

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

DECEMBER 11, 2019 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

ED EBY, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**
DAN WOODSON, **DIRECTOR**

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
WHITNEY MCDONALD, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**

Mission Statement:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of December 11, 2019, to order at 9:00 a.m. and led the flag salute.

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

At Roll Call, Directors all Board Members were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.

Receive Announcements and Reports from Directors

Director Armstrong

- December 4, attended WRAC meeting.

Director Eby

- December 2, attended Board Officers' meeting.
- December 3, attended BLMA Association meeting.
- December 4, attended WRAC meeting.

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Blair, Woodson, Armstrong and Eby	None	None

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE NOVEMBER 27, 2019, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AUTHORIZE STAFF TO BID SOUTHLAND WASTEWATER TREATMENT FACILITY SCREW PRESS PROJECT [RECOMMEND AUTHORIZE STAFF TO BID PROJECT AND FILE CEQA NOTICE OF EXEMPTION].
- D-4) AUTHORIZE STAFF TO BID EUREKA WELL REPLACEMENT PROJECT [RECOMMEND AUTHORIZE STAFF TO BID PROJECT AND FILE CEQA NOTICE OF EXEMPTION].
- D-5) APPROVE NEWTON GEO-HYDROLOGY 2020 CONSULTING SERVICES CONTRACT SCOPE AND \$90,000 BUDGET [RECOMMEND APPROVE SCOPE AND BUDGET FOR NEWTON GEO-HYDROLOGY CONSULTING SERVICES]

Mario Iglesias, General Manager, answered questions from the Board

Director Gaddis requested Item D-2 be pulled for separate consideration as he was not present at the last meeting.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved Consent Agenda Items D-1, D-3, D-4 and D-5.

Vote 5-0.

YES VOTES	NO VOTES	ABSTAIN
<i>Directors Armstrong, Blair, Woodson, Gaddis and Eby</i>	<i>None</i>	<i>None</i>

Upon the motion of Director Armstrong and seconded, the Board unanimously approved Consent Agenda Item D-2.

Vote 4-0.

YES VOTES	NO VOTES	ABSTAIN
<i>Directors Armstrong, Blair, Woodson, and Eby</i>	<i>None</i>	<i>Gaddis</i>

E. ADMINISTRATIVE ITEMS

- E-1) ELECT 2020 BOARD PRESIDENT AND VICE PRESIDENT [RECOMMEND DIRECTORS ELECT BOARD OFFICERS FOR 2020 CALENDAR YEAR]

President Eby nominated Director Gaddis for 2020 Board President. There were no other nominations for President.

There were no public comments.

By acclamation, President Eby declared Director Gaddis the 2020 Board President. Director Gaddis nominated President Eby for 2020 Board Vice President. President Eby nominated Director Armstrong for 2020 Board Vice President. President Eby declined the nomination.

There were no public comments.

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By acclamation, President Eby declared Director Armstrong the 2020 Board Vice President.

- E-2) AWARD CONSTRUCTION CONTRACT FOR SUPPLEMENTAL WATER PROJECT NIPOMO AREA PIPELINE IMPROVEMENTS TO R. BAKER INC. [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ADOPT RESOLUTION AWARDDING CONTRACT TO R. BAKER, INC. IN THE AMOUNT OF \$2,667,674, AUTHORIZE STAFF TO EXECUTE CONTRACT, AUTHORIZE CHANGE ORDER #1 IN THE AMOUNT OF \$234,433, AND AUTHORIZE ADDITIONAL CHANGE ORDER CONSTRUCTION CONTINGENCY IN AN AMOUNT UP TO \$170,000]

Peter Sevcik, Director of Engineering and Operations, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Resolution.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Armstrong, Woodson, Blair and Eby	None	None

RESOLUTION 2019-1534

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING THE BID FOR THE CONSTRUCTION OF SUPPLEMENTAL WATER PROJECT NIPOMO AREA PIPELINE IMPROVEMENTS TO R. BAKER, INC. IN THE AMOUNT OF \$2,667,674, AUTHORIZING CHANGE ORDER #1 IN THE AMOUNT OF \$234,433, AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$170,000

- E-3) APPROVE TASK ORDER WITH MNS ENGINEERS INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR SUPPLEMENTAL WATER PROJECT NIPOMO AREA PIPELINE IMPROVEMENTS [RECOMMEND BY MOTION AND ROLL CALL VOTE APPROVE TASK ORDER WITH MNS ENGINEERS, INC. IN THE AMOUNT OF \$523,678 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]

Peter Sevcik, Director of Engineering and Operations, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Task Order.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Woodson, Gaddis and Eby	None	None

