

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

NOVEMBER 6, 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 9:02 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call. The following Board members were present:

Directors Trotter, Wirsing, Winn and Mobraaten

Director Blair had a planned absence.

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:

Homer Fox – Inside District – Can a previously issued Will Serve letter be revoked?

Jon Seitz, District Legal Counsel – explained that it might be possible but difficult.

Larry Vierheilig, 950 Waypoint, Inside District – Oct. 5 Nipomo Creek Clean Up a success

Herb Kandel, Inside District – Gave details of work accomplished during the Creek Clean up

Lupe Esquivel – Thanked the Board and the community

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

D-1) PUBLIC HEARING – DANA-FOOTHILL WATER STORAGE FACILITY ENVIRONMENTAL REVIEW
Review an Environmental Negative Declaration for the project

President Mobraaten opened the Public Hearing to review and approve a mitigated Negative Declaration for a one-million gallon water storage facility to be constructed at Dana-Foothill Rd. storage facility site.

Jim Garing of Garing, Taylor and Assoc. explained the need for more storage, presented information on the environmental review and answered questions from the Board.

The following members of the public spoke:

Lupe Esquivel, inside District - asked about a fire hydrant in the area. Ans: one existing

Homer Fox, inside District – asked about the figures used in the presentation.

Ans: Mr. Garing explained.

There were no comments on the environment report.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to the following:

1. Approve the attached resolution and notices
 - a) Mitigated Negative Declaration
 - b) Notice of Determination
 - c) Fish and Game Certificate of Fee Exemption
2. Authorize staff to request bids for this project.

Vote 4-0 with Director Blair absent.

RESOLUTION NO. 2002-838

**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 DANA-FOOTHILL WATER STORAGE FACILITY**

- D-2) REQUEST FOR SERVICE – PARCEL MAP CO 02-0320 (NELSON)
Request for water and sewer service for a lot split at Chestnut & Thompson Ave.

The request for water and sewer service was presented to the Board. Upon motion of Director Winn and seconded by President Mobraaten, the Board unanimously approved an Intent-to-Serve for Parcel Map CO 02-0320 with the conditions as outlined in the Board letter. Vote 4-0 with Director Wirsing abstaining because of her concern for the water supply in Nipomo.

- D-3) RENEWAL OF INTENT TO SERVE LETTER – PARCEL MAP CO 00-0155 (PRUIT)
Request for renewal of Intent-to-Serve for a 20-unit apartment complex on Ave de Amigos

The request a renewal of an Intent-to-Serve for water and sewer service for CO 00-0155 was presented to the Board.

The following members of the public spoke:

Larry Vierheilig, Inside District – Speaking as vice chair of NCAC, informed Board that this project was approved in concept with recommended changes.

Director Winn made a motion to table Items D-3 & D-4. President Mobraaten seconded the motion. After Board discussion, Director Winn withdrew his motion.

Director Winn made a motion to renew the Intent-to-Serve letter for the project. President Mobraaten seconded the motion. Vote 2-2 with Directors Wirsing and Trotter voting no. Director Wirsing asked that her comments be put on the record.

“I believe we do not have enough resources. They were originally approved two years ago and a lot has transpired in the last two years, which I believe we should have a more substantial proof of our water resource.”

Director Winn made a motion to bring this item back to a future meeting. President Mobraaten seconded the motion. Vote 3-1 with Director Wirsing voting no.

- D-4) RENEWAL OF INTENT TO SERVE LETTER – PARCEL MAP CO 00-0156 (PRUIT)
Request for renewal of Intent-to-Serve for a 22-unit apartment complex on Ave de Amigos

The request a renewal of an Intent-to-Serve for water and sewer service for CO 00-0156 was presented to the Board.

The following members of the public spoke:

Larry Vierheilig, Inside District – Speaking as vice chair of NCAC, informed Board that this project was approved in concept with recommended changes. He also suggested to the Board to tread thoughtfully on their decision. The legal ramifications could be damaging.

Upon motion of Director Winn and seconded by President Mobraaten, the Board agreed to table this item and look at the process to look at Water Code 350. Vote 3-1 with Director Wirsing voting no.

E. OTHER BUSINESS

- E-1) **MONTECITO VERDE II SEWER PROJECT – AWARDING OF BID**
Review bids to connect MVII on-site sewer system to the District's system

The Board reviewed the bids to connect Montecito Verde II on-site sewer system tie-in to the District's system.
There was no public comment.

Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously agreed to award the contract to connect Montecito Verde II on-site sewer system to the District's system to Tierra Contractors Co. in the amount of \$328,7555 and approve a budget adjustment in the amount of \$144,000 from the Sewer Capacity Fees fund to cover the cost of these improvements. Vote 4-0

**RESOLUTION 2002-839
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING A CONTRACT TO TIERRA CONTRACTORS
FOR THE MONTECITO VERDE II SEWER PROJECT**

- E-2) **CONSTRUCTION MANAGEMENT AND INSPECTION**
Approval for Construction Management & Inspection for Montecito Verde II Sewer Project

The Board reviewed to proposals for construction management and inspection for the Montecito Verde II sewer project.
There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to approve Garing, Taylor and Associates to provide the Construction Management and Inspection services for the Montecito Verde II Sewer Project in the amount of \$21,827. Vote 4-0

- E-3) **PERSONNEL POLICIES & PROCEDURES MANUAL MODIFICATIONS**
Changes in job title, job descriptions and salary schedule

The Board reviewed changes in the District Personnel Policies and Procedures Manual. The position of Utility Field Foreman changed from Assistant Utility Supervisor and the job description for the entry level Utility Worker was slightly modified.
There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board approved the Resolution 2002-840 and the change in Section 7070-B under License. Vote 4-0

**RESOLUTION NO. 2002-840
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING ITS PERSONNEL POLICIES TO**
1) **RENAME THE POSITION OF ASSISTANT UTILITY SUPERVISOR TO UTILITY FIELD FOREMAN**
2) **MODIFY THE LICENSE AND CERTIFICATION REQUIREMENT OF A UTILITY WORKER**

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- 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 October 23, 2002, Regular Board meeting

There was no public comment.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board approved the Consent Agenda. Vote 3-1 with Director Wirsing voting no until there are answers about attorney fees.

G. MANAGER'S REPORT

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

- G-1) TEFFT STREET WATER LINE UPDATE
- G-2) SUMMIT STATION BOOSTER PUMP UPDATE
- G-3) ARROYO GRANDE/NIPOMO FINAL DWR REPORT

H. COMMITTEE REPORTS

There was no committee report.

I. DIRECTORS COMMENTS

Director Winn reminded Board of Water Forum November 18, 6:30 p.m. to 8:30 p.m.

Would like a breakdown of attorney fees

Residents are questioning how to answer being improperly included in the lawsuit.

Asked if Larry Vierheilg could join Closed Session. Answer: No

There are positive comments from the community about the new utility supervisor.

Director Wirsing asked about the attorney fees. Can Director call the attorney. Jon Seitz, District Legal Counsel, explained that he answers to the General Manager, Board President or the majority of the Board.

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

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. ANTICIPATED LITIGATION, ONE CASE

CONFERENCE WITH NEGOTIATOR GC\$54956.8

- D. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES,
COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC\$549569

The Board came back into Open Session and announced the following:

The Board received a Groundwater update. There was no other reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 12:00 p.m.

The next regular Board Meeting will be held on November 20, 2002, at 9:00 a.m.

Special Meeting to be held November 22, 2002 at 9:00 a.m. to review rate study with consultant, Perry Louck, CPA