BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN MAL

AGENDA ITEM D

OCTOBER 9, 2013

DATE: OCTOBER 4, 2013

TO:

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

Questions or clarification may be made by the Board members without removal from the Consent Agenda.

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE SEPTEMBER 25, 2013 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]

T:BOARD MATTERS/BOARD MEETINGS/BOARD LETTER/2013/CONSENT AGENDA/CONSENT DOCX

- TO: BOARD OF DIRECTORS
- FROM: MICHAEL S. LEBRUN MM
- DATE: OCTOBER 4, 2013

HAND WRITTEN CHECKS



TOTAL COMPUTER CHECKS \$248,315.34

\$156.96 1,500.00 \$5,000.00 70,664.19 50.00 492.24 492.24

09-25-13	10190	NEXT DAY SIGNS	DOOR DECALS
09-25-13	10191	BABE FARMS, INC	SHORT-TERM PROPERTY USE
09-25-13	10192	ANNE E PREISKER LIFE ESTATE TRUST	SHORT-TERM PROPERTY USE
10-01-13	10193	PGE	ELECTRICITY
10-01-13	10194	PGE	ELECTRICITY
10-03-13	10195	FRANCISCO MALDONADO	TRAVEL REIMBURSEMENT
10-03-13	10196	DEREK CALLEJA	TRAVEL REIMBURSEMENT

VOIDS - 22240, 22285

COMPUTER GENERATED CHECKS

22311	09/27/13 P	ERO1 PER		B30923	09/23/13	PERS PAYROLI	L REMITTANCE	09-13	1273.57 3760.63 74.40 963.36 24713.46 8700.04 2205.00	1273.57 4798.39 24713.46 8700.04 2205.00
022313	10/09/13	ABA01	ABALONE COAST BACTERIOLO	G	5288.00	.00	5288.00	2022	LAB TESTS	
022314	10/09/13	ADV01	ADVANTAGE ANSWERING PLUS		134.85	.00	134.85	OCT 2013	ANSWERING SE	CRVICE
022315	10/09/13	ALX01	ALEXANDER'S CONTRACT SER	V	2396.55	.00	2396.55	OCT 2013	METER READIN	IG SERVICE
022316	10/09/13	AME03	AMERI PRIDE		150.96 127.40	.00	150.96 127.40	968495 974824	UNIFORMS UNIFORMS	
			Check Total:		278.36	.00	278.36			
022317	10/09/13	AQU01	AQUA-METRIC SALES CO.	3	5102.25	.00	5102.25	49206-IN	1" METERS	
022318	10/09/13	ATT02	AT&T		147.88 23.17 169.95	.00	169.95	4719827 4720071 4720141	TELEPHONE TELEPHONE TELEPHONE	
			Check Total:		341.00					
022319	10/09/13	BAB01	BABE' FARMS INC	a de la compañía de l	1500.00	.00	1500.00	B30927	SHORT TERM B	PROPERTY USE A
022320	10/09/13	BES01	BEST BEST & KRIEGER		92.04 122.72 546.20 1458.16	.00 .00 .00	92.04 122.72 546.20 1458.16	710458 710459 710460 710461	GENERAL BUSI CONSTRUCTION SLO COUNTY F MCA VS NCSD	
			Check Total:		2219.12	.00	2219.12			
022321	10/09/13	BRE02	BRENNTAG PACIFIC INC.	2.2.2.2.2.1	433.01 650.03	.00 .00	650.03	BPI346754 BPI346755	SODIUM HYPOC SODIUM HYPOC	
			Check Total:		1083.04		1083.04			
022322	10/09/13	CHA02	CHARTER COMMUNICATIONS		204.99 204.99	.00 .00	204.99 204.99	OCT 2013A OCT 2013B	INTERNET-SHO INTERNET-OFF	
			Check Total:		409.98		409.98			
022323	10/09/13	COR01	CORBIN WILLITS SYSTEMS		750.83	.00	750.83	B309151	COMPUTER SUE	PORT
022324	10/09/13	COR04	CORIX WATER PRODUCTS (US)	6 3	1583.52	.00	1583.52	731321752	METER ADPT/R	UBBER GASKET/
022325	10/09/13	DEP01	DEPARTMENT-HEALTH SERVICE	3 3	3852.63	.00	3852.63	1360555	WATER SYSTEM	FEES 7-1-12
022326	10/09/13	FAR02	FAR WEST EXPRESS		26.50	.00	26.50	SEP 2013	DELIVERY	
022327	10/09/13	FGL01	FGL ENVIRONMENTAL		396.26	.00	396.26	382768A	LAB TESTS	
022328	10/09/13	GAD02	GADDIS, DAN		887.34	.00	887.34	B30927	REIMBURSEMEN	T-TRAVEL CSDA
022329	10/09/13	GIL01	GLM, INC.		520.00	.00	520.00	SEP 2013	LANDSCAPE MA	INTENANCE
022330	10/09/13	GWA01	GWA INC		87.00	.00 .00	87.00	OCT 2013A OCT 2013B OCT 2013C	SHOP-MONITOR OFFICE-MONIT UTILITY OFFI	

