

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

John D

REGULAR BOARD MEETING NOVEMBER 20, 1996 7:00 P.M.
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

BOARD MEMBERS

STEVEN SMALL, **PRESIDENT**
KATHLEEN FAIRBANKS, **VICE PRESIDENT**
ALEX MENDOZA, **DIRECTOR**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF NOVEMBER 6, 1996

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
Public comments on matters other than scheduled items. Presentations limited to three (3) minutes

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. NOTICE OF COMPLETION - DEMOLITION PROJECT
Filing the Notice of Completion of demolition of the District's old office building at 148 S. Wilson St..
4. McDONALD'S/CHEVRON - REQUEST FOR SERVICE
Request for an Intent.-to-Serve letter for a restaurant (McDonald's) and fuel dispenser (Chevron) project on Tefft St. at Hwy 101

FINANCIAL REPORT

5. APPROVAL OF WARRANTS

OTHER BUSINESS

6. MANAGER'S REPORT
 1. SMALL CLAIMS FILED AGAINST EL DORADO CATERING
7. DIRECTORS COMMENTS
8. PUBLIC COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

1. Existing litigation GC§ 54956.9
NCSD vs. Shell Oil, et. al. Case No. CV 077387
2. Existing Litigation, Pratt vs. NCSD Case No. CV 79715 GC§54956

*GC§ refers to Government Code Sections

ADJOURN

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES

AGENDA ITEM

1

REGULAR BOARD MEETING NOVEMBER 6, 1996 7:00 P.M.
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NOV 20 1996

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JON SEITZ, General Counsel

CALL TO ORDER AND FLAG SALUTE

President Small called the November 6, 1996 Regular Meeting to order at 7:10 p.m. and led the flag salute.

ROLL CALL

At Roll Call directors present were: Directors Blair, Simon, Mendoza and Small.
Director Fairbanks was absent.

APPROVAL OF MINUTES

1. REGULAR MEETING OF OCTOBER 16, 1996

Upon motion of Director Simon, seconded by Director Mendoza, the Board unanimously approved the Minutes of the October 16, 1996 Regular Meeting. Director Fairbanks was absent.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
Public comments on matters other than scheduled items.
Presentations limited to three (3) minutes

President Small asked if anyone from the public has any comments concerning matters not on the agenda. There were none.

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. NEW OFFICE BUILDING
Review the bid results and award of bid for the District's new office building.
Mr. Jones described the process that was followed to receive bids for the new office building.
Barry Williams, architect for this project, explained some of the extra, anticipated costs, such as special wiring for computers, etc. Upon motion of Director Simon, seconded by Director Blair the Board unanimously approved Resolution 96-602. Director Fairbanks was absent for the vote.

RESOLUTION NO. 96-602
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING CONTRACT WITH DEFERVILLE CONSTRUCTION TO CONSTRUCT
THE DISTRICT'S NEW OFFICE BUILDING

4. WATER USAGE
Review the District's policy on disputes concerning high water use.
Mr. Jones reviewed the policies of other water companies in the area, one in Fresno and the District's policy. He gave several suggestions if the Board wished to consider adjusting exceptionally high water bills. Board members discussed these at length. John Snyder commented from the audience concerning the gas company's policy. Gene Kaye suggested that each case should be handled separately and the customer should appear in person in front of the Board. The Board suggested that staff again invite Mr. Ford to a board meeting.

NOV 20 1996

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: NOVEMBER 20, 1996

**DEMOLITION OF OLD OFFICE BUILDING
NOTICE OF COMPLETION**

At the Regular Meeting of September 18, 1996, your Honorable Board approved a contract with George Garcia & Sons to demolish the District's old office building at 148 S. Wilson Street. The bid amount was for \$31,160. George Garcia & Sons has now completed the demolition project.

Upon completion of a project the District should file a Notice of Completion. If no claims are filed against the contractor for a period of 35 days, the 10% retention funds are then released to the contractor.

It would be appropriate for a motion to be made to file the attached Notice of Completion for the demolition project.

