

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

JANUARY 23, 2002

REGULAR MEETING 9:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

RICHARD MOBRAATEN, **PRESIDENT**  
MICHAEL WINN, **VICE PRESIDENT**  
ROBERT BLAIR, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**

### STAFF

DOUGLAS JONES, **GENERAL MANAGER**  
DONNA JOHNSON, **SEC. TO THE BOARD**  
JON SEITZ, **GENERAL COUNSEL**

**NOTE:** All comments concerning any item on the agenda are to be directed to the Board Chairperson.

#### A. CALL TO ORDER AND FLAG SALUTE

President Mobraaten called the meeting to order at 9:30 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Board members were present.

#### C. PUBLIC COMMENTS PERIOD

##### PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo - suggested that the Board appeal the decision of the Board of Supervisors concerning the Woodlands project.

President Mobraaten took Item D-2 next because D-1 needed to be postponed.

#### D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

##### D-1) PUBLIC HEARING

Review and adopt negative declaration with mitigation measure regarding construction of facilities including water pipeline and wells to serve Tracts 1802 & 1856 (Maria Vista Development)  
Continuance of Dec. 12, 2001 meeting review Draft Initial Study/Mitigated Negative Declaration of infrastructure to Tracts 1802 & 1856

See D-2. This item was postponed until the presenter arrived.

Mr. Doug Wood from Douglas Wood and Associates presented information on the Draft Initial Study/Mitigated Negative Declaration and addressed the letter from the County Planning Department.

President Mobraaten opened the meeting to a Public Hearing to review the Draft Initial Study/Mitigated Negative Declaration of the infrastructure for Tract 1802 and 1856.

The following members of the public spoke:

Nora Jenaé, 692 Beverly Drive, Nipomo - Urged Board to publish Negative Declarations on major projects. Stated that changing well sites changes the impact. Water wells are going dry. District should not be taking on new development.

Bill Robinson, 2092 Curtis Place, Arroyo Grande - Read from letter included in the Board packet and attached to the Minutes as Exhibit A and urged the Board to do a full EIR.

John Snyder, 662 Eucalyptus Rd., Nipomo - read from a letter he handed to the Board and is attached to the Minutes as Exhibit B.

Jesse Hill, 1910 Grant Ave, Arroyo Grande - handed a packet of letters to the Board including letter to John McKenzie from SLO-COG, letter to Richard Marshall, Development Services Department from SLO County Engineering Department, and one from Doug Jones to John McKenzie, attached to the Minutes as Exhibit C.

Item D-1) continued

Herb Kandel, 776 Inga Rd., Nipomo - Stated that NCSB Board is making a significant planning decision. Board has not provided evidence that changing well sites would change the rate of flow to wells in the area. Impacts of off-site water sources have not been adequately evaluated. County staff and supervisors have not reviewed sufficiently. The project was approved with on-site water only. Concerned about the lack of supportive data for Negative Dec. Feels that CEQA would require environmental review of issues early in the process. Concerned with growth-inducing impact and NCSB needs to consider GPA amendments. Urged the Board to not accept the Negative Declaration and to do a complete EIR.

Eric Benham, Trincon Inc, 124 W. Main St. #C, Santa Maria - Recapped the story of how the County directed him to go to the NCSB for service.

Vince McCarthy, 194 E. Dana, Nipomo - Thanked Mr. Seitz for taking control of meeting.

The Public Comment Period was closed.

Legal Counsel, Jon Seitz, reviewed the history of project and commented that the project was fully entitled before it came before the District for possible annexation. The Board discussed the project at length. Mr. Wood answered questions from the Board.

Director Winn's comments: It is ironic that no-one has mentioned that, with the deletion of Parcel 1808, this development will have 38 fewer homes with less water required than when it was originally approved.

Non-issues that have been raised

- Nipomo wells going dry. Nipomo wells in bad water areas have always gone dry at times.
- Overdraft is not an issue in this project but of course is a matter for concern. Does not affect this decision.
- The *depression* is not the ground sinking. We would not be pumping if it were.
- *Appropriators are in litigation*. Everyone is in litigation. No one is excluded. The water master will decide.
- *Growth-inducing effects* not significant in this project because it is an entitled project. Growth is already built in and approved. *Pipeline down Orchard* - District already has 9 miles of water pipes through areas that have no growth and have not had any significant growth next to them. This area goes through rural lands. It is zoned 20 acre minimums. It may induce some very optimistic people who try to get General Plan amendments to increase density. Then the community can stand up to say no. We ran a water line through an entitled area toward the high school and there has been no growth. The Planning Department induces growth. Question is not whether or not to have a pipeline but if this pipeline will require an EIR and go ahead and be built afterwards. Or do we find there is no significant reason for denying it at this time? Either way the pipeline will be built.

Director Blair feels this will be good for the District and Nipomo. *Roads?* - We have no control over roads.

Director Wirsing is concerned about the cumulative effect of several projects pumping water. Would like to understand why an EIR not necessary.

Director Trotter asked Director Winn to explain his statement that overdraft is not an issue. Director Winn said in this context where pumping would be about 300 gpm within the District into our system has little significance.

Director Trotter asked if Director Winn felt that the magnitude of pumping was insignificant.

Director Winn said something like Woodlands is tremendously greater and raises that issue to a level of significance.

