

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**OCTOBER 25, 2017 AT 9:00 A.M.**

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

### **BOARD of DIRECTORS**

DAN ALLEN GADDIS, **PRESIDENT**  
ED EBY, **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.**  
JESSICA MATSON, **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 Gaddis called the Regular Meeting of October 25, 2017 to order at 9:00 a.m. and led the flag salute.*

**00:00:27** B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, all Directors except Director Blair were present.*

*There were no public comments.*

C. PRESENTATIONS AND REPORTS

**00:00:37** C-1) PUBLIC INFORMATION DIRECTOR PRESENTATION ON DISTRICT PUBLIC OUTREACH PROJECTS

*Mario Iglesias, General Manager, introduced the item and commented on the District's Public Information Program.*

*Jessica Matson, Public Information Director, gave a presentation on the District's outreach projects and ongoing efforts. Ms. Matson answered questions from the Board.*

**00:18:25** C-2) DIRECTOR OF ENGINEERING AND OPERATIONS 2<sup>ND</sup> QUARTER REPORT ON DISTRICT PROJECTS SYSTEM-WIDE

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board Packet. Mr. Sevcik answered questions from the Board.*

**00:28:00** 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 Woodson

- *October 23, Attended the South County Advisory Council (SCAC) meeting where they discussed the District's rate increase. They also discussed the regional transportation plan.*
- *Requested staff look at water use records for Kaleidoscope Inn.*

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Director Eby

- October 16, Attended the District Board Officer's meeting.
- October 18, Attended the regional California Special District Association's (CSDA) meeting where they discussed methods of financing projects.
- October 19, Attended the Local Area Formation Committee (LAFCO) meeting.
- October 20, Attended the Nipomo Mesa Management Area (NMMA) Technical Group meeting.

Director Gaddis

- October 16, Attended the District Board Officer's meeting.

C-4) 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 Craig Armstrong and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.  
Vote 4-0.*

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

00:30:50

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE OCTOBER 11, REGULAR BOARD MEETING MINUTES
- D-3) INVESTMENT POLICY THIRD QUARTER REPORT
- D-4) ADOPT RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT AND APPROVE SOLE-SOURCE AGREEMENT WITH OPTERRA ENERGY SERVICES INC IN THE AMOUNT OF \$29,853 FOR PROFESSIONAL SERVICES TO COMPLETE A DEVELOPMENT PROGRAM REPORT

*There were no public comments.*

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Consent Agenda.  
Vote 4-0.*

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

**RESOLUTION 2017-1461**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A BUDGET ADJUSTMENT AND APPROVING A SOLE-SOURCE AGREEMENT WITH OPTERRA ENERGY SERVICES, INC., PURSUANT TO GOVERNMENT CODE SECTION 4217.10, ET SEQ.**

E. ADMINISTRATIVE ITEMS

00:31:35

E-1) RECEIVE AND FILE BLACKLAKE SEWER MASTER PLAN

*Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.*

*Mike Nunley from MKN & Associates presented the 2017 Blacklake Sewer Master Plan.*

*The Board discussed. Mr. Nunley answered questions from the Board.*

*The following members of the public spoke:*

*Dan Hall, Blacklake resident, thanked the Board and staff for the outreach efforts in the Blacklake community. Mr. Hall also commented that the study should not take into account the Rossi project and that Rossi will be holding a town hall meeting before the end of the year. Mr. Hall also requested a hard copy of the Master Plan for the Blacklake Community Room.*

*Mario Iglesias, General Manager, thanked the Blacklake Facilities Committee for being open to the process.*

*Director Gaddis asked if the Blacklake Management Association had been contacted regarding the Plan. Mr. Hall stated they have been contacted and that the District should wait to hold a town hall meeting until it's time to discuss rates.*

*Noel Heal, Blacklake resident, asked if there would be an upgrade to the Southland Wastewater Treatment Facility (Town Sewer) to accommodate increased flow should Blacklake regionalize its system. Peter Sevcik, Director of Engineering and Operations, responded that the impact would not be large enough to warrant an upgrade.*

*Lois Heal, Blacklake resident, asked about odor coming from the Southland Wastewater Treatment Facility and if the addition of Blacklake wastewater would increase the odor.*

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously agreed to receive and file the Blacklake Sewer Master Plan.  
 Vote 4-0.*

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

01:11:05

E-2) AUTHORIZE PURCHASE OF SEDARU SOFTWARE IN THE AMOUNT OF \$35,200 IN SUPPORT OF UTILITY MAINTENANCE PROGRAM

*Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Mr. Iglesias answered questions from the Board.*

*There were no public comments.*

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Upon the motion of Director Ed Eby and seconded, the Board unanimously authorized the General Manager to issue a purchase order in the amount of \$35,200 for purchase and implementation of Sedaru software.  
Vote 4-0.