C:\W:\BD\oldoffc.DOC

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

NIPOMO COMMUNITY SERVICES DISTRICT
P.O. Box 326
Nipomo, CA 93444

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is Nipomo Community Services District
3. The full address of the owner is P O Box 326
Nipomo, CA 93444

4. The nature of the interest or estate of the owner is: In fee.
Public Improvements
(If other than fee, strike "In fee; and insert, for example, "purchaser under contract of purchase," or "lessee")

5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

NAMES	ADDRESSES
None	

6. A work of improvement on the property hereinafter described was completed on _____ . The work done was:
Demolition of an old office building at 148 S. Wilson St.

7. The name of the contractor, if any, for such work of improvement was George Garcia & Sons

8. The property on which said work of improvement was completed is in the city of Nipomo
County of San Luis Obispo, State of California, and is described as follows: Demolition of a building

9. The street address of said property is 148 S. Wilson St., Nipomo, CA

Dated: _____
Verification for Individual Owner

Signature of owner or corporate officer of owner
named in paragraph 2 or his agent

No transferors

VERIFICATION

I, the undersigned, say: I am the _____ the declarant of the foregoing I
("President of", "Manager of", "A partner of", "Owner of", etc.)

notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 19____, at _____, California.
(Date of signature) (City where signed)

(Personal signature of the individual who is swearing that the contents of
the notice of completion are true.)

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: NOVEMBER 20, 1996

AGENDA ITEM
NOV 20 1996

4

McDONALD'S/CHEVRON
INTENT-TO-SERVE

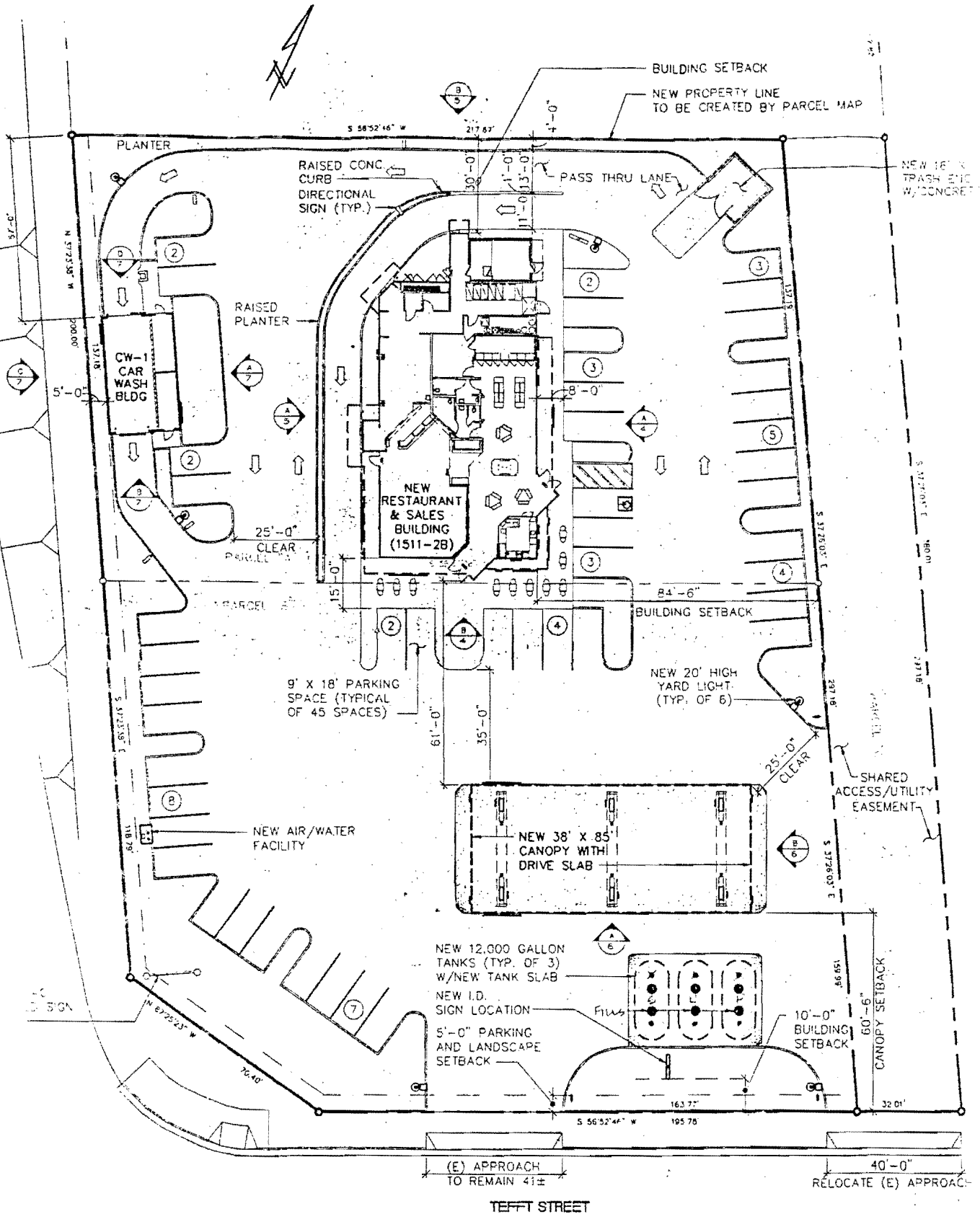
Robert H. Lee and Associates is representing the developer to convert the existing Chevron station at Hwy 101 and Tefft St. into a McDonald's/Chevron development. The enclosed site plan shows the canopy for gas pumping, the new McDonald's restaurant and the drive-through car wash. Mr. Brent Treakle of Robert H. Lee & Assoc. is requesting an Intent-to-Serve from the District so this project can be processed through the County.