Check Total.....Copy of document found at www.NoNewWipTax2com00

TO: BOARD OF DIRECTORS FROM: MICHAEL S. LEBRUN

GENERAL MANAGER

DATE: OCTOBER 4, 2013

AGENDA ITEM D-1 OCTOBER 9, 2013 PAGE TWO

022331	10/09/13	HAC01	HACH COMPANY	269.30	.00	269.30	8486528	PIPET TIP/PH STORAGE SOLN
022332	10/09/13	HAM02	HAMNER JEWELL & ASSOCIATE	41.25	.00	41.25	6483	WATERLINE INTERTIE
022333	10/09/13	HAR05	HARRISON, JAMES	866.49	.00	866.49	B30927	REIMBURSEMENT-TRAVEL CSDA
022334	10/09/13	HAY01	HAYES ADVANCED DESIGN	875.00	.00	875.00	88	SAW, CUT, REMOVE AND REPAVE
022335	10/09/13	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	60703	LANDSCAPE MAINTENANCE
022336	10/09/13	LEB01	LeBRUN, MICHAEL	709.08	.00	709.08	B30927	REIMBURSEMENT-TRAVEL CSDA
022337	10/09/13	LEB02	LeBRUN, MICHAEL	65.00	.00	65.00	SEP 2013	CELL PHONE REIMBURSEMENT
022338	10/09/13	LEE02	LEE CENTRAL COAST NEWSPAP	332.36 332.36	.00	332.36	12990	ADVERTISING-CREEK DAY
			Charle Watel		.00	332.36	12991	ADVERTISING-WATER CONSERV
022339	10/00/12	T TNO1	Check Total	664.72	.00	664.72	0.050	TTNP V DOD 121 DODD 0160
022339	10/09/13		LINE-X OF SANTA MARIA	447.39	.00	447.39	8650	LINE-X FOR 13' FORD F150
022340	10/09/13	MIN02 MNS01	MINER'S ACE HARDWARE	119.37	.00	119.37	SEP 2013	SUPPLIES
022341	10/09/13	PINSOI	MNS ENGINEERS INC	47292.00 80457.54	.00 .00	47292.00 80457.54	63684-R1 63685-R1	SOUTHLAND WWTP UPGRADE-CM SUPPLEMENTAL WATER PROJEC
			Check Total:	127749.54	.00	127749.54		
022342	10/09/13	MUL01	MULLAHEY FORD	1694.22 19026.69	.00	1694.22 19026.69	73759 B31003	08' FORD REPLACED RING&PI 2013 FORD F150
			Check Total:	20720.91	.00	20720.91	001000	2015 1000 1150
022343	10/09/13	NEWOS	NEWTON GEO-HYDROLOGY CONS	6593.65	.00	6593.65	9-30-1	LITIGATION SUPPORT
022343	10/09/13	NEX01	NEXTEL COMMUNICATIONS	462.33	.00	462.33	SEP 2013	CELLULAR SERVICE
022345	10/09/13		NEXTRAQ	308.50	.00	308.50	OCT 2013	GPS SERVICE
022346	10/09/13		NIPOMO CHAMBER OF COMMERC	1771.00	.00	1771.00	B30930	CHAMBER OF COMMERCE GRANT
022347	10/09/13		NUNLEY, MICHAEL K. & ASSO	2805.00	.00	2805.00	51	GIS SERVICE
022348	10/09/13		OFFICE DEPOT	57.12	.00	57.12	70541001	OFFICE SUPPLIES
022349	10/09/13		P G & E	137.99	.00	137.99	B31004	ELECTRICTY FOR SEPT NEW B
022350	10/09/13		POOR RICHARD'S PRESS	71.37	.00	71.37	255314	RIVER CROSSING CELEBRATIO
00000000		ಂಡಸಂದರ್ಶ		52.15	.00	52.15	255314-B	REPRINT-RIVER CROSSING CE
			Check Total:	123.52	.00	123.52		
022351	10/09/13	POR01	PORTABLE JOHNS, INC.	95.86	.00	95.86	188703	PORTABLE JOHNS-CREEK DAY
022352	10/09/13	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	240	JANITORIAL SERVICE
022353	10/09/13	PRI02	PRICE, POSTEL & PARMA, LL	2207.55	.00	2207.55	113771	SWP-RIGHT OF WAY
022354	10/09/13	RIC01	RICHARDS, WATSON, GERSHON	75.00	.00	75.00	191902	WATER RIGHTS ADJUDICATION
022355	10/09/13	ROD01	RODRIGUEZ, RIGOBERTO	120.00	.00	120.00	B31004	RODRIGUEZ-WORK BOOT REIMB
022356	10/09/13	SAN20	SANTA BARBARA COUNTY	2000.00	.00	2000.00	B31004	SANTA MARIA LEVEE ACCESS-
022357	10/09/13	SIG02	SIGN PLACE-SLO, THE	1454.17	.00	1454.17	SL027853	SWP-PROJECT SIGNS
022358	10/09/13	SOU01	SOUTH COUNTY SANITARY	38.98 188.70	.00	38.98 188.70	4236587 4237849	GARBAGE SERVICE-OFFICE GARBAGE SERVICE-OLDE TOWN
			- Check Total	227.68	.00	227.68		
022359	10/09/13	SPE02	SPECIAL DISTRICT FINANCIN	1500.00	.00	1500.00	11794	ASSESMENT DISTRICT 93-1
022360	10/09/13	TES01	TESCO CONTROLS, INC.	1581.29	.00	1581.29	52649-IN	SERVICE REPAIRS
022361	10/09/13	THE01	THE GAS COMPANY	18.66	.00	18.66	SEP 2013A	HEAT-OFFICE
022362	10/09/13	TOW01	TOWN & COUNTRY FENCING	2800.00	.00	2800.00	3499	RELOCATION/REMOVAL/INSTAL
022363	10/09/13	UND01	UNDERGROUND SERVICE ALERT	124.50	.00	124.50	13090022	UNDERGROUND SERVICE ALERT
022364	10/09/13	USA01	USA BLUEBOOK	707.21	.00	707,21	153068	PROBE FOR METER/TRACEABLE
			-	243.15	.00	243.15	162743	FIRE HYDRANT ENAMEL BLUE/
			Check Total:	950.36	.00	950.36		
022365	10/09/13	USB01	US BANK (VISA)	750.00 22.95	.00	750.00 22.95	92313A 92313B	EDUCATION/TRAINING TRAVEL/MILEAGE
			Check TotalCopy of doo	cument found a	t www.NoNewV	VipTax.com		
022366	10/09/13	VER01	VERIZON	46.56	.00	46.56	B31003	TELEPHONE

