

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 44 - Years of Service 1965 - 2009*

## MINUTES

**AUGUST 26, 2009 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
ED EBY, **DIRECTOR**  
BILL NELSON, **DIRECTOR**

### PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**  
LISA BOGNUDA, **ASST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00

#### A. CALL TO ORDER AND FLAG SALUTE

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

#### B. ROLL CALL

At Roll Call, all directors were present.

00:01:15

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project and Southland WWTF Upgrade Project

Mike Nunley, AECOM Engineering Project Manager, reviewed the Waterline Intertie Project as presented in the Board packet. Mr. Nunley answered questions from the Board.

Then Mr. Nunley reviewed the Southland Wastewater Treatment Facility Upgrade Project and answered questions from the Board. The Board thanked Mr. Nunley for the presentation.

##### C-2) NCSD UTILITY SUPERINTENDENT

Update re: July 2009 Utility Activities

Tina Grietens, Utility Superintendent, reviewed the report as presented in the Board packet. She answered questions from the Board. She was asked to find the cost of testing for pharmaceuticals in the wastewater facility. The Board thanked Ms. Grietens for the presentation.

##### C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

###### Director Eby

- o August 20, 2009 LAFCo meeting – unanimous approval of park powers to NCSD.
- o Paul Hood will be staying on until October until recruitment issue is resolved.
- o The Municipal Service Review for Sphere of Influence update should be released in September. or October and the hearing will be in October or November.
- o Sept. 27, 2009 - Concert to benefit the Dana Adobe. Tickets are \$20.00. Reception at 3:00 p.m. and concert at 4:00 p.m.

##### C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT)

Receive Announcements from Directors Items of District & Community Interest

###### Director Winn

- o August 25, 2009, the Board of Supervisors unanimously passed the Housing Element.
- o August 26, 2009, 1:30 p.m. – Special meeting of the Water Resources Advisory Council to approve subcommittee's work on the EIR for the San Miguel Ranch GPA

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- project. Will they hold the line in that they must certify 20 years of sustainable water?
- o August 27, 2009, the Planning Commission will consider Conservation Open Space. A study session will be held at 5:00 p.m. to study the proposed San Miguel project.
- o Wine Industry in North County is taking leadership steps in coordinating water usage reporting for the vineyards. They plan to report ag-pumping records by region in a confidential manner.
- o Wine Month Tour – Friday Aug. 28<sup>th</sup>.
- o September 2, 2009, 1:30 p.m. at SLO County Library – WRAC regular meeting.
- o September 14, 2009, Nipomo Mesa Management Area Technical Group will meet at Nipomo High School in the Forum to present the 2008 annual report.

Director Harrison

August 29, 2009 - The Chamber of Commerce and Nipomo Recreation are teaming up at Woodlands -10K run, free tennis lessons, golf tournament, food and fun. Parks and Recreation will meet August 27<sup>th</sup> to discuss trails and easements for dedication. A replacement for Pete Jenny has been hired. Directors Vierheilg and Harrison met with a representative of EcoStar – a bio-solids manager. September 2, 2009 – meeting with Mr. Chuck Stevenson and Olde Towne Association. PGE representative predicts 20-26 inches of rain this year.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:34:59

D. CONSENT AGENDA

Items D-3 and D-5 were pulled for separate consideration.

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 8/12/09 Regular Meeting

D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH WILLDAN FOR EMERGENCY RESPONSE TRAINING

There was no public comment on the Consent Agenda. After a few questions from the Board, Director Winn made the motion to approve Items D1, D2, and D4 of the Consent Agenda. Director Eby seconded the motion. Vote 5-0.

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

D-3) AUTHORIZE EXECUTION OF RIGHT-OF-ENTRY AGREEMENT TO FACILITATE TESTING AT PASQUINI PROPERTY ON ORCHARD ROAD

Peter Sevcik, District Engineer, explained that the District has acquired a signature from Mr. Pasquini on a Right-of-Entry Agreement to facilitate testing at the Pasquini property on the west side of Orchard Road.

