

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

AUGUST 13, 2003

REGULAR MEETING 8:00 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR

STAFF

DOUG JONES, GENERAL MANAGER
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson. Consistent with the Americans with Disabilities Act, NCSD Board agendas and other writings will be made available to disabled persons in an appropriate alternate format. (If assistance is needed, please contact the District office at least one day before the meeting.)

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 8:01 a.m.

B. ROLL CALL

At Roll Call, all members of the Board were present.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following item. There was no public comment on this item.

The Board adjourned to the conference room at 8:03 a.m.

CLOSED SESSION 8:00 a.m.

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES

OPEN SESSION -- Estimated time 9:00 a.m.

The Board reconvened into Open Session at 9:01 a.m.

President Winn led the flag salute.

Jon Seitz, District Legal Counsel, announced that the Board discussed groundwater adjudication. There was no reportable action taken.

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.

There was no public comment.

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

D-1) TEFFT STREET LIFT STATION IMPROVEMENTS

Review/Approve Change Order No. 1

The Board discussed the proposed Change Order No. 1, the addition of a new wet well. Jim Garing, Garing, Taylor and Associates described the proposed improvement. Upon motion of Director Trotter and seconded by Director Vierheilig, the Board unanimously approved Change Order No. 1 with R. Baker, Inc. There was no public comment on this motion. Vote 5-0

D-2) MANDATORY GARBAGE SERVICE

Consider establishing mandatory garbage collection

The Board discussed the possibility of establishing mandatory garbage collection.

Tom Martin from the Garbage Company answered questions from the Board.

The following members of the public spoke:

Dick Mobraaten NCSD resident – stated that he is against mandatory garbage service.

Homer Fox NCSD resident – stated that he is for mandatory garbage service.

Upon motion of Director Blair and seconded by Director Wirsing, the Board agreed not to proceed with mandatory garbage service. Vote 3-2 with Director Trotter and President Winn voting no.

- D-3) REQUEST FOR SERVICE – PARCEL MAP CO 00-0086 (KESHTGAR)
Request for renewal of an Intent-to-Serve for project on S. Frontage Rd.

The Board discussed the self-storage project planned for APN 092-381-016/020 on South Frontage Road. Mr. Jones suggested adding a sixth condition to the Intent-to-Serve letter. (Other future conditions may be established by Board of Directors prior to issuance of a final Will-Serve letter.) Upon motion of Director Blair and seconded by Director Winn, the Board approved the Intent-to-Serve letter for Parcel Map CO 00-0086. There was no public comment on this motion. Vote 4-1 with Director Wirsing voting no.

- D-4) REQUEST FOR SERVICE – TRACT 2441 (GRAY TRUST)
Request for renewal of an Intent-to-Serve for 38-lot project at Blume and Grande

The Board discussed the proposed project. Terry Orton from Westland Engineering answered questions from the Board. Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board agreed to table this item until a map with legible writing and a complete application is provided to the Board with the stipulation that the expiration date on the current Intent-to-Serve is extended past the August 27, 2003, meeting. There was no public comment on this motion. Vote 4-1 with Director Blair voting no.

President Winn called for a short break at 10:05 a.m.

The Board reconvened at 10:14 a.m.

E. OTHER BUSINESS

- E-1) SOUTHLAND WASTEWATER TREATMENT PLANT IMPROVEMENTS
Consider an agreement with Quantum Consultants for the installation of equipment

The Board discussed the agreement with Quantum Consultants for the installation of equipment at the Southland Wastewater Treatment Facility for the purpose of saving power consumption costs. The total cost is paid by grant funds sponsored by PG&E. Director Vierheilig asked about several items in the agreement. Item 1c Page 2 – Define short term power failure. Item 2c Page 2 – does not like banner waving. Item 3 paragraph 2 – asked about holding harmless. Jon Seitz, District Legal Counsel, explained that the risk is minimal. President Winn cautioned against hackers.

Upon motion of Director Trotter and seconded by Director Blair, the Board approved the agreement with Quantum Consultants for installation of equipment at the Southland Wastewater Treatment Facility for energy conservation and directed the general manager to execute the agreement. There was no public comment on this motion. Vote 5-0

- E-2) CITY INCORPORATION QUESTIONNAIRE
Draft questionnaire for review/approval

The Board discussed the draft questionnaire prepared by Directors Wirsing and Winn.

