

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 45 Years of Service 1965 - 2010*

## MINUTES

**AUGUST 11, 2010 AT 9:00 A.M.**

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

DON SPAGNOLO, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**  
MERRIE WALLRAVIN, **SECRETARY/CLERK**  
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 Regular Meeting of August 11, 2010, to order at 9:00 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Board members were present.

00:02:01

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) PHONE CONFERENCE WITH GREG BURNS

Update re: Lobbying for Federal funds

Greg Burns, Van Scoyoc Associates, reported via telephone conference that NCSD Waterline Project will not be included in the House or Senate Bills for federal funding.

##### C-2) SHERIFF COMMANDER KEN CONWAY

Update re: South County Law Enforcement Activities

Commander Conway was unable to attend this meeting and will give his report at a meeting next month.

##### C-3) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Captain Michael DeLeo gave an update in place of Battalion Chief Bill Fisher and reviewed the activity report for July 2010.

Some of the information in the report includes:

In July 2010, Nipomo Station #20 had a total of 115 calls: 10 fire calls, 13 vehicle accidents, 74 medical aids and 18 other calls.

Mesa Station #22 had a total of 44 calls: 1 fire call, 4 vehicle accidents, 25 medical aids and 14 other calls.

He reported that Nipomo-Paid Call Firefighters trained on Rapid Intervention Crews and Size-up.

He reported they are working on LE-100 (wild land inspections) and business inspections.

BBQ Fundraiser to benefit Firefighter Garon Coalwell's wife Sunday, September 5, 2010, 9:00 a.m. at Pozo Saloon. Mrs. Coalwell is a young mother with cancer.

The Board thanked Captain DeLeo for the report.

##### C-4) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Mike Nunley, AECOM Engineering Project Manager, reviewed the report in the Board packet and answered questions from the Board.

The Board requested Mr. Nunley to submit a project budget via email.

There was no public comment. The Board thanked Mr. Nunley for the report.

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## C-5) NCS D DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Peter Sevcik and Dale Ramey, County Public Works Division, answered questions from the Board. The Board thanked Mr. Sevcik for the report. There was no public comment.

## C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT &amp; COMMUNITY INTEREST

Receive Announcements from Directors Items of District &amp; Community Interest

Director Winn

- ◇ There will be no Water Resources Advisory Committee (WRAC) meeting this month.
- ◇ July 29, 2010 – At the SLO Board of Supervisors meeting the Planning Department presented their priorities.
- ◇ August 10, 2010 – The SLO Board of Supervisors gave staff direction on a draft temporary event ordinance.
- ◇ August 17, 2010 – Election Day.
- ◇ August 20, 2010, 10:00 am. – study session to discuss the uses of the Solid Waste Franchise Fee.

Director Eby

- ◇ Nipomo Mesa Management Area Technical Group will meet September 9, 2010, from 10:00 a.m. - 12:00 p.m. at NCS D.
- ◇ There will be no LAFCO meeting this month.
- ◇ August 24, 2010 – The Board of Supervisors will be considering the appeal of the medical marijuana dispensary in Nipomo.

Director Nelson

- ◇ August 11, 2010 – Nipomo Chamber of Commerce Mixer from 5:00 p.m. – 7:00 p.m. at 1184 E. Grand Ave., Arroyo Grande.
- ◇ August 12, 2010 – California Sushi & Teriyaki will hold a ribbon cutting at 2:30 p.m.
- ◇ August 14, 2010 – Kick-off Fundraiser for Relay for Life from 11:00 a.m. – 2:00 p.m.

Director Harrison

- ◇ August 21, 2010 – Hospice Fundraiser at Hearst Castle.
- ◇ October 23, 2010 – South County Women Shelter Fundraiser.
- ◇ October 29, 2010 – Nipomo Community Park October Fest.
- ◇ August 11, 2010 - last day to submit application to run for the NCS D Board of Directors.

## C-7) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

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00:53:41

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES  
Approve minutes of July 28, 2010
- D-3) APPROVE AGREEMENT WITH SAN LUIS OBISPO COUNTY TO CONSTRUCT WATERLINE AS PART OF THE WILLOW ROAD PHASE 2 PROJECT
- D-4) APPROVE AECOM CONTRACT ASSIGNMENT
- D-5) AECOM TASK ORDER FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT
- D-6) DOUGLAS WOOD & ASSOCIATES TASK ORDER FOR THE FRONTAGE ROAD TRUNK SEWER PROJECT
- D-7) FUGRO WEST TASK ORDER TO PERFORM SUPPLEMENTAL GROUNDWATER MODELING OF THE PASQUINI PROPERTY

Director Vierheilg requested that Item D-7 be pulled for separate consideration. Director Harrison requested that Item D-4 and D-5 be pulled for separate consideration. Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1, D-2, D-3, and D-6. There was no public comment. Vote 5-0.

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

RESOLUTION NO. 2010-1196

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING A REIMBURSEMENT AGREEMENT WITH SAN LUIS OBISPO COUNTY FOR CONSTRUCTION OF WILLOW ROAD PHASE 2 WATERLINE EXTENSION APPROVED ON AUGUST 11, 2010.**

Item D-4

Mike Nunley, AECOM, confirmed that AECOM USA, Inc., has changed its name to AECOM Technical Services, Inc. Jon Seitz, District Legal Counsel, confirmed the assignment of existing contracts. Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved Item D-4. There was no public comment. Vote 5-0.

