

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

THURSDAY, OCTOBER 16, 2003 8:30 A.M.

SPECIAL MEETING SUMMARY MINUTES *

MEETING LOCATION: District Board Room, 148 S. Wilson, Nipomo, CA

***Tapes of this meeting contain the details of Agenda Item No. 1 and will be maintained in the District office for a period of one year and have been delivered to Trincon, Inc. through its attorney Marshall Ochylski, Esq.**

A Special Meeting of the Nipomo Community Services District was held Thursday, October 16, 2003.

President Winn called the meeting to order at 8:33 a.m.

Roll Call:

Present: Directors Trotter, Wirsing, Vierheilig, and President Winn

Absent: Director Blair

There was no public comment on items not on the agenda.

Special Meeting Agenda

1. REVIEW STATUS OF MARIA VISTA (TRACTS 1802 AND 1856) PUBLIC IMPROVEMENT PLANS AND CONDITIONS.

Provide Staff with directions/confirm or modify conditions.

Jon Seitz, District Legal Counsel, announced that this special meeting was authorized by the Board at the last meeting of October 8, 2003. Mr. Seitz gave a presentation on the Agreements, Conditions and Status of the Public Improvement Plans for the Maria Vista Estates Development .

Jim Garing, District Consulting Engineer gave a presentation to the Board concerning the water and sewer lines in the project.

Erik Benham, developer of Maria Vista spoke to the Board and left the room.

Michael Hodge, prior engineer for EDA - stated that EDA is no longer the engineer of record. He summarized the timing of the prior submittals. He would like the issues raised by Mr. Garing to be addressed quickly by Trincon so the project can move forward.

John Fricks, Ogden &, LLP Fricks – developer's attorney gave a presentation regarding his client's position.

Marshall Ochylski, attorney for the developer gave a presentation outlining a settlement position and answered questions from the Board.

At 9:55 a.m. the Board took a short break.

At 10:09 a.m. the Board came back into session.

Mr. Ochylski resumed speaking.

Jim Garing gave a presentation on the requirements as they relate to fire flow.

Carl Moreland, present engineer of record for Maria Vista development, agreed to provide a surge analysis.

Mr. Seitz gave a presentation on a CEQA analysis.

Erik Benham gave a presentation on the history of the project.

Marshall Ochylski reiterated his client's position.

There was much discussion among the Board members, the attorneys, engineers and developers.

The following is a summary of the specific action taken by the Board on a 3-1 vote with Director Wirsing voting no.

1. Require further Plan Check submittals;
 2. Defer resolution of sewer depth to District Consulting Engineer;
 3. Developer shall complete a surge test for the water lines within the Maria Vista Tract, to the satisfaction of the District Consulting Engineer. Developer, except as provided with Section 4 below, to construct water lines consistent with the surge test;
 4. If the surge test referenced in subparagraph 3 above, results in a water size line less than twelve inches (12") for the water lines within Maria Vista to Vista Del Oro and/or from Vista Del Oro extending eleven hundred feet (1,100') towards Hutton Road, then, provided that the Plans and Specifications otherwise meet with the District Consulting Engineer's approval, the District Engineer is authorized to sign off on the Plans and Specifications provided further, that the Plans and Specifications or an Agreement between the parties provides all of the following:
 - A. That the Board of Directors reserve the opportunity to require Developer to oversize the referenced water lines and reimburse the Developer for the differential costs; and
 - B. The Developer shall not construct improvements within Maria Vista and/or Vista Del Oro until the Board has reached a decision on oversizing; and
 5. Recommend that Developer's engineer meet with Jim Garing to review first and second submittals and the Board's action at this meeting prior to re-submitting further Plans and Specifications.
 6. Garing, Taylor and Associates, District Consulting Engineer, is designated as the District's representative for the purposes of Plan Check Approval.
 7. The District shall have two (2) weeks (fourteen (14) calendar days) from the third Plan Check Submittal, to provide comments or approval of the Plan Check Submittal.
2. ROAD REPAIR – BRACKEN LANE
Appropriate funds to make road repair due to water line break.
The Board discussed the damage made to the water main on Bracken Lane by a contractor for The Gas Company. There was no public comment. Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board unanimously approved expenditures up to \$20,000 to make repairs on Bracken Lane and to seek reimbursement from the contractor. Vote 4-0
3. APPROVE WARRANTS
Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board approved the warrants presented. Vote 4-0

ADJOURN

President Winn adjourned the meeting at 12:40 p.m.

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