

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

DECEMBER 4, 2002

REGULAR MEETING 9:00 A.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CALIFORNIA

### 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 9:01 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.**

There was no public comment.

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

- D-1) RENEWAL OF INTENT TO SERVE LETTER – TRACT 2375 (HERNANDEZ)  
Request for renewal of Intent-to-Serve for a 24-lot development at Orchard and Grande

Director Wirsing made a motion to table all Intent-to-Serve letters and renewals until February when report provided by staff is received. Director Trotter seconded the motion and asked that his comments be added to the minutes. He feels it is inappropriate to commit to more water service without having a defined source for that water.

The following members of the public spoke:

Larry Vierheilig, NCAC Vice Chair – believe lots 19-24 are an old dump site.

Terry Orton, Westland Engineering – believes that site is down about a block.

After public comments and Mr. Seitz comments, Director Wirsing changed her motion to be the following:

Director Wirsing made a motion to table this request for an Intent-to-Serve letter until February when report is received from staff. Director Trotter seconded the motion.

Vote 2-3 with Directors Blair, Winn and Mobraaten voting no.

Upon motion of Director Winn and seconded by Director Blair, the Board approved an Intent-to-Serve letter for Hernandez Tract 2375.

There was no public comment on this motion. Vote 4-1 with Director Wirsing voting no.

- D-2) RENEWAL OF INTENT TO SERVE LETTER – TRACT 2441 (MID STATE PROPERTIES)  
Request for renewal of Intent-to-Serve for a 38-lot development at the intersection of Blume & Grande

Terry Orton, Westland Engineering, representing Mid State Properties – explained that there has been some problems with this tract and wished to get an extension.

Larry Vierheilig, Inside District and NCAC Vice Chair, suggested that the Board defer project until project comes before the NCAC.

- D-2) RENEWAL OF INTENT TO SERVE LETTER – TRACT 2441 (MID STATE PROPERTIES)  
Director Trotter made a motion to deny this request for a renewal until Aug. 2003, without prejudice for the applicant to return to the Board within 90 days of the expiration date. Director Winn seconded the motion. There was no public comment on this motion. Vote 5-0
- D-3) RENEWAL OF INTENT TO SERVE LETTER – CO 97-0134 (BONITA HOMES)  
Request for renewal of Intent-to-Serve for a 4-lot development on W. Tefft Street  
Terry Orton, Westland Engineering, representing Bonita Homes – Willing to amend request to a new request rather than renewal.  
Director Blair made a motion to renew the Intent-to-Serve letter for C0 97-0134. Motion died for a lack of a second.  
Director Winn made a motion to issue an Intent-to-Serve letter with the conditions as outlined in the Board letter. Director Wirsing seconded the motion. There was no public comment on this motion. Vote 4-1 with Director Blair voting no.
- D-4) RENEWAL OF INTENT TO SERVE LETTER – TRACT 2212 (TRINCON, INC.)  
Request for renewal of Intent-to-Serve for an 8-lot development on Primrose & Manriquez  
Erik Benham, representing Trincon, Inc. – commented on his project.  
Director Winn made a motion to issue an Intent-to-Serve letter with the conditions as outlined in the Board letter. Director Wirsing seconded the motion. She is voting yes because these projects were probably counted and the number is small. There was no public comment. Vote 5-0
- D-5) REQUEST FOR SERVICE – APN 090-385-015 (HOLDREDGE)  
Request for water and sewer service for a 2-unit development at 119 E. Tefft St.  
The following members of the public spoke:  
Larry Holdredge, outside District resident, and developer of project - answered questions from the Board.  
Director Blair made a motion to issue an Intent-to-Serve letter with the conditions as outlined in the Board letter. Director Winn seconded the motion. There was no public comment. Vote 5-0
- D-6) REQUEST FOR SERVICE – APN 090-121-005 (FOX)  
Request for water and sewer service for a commercial/residential development E. Tefft St.  
The following members of the public spoke:  
Homer Fox, Inside District and developer of project – answered questions from the Board.  
Director Winn made a motion to issue an Intent-to-Serve letter with the conditions as outlined in the Board letter. Director Blair seconded the motion. There was no other public comment. Vote 5-0 with Director Wirsing abstaining.

D-7) REQUEST FOR SERVICE – TRACT 2312 (KING VENTURES)

Request for water and sewer service for a commercial/residential development at S. Frontage Rd. & Hill St.

The following member of the public spoke:

Dave Watson, representative from King Ventures – answered questions from the Board. He told the Board there would be a property owners association for the entire project.

Upon motion of Director Winn and seconded by Director Blair the Board approved the Intent-to-Serve letter with the conditions as outlined in the Board letter.

There was no other public comment. Vote 3-2 with Directors Wirsing and Trotter voting no.

D-8) REQUEST FOR SERVICE – CO 02-0363 (HERNANDEZ)

Request for water and sewer service for a 4-lot residential/office building on W. Tefft Street

There was no representative from the project in the audience. Upon motion of Director Wirsing and seconded by Director Winn, the Board agreed to table this request until more detailed information about the water and sewer lines to the project.

