

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

SEPTEMBER 13, 2006 8:30 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
ED EBY, **DIRECTOR**

PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

Mission Statement: 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.

00:00:00 A. CALL TO ORDER AND FLAG SALUTE
President Vierheilig called the meeting to order at 8:35 a.m. and led the flag salute.

00:00:26 B. ROLL CALL AND RECOGNITION OF EDWARD KREINS
At Roll Call, the following Board members were present.
Directors Eby, Trotter, Winn and Vierheilig.
President Vierheilig read and presented a Resolution of Appreciation to Edward Kreins.

00:01:20 **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT THANKING EDWARD KREINS FOR HIS SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT AND TO THE COMMUNITY OF NIPOMO**

Mr. Kreins thanked the Board that it had been a pleasure to work for the District and Mr. Kreins further noted that the excellent staff made the job easier.
At 8:42 a.m., the Board adjourned until 9:00 a.m.
Director Wirsing arrived during the break.

00:07:24 C. PUBLIC COMMENT PERIOD (NOTE: ITEM TO COMMENCE AT 9:00 AM)
PUBLIC COMMENT

The Board reconvened at 9:00 a.m.

C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S STATION

Commander Basti presented information on the Sheriff activities on the Nipomo Mesa.

He stated that a walkway for the students is being considered. He spoke with Dale Ramey about easements. The walkway must be safe for the students.

Tues. Sept 12, 2006 – Several taggings at Longs and Von's Shopping Centers by a group of girls called Ruckus that was formed in 1987 in Europe and is not gang-related. The tagging uses stencils with a painted monkey, as opposed to free art.

There was a rape on Cherokee Place during the month. Two people are in custody.

There is a fire behind Lopez Lake, out by Big Falls.

There has been a slight decrease in car break-ins since arrests were made in Santa Maria. Be sure to lock cars and keep personal items out of sight.

The Board thanked Commander Basti for the report.

C-2) BATTALION CHIEF DAN ANDERSON OF CALIFORNIA DEPARTMENT OF FORESTRY

Al Taylor from CDF 20 presented information of CDF activities on the Nipomo Mesa in the absence of Chief Anderson who was attending the Castaic Fire near Highway 5. There are a lot of crews out of county tending other fires. There is a fire in the Big Falls area.

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C-2 CALIFORNIA DEPARTMENT OF FORESTRY (continued)

A new fire engine is coming for Nipomo. 8-10 pieces of equipment are out of county now. The crews have been working 10-20 days straight in 24 hours shifts.

00:13:27

There have been 817 calls this year to Station 20 (21 structure fires, 19 vehicle fires, 38 vegetation fires, 441 medical calls, smoke, false alarms etc.) and Station 22 had 359 calls (56 structure fires, 174 medical calls, 47 traffic calls and 69 others). The Board thanked Mr. Taylor for the report.

C-3) MIKE NUNLEY OF BOYLE ENGINEERING

Mike Nunley of Boyle Engineering reviewed the report in the Board packet updating the progress of the Waterline Intertie Project Pre-Design Study. Bruce Buel, General Manager, discussed the process that the City of Santa Maria is preparing their system model. Mr. Nunley also described some progress on the Southland Wastewater Treatment Facility Upgrade project.

00:31:20

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Approve minutes of August 16, 2006 Special Meeting
Approve minutes of August 23, 2006, Regular and Special meetings
Correction in Item B of the Special Meeting.

D-3) ADOPT RESOLUTION HONORING EDWARD KREINS

**RESOLUTION 2006-992
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
THANKING EDWARD KREINS
FOR HIS SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT
AND TO THE COMMUNITY OF NIPOMO**

D-4) DESIGNATE REPORTING PARTIES FOR STATE SANITARY SEWER OVERFLOW PROGRAM

**RESOLUTION 2006-993
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING MADONNA DUNBAR, NCSD CONSERVATION/COMPLIANCE SPECIALIST,
AS A LEGALLY RECOGNIZED REPRESENTATIVE FOR REPORTING PURPOSES**

D-5) AUTHORIZE RECRUITMENT AND HIRE REPLACEMENT UTILITY FOREMAN

D-6) RE-APPROVE INTENT TO SERVE LETTER FOR 38 UNIT APARTMENT COMPLEX AT BLUME AND GRANDE (TRACT 2441)

Bruce Buel, General Manager, reviewed the items on the Consent Agenda. Director Eby requested to pull Item D-6 for separate consideration. There was no public comment. Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously approved Items D-1 through D-5 of the Consent Agenda, as amended in the Minutes. Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Eby, Trotter, Wirsing, Winn, and Vierheilg	None	None

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D. CONSENT AGENDA (continued)

The Board discussed Item D-6. Director Eby recommended not approving the Intent-to-Serve letter. Upon motion of Director Wirsing and seconded by Director Eby, the Board unanimously agreed to delay this item and put it on the next agenda as a new application. There was no public comment. Vote 5-0

Director Wirsing stated that commercial water use was not included in the allocations assigned two years ago and a lot of things have changed and projects approved.

