

NIPOMO COMMUNITY SERVICES DISTRICT

DECEMBER 1, 2004

9:00 A.M.

MINUTES

REGULAR MEETING

BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

BOARD ROOM 148 SOUTH WILSON STREET NIPOMO

BOARD MEMBERS

MICHAEL WINN, **PRESIDENT**
JUDITH WIRSING, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**

STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**

The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

NOTE: *All comments concerning any item on the agenda are to be directed to the Board Chairperson. Consistent with the Americans with Disabilities Act, NCSB Board agendas and other writings will be made available to disabled persons in an appropriate alternate format. (If assistance is needed, please contact the District office at least two days before the meeting.)*

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call the following Board members were present: Directors Trotter, Vierheilig and Winn.
The following Board members were absent: Directors Wirsing and Blair.

C. PUBLIC COMMENTS PERIOD

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.

The following members of the public spoke:

Homer Fox, NCSB resident – asked for a report on the Hermreck Well.

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 will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in brackets.*

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
REGULAR BOARD MEETING 11-17-04

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously approved the Consent Agenda.

E. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

E-1) SERVICE REQUEST – APN 092-142-033

Consider service request for a 15-unit development at 565 – 595 Grande Avenue

Greg Hohman, President/Agent for RPL Mgt. – answered questions from the Board.

Director Vierheilig asked about covered parking on the project and about a separate fire service. Mr. Hohman answered that garages are planned. If CDF requires a separate fire service, it will be installed.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously approved the issuance of an Intent-to-Serve letter for APN 092-142-033. Vote 3-0

E-2) ENGINEERING SERVICES FOR SANTA MARIA PIPELINE PROJECT

Consider proposals for engineering services for preliminary engineering of water pipeline.

Ernie Ray, Cannon Associates – answered questions from the Board about the proposed water pipeline project.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that he hoped that the contractor is not limited to constraints of the request for proposals. Also, since the contract is to be paid out of the Certificate of Participation (bonds), it could be in jeopardy.

Upon motion of Director Trotter and seconded by Director Vierheilig, the Board unanimously directed staff to prepare a contract for services with Cannon Associates for an amount not to exceed \$25,000. Vote 3-0

Director Trotter suggested a committee to review the future request for proposals and bids.

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reported the following:

Hermreck Well – Some all-weather paving was laid. Magiorra Bros. has not moved their rig back to the site after the rain.

Tefft Street Lift Station – improvements are up and running.

G. COMMITTEE REPORTS

There was no Committee Report.

H. DIRECTORS COMMENTS

President Winn commented on the following:

He will be attending a course on tract map legislation Friday at UCLA.

WRAC meeting has been postponed to Dec. 8th at the County Library on Palm Street.

Board of Supervisors, Tues Dec. 14th regarding the final decision on the RMS and Summit Station

He asked about Lucia Mar Unified School District well drilling at Dana Elementary.

Director Trotter asked about the frequency of water sampling,

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

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
MARIA VISTA VS. NCSD CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Initiation of Litigation GC§54956.9(c)
Initiation of Litigation, one case.

The Board came out of Closed Session. The Board heard an update on Items 1 & 2. There was no reportable action on Items 1 & 2.

Item 3 – The Board discussed possible litigation against the County of San Luis Obispo and unanimously decided to obtain special counsel to review the CEQA documents regarding the Board of Supervisors' decision about Summit Station.

ADJOURN

President Winn adjourned the meeting at 10:38 a.m.