The following members of the public spoke:

Larry Vierheilg, NCAC Vice Chair – Said this project has not come before the NCAC.

Homer Fox, Inside District – clarified fact about his project previously discussed.

Vote 4-1 with Director Trotter voting no.

D-9) REQUEST FOR SERVICE – TRACT 2496 (PAYETTE)

Request for water and sewer service for a 5-lot development on Theodora Street

The following members of the public spoke:

Larry Vierheilg, Vice Chair of the NCAC – Said project is on the agenda for a lot line adjustment.

Upon motion of Director Winn and seconded by Director Blair, the Board approved an Intent-to-Serve letter for Tract 2496 with the conditions as outlined in the Board letter.

Vote 5-0 with Director Wirsing abstaining.

D-10) INTENT-TO-SERVE – ADMINISTRATIVE APPROVAL OF 4 OR LESS RESIDENTIAL UNITS

Resolution for adopting Policy & Guidelines for District water and sewer service

The Board discussed the proposed resolution and made several changes to the text.

The following members of the public spoke:

Larry Vierheilg, Inside District – Suggested wording change in resolution.

Homer Fox, Inside District - Asked if there was a time limit on the Will Serve letters.

Erik Benham, outside District– Asked about significance to annexation agreement with him compared with Intent-to-Serve letters.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Resolution 2002-842, adopting Policy & Guidelines for water and sewer service with the changes and corrections discussed. Vote 5-0

**RESOLUTION NO. 2002-842  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING  
THE POLICY AND GUIDELINES FOR DISTRICT WATER AND SEWER SERVICE**

D-11) REPEAL OF CHAPTER 4.16 OF DISTRICT CODE

Introduction of ordinance to repeal Chapter 4.16 of District Code-Approval letter for sewer service

The Board reviewed and discussed the proposed ordinance repealing Chapter 4.16 of the District Code 4.16.

The following member of the public spoke:

Homer Fox, Inside District – Asked for clarification of ordinance.

Director Winn made the motion to approve the introduction and first reading of Ordinance 2002-04. Director Wirsing seconded the motion. Vote 5-0.

**ORDINANCE 2002-94  
AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING CHAPTER 4.16 OF THE DISTRICT**

**E. OTHER BUSINESS**

E-1) NOMINATIONS FOR ELECTION TO LAFCO

Consider nominations to the Local Agency Formation Commission

Vice President Winn took over meeting for a short time.

The Board discussed a nominee for an alternate member to the LAFCo Board. President Mobraaten was back for the vote. Director Trotter nominated Director Winn and Director Blair seconded.

There was no public comment. Vote 5-0 with Director Wirsing abstaining.

E-2) FORMATION OF A MARINE SANCTUARY EXPANSION COMMITTEE

City of Morro Bay position on Marine Sanctuary

The Board reviewed the letter from the City of Morro Bay and one received later from Supervisor Bianchi.

The following member of the public spoke:

Larry Vierheilg, Inside District – discussed this project with the Board.

The Board directed staff to write a letter of receipt and to ask what meaningful role the District could play.

**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 November 20, 2002, Regular Board meeting

Minutes of November 22, 2002, Special Board meeting

F-3) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS [RECOMMEND APPROVAL]

Accept improvement for Tract 2412 (Nipomo Business Center, LLC)

The following members of the public spoke:

Larry Vierheilg, 950 Waypoint, Inside District – Pointed out an error on D-2 & D-12 of the Minutes of Nov. 20, 2002.

Homer Fox, Inside District – Would like to see the Minutes

**F. CONSENT AGENDA** *(continued)*

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously approve the items on the Consent Agenda, as amended. There are changes to Items D-2 and 3 in the Minutes for the Nov. 20, 2002. Vote 5-0

**G. MANAGER'S REPORT**

Doug Jones, General Manager, presented information on the following:  
There will be a special meeting for December 20, 2002, with Perry Louck to discuss rates. RALCO went out of business. Public is asking about recycling.  
SLO County approved the 2.3% growth ordinance.

**H. COMMITTEE REPORTS**

There was no committee report.

**I. DIRECTORS COMMENTS**

Director Blair discussed a flyer from the Long Beach Groundwater Treatment facility. Asked that the State Water project be put on next agenda.  
Director Winn – WRAC meeting today, Dec. 4, 2002.  
There will be no Water Forum meeting in December. Next meeting Jan. 20 in this Boardroom.  
Director Trotter asked about the Santa Maria water supply.

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. ANTICIPATE/INITIATION OF 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 had no reportable action.

**ADJOURN**

President Mobraaten adjourned the meeting at 12:50 p.m.

***The next regular Board Meeting will be held on December 18, 2002, at 9:00 a.m.  
Special Meeting, December 20, 2002 at 9:00 a.m.***