

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

SEPTEMBER 16, 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**

**NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.**

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

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

### **ROLL CALL**

At Roll Call, all Board members were present.

### **APPROVAL OF MINUTES**

1. **REGULAR MEETING OF SEPTEMBER 2, 1998**  
Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the Sept 2, 1998 Regular Meeting.

### **PUBLIC COMMENTS PERIOD**

2. **PUBLIC COMMENTS**  
Members of the public, wishing to address the Board on matters other than scheduled items, may do so when recognized by the Chairperson. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda. **Presentations are limited to three (3) minutes.**

President Mendoza opened the meeting to Public Comment:  
There were no public comments.

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

3. **REQUEST FOR SERVICE - LUCIA MAR UNIFIED SCHOOL District**  
Request for water & sewer service outside the District for new high school  
  
Mr. Jones explained that a request for service for a high school was received from Lucia Mar School District. Mr. Jones explained several items needing to be addressed.  
Outside User Agreement/LAFCO; Annexation, if requested; Environmental Impact Report; Infrastructure update; Water infrastructure; Wastewater infrastructure; and Water Resources.

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

Perry Judd - Lucia Mar School District representative-. Hopes the Board will consider the proposal. Annexation request may be in the future but this was an expedient process to receive services.

Director Kaye asked if the outside District user rates would be in effect. Other members of the Board suggested it would be Board's discretion. Sub-Committee set up to discuss all the aspects of the service to the school. Committee consists of President Mendoza and Vice-President Fairbanks. Mr. Jones suggested that members of the school Board attend the committee meeting. Mr. Jones explained the possible water line tie-in.

4. REQUEST FOR SERVICE - McCHEVRON  
Request for renewal of Intent-to-Serve and Conditional Will-Serve

Mr. Jones explained that RHL Design Group is requesting a renewal of the Intent-to-Serve letter but also a Will-Serve letter in order to begin building the restaurant.

During this agenda item (Item #4) the following public spoke:

Keith White, RHL Design Group Inc. - The applicant agrees to the conditions of the Will-Serve letter. They have started some of the process of the Letter of Credit and some of the other requirements.

District Legal Counsel, Jon Seitz, explained the typical Will-Serve letter.

Director Kaye made the motion to approve the conditional Will-Serve letter, combining the requirements of the Intent-to-Serve letter and the requirements listed in the Board letter for the conditional Will-Serve letter. The duplications will be combined. An indemnity agreement will be included in the letter. Director Blair seconded the motion. The motion passed unanimously with a roll call vote.

5. REQUEST FOR SERVICE - TRACT 1599  
Request for water & sewer service for a 13 lot development at Division St. & Frontage Rd.

Mr. Jones explained the request from the developers of Tract 1599 for water and sewer service for 13 lots plus on remainder lot. The original Intent-to-Serve letter was issued in April of 1988. There have been some changes in the layout of the subdivision. There were no public comments. Upon motion of Director Fairbanks and seconded by Director Kaye, the Board unanimously approved services to Tract 1599 and that an Intent-to-Serve letter be issued with the conditions as described in the Board letter.

6. COUNTY WATER RESOURCES ADVISORY COMM-WATER PLANNING AREA #6 (NIPOMO)  
County Flood Control funding a facilitator to discuss Nipomo Mesa water issues.

Mr. Jones explained the concept presented at the WRAC meeting of September 1, 1998. The committee recommended to hire a facilitator to assist communities in 3 or 4 of the water planning areas to discuss water issues. The object of a facilitator is to discuss water issues, not to do studies in the water planning areas.

During this agenda item (Item #6) the following public spoke:

John Snyder, 662 Eucalyptus Rd. Nipomo - He is on the WRAC committee. He was reluctant to go forward with this proposal. He feels that the facilitator should begin the process in the North County and get a reputation. The Woodland study clearly states that there is not an overdraft and the DWR that says there is an overdraft.

Ruth Brackett, 4<sup>th</sup> District Supervisor - Feels that the sooner the facilitator begins the work, the better. The funds for the facilitator would come from the SLO County Flood Control and Water Conservation District. Ideas for managing the water may come through the process without scaring the water users.

There was much Board discussion. Director Kaye made the motion to support the hiring of a facilitator to discuss general water matters in Water Planning Area #6-Nipomo Mesa. President Mendoza seconded the motion. Upon Roll Call, the motion failed with a 2-3 vote, with Directors Fairbanks, Blair and Simon voting no.

7. DISTRICT ORDINANCE REVISIONS

Introduction and first reading of revision of District ordinances regarding water, sewer & annexation regulations.

Mr. Jones explained that at the September 2, 1998 regular Board meeting, the Board reviewed a number of revisions in the updating of the District's ordinances and codes. These revisions have been incorporated into the ordinance presented for introduction and first reading. There were no public comments. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved to read Ordinance 98-87 in title only.

Upon motion of Director Blair and seconded by Director Simon, the Board unanimously approved the introduction and first reading of Ordinance 98-87 set the next regular meeting for adoption.

Director Blair asked that an item be placed on the next agenda to discuss a possible surcharge to developers to be used for future supplemental water.

**FINANCIAL REPORT**

8. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Warrants presented at the September 16, 1998 meeting. There were no public comments.

**OTHER BUSINESS**

9. MANAGER'S REPORT

Manager Jones presented information on the following subjects:

1. Article On Climate Changes
2. DWR's Nipomo Mesa Ground Water Study  
Presentation Scheduled For October 21
3. CA-NV Section AWWA Conference, Oct 6-9
4. Holding Next Board Meeting On Sept. 30

Because the CA-NV AWWA Conference is Oct 6-9 and some members of Board and staff may attend, staff recommends that the Oct. 7 meeting be moved to September 30, 1998.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved to cancel the October 7, 1998 Regular and move the meeting to September 30, 1998 at 7:30 p.m. rather than 7:00 p.m.

5. County Safety Element Workshops
6. Draft EIR For The Lucia Mar Unified School District High School #2 Hearing at Dana School on September 29
7. Workshops for the County Safety Element of the General Plan..
8. EIR Woodland Specific Plan Public Hearing Sept. 24, 1998 at 8:45 a.m. at SLO County Chambers

10. DIRECTORS COMMENTS

Legal counsel, Jon Seitz, explained the need to go into Closed Session. President Mendoza adjourned the meeting to Closed Session.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

- A. Existing litigation GC§ 54956.9
  - 1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
  
- B. Conference with real property negotiator  
District Negotiator-General Manager GC§ 54956.8
  - 1. Dana-Doty water line/tank easements

The Board came back into open session with no reportable action.

**ADJOURN**

President Mendoza adjourned the meeting at 9:10 p.m.