

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 41 - Years of Service 1965 - 2006*

## MINUTES

**NOVEMBER 8, 2006 9:00 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 9:01 a.m. and led the flag salute.

00:00:15

B. ROLL CALL

At Roll Call, all Board members were present.

00:02:04

C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT

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

Commander Basti was not present.

00:02:24

C-2) CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

Captain Felix Camacho informed the Board that he would be getting the information about Battalion Chief Dan Anderson.

He announced the new Battalion Chief will be Bill Fisher from the Monterey County Unit who had been with the San Luis Obispo CDF since 1979. Chief Fisher will report on November 13, 2006.

Captain Camacho presented information about the CDF activities on the Nipomo Mesa. For the month of October, Station 20 had 115 calls: 11 fire, 23 vehicle accidents, 55 medical aid and 26 various others. Station 22 had 54 calls: 7 fire, 7 vehicle accidents, 28 medical aids and 12 miscellaneous calls.

There were two structure fires on the same day, one in the Mesa Dunes development being a total loss and displacing a family of eight. Two days later, a truck filled with merchandise went over the overpass at Los Berros.

Burn permits for areas allowed to burn are available at the station and in the District lobby. A map showing the Urban and Village Reserve Lines is also available in the lobby.

00:08:04

C-3) STAFF OVERVIEW OF PRELIMINARY ELECTION RESULTS

Bruce Buel, General Manager, presented the uncertified Election Results.

Larry Vierheilig and Cliff Trotter will be remaining on the Board and Jim Harrison will be joining the Board.

00:08:46

C-4) STAFF PREVIEW OF LAND CONSERVANCY FLOOD PREPAREDNESS FORUM

A Flood Preparedness Form will be held Thursday, November 16, 2006, in the District Board room from 7 to 10 p.m. This is being organized by The Land Conservancy and Herb Kandel. The objective is for property owners to prepare for this winter.

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C. PUBLIC COMMENT PERIOD (continued)

Sand bags will be available at the District office for 25 cents each. Sand will be available in the field next to the District office.

The following member of the public spoke:

Ed Jones, TCG Project Manager for the Maria Vista Development – stated that he was disappointed that his project was not on the agenda for acceptance. He stated that he has been treated poorly by NCS staff.

00:13:06

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Approve Minutes of October 25, 2006, Regular Meeting

The Board had several corrections: E-1, E-3, E-4, E-9 and change Board “they” to “it.”

D-3) AWARD BID FOR CONSTRUCTION OF REPLACEMENT FENCE FOR TEFFT STREET LIFT STATION AND AUTHORIZE EXECUTION OF AGREEMENT

D-4) AUTHORIZE PURCHASE OF WATER AND SEWER GEMS MODELING SOFTWARE FOR WATER AND SEWER SYSTEM MASTER PLAN IMPLEMENTATION

D-5) AWARD 2007 LANDSCAPE MAINTENANCE CONTRACT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1 – TEJAS

D-6) AUTHORIZE EXECUTION OF TASK ORDER WITH DEE JASPAR AND ASSOCIATES, INC. TO PERFORM A PEER REVIEW OF THE BLACKLAKE BOOSTER STATION REPLACEMENT TECHNICAL MEMORANDUM

Bruce Buel, General Manager, reviewed the items to be considered on the Consent Agenda.

Jon Seitz, District Legal Counsel, made a small change in the Landscape Maintenance Agreement, Page 2 E. “Minimum Wage” changes to “Prevailing Wage”.

Director Wirsing asked that Item D-5 be pulled from the Consent Agenda to be considered separately.

The directors pointed out necessary corrections in E-1, E-3, E-4, and E-9 of the Minutes.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1 through D-4 and D-6 of the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

Item D-5 was discussed. Director Wirsing stated that the Board letter did not mention the owner’s name. Mr. Buel stated that when the agreement is signed, the owner of Landmark Landscape, Inc. will provide the information. Lisa Bognuda stated that she reviewed the project with Andy Furakawa, the Project Manager, to confirm the correctness of the bid.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Item D-5. There was no public comment. Vote 5-0.