The following member of the public spoke:

Collette Hilller attorney for Andre, Morris and Buttery and representative for Charles Pasquini read a letter into the record from Mr. Pasquini. The letter stated that even though he has agreed to allow the District to test on the Pasquini property, the Pasquini family has no interest in selling their property, which is high-quality farmland. The letter cautioned that effluent percolation on that property would eliminate the ability to farm. The general manager said that subsurface infusion of the effluent at that site would not preclude concurrent farming.

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D. CONSENT AGENDA (CONTINUED)

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to authorize the General Manager to execute the agreement that will allow Fugro West to perform hydro-geologic work as research to develop an alternate disposal solution for the Southland Wastewater Treatment Facility. Vote 5-0.

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

D-5) APPROVE PURCHASE OF NEW PICK-UP

The Board discussed the purchase of a Ford Ranger pick-up, as budgeted in the FY 2009-2010 budget. There was no public comment. Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to purchase the truck from Mullahey Ford with the finding that the \$61.00 difference in cost from the lowest bidder to Mullahey Ford is outweighed by better maintenance service from Mullahey. A line-item transfer from the EOC fund is also approved. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:59:24

E-1) PUBLIC HEARING – ENVIRONMENTAL DETERMINATION RE DEVELOPMENT OF MILLER PARK

Bruce Buel, General Manager, explained that staff posted and published notice of this Public Hearing. One comment letter was received from SLO Public Works and an email from SLO County Planning.

Douglas Wood, principal of Douglas Wood and Associates, reviewed the report he provided to the Board and the public present at today's meeting.

The following members of the public spoke:

Kathy Kubiak, President of Olde Towne Nipomo Association, asked the Board if the proposed bike path could be blue-lined rather than built because it is only the length of the park and would not be useful at this time.

Jim Tefft, Nipomo resident, thanked the Board for its efforts and progress on this item. He asked that the lighting for the war memorial be included in the Initial Study.

The Board discussed the comments on the Initial Study. The Board discussed concrete versus aggregate walkways, traffic volume figures, possible waiver of impact fees, and trail from the high school to the Dana Adobe.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved Resolution 2009-1157, adopting a mitigated negative declaration for the development of a park on Tefft St. Vote 5-0.

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

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2009-1157  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO  
FILE A NOTICE OF DETERMINATION THE ACTIVATION OF PARK POWERS GOVERNMENT CODE  
SECTION 61100(e) AND THE DEVELOPMENT OF A PARK LOCATED IN NIPOMO AT THE NORTHEAST  
CORNER OF WEST TEFFT STREET AND CARRILLO

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01:38:01

E-2) REVIEW AND EDIT DRAFT VOLUNTARY EMERGENCY WATER SHORTAGE REGULATIONS AND SET HEARING FOR INTRODUCTION

Bruce Buel, General Manager, presented the "Voluntary Conservation Measures" for Board comment.

The Board discussed some possible changes to proposed amendments to District Code Chapter 3.24.

There was no public comment.

The proposed changes will be brought back at the next meeting for further discussion and possible adoption.

*The Board took a break at 10:53 a.m. and returned at 11:01 a.m.*

*The Board considered Item E-6 next.*

01:53:34

E-6) CONSIDER VARIANCE APPLICATION FROM GRAY FAMILY TRUST REGARDING WAIVER FROM WATER AND SEWER STANDARDS AT BLUME AND GRANDE

Peter Sevcik, District Engineer, described the request from the developer of Tract 2441. Mr. Sevcik answered questions from the Board.

The following members of the public spoke:

Terry Orton, representative from Westland Engineering on behalf of Tract 2441 developer, reviewed each variance request in the letter to the District, added some changes to the requests, and withdrew the request for a 6" instead of the standard 8" line.

Dave Gray, Mid State Properties (Tract 2441 developer), stated that he is trying to make the project more cost-effective.

Mr. Sevcik responded to each of the requests as well as possible without seeing the changes on a set of plans.

