

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

MARCH 24, 2021 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**
DAN WOODSON, **DIRECTOR**
RICHARD MALVAROSE, **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.

Pursuant to Governor Newsom's Executive Order N-25-20, members of the Nipomo Community Services District Board or staff may participate in this meeting in person, or via teleconference. To protect the health and safety of the public, Board members, and staff, social distancing will be practiced at the District's physical location, 148 S. Wilson Street. Members of the public may choose to participate in person at this location or monitor the audio portion of the meeting and any public hearings telephonically by calling (800) 567-5900 (code 242-2614#). Pursuant to Governor Newsom's Executive Order N-29-20, members of the public may also comment – on items on this agenda or items not on the agenda but within the jurisdiction of the Board – via email sent to info@ncsd.ca.gov prior to the 9:00 am meeting start time. All emails received by that time will be distributed to the Board. Public participation in the meeting and public hearings will be taken only as described above. If any individual with a disability requires assistance to observe or participate in the meeting, please contact the District office by telephone at least 24 hours in advance.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of March 24, 2021, 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, all Directors were present.

Eddie Moore, CALFIRE Fire Chief, introduced himself and provided his professional history.

Director Blair said he would be contacting him regarding the designation of fire hazard severity zones in the District.

C. PRESENTATIONS AND REPORTS

C-1) PRESENTATION ON TRANSITIONING FROM BI-MONTHLY TO MONTHLY BILLING CYCLE [RECOMMEND RECEIVE AND FILE]

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

There were no public comments.

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- 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

Director Woodson

- *March 22, attended the South County Advisory Committee meeting remotely.*

Director Gaddis

- *March 11, attended Board Harassment Training.*
- *March 15, attended Board Officers' meeting.*
- *March 17, attended Finance and Audit Committee meeting.*

Director Eby

- *March 11, attended Board Harassment Training.*
- *March 11, attended a NMMA Technical Group meeting remotely.*
- *March 15, attended Board Officers' meeting.*
- *March 17, attended Finance and Audit Committee meeting.*
- *March 18, attended LAFCO meeting remotely.*

- C-3) 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 Woodson and seconded, the Board unanimously approved receiving and filing presentations and reports.
 Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MARCH 10, 2021, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) DECLARE 2007 FORD PICKUP TRUCK SURPLUS AND AUTHORIZE SALE [RECOMMEND DECLARE 2007 FORD PICKUP SURPLUS AND AUTHORIZE STAFF TO DISPOSE OF BY SALE]
- D-4) AWARD CONSTRUCTION CONTRACT FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT TO BROUGH CONSTRUCTION, INC. [RECOMMEND ADOPT RESOLUTION AWARDDING CONTRACT TO BROUGH CONSTRUCTION, INC. IN THE AMOUNT OF \$918,368, AUTHORIZING STAFF TO EXECUTE CONTRACT, AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$60,000, AND APPROVING BUDGET ADJUSTMENT IN THE AMOUNT OF \$431,000]

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- D-5) APPROVE TASK ORDER WITH MNS ENGINEERS INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL APPROVE TASK ORDER WITH MNS ENGINEERS, INC. IN THE AMOUNT OF \$190,000 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]

- D-6) APPROVE TASK ORDER WITH CANNON FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL APPROVE TASK ORDER WITH CANNON IN THE AMOUNT OF \$35,850 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]

- D-7) AUTHORIZE TASK ORDER FOR SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM INTEGRATION SERVICES FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE TASK ORDER IN THE AMOUNT OF \$44,896 WITH TESCO CONTROLS, INC.]

District staff, answered questions from the Board regarding the warrants.

There were no public comments.

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

Vote 5-0.

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

RESOLUTION NO. 2021-1588

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING THE BID FOR THE CONSTRUCTION OF Nipomo Palms Lift Station Replacement Project TO BROUGH CONSTRUCTION INC. IN THE AMOUNT OF \$918,368, AUTHORIZING CONSTRUCTION CONTINGENCY OF \$60,000, AND AMENDING FY 2020/2021 BUDGET

RESOLUTION NO. 2021-1589

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A TASK ORDER FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM INTEGRATION SERVICES WITH TESCO CONTROLS INC.

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER LANDSCAPE IMPROVEMENTS AT SOUTHLAND WASTEWATER TREATMENT FACILITY AND APPROVE CONTRACT TO INSTALL PLANTINGS ON PROPERTY ALONG HIGHWAY 101 [RECOMMEND CONSIDER IMPROVEMENTS AND APPROVE CONTRACT TO INSTALL PLANTINGS ON PROPERTY]

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

Pam Wilson, NCSD resident, talked about Myoporum and her experience with the plant.

The Board directed staff to utilize oleanders to build the screen after considering other plant options.

*Upon the motion of Director Gaddis and seconded, the Board approved the contract for installation using white and pink oleanders.
Vote 3-2.*

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

RESOLUTION NO. 2021-1590

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR LANDSCAPE IMPROVEMENTS AT SOUTHLAND WASTEWATER TREATMENT FACILITY TO GLM LANDSCAPE MANAGEMENT IN THE AMOUNT OF \$33,344 AUTHORIZING CONTINGENCY OF \$5,000, AND AMEND FY 2020/2021 BUDGET

- E-2) CONSIDER MAKING A NOMINATION FOR LOCAL AGENCY FORMATION COMMISSION'S SPECIAL DISTRICT MEMBER SEAT [RECOMMEND THE BOARD CONSIDER NOMINATION AND DIRECT STAFF]

Mario Iglesias, General Manager, presented the item.

Directors Blair and Woodson nominated Director Eby for the LAFCO member seat.

There were no public comments.

*Upon the motion of Director Blair and seconded, the Board unanimously approved the Nomination.
Vote 5-0.*

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

- E-3) APPROVE QUITCLAIM OF EASEMENT OUTSIDE THE DISTRICT'S SPHERE OF INFLUENCE [RECOMMEND ADOPT RESOLUTION APPROVING THE QUITCLAIM OF AN EASEMENT OVER APN 091-121-051]

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

There were no public comments.

Upon the motion of Director Malvarose and seconded, the Board unanimously approved the Quitclaim of Easement.
Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Malvarose, Blair, Woodson, Gaddis, Eby	None	None

RESOLUTION NO. 2021-1591

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE QUITCLAIM OF AN EASEMENT
OVER APN 091-121-051

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the General Manager's Report and answered questions from the Board.

Mario Iglesias, General Manager, informed the Board that the Nipomo Community Services District would have a kiosk available for customers to pay with their credit card and answered questions from the Board.

There were no public comments.

Director Woodson requested staff inquire about the future Board meeting protocol after COVID 19 risks are reassessed.

Director Eby asked questions regarding the Dana Reserve Project and alerted the Board of a Planning Department meeting via zoom at 5:30 pm Wednesday the 24th, 2021.

G. COMMITTEE REPORTS

Director Gaddis and Eby attended the Finance and Audit Committee meeting where the rate consultant Clayton Tuckfield presented the preliminary Town Sewer Rate Study. The Committee received the preliminary report and directed the rate consultant to draft the Town Sewer Rate Report.

There were no public comments.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

I. CLOSED SESSION ANNOUNCEMENTS

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

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- a. SMWWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES

- 2. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(D)(4) TWO (2) POTENTIAL CASES


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

ADJOURN MEETING

President Eby adjourned the meeting at 11:00 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 21 minutes
Closed Session	0 hour 39 minutes
TOTAL HOURS	2 hour 0 minutes

Respectfully submitted,


4-14-2021

 Mario Iglesias, General Manager and Secretary to the Board Date