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

00:28:35 E. ADMINISTRATIVE ITEMS

At 9:56 a.m., the Board took a break and resumed at 10:05 a.m.

E-1) RECEIVE PRESENTATION FROM CARLOS REYNOSO REGARDING FY2005-06 AUDIT AND ACCEPT FY2005-06 AUDIT

Bruce Buel, General Manager, introduced Mr. Reynoso.

Carlos Reynoso, CPA, who conducted the annual audit for the fiscal year ending June 30, 2006, reviewed the report.

The Board discussed the report with Mr. Reynoso.

The following members of the public spoke:

Jim Harrison, NCS D resident – asked about the total cost of the pipeline so far.

Lisa Bognuda, Assistant Administrator – explained how the costs are shown on Page 28 of the report.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously accepted the FY 2005-2006 Audit Report. Vote 5-0. President Vierheilg thanked Mr. Reynoso for the report.

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

00:55:47 E-2) RECEIVE WATERLINE INTERTIE PROJECT PRE-DESIGN TECHNICAL MEMORANDUM

Bruce Buel, General Manager, introduced Mr. Mike Nunley from Boyle Engineering. Mr. Buel suggested that there may be a workshop held December 6, 2006, to discuss this subject further.

Mike Nunley, Project Manager for the waterline intertie, presented many slides explaining the project. A condensed version of the slides is filed in the District office.

Cesar Romero, also from Boyle Engineering – presented more slides relating to the project.

The Board had many questions for the presenters.

The Board took a break at 11:23 a.m. and returned at 11:35 a.m.

Chris Vardas, from Padre Associates, presented two series of slides on the permits that would be required from federal, state and local agencies.

Brian Douglas, from Padre Associates, also described the remaining testing needed to be done to define the presence of red legged frog along the possible pipeline routes

Mike Nunley returned to answer questions from the Board.

Director Wirsing asked how many years are anticipated before receiving water.

Mr. Buel explained the process, including recirculation of a revised EIR. Construction of the waterline intertie might be complete by late 2009.

Mr. Nunley stated that inflation was not included in the costs of the project. Present day costs were used in the cost estimates.

Director Eby asked what percentage of the design was complete. Mr. Nunley explained that about 10% of the design portion of the project is complete.

President Vierheilg stated that water from Santa Maria was only one alternative to a supplemental water supply. Other possibilities need to be explored.

There was no public comment.

President Vierheilg thanked the presenters.

03:38:46

## I. CLOSED SESSION ANNOUNCEMENTS

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

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 RE: PENDING LITIGATION GC 54956.9 NCSD 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. NCSD (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 1:00 p.m.

## L. OPEN SESSION

## ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:58 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above.

1. The latest ruling on the Santa Clara County case is posted on the website.
2. There was no reportable action on Items I-1, I-2, and I-4.
3. Upon motion of Director Winn and seconded by President Vierheilig, the Board unanimously authorized legal counsel to dismiss the Summit Station case.
4. The trial for the Coastkeeper case was held Monday, November 6, 2006. No report has been received from the court.

The Board agreed to consider Item E-6 out of order

03:41:52

## E-6) CONSIDER PACE BROS. REQUEST TO WAIVE WATERLINE LOOPING REQUIREMENT FOR TRACT 2658 – GROVE STREET WEST OF SOUTH OAKGLEN STREET

Bruce Buel, General Manager, explained the request from the developers of Tract 2658 to waive the District standard requirement to loop the waterline.

Jon Seitz, District Legal Counsel, explained that looping of water lines is a health and safety issue and that the law allows exceptions, such as lack of availability.

The Board discussed the matter with the developers and agent.

Dan Pace, one of the developers of the project, explained that the looping was not a part of the original requirement for the water line to supply the project.

John Shoals, Agent from RRM Design Group, stated that the clients are willing to do whatever is necessary.

