

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

SEPTEMBER 3, 1997 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

KATHLEEN FAIRBANKS, **PRESIDENT**  
ALEX MENDOZA, **VICE PRESIDENT**  
AL SIMON, **DIRECTOR**  
ROBERT BLAIR, **DIRECTOR**  
GENE KAYE, **DIRECTOR**

### STAFF

DOUGLAS JONES, **General Manager**  
DONNA JOHNSON, **Secretary to the Board**  
JON SEITZ, **General Counsel**

### **CALL TO ORDER AND FLAG SALUTE**

Vice-President Mendoza called the meeting to order at 7:00 p.m. and led the flag salute.

### **ROLL CALL**

At Roll Call the following Board members were present:

Directors Kaye, Blair, Simon, and Mendoza

### **APPROVAL OF MINUTES**

1. REGULAR MEETING OF AUGUST 20, 1997

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved the Minutes of the August 20, 1997 Regular Meeting with corrections as recommended by Mr. Jones.

### **PUBLIC COMMENTS PERIOD**

2. PUBLIC COMMENTS  
Public comments on matters other than scheduled items. Presentations limited to three (3) minutes  
There were no public comments.

### **BOARD ADMINISTRATION** (The following may be discussed and acted on by the Board.)

3. DISTRICT FEES DISCUSSION (Miller)  
Review current District fees for a commercial development at Burton & Dana St.

Mr. Jones reviewed the procedure followed by the developer of Project D940110D (Miller) The Board asked many questions and reviewed all documents presented. Don Miller, the developer, (425 Terrace St.) explained that the fee for the 1½" meter was paid on October 2, 1996 in good faith as a deposit to hold services based on current fee structure and that his family relied on the fees being set when seeking financing for the project. On the foregoing basis, Mr. Miller requested that the developer not be charged for the 6" fire system. Peggy Miller restated that they were planning to pay the amount specified in the October 2, 1996 letter from the District.

Upon motion of Director Simon, seconded by Director Blair, the Board granted the relief requested by the Millers. The Board ordered that the current system fees, excluding the 6" fire system capacity fees would be paid by the developer based on the findings below:

1. Deposit on October 2, 1996 was paid in good faith. The fire capacity fee was not in effect at that time.
2. Developer relied on fees being set when seeking financing for the project.

4. NEW OFFICE BUILDING CONTRACT (DEFERVILLE)  
Review work to be completed and possible default of contractor.

Mr. Jones explained that Mr. Barry Williams asked that the Board postpone taking any action against Deferville Construction at this time. Upon motion of Director Blair and seconded by Director Simon, the Board unanimously agreed to table this item to a future meeting.

5. TRACTS 1712 & 2261 AND PARCEL MAPS 97-089 & 97-090 INTENT-TO-SERVE (NEWDOLL)  
Request for water & sewer service for 4 projects in the new Annex. No. 15 area.

Mr. Jones described the request from EDA for Intent-to-Serve letters for the following projects.

ITEM	DEVELOPMENT	LOCATION
Tract 1712	8 lot subdivision	Intersection of Hazel Lane and Tefft St.
Tract 2261	16 lot subdivision	Intersection of Tefft St. and Tejas Place
Parcel Map 97-089	4 parcel dev.	Mesa Road and Ida Place
Parcel Map 97-090	4 parcel dev.	Martha and Ida Place

Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved the Intent to Serve letters for all of the above projects.

6. INTENT-TO-SERVE FOR TRACT 1779 (WITTSTROM)  
Request for water & sewer service for 10-lot subdivision in the Black Lake Specific Plan Area.

Mr. Jones explained that Mr. Karl Wittstrom requested water and sewer service for Tract 1779, a ten (10) lot subdivision in the Black Lake area. The service for this project will be served through Tract 2151 (Pratt). Tract 2151 must be completed before service may be rendered to Tract 1779.

Director Kaye made a motion to approve a tentative Intent-to-Serve letter for Tract 1779 and that it be forwarded to Black Lake Advisory Committee. If the committee has any change recommendations, the letter must come back to NCSB Board. Director Simon seconded. All members were in favor.

#### FINANCIAL REPORT

7. APPROVAL OF WARRANTS

Upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the September 3, 1997 meeting.



**OTHER BUSINESS**

8. MANAGER'S REPORT

Manager Doug Jones presented information on the following items:

1. Report on WRAC meeting of 9/3/97 Director Blair and Mr. Jones attended.
2. State Senator O'Connell correspondence
3. Santa Maria Valley Water Conservation District -  
Received notice of meeting Sept. 2, 1997

9. DIRECTORS COMMENTS

Director Blair commented on the SLOCOG meeting. Possible 6 lane highway across the Santa Maria River. He was concerned about the lot line adjustment question for the Summit Station area. Director Kaye said that Ruth Brackett suggested taking the matter before the new Board of Supervisors.

Director Kaye explained the abstention vote on the Miller matter.

10. PUBLIC COMMENTS

There were no public comments.

Jon Seitz, District Legal Counsel, explained the need to adjourn to closed session.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

Existing litigation GC§ 54956.9

1. NCSD vs. Shell Oil, et. al. Case No. CV 077387

Conference with real property negotiator, Dana-Doty water line easement, GC§54956.8

\*GC§ refers to Government Code Sections

The Board came back into Open Session. There was no reportable action.

**ADJOURN**

Vice-President Mendoza adjourned the meeting at 8:35 p.m.