

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

OCTOBER 26, 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 October 26, 2011, to order at 9:00 a.m. and led the flag salute.

President Harrison announced that closed session Item I-3 will not be heard in closed session. It will be on the agenda for the November 16, 2011 meeting as an administrative item.

00:00:44

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

At Roll Call all Board members were present.

There was no public comment.

00:01:45

#### C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER ROBIN WECKERLY  
Update re: South County Law Enforcement Activities

Sheriff Commander Weckerly was unable to attend this meeting.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER  
Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher reviewed the activity report for September 2011. Chief Fisher answered questions from the Board. The Board thanked Chief Fisher for his report.

C-3) NCSD SUPERINTENDENT TINA GRIETENS  
Update re: Summary of Utility Division Activities

Tina Grietens, NCSD Utility Superintendent, gave an update on the staffing crisis in the operations field. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

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

#### Director Gaddis

◇ October 24, 2011 – SCAC met and was concerned with getting funding for the SCAC.

#### Director Vierheilig

◇ November 1, 2011 – The Finance Committee will meet at 9:00 a.m. at NCSD.

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Director Eby

- ◇ October 20, 2011 - LAFCO approved the Pismo Beach Sphere of Influence and added the Godfrey Property.
- ◇ October 31, 2011 – Ad Hoc Committee will meet at 1:00 p.m. at NCSD.
- ◇ November 9, 2011 – NCSD will hold a Town Hall meeting from 6:30 to 8:30 p.m. about solutions to the water shortage on the Nipomo Mesa at the Nipomo High School Olympic Hall.

Director Winn

- ◇ October 15, 2011 – NCSD sponsored a presentation by David Fross called "Reimagining the California Lawn. The presentation was excellent and well attended.
- ◇ October 24, 2011 – SCAC met.
- ◇ October 25, 2011 – The SLO County Board of Supervisors met and voted 5-0, on NCSD forming a tax assessment district for Supplemental Water.
- ◇ October 28, 2011 – Will meet with Dave Watson to discuss the proposed Pismo Beach annexation.
- ◇ November 2, 2011 – WRAC will meet in SLO at 1:30 p.m. The final draft of the County Master Water Plan will be presented.

Director Harrison

- ◇ November 9, 2011 – The Fire Safe Council will meet and will demonstrate a mastication machine that will turn live standing weeds into mulch.
- ◇ November 7, 2011 – Agenda setting meeting with Vice President and General Manager at 2:00 p.m.
- ◇ November 8, 2011 - County Trail Association will meet at 6:00 p.m. with the bicycle trails committee.

## C-3) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

## D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE OCTOBER 12, 2011 REGULAR BOARD MEETING MINUTES
- D-3) CONSIDER AUTHORIZING AN EXPENDITURE OF \$58,424 TO PURCHASE A PORTABLE GENERATOR FOR TEFFT STREET LIFT STATION
- D-4) QUARTERLY INVESTMENT POLICY
- D-5) CONSIDER A \$12,000 BUDGET AUGMENTATION FOR HAMNER, JEWELL & ASSOCIATES INCREASING NOT TO EXCEED LIMIT FOR PROPERTY NEGOTIATION SERVICES IN SUPPORT OF SUPPLEMENTAL WATER PROJECT FROM \$70,000 TO \$82,000

Michael LeBrun, General Manager, and Lisa Bognuda, Finance Director, answered questions from the Board.

President Harrison pulled Item D-5 for further discussion.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously approved Items D-1, D-2, D-3, and D-4 as amended.

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Vote 5-0.

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

RESOLUTION NO. 2011-1237

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES

APPROVING THE PURCHASE OF A  
PORTABLE GENERATOR FOR THE  
TEFFT STREET SEWER LIFT STATION

Item D-5

Michael LeBrun, General Manager, and Jon Seitz, District Legal Counsel, answered questions from the Board.

There was no public comment.

Jon Seitz, District Legal Counsel, announced that the Board can only discuss property acquisitions, not contracts, in closed session.

Upon the motion of Director Winn and seconded by Director Eby, the Board approved a \$12,000 budget augmentation with Hamner, Jewell & Associates and directed staff to issue a task order and revise the project not to exceed to \$82,000.

Vote 3-2.

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

The Board took a break from 9:55 to 10:15 a.m.

