

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## AGENDA

**JUNE 13, 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**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**  
MERRIE WALLRAVIN, **CLERK**

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.
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### **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](http://www.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	2012-1260
	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 not 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) RECEIVE SPRING 2012 GROUNDWATER INDEX PRESENTATION BY BRAD NEWTON, Ph.D, P.G. OF WAGNER& BONSIGNORE CONSULTING CIVIL ENGINEERS
- C-2) NCS D DISTRICT ENGINEER PETER SEVCIK  
Update Report re: Recent 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

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

- 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 MAY 23, 2012 REGULAR BOARD MEETING MINUTES  
[RECOMMEND APPROVE]
- D-3) RESOLUTION COMMENDING RETIRED UNDERSHERIFF MARTIN BASTI  
[RECOMMEND ADOPT RESOLUTION]
- E. ADMINISTRATIVE ITEMS
- E-1) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES [RECOMMEND - CONDUCT HEARING AMEND GENERAL MANAGER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING GENERAL MANAGER'S REPORT AND AUTHORIZING RECORDATION OF LIENS]
- E-2) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2012-13 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS [RECOMMEND - CONDUCT HEARING AMEND GENERAL MANAGER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING GENERAL MANAGER'S REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS]
- E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2012-13 LANDSCAPE MAINTENANCE ZONE #1 ASSESSMENTS [RECOMMEND - CONDUCT HEARING AMEND ENGINEER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING ENGINEER'S REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS]
- E-4) PUBLIC HEARING – ADOPT FISCAL YEAR 2012-13 BUDGET [RECOMMEND – CONDUCT PUBLIC HEARING CONSIDER TESTIMONY ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING 2012-2013 FISCAL YEAR BUDGET]
- E-5) INTRODUCE, EDIT AND READ BY TITLE AN ORDINANCE AFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR NEW WATER SERVICE AND INTENT TO SERVE LETTERS, REPEALING CHAPTER 3.05 OF DISTRICT CODE AND ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AND DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE [RECOMMEND – BY MOTION AND ROLL CALL VOTE AUTHORIZE STAFF TO READ PROPOSED ORDINANCE BY TITLE ONLY AND THEN BY SEPARATE MOTION INTRODUCE ORDINANCE AND SET HEARING DATE FOR ADOPTION]

- E-6) SERVICE REQUEST – TRACT 2906 17 LOT RESIDENTIAL DEVELOPMENT [RECOMMEND - CONSIDER REQUEST AND DIRECT STAFF]
- E-7) CONSIDER TASK ORDER IN AMOUNT OF \$7,150 WITH AECOM FOR SUPPLEMENTAL WATER PROJECT PHASING TECHNICAL FEASIBILITY STUDY [RECOMMEND - CONSIDER TASK ORDER AND THE RECOMMENDATION OF WATER RESOURCES POLICY COMMITTEE, DIRECT STAFF]
- E-8) CONSIDER LETTER TO COUNTY BOARD OF SUPERVISORS REGARDING SUPPLEMENTAL WATER [RECOMMEND – CONSIDER LETTER AND RECOMMENDATION OF WATER RESOURCES POLICY COMMITTEE, DIRECT STAFF]
- E-9) AWARD CONTRACT FOR CONSTRUCTION OF SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AWARDED CONTRACT TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER CUSHMAN CONTRACTING CORPORATION IN THE AMOUNT OF \$10,224,900, AUTHORIZE STAFF TO EXECUTE CONTRACT, AND AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$500,000].
- E-10) AUTHORIZE TASK ORDER WITH MNS ENGINEERS INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION TO AUTHORIZE TASK ORDER WITH MNS ENGINEERS, INC. IN THE AMOUNT OF \$1,276,556, AUTHORIZE STAFF TO EXECUTE TASK ORDER, AND AUTHORIZE CHANGE ORDER CONTINGENCY IN THE AMOUNT OF \$65,000]
- E-11) AECOM SCOPE AMENDMENT # 7 FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE TO APPROVE SCOPE AMENDMENT #7 WITH AECOM IN THE AMOUNT OF \$152,744 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].

F. GENERAL MANAGER'S REPORT

G. COMMITTEE REPORT

MINUTES OF MAY 29, 2012 WATER RESOURCES POLICY COMMITTEE

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

**Nipomo Community Services District  
REGULAR MEETING  
AGENDA**

- 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).
  - 2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
  - 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
  - 4. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957
  - 5. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957
  
- 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 June 27, 2012**