

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

MARCH 17, 1999 7:00 P.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**  
GENE KAYE, **VICE PRESIDENT**  
AL SIMON, **DIRECTOR**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **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 Blair called the meeting to order at 7:07 p.m. and led the flag salute.

### **ROLL CALL**

At Roll Call, the following members were present: Directors Mobraaten, Simon, Kaye and Blair. Director Mendoza was absent.

### **SPECIAL PROCLAMATION - "APRIL, MONTH OF THE CHILD & APRIL 17, DAY OF THE CHILD"**

Legal Counsel, Jon Seitz, read the Special Proclamation prepared proclaiming April as "Month of the Child" and April 17, 1999 as "Day of the Child." Ms. Traci Bognuda accepted the proclamation from President Blair.

### **APPROVAL OF MINUTES**

1. REGULAR MEETING OF MARCH 3, 1999

Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved the Minutes of the March 3, 1999 Regular Meeting as amended by Mr. Seitz.

### **PUBLIC COMMENTS PERIOD**

2. 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. **Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.**

There were no public comments.

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

3. LETTER TO COUNTY BOARD OF SUPERVISORS

Approval of draft letter to Board of Supervisors on affordable housing

Mr. Jones presented the draft letter to the Board of Supervisors for the Board's approval. There were no public comments. Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved the letter as written.

4. COUNTY SERVICE AREA 1-F (CSA 1-F NEW GALAXY PART)

Discuss issues of connection of CSA 1-F to NCS D sewer system

Mr. Jones described the situation at New Galaxy Park. District staff and representatives from the County plan to meet to review the details necessary to modify the existing agreement between NCS D and the County. This matter was tabled to a future meeting. There were no public comments.

5. INTENT-TO-SERVE - TRACT 2304 (WITTSTROM)

Request for water service for a 46-lot subdivision at Mesa & Osage Roads

Mr. Jones explained the request from Developer, Karl Wittstrom, for an Intent-to-Serve letter for Tract 2304. Legal Counsel, Jon Seitz, added these two conditions to the letter:

7. Deliver to District a recordable document notifying future owners that the individual lots are served by private septic tanks that are not the maintenance responsibility of the Nipomo Community Services District.

8. That the Open Space Easement referenced in the March 4, 1999 Memorandum from Jay Johnson, County Associate Planner to Michael LeBrun of the Regional Water Quality Control Board, be recorded in conjunction with the document referenced in Condition 7, above.

During this agenda item, the following members of the public spoke:

Karl Wittstrom, Developer for Tract 2304 - Paso Robles - He explained that open space areas were changed to save some mature oak trees. He explained that the septic tanks for the project were sized according to County standards.

Michael LeBrun, Regional Water Quality Control Board - He said area is well suited for septic tanks. Mr. LeBrun answered questions from the District Board.

Upon motion of Director Simon and seconded by Director Kaye, the Board approved to issue an Intent-to-Serve letter for Tract 2304 with the additional requirements as stated by Mr. Seitz. Vote 3-1 with Director Mobraaten voting no.

6. REPLACEMENT STUDY PROPOSALS

Selection of consultant to do a water and sewer replacement study

Mr. Jones explained that the Sub-committee consisting of Directors Kaye and Mendoza, reviewed the two proposals to perform the Water and Sewer Replacement Study. Director Kaye explained that the committee recommended Boyle Engineering. Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously authorized the Board President to execute the agreement between Boyle Engineering and the District with the modifications in Sections 3(b) and 12 as described.

7. WASTEWATER TREATMENT FACILITY EXPANSION - PHASE II

Authorization to request bids to construct Phase II of the sewer plant expansion

Mr. Jones explained that the drawings for Phase II of the Southland Wastewater Treatment Facility Expansion have been completed by Garing, Taylor and Associates and approved by the State and are ready to go to bid for construction.

During this agenda item, the following member of the public spoke:

Harold Walsh, P O Box 747, Nipomo

Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously authorized the request to go to bid to construct Phase II of the sewer expansion.

8. CALIF. PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

Resolution of Intention to amend District contract for miscellaneous members

Mr. Jones explained that at the March 3, 1999 District meeting, the Board directed staff to proceed with amending the District's contract with PERS to provide a 2% at 55 full formula for members. A Resolution of Intention is necessary to begin this process. There were no public comments. Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved Resolution 99-676.

**RESOLUTION 99-676**

**A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT**

9. ACCEPTING IMPROVEMENTS FOR TRACT 1741

Resolution accepting the water and sewer improvements for Tract 1741

Mr. Jones explained that Tract 1741 is now completed with all District conditions being met.

There were no public comments. Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously approved Resolution 99-677 approving Tract 1741.

**RESOLUTION 99-677**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO  
COMMUNITY SERVICES DISTRICT ACCEPTING THE WATER AND  
SEWER IMPROVEMENTS FOR TRACT 1741**

10. SPECIAL BOARD MEETING - MARCH 31, 1999

Mr. Jones explained that due to special legal counsel meeting with the Board, the date of the next Board meeting could be changed to March 31, 1999 as a Special Board Meeting and the April 7, 1999 meeting could be cancelled.

During this agenda item, the following member of the public spoke:

John Snyder, 662 Eucalyptus Rd., Nipomo

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved changing the meeting as above.

**FINANCIAL REPORT**

11. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved the Warrants presented at the March 17, 1999 meeting. There were no public comments.

**OTHER BUSINESS**

12. MANAGER'S REPORT

Mr. Jones presented information of the following items:

1. CA-NV Section AWWA Conference
2. Senator O'Connell - Capitol Seminar 1999
3. Correspondence from Bear Valley CSD on proxy vote

13. DIRECTORS COMMENTS

Director Kaye reported on the Rotary Club meeting today with Katcho (Supervisor Achadjian) as the feature speaker. Director Kaye also told the Board about a meeting sponsored by the Nipomo Chamber of Commerce called "Wake up Nipomo" to be held Thurs. March 25 at 7:00 pm at Dana School.

Director Mobraaten reported on the School Board meeting held Tues. The escrow for the High School is planned to be signed on Friday.

Jon Seitz explained that the CSDA as been requested to join the SLO-COG. A meeting will be held Wed. April 7 at 8:30 a.m. in the SLO County Board of Supervisors Room.

Legal Counsel, Jon Seitz, explained the need to go into Closed Session.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§54956.8

- a. NCSD vs. Shell Oil, et. al. Case No. CV 077387
- b. SMVWCD vs NCSD Case No. CV 770214
- c. Real Property Negotiation, Dist. Rep. Gen. Manager., Prop rep. Dana Estates, acquisition of tank site easement at Dana-Foothill & Tefft St.

The Board came back into Open Session with no reportable action.

**ADJOURN**

President Blair adjourned the meeting at 8:55 p.m.