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN GENERAL MANAGER

DATE: OCTOBER 4, 2013

AGENDA ITEM D-1 OCTOBER 9, 2013 PAGE THREE

FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT

First Republic Bank	Period 9/1/13 to 9/30/13 Retention TOTAL	\$27,855.53 \$557,110.51
Cushman Contracting	Period 9/1/13 to 9/30/13	\$529,254.98

FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR SUPPLEMENTAL WATER PROJECT PHASE 1 – BID PACKAGE #1

ARB, Inc.	Period 9/1/13 to 9/30/13	\$3,184,914.46
-----------	--------------------------	----------------

TO: BOARD OF DIRECTORS FROM: MICHAEL S. LEBRUN



DATE: OCTOBER 4, 2013

APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

ITEM

Approve action minutes from previous Board meetings. [RECOMMENDED APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve minutes as part of Consent Agenda.

ATTACHMENT

A. September 25, 2013 draft Regular Board Meeting Minutes

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2013\MIN-CON-COM-P&R\MINUTES.DOCX

OCTOBER 9, 2013

ITEM D-2

ATTACHMENT A

Copy of document found at www.NoNewWipTax.com

NIPOMO COMMUNITY SERVICES DISTRICT

<u>Serving the Community Since 1965</u> REGULAR MINUTES

SEPTEMBER 25, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT** LARRY VIERHEILIG, **VICE PRESIDENT** DAN GADDIS, **DIRECTOR** BOB BLAIR, **DIRECTOR** CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER LISA BOGNUDA, FINANCE DIRECTOR MICHAEL W. SEITZ, GENERAL COUNSEL PETER SEVCIK, DIRECTOR OF ENG. & OPS. MERRIE WALLRAVIN, BOARD CLERK

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 25, 2013, to order at 9:00 a.m. and led the flag salute.

00:01:53 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At roll call, Directors Armstrong, Gaddis Blair, and Harrison were present. Director Vierheilig was not present.

There was no public comment.

Michael LeBrun, General Manager, announced the recording device is experiencing technical difficulties and is not recording.

President Harrison announced a recent military incident that claimed the life of a central coast resident.

Michael LeBrun announced that Director Vierheilig was not present due to a family emergency.

00:02:04 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON SEPTEMBER 11, 2013 REGULAR MEETING CLOSED SESSION

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

The Board discussed Item Two (Conference with District Legal Counsel re: anticipated litigation pursuant to GC §54956.9 MCA VS. NCSD) in closed session, but took no reportable action.

