# NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

# REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

JANUARY 11, 2023 AT 9:00 A.M.

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

BOARD of DIRECTORS
RICHARD MALVAROSE, PRESIDENT
DAN ALLEN GADDIS, VICE PRESIDENT
ED EBY, DIRECTOR
DAN WOODSON, DIRECTOR
GARY HANSEN, DIRECTOR

PRINCIPAL STAFF
MARIO IGLESIAS, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
CRAIG STEELE, GENERAL COUNSEL

Mission Statement:

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

#### NOTE:

- All comments concerning any item are to be directed to the Board President.
- Consistent with the Americans with Disabilities Act and California Government Code §54954.2
  requests for disability related modification or accommodation, including auxiliary aids or services
  may be made by a person with a disability who requires the modification or accommodation in
  order to participate at the below referenced public meeting by contacting the District General
  Manager at 805-929-1133.
- District-prepared staff reports and documents are generally posted on the District's website {NCSD.CA.GOV} on the same date the agenda is posted.
- Any writing or document pertaining to an open session item on this agenda which is distributed
  to the Board of Directors after the posting of this agenda will be available for public inspection
  at the time the subject writing or document is distributed. The writing or document will be
  available for public review on the District's web site at <a href="http://www.ncsd.ca.gov">http://www.ncsd.ca.gov</a>.
- Items may be taken out of order. If necessary, the Board typically breaks for lunch at approximately 12 noon and conducts Closed Session at that time, reconvening to public session at approximately 1:00 p.m.
- Please silence all cell phones during the meeting, as a courtesy to others.
- A. CALL TO ORDER AND FLAG SALUTE

**NEXT RESOLUTION** 

2023-1649

**NEXT ORDINANCE** 

2023-137

- B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA
  - B-1) ROLL CALL
  - B-2) PUBLIC COMMENT: Any member of the public may address the Board relating to any matter within the Board's jurisdiction but not on the Board's agenda. Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.
- C. PRESENTATIONS AND REPORTS
  - C-1) RECOGNITION OF 2022 BOARD OFFICERS AND SEATING OF 2023 BOARD OFFICERS [NO ACTION REQUESTED]

## Nipomo Community Services District REGULAR MEETING AGENDA

- C-2) 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
- C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS
- D. 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. Questions or clarification may be made by the Board members without removal from the Consent Agenda. 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.
  - D-1) WARRANTS [RECOMMEND APPROVAL]
  - D-2) APPROVE DECEMBER 14, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
  - D-3) APPROVE UPDATED WATER SUPERVISOR JOB DESCRIPTION [RECOMMEND APPROVAL]
  - D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 112-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 646 GRANDE AVENUE, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
  - D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 72-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 170 MAGENTA LANE, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
  - D-6) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR 315 UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 222 S. FRONTAGE ROAD, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

#### E. ADMINISTRATIVE ITEMS

E-1) RESPONSE TO SLO COUNTY LAFCO REGARDING DANA RESERVE ANNEXATION REQUEST [RECOMMEND CONSIDER NOTICE, RECEIVE INPUT FROM AD HOC SUBCOMMITTEE AND STAFF, PROVIDE DIRECTION TO GENERAL MANAGER REGARDING RESPONSE]

## Nipomo Community Services District REGULAR MEETING AGENDA

- E-2) AWARD CONSTRUCTION CONTRACT FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT FORCE MAIN TO R. BAKER, INC. [RECOMMEND ADOPT RESOLUTION AWARDING CONTRACT TO R. BAKER, INC. IN THE AMOUNT OF \$4,705,801.50, AUTHORIZING STAFF TO EXECUTE CONTRACT AND AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$470,000 (10% OF CONTRACT COST)]
- E-3) TERMINATE IRRIGATION WATER AGREEMENT BLACK LAKE PARTNERSHIP ASSIGNEE [RECOMMEND AUTHORIZE NIPOMO COMMUNITY SERVICES DISTRICT GENERAL MANAGER TO TERMINATE IRRIGATION WATER AGREEMENT WITH THE CURRANT ASSIGNEE]
- E-4) APPROVE APPOINTMENT OF INTERIM ENGINEERING CONSULTANT [RECOMMEND ADOPT RESOLUTION APPROVING THE APPOINTMENT OF JIM ASHCRAFT AS INTERIM ENGINEERING CONSULTANT]
- E-5) RATIFY 2023 COMMITTEE ASSIGNMENTS [RECOMMEND APPROVE COMMITTEE ASSIGNMENTS]
- E-6) ADOPT RESOLUTION RECOGNIZING AND APPRECIATING LISA S. BOGNUDA'S 30 YEARS OF SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT [RECOMMEND ADOPT RESOLUTION]
- F. GENERAL MANAGER'S REPORT
- G. COMMITTEE REPORTS
- H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS
- I. CLOSED SESSION ANNOUNCEMENTS
  - 1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
    - a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES
    - 2. REJECTION OF CLAIM DIEM THAI
- J. PUBLIC COMMENT ON CLOSED SESSION ITEMS
- K. ADJOURN TO CLOSED SESSION
- L. OPEN SESSION

## Nipomo Community Services District REGULAR MEETING AGENDA

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

ADJOURN MEETING

Next Regular Board Meeting is Wednesday, January 25, 2023, 9AM