

# NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

**AUGUST 22, 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. GENERAL MANAGER**  
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 9:00 a.m. and led the flag salute.

00:00:45

### B. ROLL CALL

At Roll Call, all Board members were present.

00:01:30

### C. PRESENTATIONS AND PUBLIC COMMENT

#### C-1) INTRODUCTION OF NEW DISTRICT ENGINEER PETER SEVCIK

##### *Introduction of New District Engineer*

Bruce Buel, General Manager, introduced Peter Sevcik, the new District Engineer. Mr. Peter Sevcik stated that he is looking forward to working with the District to help the District carry out its mission. The Board thanked him for joining the District staff.

#### C-2) PRE-VIEW OF NIPOMO CLEAN UP EVENT SEPTEMBER 24 to 28

Celeste Whitlow presented information about the September 24 through 28, 2007 Nipomo Clean-Up Event. A copy of the slide presentation is available for viewing in the District office. The Board thanked Mrs. Whitlow for her presentation.

#### C-3) UTILITY SUPERVISOR DAN MIGLIAZZO

##### *Update on Utility Dept. Operations*

Dan Migliazzo gave an update on the Utility Department operations.

A rebate from PG&E is being processed for some work performed on a pump that made the pump more efficient.

Water and sewer atlas has been updated.

Standard and Specifications book is being reviewed to be updated.

Field crew has been replacing service lines and a main line.

Dry barrel hydrants are being replaced with wet well hydrants.

Sporadic power outages occurring - telemetry system notifies the crew.

Sludge survey revealed a minimum accumulation of sludge in the Southland WWTF.

Sludge is being removed from Basin 2.

The new maintenance building project is being coordinated by Faith Watkins and Garth Kornreich.

The crew is cleaning around the hydrants and color coding for flow.

The electrical panels are being standardized.

The field crew will be attending locating classes with Underground Service Alert.

The ramp in Basin 2 at the WWTF will be poured Thursday, August 23, 2007.

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- C-3) UTILITY SUPERVISOR DAN MIGLIAZZO (continued)  
*Update on Utility Dept. Operations*

The Board asked questions.

Mr. Migliazzo stated that the Sundale Well is down again and being repaired.  
 Blacklake Pond #3 - Raminha will be grading this week.  
 Raminha will transport the sludge to Southland to be dried out.  
 The telemetry systems' computer has a UPS for backup in case of a power outage.  
 The server is independent with safeguards.  
 The rebate for the Blacklake #4 upgrade will be credited to Blacklake.  
 He stated that tours of the facilities could be arranged.

- C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
*Receive Announcements from Directors Items of District & Community Interest*

Director Eby

SCAC meeting Monday, August 27, 2007 at 6:30 p.m. The SLO County document  
 ""Framework for Planning"" and ""Affordable Housing"" will be some of the items  
 discussed.  
 Roosevelt Apts. developer is changing the design, increasing the number of bedrooms  
 from 120 to 184. Perhaps NCSD could look at designation of dwelling units and possibly  
 consider number of bedrooms.

Director Vierheilig

Next month, the Oceano Advisory Council will be discussing the ""Framework for  
 Planning."" Jim Lopes from County Planning will be attending the meeting. At the OAC,  
 mobile home park conversions will also be discussed.  
 September 1, 2007 - Native Garden Work Day (9 a.m. to 12)

Director Winn

Chamber luncheon, Wednesday, August 29, 2007, Blacklake 12:00 noon  
 Planning Commission - August 30, 2007 - Continued discussion on affordable housing  
 and ""Framework for Planning.""  
 Water Resource Advisory Committee meeting - September 5, 2007 at the SLO Library

- C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA  
There was no public comment.

00:31:10

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES  
Approve Minutes of August 8, 2007 Meeting
- D-3) ACCEPT RICHEY SEWER IMPROVEMENTS AT 290 EAST CHESTNUT  
RESOLUTION NO. 2007-1038  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE SEWER IMPROVEMENTS  
FOR APN 090-371-013 AT 290 E. CHESTNUT (RICHEY)
- D-4) APPROVE EQUITY ADJUSTMENT TO FIELD FOREMAN SALARY SCALE [
- D-5) AMEND AGREEMENT WITH ASSISTANT TO GENERAL MANAGER TO EXTEND  
FY07-08 PERMISSIBLE HOURS
- D-6) AUTHORIZE SUBMITTAL OF CSDA BALLOT FOR SANDY YOUNG FOR SEAT B ON  
CSDA'S BOARD OF DIRECTORS FOR 2008 TO 2010

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D. CONSENT AGENDA (continued)

D-7) NOT USED

D-8) AUTHORIZE RETENTION OF DISTRICT ENGINEER AT STEP 2 OF SALARY RANGE

D-9) AUTHORIZE SUBMITTAL OF SDRMA BALLOT FOR JOHN WOOLLEY, BILL MILLER AND JEAN BRACY ON SDRMA'S BOARD OF DIRECTORS FOR 2008-2012

RESOLUTION NO. 2007-1037  
A RESOLUTION OF THE GOVERNING BODY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT  
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

D-10) AUTHORIZE SLO COUNTY TO CONSTRUCT NCSD WATER LINE CHANGES RELATED TO RE-CONSTRUCTION OF MALLAGH STREET DRAINAGE STRUCTURES

Bruce Buel, General Manager, offered Items D-1 through D-9 for Board consideration and asked that the Board pull Item D-10 for separate consideration. President Winn asked that staff comment on Item D-9.