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

01:18:32

E-3) ADOPT RESOLUTION TO CLOSE OUT STATE JOBS HOUSING BALANCE INCENTIVE GRANT AND AUTHORIZE REMOVAL OF NOTICE OF CONNECTION CHARGES

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.  
Whitney McDonald, Legal Counsel, gave an overview of the item's background and staff's recommendation.  
The Board discussed. Mr. Iglesias answered questions from the Board.  
There were no public comments.  
Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the Resolution.  
Vote 4-0.

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

**RESOLUTION 2017-1462**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING CLOSURE OF THE STATE OF CALIFORNIA JOBS HOUSING BALANCE GRANT AGREEMENT AND EXTINGUISHMENT OF THE NOTICE OF CONNECTION CHARGE RECORDED PURSUANT TO THE GRANT AGREEMENT**

01:27:20

E-4) ADOPT AN ORDINANCE OF THE BOARD OF DIRECTORS OF NIPOMO COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.180

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.  
There were no public comments.  
Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the Ordinance, "An Ordinance of the Board of Directors of the Nipomo Community Services District Amending Nipomo Community Services District Code Sections 3.03.110, 3.03.120, 3.03.180, and 3.04.140," and waive the full reading of the Ordinance.  
Vote 4-0.

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

**ORDINANCE 2017-124**  
**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140**

**01:40:00** F. MANAGER'S REPORT

*Mario Iglesias, General Manager, reviewed the report as presented in the Board packet. Mr. Iglesias also reported the following:*

- *The District received a Notice of Appeal for the Bening Case and will discuss with the Board in an upcoming Closed Session.*
- *The Planning Commission will be meeting October 26<sup>th</sup> at 9 AM to discuss Phase 2B of the Trilogy project.*
- *The District is working with purveyor partners on a temporary water sales agreement to purchase water outside the current agreement. Staff will bring to the Board for review.*
- *The District is working with the northern cities on giving a presentation at their council meetings regarding the Nipomo Supplemental Water Project.*

*Mr. Iglesias answered questions from the Board.*

*There were no public comments.*

## G. COMMITTEE REPORTS

*None.*

**01:46:36** H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTSDirector Eby

- *Requested a roadmap for outreach and financial planning for the Blacklake Sewer Master Plan. Mario Iglesias, General Manager, responded that he has this and will present it at the November 1<sup>st</sup> Ad Hoc meeting.*

Director Gaddis

- *Commented that he would like the Blacklake Management Association to lead the Sewer Master Plan effort.*
- *Requested an updated Board and staff contact list.*

**01:50:43** I. CLOSED SESSION ANNOUNCEMENTS

## 1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

- a) SMWWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- b) NCSO VS. LOS PRIMOS PROPERTIES LLC, SAN LUIS OBISPO COUNTY CASE NO. 16CV0512

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Gov't Code §54956.8)

PROPERTY: 793 GUADALUPE ROAD, NIPOMO CALIFORNIA, APN 090-192-052  
AGENCY NEGOTIATOR: MARIO IGLESIAS  
NEGOTIATING PARTIES: NIPOMO COMMUNITY SERVICES DISTRICT,  
JAMES AMBURGEY, AND SYLVIA AMBURGEY  
UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT

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01:51:30 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

K. ADJOURN TO CLOSED SESSION

*President Gaddis adjourned to closed session at 10:52 a.m.*

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

*The Board came back into Open Session at 11:20 a.m.*

*Whitney McDonald, District Legal Counsel, announced that the Board discussed Item I.1(a), 1(b), and I.2, but took no reportable action.*

ADJOURN

*President Gaddis adjourned the meeting at 11:21 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 53 minutes
Closed Session	28 minutes
TOTAL HOURS	2 hours 21 minutes

Respectfully submitted,

  
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Mario Iglesias, General Manager and Secretary to the Board

11-8-17  
Date