

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MEETING MINUTES

SEPTEMBER 28, 2011, 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  
DAN A. GADDIS, DIRECTOR

### PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT 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 September 28, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:40

#### B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call all Board members were present.

There was no public comment.

00:00:56

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT ON September 14, 2011 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, District Legal Counsel, announced that the Board discussed one item (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMWWCD VS. NCSD) in closed session but took no reportable action.

Michael LeBrun, General Manager, announced that Item D-3 will be pulled from the consent agenda. Staff will bring the Item back to the Board in two weeks.

##### C-2) NCSD SUPERINTENDENT TINA GRIETENS Update Report re: Summary of Utility Division Activities

Tina Grietens, NCSD Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for the report.

##### C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS. Receive Announcements and Reports from Directors

#### Director Winn

- ◇ September 26, 2011 – SCAC met.
- ◇ October 5, 2011 – WRAC will meet at 1:30 p.m. in San Luis Obispo. They will be discussing the County Water Master Plan and the Paso Robles Basin Management Plan.

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Director Eby

- ◇ September 15, 2011 – LAFCO met and had an informational session on the Pismo Beach sphere of influence.
- ◇ September 21 - LAFCO and the City of Pismo Beach had a joint meeting on the sphere of influence.
- ◇ September 21 – Director Eby and the General Manger attended the Nipomo Rotary Club Meeting and gave a presentation
- ◇ October 11, 2011 – NMMA TG will meet at NCSD. Directors Eby and Vierheilig will attend.
- ◇ October 20, 2011 – LAFCO will meet to approve the sphere of influence for the City of Pismo Beach.

Director Vierheilig

- ◇ Nipomo Native Garden Fall Plant Sale will be held on October 2 at the Native Gardens parking lot from 9:00 a.m. to 3:00 p.m.

Director Gaddis

- ◇ September 26, 2011 – SCAC met and discussed the Ag Cluster DEIR.

Director Harrison

- ◇ September 26, 2011 – The General Manager, Director Eby, and Director Harrison attended a stake holder meeting on the Santa Maria river in-stream flow study necessary for steel-head migration.
- ◇ October 8 – October Fest 9:00 a.m. - 3:00 p.m. at Nipomo Community Park.

Director Eby added that on September 15, 2011, NMMA TG had a public meeting at NCSD and the 2011 Key Well Index is down four feet which is 14% lower than the 2010 value.

C-6) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There was no public comment.

00:45:10

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE SEPTEMBER 14, 2011 REGULAR BOARD MEETING MINUTES

D-3) APPROVE PURCHASE OF PORTABLE GENERATOR FOR TEFFT STREET LIFT STATION

Staff pulled item D-3 from the consent agenda and will bring this item back to the Board at a future meeting.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved items D-1 and D-2.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:50:35

- E-1) CONSIDER APPROVAL OF SCOPE AMENDMENT #6 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$135,137 FOR DESIGN OF SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 UPGRADE PROJECT

Peter Sevcik, District Engineer, reviewed the report as presented in the Board Packet. Mike Nunley, AECOM Project Manager, Michael LeBrun, General Manager, and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board unanimously approved the Scope Amendment # 6 with AECOM in the amount of \$135,137 and authorize the General Manager to execute the task order.  
Vote 5-0.

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

01:14:47

- E-2) AUTHORIZE STAFF TO CIRCULATE A REQUEST FOR PROPOSALS TO UPGRADE THE DISTRICT SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

Peter Sevcik, District Engineer, reviewed the report as presented in the Board Packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved the request for proposals for the SCADA upgrade project and authorize the General Manager to circulate the RFP.  
Vote 5-0.

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

01:32:03

- E-3) CONSIDER APPROVING A LETTER SUPPORTING DANA ADOBE AMIGOS REQUEST TO AMEND COUNTY GENERAL PLAN AND COUNTY ORDINANCE 3090

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Staff modified the recommendation that was presented in the Board packet. Staff recommends that the Board consider the information presented and provide staff direction. Mr. LeBrun introduced the members of the Dana Adobe Nipomo Amigos in attendance.

Marina Washburn, Executive Director, and Jan Di Leo, Project Manager, overviewed the project and answered questions from the Board.

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E-3) CONSIDER APPROVING A LETTER SUPPORTING DANA ADOBE AMIGOS REQUEST TO AMEND COUNTY GENERAL PLAN AND COUNTY ORDINANCE 3090 (CONT.)

The following member of the public spoke:

Herb Kandel, NCSD customer, spoke in support of the Dana Adobe Amigos request.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously directed staff to work with the Dana Adobe Nipomo Amigos to define water use estimates for their master plan and revise the draft letter of support for future Board consideration. Vote 5-0.

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

The Board took a break from 11:50 a.m. to 12:05 p.m.

02:36:41

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:08 p.m.

02:37:30

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

The Board came back into open session at 1:00 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed item one listed above for closed session, but took no reportable action.

There was no public comment.

02:38:08

E-4) CONSIDER LOCAL AREA FORMATION COMMISSION BALLOT FOR ALTERNATE SPECIAL DISTRICT COMMISSIONER

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Winn, the Board voted to support Marshall Ochylski and directed staff to file all necessary nomination paper work. Vote 4-1.

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

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02:47:50

E-5) CONSIDER LETTER TO GOVERNOR REQUESTING VETO OF SENATE BILL 293

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Gaddis, the Board unanimously approved to direct staff to draft a letter requesting the Governor to veto SB 293 and send it electronically, with a hard copy to follow.

Vote 5-0.

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

*The Board considered Item E-6 at approximately 1:30 p.m. as indicated on the posted agenda.*

02:55:05

E-6) SUPPLEMENTAL WATER PROJECT REVIEW RECENT POLLING RESULTS AND CONSIDER SCHEDULE IMPLICATIONS, ADDITIONAL OUTREACH EFFORT AND \$40,000 BUDGET INCREASE

Dr. Timothy McLarney, True North Research Consultant, presented the recent polling results for the Supplemental Water Project. Bonnie Moss, Tramutola Lead Consultant, Jon Seitz, District Legal Counsel, Michael LeBrun, General Manager, and Dr. McLarney answered questions from the Board throughout the presentation. The Board thanked Dr. McLarney for his presentation.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously moved:

1. Accept the report and file it.
2. Approve updated scope of work and a \$40,000 budget authority increase through the end of the year.

Vote 5-0.

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

04:20:45

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.

No action was taken.

G. COMMITTEE REPORT

There were no committee reports.

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04:26:27

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

Requested an electronic copy of the materials presented by the Dana Adobe Amigos.  
Requested staff to distribute copies of the District's Protest Ordinance to the Board.  
Requested to receive a copy of the letter sent asking the Governor to veto SB 293.

There was no public comment.

ADJOURN

President Harrison adjourned the meeting at 3:10 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	5.10
Closed Session	1.00
TOTAL HOURS	6.10