

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

APRIL 21, 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 April 21, 1999 meeting to order at 7:01 p.m. and led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. SPECIAL MEETING OF MARCH 31, 1999

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Minutes of the March 31, 1999 Special Meeting.

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.**

President Blair opened the meeting to Public Comments. There were none.

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

3. COUNTY SERVICE AREA (CSA-1F) GALAXY PARK
CSA-1F sewers connecting to NCS D system (Status Report - Co Engr. Dept.)

Mr. Jones explained the situation in the CSA-1F area of Galaxy Park.

Mr. Tony Boyd, Hydrologist for the San Luis Obispo County Engineering Department explained that the County was urged by the Regional Water Quality Control Board to connect CSA-1F to the Nipomo Wastewater Facility.

Paavo Ogren, from Cannon Associates employed by the County, spoke to the Board.

There were no public comments.

The Board asked questions. A Sub-committee, consisting of Directors Kaye and Mobraaten, was formed to meet with the County Engineering Department to discuss issues in connecting to the District sewer system.

4. SEWER PROHIBITION AREA EXEMPTION REQUEST
Request for exemption (variance) to install a septic tank system at 760 Drumm Lane

Mr. Jones described the situation at 760 Drumm Lane. The property owners are requesting a variance from connecting to the District sewer system so they may install a septic tank system on Lot No. 134 (APN 092-331-033) to construct a house.

President Blair excused himself from the Board because of a conflict of interest.

Vice-President Kaye took the Chair.

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

Carol Mitchell - 760 Drumm Lane, Nipomo - requested variance from District or for the Board to consider building the sewer up to Drumm Lane.

Joe Bailey, 765 Drumm Lane, Nipomo - Asked the Board how one gets one's property out of the Prohibition Zone . It was answered that he could put in a request to the RWQCB.

Mr. Allen Brown , - Eucalyptus Rd., Nipomo -

Gretchen Miller, 781 Drumm Lane, Nipomo -

Legal Counsel Jon Seitz and Mr. Jones explained some financing options to building a sewer up Southland to Drumm Lane. They explained that the District has no authority over septic tank maintenance.

Upon motion of Director Mendoza and seconded by Director Simon, the Board unanimously denied the variance for the septic tank and directed staff to take matter of financing options into consideration for a future meeting.

The Board directed staff to bring financing options to the next meeting.

5. REQUEST FOR SERVICE - TRACT 2331 (WITTSTROM)

Request for water service for a 33 (½ -acre) lot development at Live Oak Ridge & Pomeroy Rd.

Mr. Jones explained the request from Tartaglia Engineering for water service for Tract 2331, a 33-one-half acre lot cluster development.

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

Karl Wittstrom, developer of Tract 2331, Paso Robles - explained that the San Luis Obispo County General Plan intended this are for cluster development.

Gus Vreize, agent for Glen Corbin Real Estate -

Allen Brown, real estate agent - says clients are asking for ½ and ¼ acre lots in Nipomo.

Upon motion of Director Simon and seconded by Direct Kaye, the Board approved the issuance of an Intent-to-Serve Letter with the conditions as outlined in the Board letter for Tract 2331. Vote 4-1 with Director Mobraaten dissenting.

6. REQUEST FOR SERVICE - LONG'S DRUG STORE DEVELOPMENT

Request for an Intent-to-Serve for a commercial development on Tefft St.

Mr. Jones explained the request for service from EDA for a new Long's Drug Store to replace Mesa Market and Liquor Store.

There were no public comments.

Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approve the issuance of an Intent-to-Serve Letter with the conditions as outlined in the Board letter for Long's Drug store development.

7. NEW WATERLINE AND STORAGE FACILITY

Awarding contract to Sansone Co. to construct waterlines and storage facility

Mr. Jones explained that this item needed more work before the contract could be awarded.

Upon motion of Director Simon and seconded by Director Kaye, the Board continued this item to a future meeting. There were no public comments.

8. INTENT-TO-SERVE/CONDITIONAL WILL-SERVE LETTERS
Establishing expiration dates for Intent-to-Serve/Conditional Will-Serve letters

Mr. Jones explained the need to establish an expiration date and renewal fees for Intent-to-Serve letters and Conditional Will-Serve letters. There were no public comments. Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously adopted Resolution 99-680 as amended.

**RESOLUTION 99-680
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING EXPIRATION DATES FOR INTENT-TO-SERVE/CONDITIONAL WILL-SERVE LETTERS**

9. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions of clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

Mr. Jones presented the following items to the Board for approval. President asked if any Board Member wished to pull an item for discussion. No. President Blair asked for Public Comment. There were none. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the five items on the consent Agenda

- a) ACCEPTANCE OF TRACT 1924 (WITTSTROM) IMPROVEMENTS (Approve)
Resolution accepting water improvements for a 36-lot development
**RESOLUTION NO. 99-681
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING
WATER IMPROVEMENTS FOR TRACT 1924 (WITTSTROM)**
- b) ACCEPTANCE OF TRACT 2210 (NEWDOLL) IMPROVEMENTS (Approve)
Resolution accepting water and sewer improvements for a 15-lot development
**RESOLUTION NO. 99-682
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2210 (NEWDOLL)**
- c) ACCEPTANCE OF APN 92-341-014 (NEWDOLL) IMPROVEMENTS - HONEY GROVE LANE (Approve)
Resolution accepting water & sewer improvements/22 existing lots & the sewer system in Southland St
**RESOLUTION NO. 99-683
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR APN 092-341-013 & 014 (Honey Grove Lane-Newdollar)**
- d) CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) (Approve)
Resolution amending District contract with PERS for miscellaneous members
**RESOLUTION NO. 99-684
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING AN AMENDMENT TO THE PERS CONTRACT**
- e) SAFETY MEETING (Receive and file)
Minutes of March 25, 1999 Safety Meeting

FINANCIAL REPORT

10. THIRD QUARTER FINANCIAL STATEMENT

Assistant Administrator, Lisa Bognuda, explained the Third Quarter Financial Statement to the Board. The Board asked a few questions and Lisa responded.

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

John Eppard, 1505 Champions, Nipomo - Black Lake Advisory Committee member

The Board received the Third Quarter Financial Statement into file.

11. INVESTMENT POLICY

Mr. Jones presented the Quarterly Report of the NCSD Investment Policy

Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously agreed to accept the Quarterly Report of the Investment Policy in file.

12. APPROVAL OF WARRANTS

Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved the Warrants presented at the April 21, 1999 Regular Meeting.

OTHER BUSINESS

13. MANAGER'S REPORT

Manager, Doug Jones, presented information on the following items.

1. DRAFT 1999-2000 FISCAL YEAR BUDGET
2. SACRAMENTO GOVERNMENT AFFAIRS DAY, MAY 12, 1999
3. DESALINATION ARTICLE FROM CHEM. ENGINEER MAGAZINE
4. CORRESPONDENCE FROM LANDOWNER GROUP

14. DIRECTORS COMMENTS

Legal Counsel, Jon Seitz, explained the need to go into Closed Session. He stated that the only case to be discussed was the SMVMCD vs. NCSD.

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§54956.8
b. SMVWCD vs NCSD Case No. CV 770214

The Board came back into open Session and announced that the Board took appropriate action on the legal conflict of interest on the SMVWCD vs NCSD and NCSD vs Shell Oil.

ADJOURN

President Blair adjourned the meeting at 9:55 p.m.