

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 42 - Years of Service 1965 - 2007

MINUTES

MARCH 14, 2007 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

MICHAEL WINN, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
CLIFFORD TROTTER, DIRECTOR
ED EBY, DIRECTOR
JAMES HARRISON, 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 community with reliable, quality and cost-effective services.

Vision Statement: The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

00:00:00

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:02 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all directors were present.

00:01:09

C. PRESENTATIONS AND PUBLIC COMMENT

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

Commander Martin Basti presented information concerning Sheriff's activities on the Nipomo Mesa:

- Sexually Violent Predator Task Force - March will be sweeps month in South County. This is a 3 county joint task force.
 - To be sure of 100% compliance, an actual physical check will be made for each offender (77 registered)
- Meth Task Force Grant – 3 deputies assigned focusing on street enforcement
- More graffiti on Crystal Way – tagging, not gang related
- Increased gang activity from the 18th Street Gang from Los Angeles very dangerous group
- Last weekend, (March 10, 2007) a routine traffic violation stop netted a group of thieves who is attributed to a string of thefts (about 44) from Arizona to the California coast. Recovered a van full of stolen goods while thieves were capering a neighborhood.
- Contacted Supervisor Achadjian's office about the traffic "improvement" on Tefft Street at Mary Street that is impairing response in that area.

The Board thanked him for his presentation.

00:05:02

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE (FORMERLY CDF)

Battalion Chief Bill Fisher presented information concerning the CalFire activities for the month of February. A copy of the report is available in the District office. The Board took a short break at 9:11 a.m. to go outside to see the new Medic Engine Twenty. They pointed out interesting features of the new truck. The Board reconvened at 9:22 a.m. The Board thanked Chief Fisher for his presentation.

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00:09:40

C-3) MIKE NUNLEY OF BOYLE ENGINEERING

Mike Nunley, the Project Manager from Boyle Engineering, gave a progress report on the evaluation of alternate water supply options.

The biological survey should be finished by the end of the month.

Boyle Engineering is performing evaluations:

- Constraints analysis Technical Memorandum will be delivered May 9, 2007.
- Detailed review of Santa Maria groundwater alternatives due by June 11th
- Desalination, Nacimiento, agriculture water exchange, recharge of wastewater Technical Memo will be submitted by September 7th.
- A constraints analysis was performed on the possibility of a Nacimiento waterline. The amount of water that can be delivered is limited – 2100 AFY
- The revised version of the draft memo was given to the Board. (A copy is available for viewing in the District office.)
- Met with Jim Markman, Jon Seitz and Mr. Buel to discuss various legal constraints on the different alternatives.

The Board asked questions. There was no public comment.

00:20:49

C-4) ROB ROSSI OF ROSSI DEVELOPMENT

Rob Rossi of Rossi Development presented information regarding potential development at Black Lake. The project will need approximately 30 acre feet of water per year. The project will replace some high water-using facilities. The water use should be an even exchange. The project is expected to bring tax revenue to the area.

The Board asked questions of Mr. Rossi. There was no public comment.

00:36:09

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Director Trotter

Announced that George Billinger, who was once the liaison between the Black Lake community and NCSD, has been elected President of the Black Lake Association Board. Bill Nelson is now the liaison between the Black Lake community and NCSD.

Director Harrison

He has been asked questions about the "Smart Growth" issue and does not know how to answer. Mr. Buel explained a little about the issue and stated that Director Harrison could tell people to call Mr. Buel.

Director Eby

SCAC annual election March 19, 2007, 11:00 a.m. to 8:00 p.m.

Elections will be Monday, March 19, 2007, from 11:00 a.m. to 8:00 p.m. at the NCSD building. Sections 3 and 7 have no candidates.

Director Vierheilig

- Thursday, March 22, 2007 at the Vets Hall County Parks and Recreation Commission will be hearing the Nipomo Parks Master Plan. The public can give input to Jan Dalido County Parks or send input on the website by March 18th.
- March 16, 17, & 18, 2007 - Santa Barbara International Orchid Show, Earl Warren Showground.
- March 30, 31 & April 1, 2007 – Central Coast Orchid Show, South County Regional Center. Tickets are available for the Friday night preview to benefit the Alzheimer's Association, California Central Coast Division.

