creating an Asst. Util. Sup. position and a one time step adjustment

The Board reviewed the proposed personnel policy amendments, the creation of an Assistant Utility Supervisor and a one-time step adjustment. There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Resolution 2002-831 with the response time amended to 60 minutes rather than 45 minutes. Vote 5-0.

RESOLUTION NO. 2002-831

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING ITS PERSONNEL POLICIES FOR THE PURPOSES
OF RECRUITING A CANDIDATE FOR THE POSITION
OF UTILITY SUPERVISOR**

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Resolution 2002-832 amending the personnel policies. Vote 5-0

RESOLUTION NO. 2002-832

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING ITS PERSONNEL POLICIES TO ESTABLISH
THE POSITION OF ASSISTANT UTILITY SUPERVISOR**

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E-2) WOODLAND PROJECT (PH PROPERTIES DEVELOPMENT)
SLO County Planning Dept. Public Hearing On 9/26/02 to review:

- THE SUBDIVISION
- THE WATER SUPPLY
- PHASE 1-A
- GOLF COURSE

The Board discussed the Woodland Project.

The following member of the public spoke:

John Snyder, 662 Eucalyptus Rd. Outside District - Suggested Board request records.
This item will be put on the next agenda.

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 7, 2002, Regular Board meeting

Minutes of August 9, 2002, Special Board meeting

Minutes of August 14, 2002, Special Board meeting

F-3) ACCEPT WATER/SEWER IMPROVEMENTS TRACT 1559/2399 (KING) [RECOMMEND APPROVAL]

Resolution accepting improvements for a 59-lot development at Division & Frontage Rds.

There was no public comment.

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

RESOLUTION NO. 2002-833

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR TRACT 1599/2399 (KING VENTURES)**

G. MANAGER'S REPORT

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

G-1) LAFCO proposed repeal affecting District latent powers

G-2) Letter to Nipomo South Property Owners requesting a zone change

The following member of the public spoke:

Larry Vierheilig- NCAC considered this letter at the August 26th meeting. They wish to draw a line in the sand at the Southland development. They agreed to no more residential development beyond that area.

H. COMMITTEE REPORTS

Director Winn – Annexation Committee agreed to retain the present annexation policy.

I. DIRECTORS COMMENTS

Director Trotter – Thanked staff for researching the reason for the garbage rate discrepancy. The rate hike approved through the County in April of 2000 had not been implemented. When the new rate increase was approved and implemented, it seemed like a 40% increase. Actually, some customers were charged at the lower rate for over two years.

Director Winn – High School, Cleath Report

NCSD Candidates Forum – Wed. night at 7:00 p.m. in District boardroom

WRAC meeting today at 1:30 pm

Water Forum - Sept. 16, 2000 in District boardroom

Asked status of Montecito Verde II . Was told that bid packages have been sent. Bid opening Sept. 19th.

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Director Winn - Asked about Tefft St. water line – Was told that construction was starting this week.

Water Policy discussion in Guadalupe Sept 19

Jon Seitz, District Legal Counsel announced the need to go into Closed Session for the following items.

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. SAVE THE MESA VS. NCSD CV 020181
- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC§549569
- D. PUBLIC EMPLOYEE EVALUATION – GENERAL MANAGER GC§54957

The Board came back into Open Session and had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 12:09 p.m.

The next regular Board Meeting will be held on September 18, 2002, at 9:00 a.m.