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

Item D-5

Don Spagnolo, General Manager, introduced item. Peter Sevcik, District Engineer reported on Task 1 and Task 2 of The Frontage Road Trunk Sewer Replacement Project Construction Documents. Mr Sevcik, answered questions from the Board. Upon the motion of Director Eby and seconded by Director Winn, the Board of Directors approved Item D-5. There was no public comment. Vote 4-1.

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

D. CONSENT AGENDA (CONTINUED)

Item D-7

Don Spagnolo, General Manager, introduced item. Paul Sorenson, Principal Hydro

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Geologist for Fugro West Inc., reported on the Assessment of the Pasquini Property. Peter Sevcik, District Engineer and Mr. Sorenson answered questions from the Board.

The following member of the public spoke:

Collette A Hillier of Andre, Morris, & Buttery, Legal Counsel for Charles A Pasquini, Jr., (Pasquini Trust), read aloud a letter opposing the use of the Pasquini Property to pond water waste and submitted a hand-delivered letter to District Legal Counsel, Jon Seitz.

The Board made comments and suggestions on the proposed study site. Upon the motion by Director Eby and seconded by Director Vierheilg the Board approved funding for the proposed study.

Vote 3-2.

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

*The Board took a break at 10:50 a.m. and returned at 11:04 a.m.*

1:51:36

E. ADMINISTRATIVE ITEMS

**ITEM E-1 IS EXPECTED TO START AFTER 1:30 P.M.**

1:51:40

E-2) CONSIDER AGREEMENT WITH SAN LUIS OBISPO COUNTY TO FORM ASSESSMENT DISTRICT TO FINANCE CONSTRUCTION OF THE WATERLINE INTERTIE PROJECT

Jon Seitz, District Legal Counsel, explained the proposed agreement between the District and the County of San Luis Obispo to form an assessment district. Jon Seitz, District Legal Counsel, answered questions from the Board.

The following member of the public spoke:

Vince McCarthy, NCSD customer, had concerns on the number of parcels in NCSD.

Mr. Seitz reviewed the agreement and answered questions from the Board.

Upon the motion by Director Eby and seconded by Director Vierheilg, the Board unanimously agreed to approve the agreement. There was no public comment.

Vote 5-0.

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

*The Board considered Closed Session next.*

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no reportable action.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:05 p.m.

L. OPEN SESSION

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

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The Board came back into Open Session at 1:08 p.m.  
Jon Seitz, District Legal Counsel, announced that the Board heard an update on the item listed above, but took no reportable action.

2:48:06

E-3) CONSIDER EMERGENCY WATER REGULATION DETERMINATION

Don Spagnolo, General Manager, introduced item. Jon Seitz, District Legal Counsel, answered questions from the Board. There was no public comment. The Board accepted presentation and directed Staff to send the item to the Water Conservation Committee.

3:06:44

E-1) CONSIDER DRAFT WATER FUND FINANCIAL ANALYSIS/RATE STUDY

Clayton Tuckfield, of Tuckfield Associates, presented the financial analysis and rate study. The Board discussed this item. Lisa Bognuda, NCSD Finance Director, and Mr. Tuckfield answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, The Board unanimously approved the study, using Option 2.  
Vote 5-0.

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

3:58:41

E-4) CONSIDER APPOINTING ALTERNATE TO WATER RESOURCES ADVISORY COMMITTEE

Don Spagnolo, General Manager, recommended the General Manager be the Alternate to Water Resources Advisory Committee (WRAC). Jon Seitz, District Legal Counsel answered questions from the Board.

Upon the motion of Director Harrison and seconded by Director Eby, the Board unanimously appointed the General Manger as Alternate for Water Resources Advisory Committee. There was no public comment.  
Vote 5-0.

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

4:11:06

F. GENERAL MANAGER'S REPORT

Don Spagnolo, General Manager, reviewed the Manager's Report presented in the Board packet. Mr. Spagnolo answered questions from the Board. There was no public comment.

G. COMMITTEE REPORT

- August 2, 2010 WIP Outreach Committee
- August 9, 2010 Southland Upgrade Committee
- August 9, 2010 Water conservation Committee

The report was as presented. There was no public comment.

4:23:42

DIRECTORS REQUESTS TO STAFF AND SUPPLEMENT REPORTS

Director Eby

- ◊ Would like to agendize the consideration of lobbying in general, to include possibly terminating the contract with Van Scoyoc Associates.

Director Winn

- ◊ Would like a proportional breakdown of solid waste fees among the three benefits groups (those sewerer at the WWTP on South Frontage, those in Blacklake Village, and

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those unsewered).

- ◇ Would like to develop a fats, oil, and grease education strategy for homeowners.
- ◇ Would like the NMMA TG to have a consistent process to deal with data voids.
- ◇ Would like the District to work with the county to add a new coastal monitor wells.
- ◇ Would like to negotiate the District street sweeping again.
- ◇ Would like to consider adopting a policy for placing Solar Systems on District Buildings.
- ◇ Would like a committee (Personal? Budget?) to develop proposals for a 2-tier personnel system, limiting District expenditures for new hires.
- ◇ Would like The Park Committee to meet within the next 2 to 3 weeks for the Miller Park.

Director Nelson

- ◇ Would like to compliment Staff on the Blacklake Well report.

ADJOURN

President Harrison adjourned the meeting at 2:55 p.m.