Upon motion by Director Trotter and seconded by Director Vierheilg, the Board unanimously approved Item D1 through D9. There was no public comment. Vote 5-0.

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

The Board took a short break at 9:41 a.m. and returned at 9:52 a.m.

Mr. Buel explained Item D-10. He handed the Board information from Souza Construction (awarded the bid by the County). The bid for work on the culverts will be on an informal basis. This will be a categorically exempt project with CEQA. There will be three separate projects to relocate existing water mains. Upon motion by Director Vierheilg and seconded by Director Eby, the Board agreed to authorize the General Manager to prepare work orders with Souza Construction for the three separate projects; instruct the General Manager to file a Notice of Exemption for each of the three projects. There was no public comment. Vote 5-0.

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

00:49:19

E. ADMINISTRATIVE ITEMS

E-1) CONSIDER NESTER INTENT-TO-SERVE APPLICATION FOR CHESTNUT VILLAS MIXED USE PROJECT AND TRANSFER ALLOCATION FROM SINGLE FAMILY FUND TO MULTI-FAMILY FUND

Bruce Buel, General Manager, explained the request from Greg Nester for a mixed-use project at 166 & 186 N. Thompson Avenue. He stated there was an error in the Board letter in paragraph 3 under Background. The total water demand, estimated to be 10.2AFY, was spelled out "thirty-five" and should have said "ten and two tenths" AFY. The Board discussed the project.

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- E-1) CONSIDER NESTER INTENT-TO-SERVE APPLICATION FOR CHESTNUT VILLAS MIXED USE PROJECT AND TRANSFER ALLOCATION FROM SINGLE FAMILY FUND TO MULTI-FAMILY FUND

Greg Nester, developer, answered questions from the Board. There will be 10 condos, 3 commercial units and 1 landscaping service. There was no public comment. Upon motion by Director Harrison and seconded by Director Trotter, the Board agreed to follow the recommendation of staff to transfer 1.8 AF of water from the Single-Family Category 1 into the Multi-Family Category 2, direct staff to allocate 1.8 AFY of water to the project in accordance the District's water allocation policy and re-issue the Intent-to-Serve (ITS) letter for the project with the conditions as noted in the Board letter and as amended. Vote 5-0.

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

01:03:05

- E-2) CONSIDER NESTER INTENT-TO-SERVE APPLICATION FOR TEFFT AND THOMPSON MIXED USE PROJECT AND TRANSFER ALLOCATION FROM SINGLE FAMILY FUND TO MULTI-FAMILY FUND

Bruce Buel, General Manager, explained the request from Greg Nester for water and sewer service to a mixed-use project on Tefft at Thompson. He stated there was the same error as in Item E-1 in the Board letter in paragraph 3 under Background. The total water demand, estimated to be 10.2 AFY, was spelled out ""thirty-five"" and should have said ""ten and two tenths"" AFY.

Greg Nester described the project to the Board and answered questions from the Board. There was no public comment. Upon motion by Director Vierheilg and seconded by Director Trotter, the Board unanimously agreed to transfer 1.08 AF of water from the Single-Family Category 1 into the Multi-Family Category 2 in AY06-07, direct staff to allocate 1.08 AFY of water to the project in accordance the District's water allocation policy and issue an Intent-to-Serve (ITS) letter for the project with the conditions as noted in the Board letter and as amended. Vote 5-0.

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

01:19:52

- E-3) CONSIDER FLATLEY INTENT-TO-SERVE APPLICATION FOR 691 WEST TEFFT MIXED USE PROJECT AND TRANSFER ALLOCATION FROM SINGLE FAMILY FUND TO MULTI-FAMILY FUND

Bruce Buel, General Manager, explained the request from West Tefft, LLC. (Terry Flatley) for water and sewer service for a mixed-use project at 691 West Tefft Street. He stated there was the same error as in Item E-1 in the Board letter in paragraph 3 under Background. The total water demand, estimated to be 10.2 AFY, was spelled out ""thirty-five"" and should have said ""ten and two tenths"" AFY.

Pat Flatley, representative for developer Terry Flatley, described the project and answered questions from the Board. Mr. Flatley stated that he understands that he will pay the capacity fees that are in effect at the time of service. There was no public comment.

Upon motion by Director Harrison and seconded by Director Vierheilg, the Board agreed to follow the recommendation of staff to transfer 2.0 AF of water from the Single-Family Category 1 into the Multi-Family Category 2 in AY06-07 and 2.0 AF of water from Single-Family to Multi-Family in A Y 07-08, direct staff to allocate 2.0 AFY of water to the project

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in each allocation year in accordance the District's water allocation policy and re-issue the Intent-to-Serve (ITS) letter for the project with the conditions as noted in the Board letter and as amended. Vote 5-0.