E. ADMINISTRATIVE ITEMS

E-1) CONSIDER APPROVAL OF SCOPE AMENDMENT #12 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$252,059 AND SCOPE AMENDMENT #13 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$132,091 FOR DESIGN OF SUPPLEMENTAL WATER PROJECT

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mike Nunley, AECOM Project Manager, reviewed scope amendment #12 for design of the Supplemental Water Project. Michael LeBrun, General Manager, Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for his report.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board approved scope amendment #12 with AECOM in the amount of \$252,059 and authorized the General Manager to execute the necessary task order.

Vote 4-1.

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

00:54:10

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02:05:12

- E-1) CONSIDER APPROVAL OF SCOPE AMENDMENT #12 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$252,059 AND SCOPE AMENDMENT #13 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$132,091 FOR DESIGN OF SUPPLEMENTAL WATER PROJECT (Cont.)

Mike Nunley, AECOM Project Manager, reviewed scope amendment #13 for additional design related to the Supplemental Water Project. Michael LeBrun, General Manager, Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for his report.

There was no public comment.

The Board discussed the item.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously directed staff to contact all of the other water purveyors for commitment of payment of their portion of scope amendment #13, if the assessment vote fails. Once staff has a commitment, bring this item back on a future agenda.

Vote 5-0.

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

03:10:24

- I. CLOSED SESSION ANNOUNCEMENTS

- I-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).
- I-2) CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD vs. County SLO, ET AL. (CASE #CV090010)
- I-3) CONSIDER A \$11,500 BUDGET AUGMENTATION FOR WAGNER BONSIGNORE CONSULTING ENGINEERS INCREASING NOT TO EXCEED FOR LITIGATION SUPPORT FOR 2011 TO \$106,500 [RECOMMEND BY MOTION AND ROLL CALL VOTE APPROVE BUDGET AUGMENTATION FOR WAGNER & BONSIGNORE AND AUTHORIZE STAFF TO ISSUE A TASK ORDER IN THE AMOUNT OF \$11,500]

Jon Seitz, District Legal Counsel, announced that item I-3 was removed from closed session. The Board will only discuss items I-1 and I-2.

- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

- K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:25 p.m.

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

The Board came back into Open Session at 2:10 p.m.

Jon Seitz, District Legal Counsel, announced that item I-3 was not considered in closed session.

Jon Seitz, District Legal Counsel, announced that the Board discussed items I-1 and I-2 listed above for closed session, but took no reportable action.

03:12:06

E-2) CONSIDER APPROVAL OF TASK ORDER WITH AECOM FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$41,373 FOR SCADA UPGRADE PROJECT PROPOSAL AND CONSTRUCTION SUPPORT SERVICES

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board unanimously approved the following:

1. Authorize a task order for SCADA upgrade project procurement and construction phase services with AECOM in the amount of \$41,373 and authorize the General Manager to execute the task order.

2. Authorize the General Manager to issue a change order to the task order with an aggregate total amount not to exceed \$4,000.

Vote 5-0.

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

03:25:12

F. MANAGER'S REPORT

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

03:48:43

G. COMMITTEE REPORT

Ad Hoc Committee for Education and Outreach. There was no public comment.

03:51:24

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis

- ◇ Stated that he will attend the November 16, 2011, Regular Board meeting.
- ◇ Requested a meeting with the General Manager to discuss funding options for the Supplemental Water Project.

Director Vierheilig

- ◇ Requested an update on personnel matters.

Director Eby

- ◇ Questioned if it is now appropriate to consider the 2.3 million dollar grant as an early start for the Supplemental Water Project and, if so, how we might use it.

Director Winn

- ◇ Questioned staff on the timing of getting the grant money and questioned if the County is doing everything necessary.
- ◇ Interested in the amount of money that the District, as well as the other player, have spent on the Santa Maria Groundwater Litigation.
- ◇ Questioned consultant fees.
- ◇ Questioned how the District can participate in weed abatement in coordination with Cal Fire.
- ◇ Requested a presentation to County Chapter CSDA on weed abatement by County Fire Marshall Paul Lee.

ADJOURN

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

MEETING SUMMARY	HOURS
Regular Meeting	4.30
Closed Session	1.30
TOTAL HOURS	6.00