Director Eby suggested for staff to review commercial usage.

YES VOTES	NO VOTES	ABSENT
Directors Wirsing, Eby, Winn, Trotter, and Vierheilig	None	None

01:04:00

E. ADMINISTRATIVE ITEMS

E-1) RECEIVE STATUS REPORT ON REQUEST FROM MARIA VISTA ESTATES TO ACCEPT WATER AND SEWER IMPROVEMENTS, TO ACCEPT EASEMENTS, AND TO SET WATER METERS IN TRACTS 1802 AND 1856

Bruce Buel, General Manager, reviewed the status report for the Maria Vista Estates development.

Ed Jones, Project Manager for Maria Vista Estates – reviewed the construction progress of the project. He explained the delays in inspections, etc.

President Vierheilig thanked Mr. Jones for his presentation.

President Vierheilig recommended that if one system becomes ready, a special meeting could be called to accept it.

Bruce Buel, General Manager, stated that staff's non-response to Mr. Jones' presentation does not acquiesce to Mr. Jones' presentation.

Director Eby asked if it would be beneficial to the project to have a special meeting if one of the four systems became complete. *Staff recommended that meters not be set until all four systems are complete.*

Director Trotter asked why the manager and the engineer can't sign off when the systems are complete.

Director Winn stated that the Board is required by law to accept dedication of assets into the District. That cannot be done ministerially, although there are other steps that can be taken to work toward that goal.

The Board took a break at 10:19 a.m. and reconvened at 10:35 a.m.

01:27:20

E-2) RECEIVE PRESENTATIONS FROM BOYLE ENGINEERS RE PRELIMINARY FINDINGS ON MAIN AND STORAGE SIZING AND WATER QUALITY IMPLICATIONS OF NCSD-SANTA MARIA WATERLINE INTERTIE PROJECT

Mike Nunley of Boyle Engineering introduced Betsy Lichti who reviewed the Disinfection Alternative Evaluation. (Copies of the slides are available for viewing in the District office.) The Board asked questions and discussed the presentation. Ms. Lichti explained chlorine and chloramine disinfection processes and answered the Board's questions.

02:53:40 I. CLOSED SESSION ANNOUNCEMENTS

At 11:59 a.m. Mike Seitz, District Legal Counsel, announced the Closed Session items.

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSA CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION GC 54956.9 NCSA VS. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSA (CASE NO. CV060349)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:01 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Mike Seitz, District Legal Counsel, announced that the Board heard an update on the Closed Session items. There was no reportable action.

02:55:30 E. ADMINISTRATIVE ITEMS (continued from before the break)

- E-2) RECEIVE PRESENTATIONS FROM BOYLE ENGINEERS RE PRELIMINARY FINDINGS ON MAIN AND STORAGE SIZING AND WATER QUALITY IMPLICATIONS OF NCSA-SANTA MARIA WATERLINE INTERTIE PROJECT (continued)

Mike Nunley from Boyle Engineering reviewed the Status Report for the Pipeline/Tank Alternatives Evaluation. (Copies of the slides are available for viewing in the District office.) The Board asked questions and discussed the alternatives. Mr. Nunley answered the questions.

Staff noted that the Design Committee will meet September 20.

Director Trotter left the meeting at 1:50 p.m.

- 03:46:00 E-3) CONSIDER AMENDING AGREEMENT WITH DOUGLAS WOOD AND ASSOCIATES TO AUTHORIZE ADDITIONAL RESEARCH ON NCSA-SANTA MARIA WATERLINE INTERTIE PROJECT DRAFT EIR AND DISCUSS PROCESS FOR COMPLETION OF FINAL EIR

Bruce Buel, General Manager, reviewed the report presented in the Board packet. Board discussion ensued. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to approve the contract amendment with Douglas Wood and Associates, authorize the President to execute the amendment, and direct staff to finalize and file the amendment to the agreement.