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C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (continued)

Director Winn

- March 14, 2007, 3:00 p.m. TDC Blue Ribbon Committee in Room 160 of the SLO Government Center
- March 15, 2007, 9:00 a.m. LAFCo meeting. Holloway Annexation to be considered.
- March 16, 2007, 11:30 A.M. CCGGA meeting at the Edwards Barn
- March 16, 2007, 1:00 to 5:00 p.m. Designs for the proposed Miller Park will be on display in Room 361 of the SLO Government Center.
- March 21, 2007, 9:00 a.m. NCS D Special Meeting considering Wastewater Treatment Facility Master Plan.
- March 26, 2007, 7:30 a.m. – Chamber of Commerce Breakfast at Woodlands. Topic- "Nipomo Incorporation"
- March 27, 2007, 9:00 a.m. SLO County Board of Supervisors will be RMF issues.

00:51:27

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

George Billinger, NCS D Black Lake resident introduced Bill Nelson who will be helping him be the chairman to the Activities Committee and be liaison to NCS D. He wanted to thank the Board for its cooperation. Mr. Billinger will remain the chairman of the Ad Hoc Committee on merger of the Black Lake water system with the Town water system.

00:53:35

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of February 14, 2007, Regular Meeting, the February 28, 2007, Regular Meeting and February 21, 2007, Special Meeting

D-3) ACCEPT HETRICK WATERLINE REPLACEMENT PROJECT AND DIRECT STAFF TO FILE NOTICE OF ACCEPTANCE

D-4) RATIFY AMENDMENT OF WATER & SEWER MASTER PLAN AGREEMENT TO ADD SALARY ANALYSIS TO CLASSIFICATION STUDY

D-5) AUTHORIZE RECRUITMENTS OF UTILITY INTERNS FOR FY07-08

A corrected sheet for the February 14, 2007, Minutes was placed on the dais. The Minutes that were presented had an error on page 5.

Staff pulled Item D-3 for separate consideration.

Directors Vierheilg and Winn mentioned corrections need in the Minutes for February 14th and February 28, 2007. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board unanimously approved the Consent Agenda Items D-1, 2, 4 and 5, as amended in the Minutes. There was no public comment. Vote 5-0.

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

D-3 Bruce Buel, General Manager, explained the Change Order presented to the District. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board unanimously accepted the Hetrick Waterline replacement project and directed staff to file a Notice of Completion. Vote 5-0.

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

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The Board took a break at 10:26 a.m. and reconvened at 10:38 a.m.

01:12:28

E. ADMINISTRATIVE ITEMS

E-1) AWARD PARKS SURVEY TO CAMPBELL-RINKER AND AUTHORIZE EXECUTION OF AGREEMENT

Bruce Buel, General Manager, reviewed the proposal from Campbell-Rinker for processing a parks survey. The Board discussed the proposal and the option of having questions in Spanish for Spanish-speaking interviewees. There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Harrison, the Board unanimously agreed to award the survey assignment to Campbell Rinker, including the Spanish translation option with a total not-to-exceed expenditure limit of \$17,450, and authorized execution of an agreement with Campbell Rinker and transfer of \$17,450 of property tax reserves to cover the projected cost. Vote 5-0.

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

01:26:00

E-2) AWARD DESIGN OF SOUTHLAND SHOP UPGRADE TO KORNREICH ASSOCIATES AND AUTHORIZE EXECUTION OF AGREEMENT

Bruce Buel, General Manager, reviewed the proposal from Kornreich Associates with Garing, Taylor and Associates to prepare the design up to processing of bids for construction of the Southland Shop Upgrade. Board discussion ensued.

Upon motion of Director Vierheilig and seconded by Director Eby, the Board unanimously agreed to award the design to Kornreich Associates to perform the services set forth in the proposal on a time and materials basis with a not-to-exceed expenditure limit of \$33,790 and authorize the President to execute an agreement with Kornreich Associates for the Southland Shop upgrade. There was no public comment. Vote 5-0.

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

01:33:28

E-3) REVIEW IMPLEMENTATION OF SP MAINTENANCE STREET SWEEPING AGREEMENT

Bruce Buel, General Manager, explained that staff held several discussions with SP Maintenance staff and then on February 27, 2007, Faith Watkins followed the sweeper as the sweeper did the quarterly sweeping. The Board discussed the matter.