The Board discussed the request and asked staff to work with Westland Engineering to work out the details and come back with a recommendation.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to continue this item until the October 14<sup>th</sup> meeting. Vote 5-0.

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

*The Board considered Closed Session next.*

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC SECTION 54956.9; NCSO VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. INITIATION OF LITIGATION PURSUANT TO GC SECTION 54956.9C (I CASE)
4. ANNUAL PERFORMANCE REVIEW OF GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54597

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:37 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above. The Board took no reportable action on Items 1 & 2. The Board agreed it will not initiate litigation for Item 3. The Board continued Item 4 until the next Board meeting.

Director Winn left the meeting at 12:37 p.m.

02:33:52

E-3) DISCUSS SANITARY SEWER OVERFLOW PROGRAM ELEMENTS

Peter Sevcik, District Engineer, explained that California State Water Resources Control Board adopted discharge requirements that include development of a Sewer System Management Plan (SSMP). The District has been complying with some of the requirements. A Vactor truck has been ordered for cleaning sewer lines. A Fats, Oils and Grease (FOG) Control Program is in the process of being implemented.

Mr. Sevcik answered questions from the Board. It was agreed that a list of acronyms is needed. Director Vierheilig reviewed some suggestions for changes. Mr. Sevcik will incorporate the changes and present the SSMP at the September 30, 2009 meeting for approval.

03:14:54

E-4) DISCUSS EFFORTS TO SECURE FEDERAL AND STATE FUNDING FOR DISTRICT CAPITAL PROJECTS

Bruce Buel, General Manager, explained that a letter was received and he provided a copy to the Board and the public from Greg Burns of Van Scoyoc Associates reviewing the lobbying activity for federal funding. Board discussion ensued.

There was no public comment.

The Board took no action on this item.

03:23:54

E-5) RATIFY EXECUTION OF REVISED LEASE AGREEMENT FOR PURCHASE OF BACKHOE

Bruce Buel, General Manager, reviewed differences in the revised lease agreement with Coastline Equipment for a John Deere Backhoe. After some Board discussion, Director Nelson moved to ratify execution of the revised lease agreement. Director Eby seconded the motion. There was no public comment. Vote 2 to 2, with Directors Vierheilig and Harrison dissenting.

YES VOTES	NO VOTES	ABSENT
Directors Nelson and Eby	Directors Vierheilig and Harrison	Director Winn

Director Harrison made a motion to pay for the backhoe in full and transfer funds from property tax. Director Vierheilig seconded the motion. There was no public comment. Vote 3-1, with Director Nelson voting no.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Vierheilig and Eby	Director Nelson	Director Winn

03:36:55

## F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the report. He provided a copy of a notice from Barbara Godwin, Property Tax Manager from the SLO County Auditor-Controller Office. The subject of the notice was 2009-2010 Estimated Revenues and Assessed Values.

The date for the NMMA meeting should be Monday, September 14<sup>th</sup> not Thursday, and at 6:30 not 7 p.m.

The Fall Clean-Up will be held September 21-25, 2009.

Mr. Buel answered questions from the Board. There was no public comment.

03:45:00

## G. COMMITTEE REPORT

The Committee Report is as submitted.

03:46:00

## H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

Asked staff to put on agenda suggestions to LAFCo for Sphere of Influence MSR issue.

Director Nelson

Asked if Mr. Buel planned to have him attend the Olde Towne meeting. Mr. Buel answered yes.

Director Harrison

Asked to get information from the Orange Cove General Manager why an EcoStar system is being evaluated to replace the existing Biolac<sup>®</sup> system which is relatively new.

## ADJOURN

President Harrison adjourned the meeting at 2:08 p.m.

➤ **THE FOLLOWING REGULAR BOARD MEETING IS SEPT 9, 2009. TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Emergency Water Shortage Regulations
- Water Rate Adjustment and Structure Study
- Allocation Program Edits
- Intent-To-Serve Letter Ordinance Edits
- Protest Guidelines