# NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

# AGENDA

MARCH 28, 2012 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, guality, 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 <u>http://www.ncsd.ca.gov</u>.
- 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 2012-1252 NEXT ORDINANCE 2012-117
- 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 MARCH 14, 2012 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, taken in Closed Session
  - C-2) NCSD SUPERINTENDENT TINA GRIETENS Update Report re: Utility Division Activities
  - C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS. Receive Announcements and Reports from Directors

- C-4) 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) APPROVE MARCH 14, 2012 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE]
  - D-3) TENTATIVELY SET MAY 23, 2012, FOR HEARING TO ADOPT RESOLUTION OF NECESSITY FOR ACQUIRING EASEMENTS IN REAL PROPERTY IN SUPPORT OF THE NIPOMO MESA SUPPLEMENTAL WATER PROJECT, INSTRUCT STAFF TO PROVIDE NOTICE TO PROPERTY OWNERS OF THE HEARING DATE AS REQUIRED BY LAW, AND AUTHORIZE LEGAL COUNSEL TO RETAIN EMINENT DOMAIN COUNSEL TO ASSIST THE DISTRICT IN ACQUIRING THE EASEMENTS IN THE FOLLOWING PROPERTIES LOCATED WITHIN THE SANTA MARIA RIVER BED.
    - APN #: 090-341-019, #: 090-331-005, #: 006, #: 008 DURLEY & MCLANAHAN
    - APN #: 090-341-033

**TROESH PROPERTIES & INVESTMENTS, LLC** 

[RECOMMEND APPROVAL]

- E. ADMINISTRATIVE ITEMS
  - E-1) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$161,277 FOR SUPPLEMENTAL WATER PROJECT OUTREACH CONSULTANT TRUE NORTH [RECOMMEND CONSIDER SCOPE AND BUDGET BY MOTION AND ROLL CALL VOTE APPROVE \$161,277 AUGMENTATION]
  - E-2) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$105,000 FOR SUPPLEMENTAL WATER PROJECT ASSESSMENT ENGINEER WALLACE GROUP [RECOMMEND CONSIDER SCOPE AND BUDGET BY MOTION AND ROLL CALL VOTE APPROVE \$105,000 AUGMENTATION]
  - E-3) NIPOMO COMMUNITY PARK MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT CONSIDER AD-HOC COMMITTEE REVIEW AND RECOMMENDATION [CONSIDER COMMITTEE RECOMMENDATION, DIRECT STAFF]

## Nipomo Community Services District REGULAR MEETING AGENDA

- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORT
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- I. CLOSED SESSION ANNOUNCEMENTS
  - 1. 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).
  - CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 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 <u>April 11, 2012</u>