The following members of the public spoke:

Ed Eby, NCSD resident – asked the Board when the questionnaire would be sent out. He stated that if it were sent before the incorporation feasibility study, the answers would be moot.

Jesse Hill, 1910 Grant Ave, AG – stated that he thought a study was prepared by Marsha Stillman and perhaps would have some results she could share.

Guy Murray, NCSD customer and business owner – stated that he thought the questionnaire should be sent out after the feasibility study.

Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board agreed to send the incorporation questionnaire as soon as possible. Vote 5-0

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 brackets.*

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of July 23, 2003, Regular Board meeting
- F-3) FOURTH QUARTER FINANCIAL REPORT [RECEIVE AND FILE]
- F-4) NOTICE OF COMPLETION -CONSTRUCTION OF WATER STORAGE FACILITY [RECOMMEND APPROVAL]
- F-5) GENERAL MANAGER CONTRACT AMENDMENT [RECOMMEND APPROVAL]

RESOLUTION NO. 2003- 875

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE CONTRACT AMENDMENT TO THE GENERAL MANAGER'S CONTRACT**

Upon motion of Director Blair and seconded by Director Vierheilig, the Board approved the Consent Agenda. There was no public comment on this motion. Vote 5-0

G. MANAGER'S REPORT

Doug Jones, District General Manager, reported on the following:

- G-1) NOTICE OF ENVIRONMENTAL REVIEW FOR MARIA VISTA SEWER FORCE MAIN
Consider Public Hearing to be set for September 10, 2003
Copies of the "Maria Vista Sewer Main Extension Expanded Initial Study/Mitigated Negative Declaration" are available in the office for a fee of \$10.00.
- G-2) INCORPORATION FEASIBILITY STUDY
Status report from Davis & Company
Mr. Davis sent a letter outlining the status of the feasibility study. The letter is included in the packet.
Our employee, Ernie, was in the hospital. He will probably return to work in 4-6 weeks.

H. COMMITTEE REPORTS

The Annexation Committee plans to meet in the near future.

I. DIRECTORS COMMENTS

Director Trotter – stated that Directors Winn and Trotter spoke to the Blacklake advisory committee or town counsel Tuesday, August 12, 2003. They explained reasons for future raising of sewer rates. He would like a message sent to the residents explaining the rate hike. He also asked about painting of the light poles that have fiberglass exposed. (Mr. Jones explained that PGE has been contacted and that painting is on their schedule.)

Director Wirsing would like to agendize the progress of communications of the hiring of the new manager to see what the plan would be to publicize it and what the Board's role will be. She also wished to thank Director Trotter for his article in the newspaper.

Director Vierheilig stated that in case some may have missed the Dunes Forum presentation earlier this month, Julia Dyer will be speaking again at the Nipomo Creek Water Shed meeting August 19 at 6:00 p.m. at the Senior Center.

Director Blair also thanked Director Trotter for the article. He stated that he might possibly be gone for the next meeting. He stated that he disagrees with the Willow Rd extension plan.

President Winn stated that some purveyors are reportedly selling sodium chloride canisters for water softeners in Blacklake which is a violation of the Specific Plan and has an adverse effect on the recycled water for the golf course. He asked how the ordinance prohibiting this is administered or enforced. (Mr. Jones explained that the Regional Water Quality Control Board had the enforcement power.)

The comment period for the Urban Water Management Plan has come to an end, and the Board needs to be reading over the comments in preparation for adopting a final version to submit for public hearings.

Hard rock drilling proposals on the east side have been received by the District, with some interesting possibilities.

He stated that he went with Gene Mehlschau to look at wells in the Nipomo Valley and was asked if the District would consider selling water for agriculture.

He asked to agendize the District agreeing to work with the County Flood Control District to map groundwater on the Mesa on a twice a year basis.

He stated that he will be making a one-page summary on the MoA water policy and to add to the draft to link the MoA with the District's Annexation & Supplemental Water policy. These will be submitted to the Board in its next meeting.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following items. There was no public comment on the items to be discussed. The Board adjourned into Closed Session at 11:09 a.m.

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. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.

The Board came out of Open Session. Jon Seitz, District Legal Counsel, announced that the Board did not discuss item A above. There was no reportable action.

ADJOURN

President Winn adjourned the meeting at 11:16 a.m.

The next regular Board meeting will be August 27, 2003.