

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MAY 5, 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 7:00 p.m. and led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF APRIL 21, 1999

Upon motion of Director Kaye, seconded by Director Mendoza, the Board unanimously approved the Minutes of the April 21, 1999 Regular 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 no public comments

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

3. INTRODUCTION OF AN ORDINANCE TO ADJUST/CLARIFY FEES (PUBLIC HEARING)

Ordinance to increase Town Division water fees, to cover legal costs, Black Lake sewer fees, to cover O & M costs, clarify Sewer Capacity Fees and Reimbursement Agreements

Mr. Jones explained the proposed ordinance. District Legal Counsel, Jon Seitz explained further.

During this agenda item, the following members of the public spoke: Carol Mitchell, 760 Drumm Lane, Nipomo - Asked for clarification of reimbursement agreement. Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously agreed to introduce Ordinance 99-88 and set the next meeting, May 19, 1999, for adoption. Vote 5-0

4. DRUMM LANE SEWERS

Review extension of sewer line in Southland St. & Drumm Lane

President Blair excused himself from the Board for this item because of a conflict of interest. Vice President Kaye took the Chair.

Mr. Jones presented four methods which could possibly be used to fund the extension of a sewer line in Southland Street to Drumm Lane.

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

Carol Mitchell, 760 Drumm Lane, Nipomo

Joe Bailey, 765 Drumm Lane, Nipomo

Upon motion of Director Kaye and seconded by Director Mendoza, the Board directed staff to contact the SLO Health Department about possible health hazardous septic systems on properties on Southland Street. Vote 4-0

5. RITE-AID PHARMACY DEVELOPMENT
Request for water & sewer service for Rite-Aid Project at Tefft & Mary Streets

Mr. Jones presented the request from EDA representing Rite-Aid Pharmacy. During this agenda item, the following member of the public spoke: John Snyder 662 Eucalyptus Rd. Nipomo - Does the District know how many acre feet per year this development will need? Answer- A water meter will be set based on the development requirements.

Upon motion of Director Kaye and seconded by Director Mendoza, the Board approved issuance of an Intent-to-Serve letter with the conditions as outlined in the Board letter for a commercial development on the northwest intersection of Tefft St. and Mary Ave. Vote 4-1 with Director Simon abstaining.

6. OAKGLEN-MALLAGH WATER LINE EASEMENT
Accept water line easement between Oakglen & Mallagh Streets

Mr. Jones explained that negotiations have been completed for an easement for the water line constructed across Nipomo Creek between Oakglen Ave. and Mallagh to improve the water distribution system. An Easement Agreement has been prepared for recordation. A resolution authorizing recordation of the Easement Agreement has been prepared. There were no public comments. Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously approved Resolution 99-685, accepting and approving the Easement Agreement with corrections as noted on pages 2 and 3 for recording.

**RESOLUTION 99-685
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING AND APPROVING DOCUMENT FOR RECORDING**

7. **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 described the four items on the Consent Agenda. There were no public comments. Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved the items on the Consent Agenda.

- a) CAL PERS DEFERRED COMP PLAN (Approve)
Employee participation in PERS Deferred Plan Plan

**RESOLUTION 99-688
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ADOPTION OF CALIFORNIA PUBLIC EMPLOYEES'
DEFERRED COMPENSATION PLAN**

- b) ACCEPTANCE OF TRACT 1940 (BONITA HOMES) IMPROVEMENTS (Approve)
Resolution accepting water and sewer improvements for a 9-lot development

**RESOLUTION 99-686
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE SEWER IMPROVEMENTS FOR THE
NIPOMO LIBRARY (SAN LUIS OBISPO COUNTY)**

- c) ACCEPTANCE OF LIBRARY IMPROVEMENTS (APPROVE)
Resolution accepting sewer line extension to the County Library

**RESOLUTION 99-687
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE SEWER IMPROVEMENTS FOR THE
NIPOMO LIBRARY (SAN LUIS OBISPO COUNTY)**

- d) NOTICE OF COMPLETION OF THE SUN DALE WELL (APPROVE)
Approving the Notice of Completion of the Sun Dale Well

FINANCIAL REPORT

- 8. APPROVAL OF WARRANTS
Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the May 5, 1999 meeting.

OTHER BUSINESS

- 9. MANAGER'S REPORT
Manager Doug Jones presented information on the following items:
 - 1. BUDGET STUDY SESSION
 - 2. SCHOOL DISTRICT CORRESPONDENCE
 - 3. FIRST QUARTER INCIDENT REPORT
- 10. DIRECTORS' COMMENTS
COMMITTEE REPORTS
 - a) Draft FY 99-00 Budget
Director Kaye reported on the following meetings that he attended.
 - b) Nipomo Advisory Counsel April 23
 - c) Chamber of Commerce April 28

CLOSED SESSION

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session to discuss the following items.

- 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 Neg, Dist. Rep. Gen. Mgr., Prop rep. Dana Estates, acquisition of tank site easement at Dana-Foothill Rd. & Tefft St.
 - d. Koch California LTD., vs. NCSD Case No. CV 990266

The Board came back into Open Session and had no reportable action.

ADJOURN

President Blair adjourned the meeting at 8:40 p.m.