Upon motion of Director Eby and seconded by Director Harrison, the Board unanimously authorized payment of the two invoices from SP Maintenance. There was no public comment. Vote 5-0.

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

The Board discussed different aspects of the ability of the street sweepers and the street-sweeping machine to properly clean some streets, picking up cans, etc. The Board directed staff to investigate different methods to better clean the streets, including contacting SLO County Public Works.

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01:57:11

E-4) CONSIDER AUTHORIZING NEGOTIATION OF OUTSIDE USER AGREEMENT WITH CRAIG FAMILY FOR 20 ACRE SUBDIVISION AT WILLOW AND VIA CONCHA

Bruce Buel, General Manager, reviewed the possibility to authorize negotiation of Outside User Agreement with Craig Family for 20-acre subdivision at Willow Road and Via Concha.

Carol Florence, representative for the Craig Family Trust, asked the Board to approve the negotiation of the agreement. She answered questions from the Board.

Upon motion of Director Vierheilig and seconded by Director Harrison, the Board agreed to authorize negotiation of Outside User Agreement with the Craig Family. There was no public comment. Vote 4-1 with Director Eby voting no.

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

02:25:08

E-5) SUPPORT CERTIFICATION OF LEVEL OF SEVERITY III DESIGNATION FOR NIPOMO MESA MANAGEMENT AREA BY SLO COUNTY BOARD OF SUPERVISORS

Bruce Buel, General Manager, explained that certification of Level of Severity III for the Nipomo Mesa Management Area is the valid descriptor of actual conditions and that such a designation underscores the importance of developing supplemental supply. The Board discussed the matter. Director Trotter stated that this proposition seems to be in conflict with Item E-4 above. Director Eby stated that the District is sending the SLO Board of Supervisors the wrong message. The directors agreed that the Craig Outside User Agreement would be the last approval of a request for outside District water until a supplemental water supply is flowing.

Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously adopted Resolution 2007-1007, as amended. Vote 5-0.

**RESOLUTION NO. 2007-1007
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT SUPPORTING THE CERTIFICATION OF A LEVEL OF SEVERITY III DESIGNATION FOR THE NIPOMO MESA MANAGEMENT AREA**

F. MANAGER’S REPORT

Bruce Buel, General Manager, reported the following that was not on the published Manager’s Report.

- South County Sanitary will be holding its “Anything Goes” from April 23-27, 2007. Large items will be collected on each customer’s regular pick-up day.
- AB 885 Reg on-site waste discharge proposed regulations
- SLO County will be replacing the culvert on Mallagh and Sea for flood control.

02:48:29

G. COMMITTEE REPORTS

1) RECEIVE 3/7/07 FINANCE, AUDIT & PERSONNEL COMMITTEE MEETING MINUTES

Director Vierheilig reviewed the minutes from the meeting.

02:54:25

H. DIRECTORS’ REQUESTS TO STAFF & SUPPLEMENTAL REPORTS

There were no special requests from the directors.

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02:57:13

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the items for the Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877, MARIA VISTA VS. NCSO CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSO ET AL CASE NO. CV 040150;
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSO (CASE NO. CV060349)
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSO VS. SLO COUNTY (CASE NO. CV 070066)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

02:58:36

K. ADJOURN TO CLOSED SESSION

The Board went into Closed Session at 12:24 p.m.

02:58:54

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced the following:

The Board heard an update on all the items above.

Item 1 – There was no reportable action.

Item 2 - There was no reportable action. The judge ruled in favor of Case No. CV 040877

Item 3 – The Board gave instructions to legal counsel to take steps to settle the matter.

Item 4 - The Board gave instructions to legal counsel and took no reportable action.

ADJOURN

➤ **THE FOLLOWING SPECIAL BOARD MEETING IS MARCH 28, 2007.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Pre-View Draft Ordinance Amending Allocation Program
- Consider Resolution Suspending Processing of Annexation Applications
- Receive Classification Study

➤ **THE NEXT SPECIAL BOARD MEETING IS MARCH 21, 2007.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Southland WWTF Master Plan