It is recommended that your Honorable Board approve an Intent-to-Serve letter for the McDonald's/Chevron project with the following conditions to be met before final approval:

1. An eight (8) inch water line be constructed between Tefft and Kent Streets in the utility easement.
2. Water meter sizes will be determined by the Uniform Plumbing Code.
3. Backflow prevention devices will be installed on the customer's side at the new water meter location.
4. Wastewater sampling sites are constructed on the sewer lateral at the property line and at the proposed car wash building.
5. A grease trap shall be installed with the appropriate capacity for the proposed restaurant .
6. All District fees shall be paid, including an analysis of the strength of the wastewater coming from the car wash so that the appropriate wastewater fees may be established.
7. All associated water and sewer improvements, i.e. backflow devices and sample stations on the sewer lateral, must be approved by the District prior to installation.
8. The attached "Agreement Affecting Real Property: Water and Sewer Services" be executed.

Upon review of this item, the Board may approve an Intent-to-Serve letter with the above conditions for the McDonald's/Chevron project. (McChevron)

U.S. HWY 101



KENT ST

LOT 8 HIPOMO RANCHO
A/MB/20

N 56°32'00" E
119.54'

PARCEL 3
1.34 AC
58548 SF

PCL 3
B/P/M/43
1.61 AC
217.56'

PARCEL 2
0.86 AC
37394 SF

N 56°32'46" E
172.25'

N 56°32'46" E
249.83'

OLD LOT LINE

PARCEL 1
0.88 AC
29683 SF

PCL 2
B/P/M/43
1.28 AC
217.85'

N 56°32'46" E
217.85'

McDonald's

NOT A PART

PCL 1
B/P/M/43
0.84 AC

N 56°32'46" E
118.29'

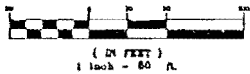
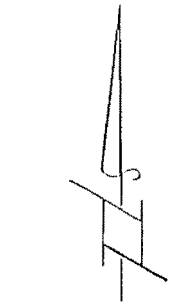
N 87°25'23" W 104.60'

N 56°32'46" E 131.62'

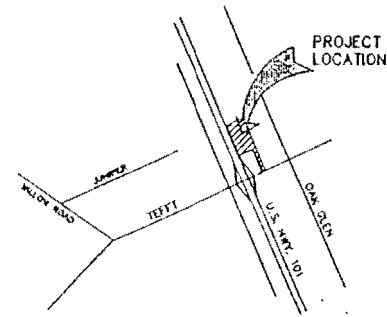
TEFTT STREET

New 8" water line

EASEMENT FOR IMPROVEMENT
AND EGRESS TO PARCELS
1 AND 2



NOTE:
BOUNDARY INFORMATION OBTAINED FROM
RECORDED PARCEL MAP CO-72-11 (8/11/43).