C-2) DIRECTOR OF ENGINEERING AND OPERATIONS

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

At approximately 9:15 a.m., Michael LeBrun, General Manager, announced the recording was restored.

Copy of document found at www.NoNewWipTax.com SUBJECT TO BOARD APPROVAL

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 Gaddis

- Ocommented on his attendance at the CSDA annual conference September 15th to 18th.
- September 23, attended the South County Advisory Council meeting and heard an update of South County law enforcement news from the new Sheriff Commander Jay Donovan.
- ◊ October 12 & 13, OctoberFest at the Nipomo Park.
- ◊ Commented on the Nipomo Chamber of Commerce new location.
- September 20, Attended the local CSD meeting at the Wallace Group in San Luis Obispo.
- ◊ September 26, Nipomo Chamber of Commerce luncheon at the Edwards Barn.

Director Blair

O Commented on a Santa Maria Times news article on water supply.

Director Harrison

- Commented on his attendance at the CSDA annual conference.
- September 12, Attended NMMA TG meeting at the Wallace Group.
- September 14, the Rotary club of Nipomo and Five Cities Eco Club cleaned up the center divider on Tefft Street in front of Vons and CVS.
- C-4) 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.

Upon the motion of Director Blair and seconded by Director Gaddis, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Blair, Gaddis, Armstrong, and Harrison	None	Director Vierheilig

00:43:01 D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES: SEPTEMBER 11, 2013 REGULAR MEETING
- D-3) ADOPT RESOLUTION ACCEPTING DEED RESTRICTION AND WATER LINE AND SEWER LINE EASEMENT FOR 697 WEST TEFFT STREET, APN 092-577-008

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun read aloud 5 checks that were added to the warrant list and one check that needs to be voided. Mr. LeBrun answered questions from the Board.

President Harrison pulled Item D-3 for separate consideration. Copy of document found at www.NoNewWipTax.com

SUBJECT TO BOARD APPROVAL

ITEM D-1

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the warrants, as amended. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, and Harrison	None	Director Vierheilig

ITEM D-2

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the September 11, 2013 Regular Board Meeting Minutes. Vote 3-0. (Director Blair was not qualified to vote.)

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

ITEM D-3

Peter Sevcik, Director of Engineering and Operations, Mike Seitz, Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Blair, the Board unanimously adopted Resolution 2013-1322, A Resolution accepting a water pipeline and sewer pipeline easement from Ahmad Mashayekan for 697 West Tefft Street, APN 092-577-008.

Vote 4-0.

00:58:56

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Blair, Armstrong, and Gaddis	None	Director Vierheilig

RESOLUTION 2013-1322

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING A WATER PIPELINE AND SEWER PIPELINE EASEMENT FROM AHMAD MASHAYEKAN FOR 697 WEST TEFFT STREET, APN 092-577-008

President Harrison opened Public Comment for items not on the Agenda.

The following member of the public spoke: <u>Dan Hall</u>, Blacklake Management Association President, informed the Board that on a 5-4 vote BLMA, authorized owners to use artificial turf.

Mr. Hall answered questions from the Board.

E. ADMINISTRATIVE ITEMS

01:05:03

01:18:14

E-1) AWARD CONTRACT FOR WATER RATE AND CAPACITY CHARGE STUDY

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.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously awarded the contract to Tuckfield & Associates and directed staff to issue a task order for not to exceed \$38,000. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Gaddis, and Harrison	None	Director Vierheilig

The Board took a break from 10:30 to 10:40 a.m.

President Harrison opened Public Comment for items not on the Agenda.

The following member of the public spoke:

<u>Homer Fox</u>, NCSD customer, questioned where the Supplemental Water would be stored and had concerns with storing it in the ground.

President Harrison commented on Mr. Fox's question and concern.

E-2) STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT AUTHORIZATION TO BID

Peter Sevcik, Director of Engineering and Operations, 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 Armstrong and seconded by Director Gaddis, the Board unanimously authorized staff to solicit bids to construct the Standpipe Modification and Rehabilitation Project and authorize staff to file a Notice of Exemption for the Project. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, and Harrison	None	Director Vierheilig

01:24:49 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.

G. COMMITTEE REPORTS SEPTEMBER 12, 2013 FINANCE AND AUDIT COMMITTEE MEETING MINUTES

The committee reports were as presented. There was no public comment.

- 01:48:53 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).
 - CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(a): Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
 - J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:12 a.m.

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

The Board came back into Open Session at 11:28 a.m.

Mike Seitz, District Legal Counsel, announced that the Board discussed Items One and Two listed above under closed session announcements, but took no reportable action.

ADJOURN

President Harrison adjourned the meeting at 11:30 a.m.

MEETING SUMMARY	HOURS & MINUTES	
Regular Meeting	2 hours 14 minutes	
Closed Session	0 hour 16 minutes	
TOTAL HOURS	2 hours 30 minutes	