NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

AGENDA

JULY 13, 2011 AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT

LARRY VIERHEILIG, VICE PRESIDENT

MICHAEL WINN, DIRECTOR

ED EBY, DIRECTOR

DAN GADDIS, DIRECTOR

PRINCIPAL STAFF
MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSIST. GENERAL MANAGER
MERRIE WALLRAVIN, SECRETARY/CLERK
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

NOTE:

- All comments concerning any item on the agenda are to be directed to the Board President.
- Consistent with the Americans with Disabilities Act and California Government Code §54954.2
 requests for disability related modification or accommodation, including auxiliary aids or
 services may be made by a person with a disability who requires the modification or
 accommodation in order to participate at the below referenced public meeting by contacting
 the District General Manager at 805-929-1133.
- District-prepared staff reports and documents are generally posted on the District's website {NCSD.CA.GOV} on the same date the agenda is posted.
- Any writing or document pertaining to an open session item on this agenda which is
 distributed to the Board of Directors after the posting of this agenda will be available for public
 inspection at the time the subject writing or document is distributed. The writing or document
 will be available for public review at the District Secretary's Office, 148 S. Wilson Street,
 Nipomo, CA, during normal business hours, and may be posted on the District's web site at
 http://www.ncsd.ca.gov.
- Items may be taken out of order. The Board typically breaks for lunch at approximately 12 noon and conducts Closed Session at that time, reconvening to public session at approximately 1:00 p. m.
- Please silence all cell phones during the meeting, as a courtesy to others.
- A. CALL TO ORDER AND FLAG SALUTE

NEXT RESOLUTION NEXT ORDINANCE 2011-1229 2011-117

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

Any member of the public may address the Board relating to any matter within the Board's jurisdiction but <u>not</u> on the Board's agenda. Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.

- C. PRESENTATIONS AND REPORTS
 - C-1) REPORT ON June 22, 2011 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session
 - C-2) MIKE NUNLEY OF AECOM
 Update Report re: Southland Wastewater Treatment Plant Upgrade
 - C-3) NCSD DISTRICT ENGINEER PETER SEVCIK Update Report re: Recent Activities
 - C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

 Receive Announcements and Reports from Directors...

Nipomo Community Services District REGULAR MEETING AGENDA

- C-5) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS
- D. 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 removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.
 - D-1) WARRANTS [RECOMMEND APPROVAL]
 - D-2) BOARD MEETING MINUTES:
 JUNE 8, 2011, REGULAR MEETING [RECOMMEND APPROVAL]
 JUNE 22, 2011, REGULAR MEETING [RECOMMEND APPROVAL]

E. ADMINISTRATIVE ITEMS

- E-1) REVIEW MAY 18, 2011 LETTER FROM SAN LUIS OBISPO COUNTY REGARDING PROPOSED JIM O MILLER PARK SITE [RECOMMEND REVIEW LETTER AND DIRECT STAFF]
- E-2) AWARD CONTRACT FOR SOUTH FRONTAGE ROAD TRUNK SEWER CONSTRUCTION IN AMOUNT OF \$1,459,236 TO R. BAKER, INC. AND AUTHORIZE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$150,000 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AWARDING CONTRACT TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER R. BAKER, INC. IN THE AMOUNT OF \$1,459,236, AUTHORIZE STAFF TO EXECUTE A CONTRACT, AND AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$150,000].
- E-3) AUTHORIZE TASK ORDER FOR SOUTH FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT CONSTRUCTION MANAGEMENT SERVICES WITH MNS ENGINEERS INC IN AMOUNT OF \$247,790 AND AUTHORIZE A CONTINGENCY IN THE AMOUNT OF \$25,000 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION TO AUTHORIZE TASK ORDER WITH MNS, INC. IN THE AMOUNT OF \$247,790, AUTHORIZE STAFF TO EXECUTE TASK ORDER, AND AUTHORIZE CHANGE ORDER CONTINGENCY IN THE AMOUNT OF \$25,000].
- E-4) AUTHORIZE AGREEMENTS WITH FULBRIGHT JAWORSKI LLP ATTORNEYS AT LAW AND C.M. de CRINIS & CO., INC WITH AN APPROXIMATE VALUE OF \$150,000.00 FOR BOND AND DISCLOSURE COUNSEL AND FINANCIAL ADVISORY SERVICES IN SUPPORT OF SOUTHLAND WASTEWATER TREATMENT FACILITY UPGRADE PROJECT [RECOMMEND AUTHROIZE]

Nipomo Community Services District REGULAR MEETING AGENDA

Note: Item E-5 will be considered at 1:30 pm.

- E-5) CONSIDER DRAFT WATER FUND RATE STUDY AND RATE ADOPTION SCHEDULE [RECOMMEND BY MOTION AND ROLL CALL VOTE, APPROVE RATE STUDY AND INITIATE PROPOSITION 218 PROCEEDINGS]
- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORT
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- CLOSED SESSION ANNOUNCEMENTS
 - CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS
- K. ADJOURN TO CLOSED SESSION
- L. OPEN SESSION
 ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

Next Regular Board Meeting is July 27, 2011