VICINITY MAP
NO SCALE

DAVID TOMPKINS
P.O. BOX #1
CASSELIA, Ca. 93118

TIERRA ENGINEERING
Civil Engineering • Surveying • Land Planning
2000 LIND BLVD. #100
SANTA LUIS OBISPO, CA 95060
TEL: 805.762.1111

TENTATIVE PARCEL MAP CO-94-087

BEING A PORTION OF LOT 7 OF THE RESUBDIVISION OF A
PORTION OF LOT 24 OF THE HIPOMO RANCHO AS RECORDED
IN BOOK A, PAGE 20, OF MAPS IN THE COUNTY OF SAN LUIS
OBISPO, STATE OF CALIFORNIA

PRESENT & PROPOSED ZONING - OR (COMMERCIAL/RETAIL)
REF: A.P.N. 082-138-004
DATED JUNE 24, 1994
W.O. 224 00 FATCO No. 3.0 #0217900 SHEET 1 of 1

CONVENIENCE



- *People are busier than ever.*
 - *Chevron and McDonald's are teaming up to offer one-stop-shopping.*

- *We're great for families.*
 - *Parents can fill up their tank with gasoline, pick up a few items at the convenience store and bring home dinner.*

- *New technology saves valuable time.*
 - *FastPay allows customers to pay at the pump, avoiding time-consuming lines at the register.*

CONSTRUCTION



- *We understand community concerns.*
 - *Monitor the activities of our contractors to make sure good housekeeping is practiced.*

- *We move quickly through construction.*
 - *Most facilities are completed in just 90-120 days.*

- *We minimize the inconvenience to our neighbors.*
 - *Schedule potentially disruptive projects inside working hours to minimize disturbances.*

TRAFFIC



- **One-stop-shopping may relieve traffic.**
 - *“Triplinking” can eliminate multiple stops.*
- **Facility doesn’t generate “new” traffic.**
 - *Our customers are already on the road and stop in to re-fuel or pick up food.*
- **Traffic patterns at each site are evaluated.**
 - *Safe and convenient access for pedestrians and ample space for vehicular parking and circulation.*

APPEARANCE



- **Cleanliness is a top priority.**
 - *Litter will be picked up several times each day, cleaning the street at least one block in each direction. If additional pick up is necessary, we will see to it right away.*
- **We enhance a neighborhood’s appearance.**
 - *Our landscape plans feature plants indigenous to the area, helping the facility to blend into the community.*
- **Our facility is an attractive part of the community both day and night.**
 - *The exterior lighting technology uses specialized reflectors that direct light to the yard to prevent light spill-over onto adjoining properties.*

Recording Requested By:

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

APN: 092-135-004

AGREEMENT AFFECTING REAL PROPERTY:
WATER AND SEWER SERVICES

THIS AGREEMENT is entered into this _____ day of _____, 1996, by and between the Nipomo Community Services District ("District") and David Tompkins, Ruthanne Tompkins, and Bridget Ready, ("Owners") as the Owners of the real property more particularly described in Exhibit "A".

WHEREAS, the District has issued a conditional "Will Serve" letter with respect to the recording of Parcel Map CO-94-087 (Exhibit "B") based upon the Owners' tender to the District of the minimum water and sewer charge for each of the parcels therein described, subject to the terms of this agreement.

THEREFORE, the parties do hereby agree:

1. All District water and sewer facilities to serve the parcels designated in Exhibit "B" shall be installed, to District's standards, in the designated utility easement at Owner's sole cost;

2. That prior to any parcel, designated on Exhibit "B", receiving District water service, Owners shall at their sole cost, construct and connect a water line, as shown on Exhibit "B", from Teftt Street to Kent Street and provide District with appropriate maintenance easements;

3. All construction of District facilities performed by Owners shall be pursuant to District's standard Inspection and Dedication Agreement;

4. That a parcel owner(s) shall install a water service and sewer lateral to serve their parcel as a condition for the approval of any plans for the improvement of that parcel, for any parcel shown on Parcel Map CO-94-087 (Exhibit "B");

