

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

AUGUST 5, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
KATHLEEN FAIRBANKS, **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

President Mendoza called the August 5, 1998 Regular Meeting to order at 7:03 p.m. and led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF JULY 15, 1998

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the July 15, 1998 Regular Meeting.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

President Mendoza opened the meeting for the public to comments on items not on the agenda. There were no public comments.

BOARD ADMINISTRATION

3. PUBLIC HEARING-SEWER CONSTRUCTION COST REIMBURSEMENT
TRACT 1901 (JAMES) Review sewer reimbursement spread for Tract 1901

Mr. Jones explained the reimbursement agreement for the sewer line improvements set up for Tract 1901 developed by Ms. Kathy James. The Public Hearing was opened. The Board discussed how the lots would be affected by the spread.

During this agenda item (Item #3) the following public spoke:

Mr. and Mrs. Robert Nowell - 836 Grande Ave. Nipomo - They wanted to know how the development affected them. It was explained that they would not have to pay any of the reimbursement amount to James as long as they did not connect to the sewer. They could continue living on their property without developing it and owe nothing. The reimbursement agreement expires in ten years.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Resolution 98-661 approving the reimbursement amounts for the improvements for Tract 1901.

**RESOLUTION NO. 98-661
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR SEWER LINE IMPROVEMENTS FOR TRACT 1901 (JAMES)**

4. REQUEST FOR SERVICE - TRACT 2299 (KENGEL)
Request for an Intent-to-Serve letter for a 16 parcel development on Orchard near Tefft St

Mr. Jones explained the request for an Intent-to-Serve letter for Tract 2299 (a proposed 16 lot subdivision on Orchard Rd. near Tefft St.) in Nipomo. Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Intent-to-Serve letter for Mr. Kengel's Tract 2299 with the conditions listed in the Board letter. There were no Public Comments.

5. STATE REVOLVING FUND LOAN-SOUTHLAND WASTEWATER TREATMENT FACILITY EXPANSION
- a. Review amended loan agreement
 - b. Award construction bid

Mr. Jones explained that the information concerning the low bid in the amount of \$771,171.50 from John Madonna Construction Co. was sent to the State for review and amendment. The Approval to Award was received. The State Revolving Fund Loan (a no interest loan) has been approved by the State in the amount of \$697,367. There was no Public Comment. Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved Resolution 98-662 awarding the Southland Wastewater Treatment Facility Expansion contract to John Madonna Construction Co.

**RESOLUTION NO. 98-662
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO JOHN MADONNA CONSTRUCTION CO.
TO PERFORM THE SOUTHLAND WASTEWATER TREATMENT FACILITY EXPANSION**

6. REPLACEMENT OF POLYBUTYLENE WATER SERVICES
Review bids received and award contract to lowest bidder

Mr. Jones explained that two bids were received to replace 152 polybutylene water services. The bids were for copper and Sch. 80 PVC. There was much Board discussion about the pros and cons of each type of material. There were no public comments. Upon motion of Director Blair and seconded by Director Simon the Board approved Resolution 98-663 awarding the contract for replacing PB water services to TLC Backhoe Services and amending the resolution to state the CEQA Guidelines in the findings and adding that the services will be replaced with copper for the contract amount of \$59,710.00 . Director Fairbanks abstained and Director Kaye voted no.

**RESOLUTION NO. 98-663
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO TLC BACKHOE SERVICE
FOR REPLACING POLYBUTYLENE (PB) WATER SERVICES**

7. REQUEST BIDS FOR WATER LINE PROJECT
Request for bids for the Oakglen-Mallagh Water Line Project

Mr. Jones explained that in March of 1997, Cannon & Associates was hired by the District to design the Oakglen-Mallagh water line project which is a second water main crossing Nipomo Creek to improve east-west water flow. Upon motion of Director Blair and seconded by Director Simon, the Board unanimously agreed that the District go out to bid for construction of the water line.

8. ENGINEERING DESIGN PROPOSALS

Review proposals to design water transmission and storage facilities

Mr. Jones explained that three proposals to design a new water transmission main and storage facility as outlined in the Boyle Master Plan were received by the District. A Sub-Committee consisting of Directors Simon and Blair was formed, as suggested by staff, to review the proposals in detail and bring a recommendation back to the Board at the next regular meeting.

9. SAN LUIS OBISPO COUNTY STATE WATER

Review County letter on selling County's State Water Allocation

At the July 15, 1998 Regular Meeting, the Board directed to have this item added to agenda for discussion. Director Blair felt that the County should keep a hundred percent allocation of water with a 90 day lease attached for a draught buffer.

The Board directed staff to write a letter to SLO County Flood Control District expressing the Board's thoughts and feelings on the matter. There were no Public Comments.

10. WATER QUALITY CONTROL PLAN FOR THE CENTRAL COASTAL BASIN

Review correspondence from State RWQCB - priorities on groundwater studies.

Mr. Jones has drafted a letter to Roger Briggs of the Central Coast Regional Water Quality Control Board concerning the "Water Quality Control Plan - Central Coastal Basin" (Basin Plan). The letter includes concerns of the District about three priority items listed on the 1998 Triennial Review Priority List:

- 28. Develop Nitrogen Management Plan for Santa Maria Ground Water Basin
- 51. Develop Nitrogen Management Plan for Arroyo Grande Ground Water Basin
- 124. Develop Greenhouse Policy

If no comments are received from the Board by next Monday, Mr. Jones is directed to send letter as drafted. There were no public comments.

11. DRAFT WOODLAND SPECIFIC PLAN

Review water service section of the Specific Plan

Mr. Jones explained that the District received a draft Woodland Specific Plan from Mr. Jay Johnson of the San Luis Obispo County Planning Department explaining how the project is to develop. A letter was drafted for the Board's review and comments.

During this agenda item (Item #11) the following public spoke:

John Snyder - 662 Eucalyptus Rd, Nipomo - Commented on Woodland's plans for obtaining water for their project. Woodland claims that cutting back eucalyptus trees would give back 267 acre feet of rain water.

Upon motion of Director Kaye and seconded by Director Blair, the Board directed staff to send the letter as drafted by Mr. Jones with the addition of the word unanimous support from the Board and copies sent to several entities, such as the County Engineer, the Board of Supervisors, WRAC, the Planning Commission and the Press.

FINANCIAL REPORT

12. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Warrants presented at the August 5, 1998 Regular Board Meeting.

OTHER BUSINESS

13. MANAGER'S REPORT

Mr. Jones presented information about the following:

1. ECONOMIC ELEMENT OF SAN LUIS OBISPO COUNTY GENERAL PLAN
2. REGIONAL WATER QUALITY CONTROL BOARD CORRESPONDENCE

14. DIRECTORS COMMENTS

Director Kaye asked if the beat up truck was going to be replaced. He asked about the Compliment and Complain Log. He also asked about the lab report from the Herrera's water test.

Legal counsel, Jon Seitz, explained the need to go into a Closed Session. President Mendoza adjourned the meeting to Closed Session at 8:50 p.m.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

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

Potential Litigation GC§ 54956.8

1. Conference with real property negotiator - Dana-Doty water line/tank easements

Public Employee Performance Evaluation GC § 545957

1. General Manager

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

ADJOURN

President Mendoza adjourned the meeting at 10:00 p.m.