- E-4) APPROVE TASK ORDER WITH AECOM FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR SUPPLEMENTAL WATER PROJECT NIPOMO AREA PIPELINE IMPROVEMENTS [RECOMMEND BY MOTION AND ROLL CALL VOTE APPROVE TASK ORDER WITH AECOM IN THE AMOUNT OF \$98,612 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]

Peter Sevcik, Director of Engineering and Operations, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Task Order.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Gaddis, Woodson, Blair and Eby</i>	<i>None</i>	<i>None</i>

- E-5) AWARD CONSTRUCTION CONTRACT FOR SOUTHLAND WASTEWATER TREATMENT FACILITY STORAGE BUILDING PROJECT TO PWS CONSTRUCTION INC. [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ADOPT RESOLUTION AWARDDING CONTRACT TO PWS CONSTRUCTION INC. IN THE AMOUNT OF \$175,000, AUTHORIZE STAFF TO EXECUTE CONTRACT, AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF UP TO \$15,000, AND APPROVE BUDGET ADJUSTMENT]

Peter Sevcik, Director of Engineering and Operations, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Blair and seconded, the Board unanimously approved the Resolution.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Blair, Armstrong, Woodson, Gaddis and Eby</i>	<i>None</i>	<i>None</i>

RESOLUTION NO. 2019-1535

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING THE BID FOR THE CONSTRUCTION OF SOUTHLAND WWTF STORAGE BUILDING PROJECT TO PWS CONSTRUCTION INC. IN THE AMOUNT OF \$175,000, AUTHORIZING CONSTRUCTION CONTINGENCY OF \$15,000, AND AMENDING FY 2019/2020 BUDGET

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- E-6) APPROVE TASK ORDER WITH CANNON CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES FOR SOUTHLAND WASTEWATER TREATMENT FACILITY STORAGE BUILDING PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE APPROVE TASK ORDER WITH CANNON CORPORATION IN THE AMOUNT OF \$39,690 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].

Peter Sevcik, Director of Engineering and Operations, presented the item and answered questions from the Board.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Task Order.

Vote 5-0.

Table with 3 columns: YES VOTES, NO VOTES, ABSENT. Row 1: Directors Armstrong, Gaddis, Woodson, Blair and Eby, None, None.

- E-7) ADOPT ORDINANCE AMENDING CHAPTER 3.03 OF THE DISTRICT CODE AND ADOPT RESOLUTION APPROVING DISTRICT'S DISCONTINUANCE OF RESIDENTIAL WATER SERVICE POLICY [RECOMMEND ADOPT ORDINANCE AMENDING CHAPTER 3.03 OF THE DISTRICT CODE AND ADOPT RESOLUTION APPROVING DISTRICT'S DISCONTINUANCE OF RESIDENTIAL WATER SERVICE POLICY]

Mario Iglesias, General Manager, answered questions from the Board.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously moved to adopt an Ordinance of the Board of Directors of the Nipomo Community Services District amending Nipomo Community Services District Code Chapter 3.03, waive further reading of the ordinance, order publication of a 1/4 page display ad regarding the ordinance in accordance with Government Code section 25124(b)(2) and adopt the Resolution approving the Discontinuance of Residential Water Service Policy.

Vote 5-0.

Table with 3 columns: YES VOTES, NO VOTES, ABSENT. Row 1: Directors Armstrong, Woodson, Blair, Gaddis and Eby, None, None.

ORDINANCE 2019-130

AN ORDINANCE OF BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING CHAPTER 3.03 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE

RESOLUTION 2019-1536

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A DISCONTINUATION OF RESIDENTIAL WATER SERVICE POLICY IN ACCORDANCE WITH SB 998

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

President Eby requested the annexation policy review be placed on a future agenda.

Director Blair requested the Board consider landscaping the Southland WWTF with a row of trees to providing screening.

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
 - a. SMVWCD V. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES
2. DISCUSSION AND POSSIBLE ACTION REGARDING PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957(B) POSITION: DISTRICT COUNSEL

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Pam Wilson, NCSO resident, requested a summary of Item 2.

K. ADJOURN TO CLOSED SESSION

President Eby adjourned to Closed Session at 10:20 a.m. and called for a ten minute break.

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

There were no public comments

Craig Steele, District Legal Counsel, announced the Board discussed Item 1 and 2 in Closed Session and took no reportable action.

ADJOURN MEETING

President Eby adjourned the meeting at 11:05 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 20 minutes
Closed Session	0 hour 45 minutes
TOTAL HOURS	2 hours 05 minutes

Respectfully submitted,


Mario Iglesias, General Manager and Secretary to the Board

1/9/2020
Date