5. That the future use of the real property described in Exhibit "B" may require the payment of additional water and sewer fees to the District before commercial development is approved for service by the District as to any given parcel;

6. The obligations of Owners are joint and several and shall run with the land and will be binding on the successors and assigns of the Owners and shall inure to the benefit of District and its successors and assigns;

7. Owners and District intend and consent to the recordation of this agreement in the office of the county Recorder of the County of San Luis Obsipo, and such recordation shall serve as constructive notice to all future owner(s) of the obligations of Owners herein; and

8. The parties hereby represent that the parties executing

this agreement are expressly authorized to do so for and on behalf of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

AGREED:

OWNERS:

Dated: _____

By: _____
David Tompkins

Dated: _____

By: _____
Ruthanne Tompkins

Dated: _____

By: _____
Bridget Ready

APPROVED AND ACCEPTED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BY RESOLUTION ADOPTED ON _____, 1996, AND CONSENTS TO THE RECORDATION THEREOF BY IT DULY AUTHORIZED OFFICER:

Dated: _____

By: _____
President,
Board of Directors, Nipomo
Community Services District

ATTESTED:

DONNA JOHNSON
Secretary to the Board

APPROVED AS TO FORM:

JON S. SEITZ
General Counsel

* Owners' signatures and signature of President of Board of Directors to be notarized.

wat-sew.agr 10-31-96

WARRANTS NOVEMBER 20, 1996

HAND WRITTEN CHECKS

COMPUTER GENERATED CHECKS

CHECK # NAME AMOUNT

Plans returned

17830 V. Edwards 100.00
 17831 J.W. Design 250.00
 17832 Carroll Bldg 150.00
 17833 David Scarry Const 100.00
 17834 Rarig Const 150.00
 17835 Norton Const 150.00
 17836 Greg Nester Const 50.00

OTHER

17837 Kritz Esc 462.15

VOIDS

17824
 8622
 2074, 2075, 2084

NET PAYROLL

ck# 2076-2083 \$12,042.14
 ck# 2085 564.28

8623 11/20/96 ROBERT BLAIR \$100.00
 8624 11/20/96 BOGNUDA, LISA \$45.00
 8625 11/20/96 CALIFORNIA APPLIED TECHNOLOGIES \$565.03
 8626 11/20/96 COPIES PLUS \$934.63
 8627 11/20/96 FGL ENVIRONMENTAL ANALYTICAL CHEMIST \$191.20
 8628 11/20/96 KATHLEEN FAIRBANKS \$100.00
 8629 11/20/96 GARING, TAYLOR & ASSOCIATE, INC. \$9,107.19
 8630 11/20/96 GTE CALIFORNIA INCORPORATED \$25.88
 8631 11/20/96 GROENIGER & COMPANY \$20.18
 8632 11/20/96 JOHNSON, DONNA \$6.89
 8633 11/20/96 ALEX MENDOZA \$100.00
 8634 11/20/96 MISSION UNIFORM SERVICE \$165.00
 8635 11/20/96 NIPOMO CHEVRON \$195.63
 8636 11/20/96 PACIFIC BELL \$336.40
 8637 11/20/96 PETTY CASH-MIDSTATE BANK \$145.28
 8638 11/20/96 PROCESS INSTRUMENTS \$470.60
 8639 11/20/96 RELIABLE OFFICE SUPPLY \$33.04
 8640 11/20/96 SAN LUIS OBISPO COUNTY HEALTH DEPART \$527.00
 8641 11/20/96 ALBERT SIMON \$100.00
 8642 11/20/96 STEVEN SMALL \$100.00
 8643 11/20/96 TAABS UTILITY BILLING SPECIALISTS, I \$50.00
 8644 11/20/96 TAYLOR MADE OFFICE SYSTEMS INC \$234.30
 8645 11/20/96 T.L.C. BACKHOE SERVICES \$29,214.00
 8646 11/20/96 WILLIAMS, BARRY LORENZ ASSOCIATES \$1,484.62
 8647 11/20/96 WILSON, LEE ELECTRIC COMPANY \$1,248.33