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- E-6) CONSIDER PACE BROS. REQUEST TO WAIVE WATERLINE LOOPING REQUIREMENT FOR TRACT 2658 – GROVE STREET WEST OF SOUTH OAKGLEN STREET (continued)

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to approve the waiver conditioned upon the following: the recordation of an utility easement from the west end of Grove Street to the Northern perimeter of Lot 9; the installation of a valve cluster at the west end of Grove Street; the installation of an 8” water main from the west end of Grove Street to the Northern perimeter of lot 9; and the recordation of a notice for each of the nine lots that water to each lot would be delivered by a dead end line. Vote 4-1 with Director Wirsing voting no.

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

04:18:20

- E-3) DISCUSS PROCESS FOR ACTIVATING PARKS AUTHORITY; PREVIEW CONCEPT FOR DEVELOPMENT OF JIM MILLER PARK AT TEFFT AND CARRILLO, AND AUTHORIZE NEGOTIATION OF MOU WITH COUNTY OF SAN LUIS OBISPO REGARDING PARKS AUTHORITY AND JIM MILLER PARK

President Vierheilig described the preliminary plans for a neighborhood park in the vacant area on W. Tefft Street and adjacent to Carrillo Street. SLO County is proposing that designing will be a Cal Poly senior project extending over two quarters. There was some Board discussion. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to authorize staff to interact with the project stakeholders, and authorize staff to interact with SLO County and SLO LAFCO regarding activation of parks authority and development of a neighborhood park. Vote 5-0

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

04:41:25

- E-4) AUTHORIZE REQUEST FOR PROPOSAL FOR CONSULTANT TO CONDUCT PARKS SURVEY AND REFER DEVELOPMENT OF SURVEY TO PARKS COMMITTEE

Bruce Buel, General Manager, explained the recommendation to restructure the parks survey and then authorize staff to process an RFP for a random sample phone survey. The Board discussed questions such as: why the survey is necessary, what the boundaries would be, who would be writing the survey, etc.

Upon motion of Director Eby and seconded by Director Wirsing, the Board authorized the Parks Committee to develop a survey and report back to the Board. There was no public comment. Vote 5-0.

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

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04:54:54

E-5) CREATE AD HOC COMMITTEE TO DISCUSS BLACKLAKE WATER SYSTEM ISSUES WITH BLACKLAKE COMMUNITY

Bruce Buel, General Manager, explained the need to create an ad hoc committee of the Board to interact with the Blacklake Community regarding the Water Booster Station and the status of the Blacklake Water Fund. Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to form an ad hoc committee to discuss the Blacklake water system issues with the Blacklake community. There was no public comment. Vote 5-0

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

04:56:38

F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the Manager's Report. There was no public comment.

04:58:38

G. COMMITTEE REPORTS

The Personnel Committee (Director Wirsing and President Vierheilig) will meet Tuesday, November 14, 2006, with Koff & Associates and the District employees.

04:59:27

H. DIRECTOR'S COMMENTS

Director Wirsing

Some Golden State Water Co. customers are upset with Nipomo because they think that their water rates will be going up to pay for supplemental water.

Director Eby

Sent out press releases about the Flood Forum Thursday, November 16, 2006 at 7:00 p.m.

Director Winn

Thursday, November 16, 2006, SLO Planning Commission will be looking at the West Tefft Corridor Plan.

Friday, November 17, 2006, Economic Summit in Santa Barbara put on by Mid State Bank and UCSB.

Monday, November 20, 2006, Conservation Committee meeting with Ms. Dunbar at noon.

Wednesday, November 29, 2006, WRAC will meet at 1:30 p.m.

Wednesday, December 6, 2006, WRAC may meet.

Mr. Buel announced that the Parks Committee was originally set to meet November 20<sup>th</sup> but may be changed to December 11, 2006.

05:05:00

ADJOURN

President Vierheilig adjourned the meeting at 3:22 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS NOVEMBER 22, 2006.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Waterline Intertie Project Definition
- Recirculation of Waterline Intertie Project Revised Draft EIR

➤ **THE NEXT SPECIAL BOARD MEETING IS NOVEMBER 15, 2006.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Water Allocation Policy Amendments
- Addition of Water Allocation Component to Annexation Policy
- Presentation of Salary Survey