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

Director Trotter left the meeting at 10:48 p.m.

01:33:40 E-4) CONSIDER ADOPTION OF RESOLUTION AMENDING INTENT-TO-SERVE APPLICATION FEES

Bruce Buel, General Manager, described the findings for amending fees for processing of Intent-to-Serve letters. There was no public comment. Upon motion by Director Eby and seconded by Director Vierheilig, the Board agreed to staff's recommendation to adopt Resolution 2007-1039 and direct staff to implement. Vote 4-0.

**RESOLUTION NO. 2007-1039  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ESTABLISHING FEES, BY CATEGORY, FOR PROCESSING  
APPLICATIONS FOR DISTRICT SERVICES**

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

01:39:57 E-5) REVISE SALARY RANGE FOR UTILITY SUPERINTENDENT AND AUTHORIZE RECRUITMENT

Bruce Buel, General Manager, reviewed the reasons for recommending increasing the salary range for recruiting the Utility Superintendent from #47 to #53. The Board discussed the matter. There was no public comment. Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously approved the increase of the salary range for the Utility Superintendent from 47 to 53 and authorize recruitment. Vote 4-0.

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

01:43:29 E-6) SET DATE AND FORMAT FOR 2007 STRATEGIC PLAN WORKSHOP

Bruce Buel, General Manager, reviewed the prospect of holding the strategic plan workshop for one and one half days. He stated that the directors could assemble topics for discussion before the workshop. The Board discussed that last year's one-day workshop was not long enough. There was no public comment. Upon motion by Director Vierheilig and seconded by Director Harrison, the Board unanimously agreed to hold the strategic workshop for 1.5 days on November 30 and December 1, 2007 Vote 4-0.

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

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01:55:42

E-7) REVIEW AND RESPOND TO ACTIONS OF 8/09/07 COUNTY PLANNING COMMISSION REGARDING AFFORDABLE HOUSING ORDINANCES AND FRAMEWORK FOR PLANNING

Bruce Buel, General Manager, reviewed the proposed response to actions of August 9, 2007 SLO County Planning Commission regarding Affordable Housing Ordinances and Framework for Planning Amendments.

Jon Seitz, District Legal Counsel, explained the draft letter. The Board offered suggestions for revision to the letter. There was no public comment.

Upon motion by Director Vierheilg and seconded by Director Harrison, the Board unanimously approved the amended letter and directed staff to submit the letter to the SLO County Planning Commission prior to the meeting and at the Planning Commission meeting. Vote 4-0.

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

02:46:26

F. MANAGER'S REPORT

Bruce Buel, General Manager, stated that there were no additions to the written material in the Board letter. The Board asked questions. There was no public comment.

02:52:25

G. COMMITTEE REPORTS

1. 8/9/07 Supplemental Water Committee Meeting
2. 8/13/07 Finance Audit and Personnel Committee Meeting

The Board accepted the minutes to the committee meetings, as written. There was no public comment.

02:52:53

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilg

Asked Mr. Buel for a summary of the weekly cabinet meetings.

Director Winn

Stated that the announcement for Clean-Up Week needs to note that computers, monitors, etc. can be taken to the Hazardous Waste Center at Southland on Saturdays and at no charge. He asked if staff would check on the contract for solid waste. He spoke with Tom Martin of South County Sanitary who said there was no state law requiring recycling. South County will educate the apartment dwellers that the cost for trash collection could be less if there is more recycling because it reduces the amount of undifferentiated trash.

Director Harrison

Asked what guidelines determine a waiver for trash collection.

Mr. Buel stated that the ordinance gives the general manager discretion. He will be coming back with guidelines for Board approval. South County Sanitary has vacant house rates and vacation rates.

03:00:09

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be considered in 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.

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I. CLOSED SESSION ANNOUNCEMENTS (continued)

- 2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD CASE NO. CV 040877, MARIA VISTA VS. NCSD CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL CASE NO. CV 040150;
- 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES V. NCSD ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION
- 4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSD VS. SLO COUNTY (CASE NO. CV 070066)
- 5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – REVIEW GENERAL MANAGER’S PERFORMANCE PURSUANT TO GOVERNMENT CODE SECTION 54957.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS  
There was no public present to comment.

03:01:07

K. ADJOURN TO CLOSED SESSION  
The Board adjourned to Closed Session at 12:14 p.m.

L. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:21 p.m.  
There was no audience present.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above. There was no reportable action.

ADJOURN  
President Winn adjourned the meeting at 1:23 p.m.

- **THE NEXT REGULAR BOARD MEETING IS SEPTEMBER 12, 2007.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Water Conservation Program
  - Office Landscape and Irrigation
  - Retention of Lobby Firm to Seek Federal Water Funding

- **THE NEXT SPECIAL BOARD MEETING IS AUGUST 29, 2007.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Review Water Projects Proposed in Draft Master Plan