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- E-3) DOUGLAS WOOD AND ASSOCIATES AGREEMENT (continued)
There was no public comment. Vote 4-0

YES VOTES	NO VOTES	ABSENT
Directors Wirsing, Eby, Winn, and Vierheilig	None	Director Trotter

04:18:41

- E-4) AUTHORIZE EXECUTION OF AGREEMENT WITH CANNON AND ASSOCIATES TO PREPARE DISTRICT WATER/SEWER MASTER PLAN UPDATE AND AMEND BUDGET TO TRANSFER FUNDS FROM RESERVES

Bruce Buel, General Manager, reviewed the report presented in the Board packet. The Board discussed the proposed agreement with Cannon and Associates to prepare a District Water/Sewer Master Plan. Mike Seitz, District Legal Counsel, stated that all the tasks will be completed with the price designated as the not-to-exceed expenditure limit.

The following member of the public spoke:

Bill Nelson, NCSD customer – stated that he agreed with the contract. This work has been sorely needed.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to authorize the President to execute an agreement with Cannon and Associates to perform the scope of work defined in the committee’s proposal on a time-and-materials basis with a not-to-exceed expenditure limit of \$258,904 and approve a transfer of \$100,000 from reserves to cover the unbudgeted additional cost of the project. Vote 4-0

YES VOTES	NO VOTES	ABSENT
Directors Eby, Wirsing, Winn, and Vierheilig	None	Director Trotter

04:30:13

- E-5) AMEND PERSONNEL POLICY TO CREATE POSITION OF DISTRICT ENGINEER, DELETE CONTRACT PROJECTS ADMINISTRATOR POSITION, AND AUTHORIZE RECRUITMENT AND HIRE OF DISTRICT ENGINEER

Bruce Buel, General Manager, reviewed the report presented in the Board packet. The Board discussed the District Engineer position. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board adopted Resolution 2006-993, as amended, amending the District Personnel Policy, deleted the contract position of Projects Administrator, and authorized the General Manager to recruit and hire a District Engineer. Vote 4-0

**RESOLUTION NO. 2006-994
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY TO ADD THE POSITION OF DISTRICT ENGINEER**

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing, and Vierheilig	None	Director Trotter

04:41:00

- F. MANAGER’S REPORT

Bruce Buel, General Manager, reviewed the Manager’s Report as presented in the Board packet. There was no public comment.

04:43:37

- G. COMMITTEE REPORTS

- G-1) August 30, 2006, Design and Construction Committee Meeting Minutes
The Board received the Minutes as drafted.

G. COMMITTEE REPORTS (continued)

Directors Wirsing and Trotter met concerning park powers. Director Wirsing stated that they would like to request an updated survey of the NCSD ratepayers. They reviewed Mr. Nester's plan for the Kaminaka project, which was not a final map. Directors Vierheilig and Winn have been talking to Olde Towne representatives on the acreage for a pocket park.

04:46:34

H. DIRECTOR'S COMMENTS

Director Wirsing –

There is a big concern about the oil spill in Olde Towne. She hopes to be attending a meeting with this concern.

Director Winn –

WRAC Sept. 6 – water allocation for agriculture. The minutes are available on line.

WRAC Sept. 21 Workshop at SLO Library. James Caruso will be updating the Conservation Element. It has been 20 years since it was addressed and may take up to three years to update it.

Candidates' Forum – NCSD building

Sat. October 14 – October Festival – an opportunity to get together He urges NCSD to have a booth to answer questions about water and sewer.

Parks – He, President Vierheilig, and Peg Miller met with Supervisor Achadjian.

Tefft Street Lift Station – It was voted against to have a chain link fence. He would like to agendize the matter.

Director Eby –

LAFCo- Sept. 21 – meeting to discuss the dissolution of Los Osos CSD.

Woodlands Project irrigation has created a large area of standing water at the end of Camino Caballo. The water is running 24 hours a day.

President Vierheilig –

Sept 26 – meeting with Don Pirolo from Conoco Phillips

Sept 19 -- Finance Committee meeting to discuss the Draft Audit Report for FY 06-06.

Proposition 218 – would like more information

Sept. 14 – Conservation Committee meeting

05:01:10

ADJOURN

President Vierheilig adjourned the meeting at 3:07 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS SEPTEMBER 27, 2006.****TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Consider Agreement with SLO APCD re: Demonstration Garden
- Consider Water Conservation Program/Policy