Item D-1) continued

Director Wirsing said that there are cumulative effects with the new high school and other projects coming in and believes an EIR is necessary to protect this Board and this community.

Director Trotter said 300 gallons may be insignificant but they have a cumulative effect with 300 gallons here, 500 there, and then the extreme of Woodlands. He suggested staff follow up on the letter which was sent to the State encouraging the completion of the Water Resources Arroyo Grande Nipomo Mesa study. This report, when completed, will have great credibility and help overcome some of these concerns.

Director Blair said the DWR study will be inconclusive because it only goes to the Santa Maria River.

Directors Winn and Mobraaten agreed to hearing the current staff of the DWR saying they have no great confidence in that report.

Director Trotter said that the Department of Water Resources and the Bureau of Reclamation has more credibility in this state, as far as water studies are concerned and water management in general, than any other body in the State of California by far.

Upon motion of Director Blair, seconded by Director Winn, the Board approved Resolution 2002-806 adopting a mitigated Negative Declaration for the project to serve Tracts 1802 & 1856. Vote 4-1 with Director Wirsing voting no.

**RESOLUTION NO. 2002-806  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO  
FILE A NOTICE OF DETERMINATION FOR THE MARIA VISTA DEVELOPMENT, TRACTS 1802 AND 1856**

D-2) REQUEST FOR SERVICE (NUÑEZ)

A request for water and sewer service at 427 Amado St. - Outside District Boundary

This item was handled first because the presenter for Item D-1 was stuck in traffic and would be late. See D-1

The following members of the public spoke:

Ruben Nuñez, son of applicant, requested water and sewer service from the Board. He answered questions from the Board. Upon motion of Director Blair, seconded by Director Winn, the Board unanimously agreed to direct staff to show Mr. Nuñez the process to annex into the District for water and sewer service. Vote 5-0

President Mobraaten directed the meeting to Item D-1.

D-3) REQUEST FOR SERVICE, PROJECT NO. B 011368-1 (CORTEZ)

Request for water & sewer service for a proposed apartment at 149 N. Avocado

There are now 5 people left in the audience.

Elpidio Cortez, Jr. requested water and sewer service to a proposed apartment at 149 N. Avocado Street in Nipomo. Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved to issue an Intent-to-Serve letter for Project No. B 011368-1 with the conditions as outlined in the Board letter.

D-4) SPECIAL DISTRICT LATENT POWERS

Resolution supporting the return of Latent Powers from LAFCO

President Mobraaten moved to Item E-2.

The Board considered a resolution, if approved, to be presented to the San Luis Obispo Chapter of the Special Districts Association as a proposed model to initiate a majority of special districts approval in the County to acquire their dormant latent powers.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Res. 2002-807 supporting the return of latent powers from LAFCO. Vote 5-0.

**RESOLUTION NO. 2002-807  
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REQUESTING THE APPEAL OF  
REGULATION LIMITING OF SPECIAL DISTRICT LATENT POWERS**

**E. OTHER BUSINESS**

- E-1) YEAR 2002 DISTRICT INVESTMENT POLICY  
Annual adoption of the District Investment Policy

The California Government Code Section 53646 (2) requires local government entities to adopt an annual investment policy. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously approved Resolution 2002-808 adopting the 2002 District Investment Policy. Vote 5-0

**RESOLUTION NO. 2002-808  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE YEAR 2002 DISTRICT INVESTMENT POLICY**

- E-2) URBAN STREAM RESTORATION PROGRAM  
Possible participation in the stream restoration program

Herb Kandel, Nipomo Creek Committee presented information to the Board concerning the Urban Stream Restoration Program

Scott Blume, Connie O'Henley and Sandra McBride also presented information and answered questions from the Board. The Board agreed to have the Flood Committee (Directors Trotter and Winn) meet with Mr. Kandel and others to gather more information to present to the Board.

Back to Item D-4

**F. 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 be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

- F-1) WARRANTS [RECOMMEND APPROVAL]  
F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Minutes of January 9, 2002 Regular Board meeting  
F-3) 4<sup>th</sup> Quarter Investment Policy Report [RECEIVE AND FILE]  
F-4) 2<sup>nd</sup> Quarter Financial Report [RECEIVE AND FILE]

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved the Consent agenda with a spelling correction.

**G. MANAGER'S REPORT**

General Manager, Doug Jones, presented information on the following:

STATUS OF PROJECTS

- LIGHTING DISTRICT
- MONTECITO VERDE II SEWER
- TEFPT STREET WATER
- PARK WATER LINE EASEMENT
- BLACK LAKE WATER SUPPLY

**H. COMMITTEE REPORTS**

NCAC - Director Winn

WRAC - Director Winn NVMWC is due to receive 10 a/f water from Shandon

Chamber of Commerce - Director Wirsing - meeting next week

**I. DIRECTORS COMMENTS**

Legal Counsel, Jon Seitz announced the need to go into Closed Session pursuant to GC§54956.9 .

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSD VS STATE DEPT OF HEALTH SERVICES CV 990716

CONFERENCE WITH NEGOTIATOR

- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR- DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE

The Board came back into Open Session and announced the decision to direct staff to prepare agreement to hire the services of Bruce Beaudoin to determine the fair market value of the Nipomo Park property.

**ADJOURN**

President Mobraaten adjourned the meeting 1:14 p.m.

***The next regular Board Meeting will be held on February 6, 2002 at 9:30 a.m.***