

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

OCTOBER 2, 2002

REGULAR MEETING 9:00 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**

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

President Mobraaten called the meeting to order at 9:04 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.**

There was no public comment.

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

##### **D-1) DE-SAL PRESENTATION – BOYLE ENGINEERING**

Mr. Ernie Kartinen will make a presentation on De-Salination

Mr. Ernie Kartinen, from Boyle Engineering, gave a presentation about De-Salination. When asked how to get started in the process of creating a de-sal unit, he suggested a feasibility study for sites, etc.

The following members of the public spoke:

Ed Eby, 520 Camino Roble – Inside District – Asked if the cost in the presentation included the pumping cost. Answer-No

Jesse Hill, 1910 Grant Ave, AG – Outside District – Asked if there have been problems with going across public lands, such as parks, etc. Answer-Takes permitting time

Mr. Kartinen was thanked for the presentation.

##### **D-2) REQUEST FOR SERVICE – APN 091-240-024 (MONEY)**

Renewal request for water service for an 8½ acre parcel at 1112 Pomeroy Rd

The Board discussed the request for a renewal of an Intent-to-Serve letter for water service to 1112 Pomeroy Road. There was no public comment. Upon motion of Director Blair and seconded by Director Winn, the Board unanimously agreed to issue an Intent-to-Serve letter to Mr. Joe Money for water service to APN 091-240-024, with the conditions as outlined in the Board letter.

##### **D-3) REQUEST FOR SERVICE – TRACT 2456 (KING VENTURES)**

Request for water service for a 41 unit residential development at Division and S. Frontage Rds.

The Board discussed the project Tract 2456.

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, AG – Outside District – The NCAC approved the original design of the combined tracts of 2399 and 2456.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to continue this item until a representative from King Ventures comes to the meeting. Vote 5-0.

- D-4) REQUEST FOR SERVICE – TRACT 2381 (NESTER)  
Request for water and sewer service for a 21 unit residential development at Pomeroy and Willow Rds.

The Board discussed a request for water and sewer service from Greg Nester Construction & Development, Inc. for Tract 2381.

The following members of the public spoke:

Larry Vierheilig, 950 Waypoint, Inside District – This project was approved by NCAC  
John Eppard, 1505 Champion Lane, Inside District – Thought this project was Phase 5 of the original Specific Plan for Blacklake.

Jesse Hill, 1910 Grant Ave, AG – Outside District – This project was approved by the Board of Supervisors.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to issue an Intent-to-Serve letter for Tract 2381 with the conditions as outlined in the Board letter. Vote 4-1 with Director Wirsing voting no because of her continued concern for the water supply with Woodlands coming in and their wells could impact Blacklake's water supply. Director Trotter voted yes but is still concerned about the overall water supply for the community.

- D-5) DANA-FOOTHILL WATER STORAGE FACILITY – ENVIRONMENTAL REVIEW  
Set a Public Hearing for an environmental review of a one million gallon storage facility at the Dana-Foothill site

The Board discussed the need to hold a public hearing for the Dana-Foothill Water Storage Facility. Director Wirsing was concerned about page 3 of the Initial Study "There currently are no restrictions on growth in the District due to water supply." It was explained that the 2.3% growth cap is a County mandated restriction, not a District restriction. Director Wirsing wanted public to know she is not against the storage facility, but is concerned about water supply. There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to tentatively approve the Dana-Foothill Water Storage Site Initial Study and set a Public Hearing for November 6, 2002, for the environmental review of this project. Vote 5-0

- D-6) WOODLANDS PROJECT (PH PROPERTY DEV. CO.)  
Review SLO County Planning Commission staff report & other correspondence on the Woodlands Project

Jon Seitz, District Legal Counsel presented information of the Planning Commission meeting last Thursday, Sept 26th. All the items were continued to the October 24<sup>th</sup> meeting. Mr. Seitz read a portion of Government Code Section 66473.7

"Sufficient water supply" means the total water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining "sufficient water supply," all of the following factors shall be considered. (copy in full section attached to Minutes)

The following members of the public spoke:

Larry Vierheilig, 950 Waypoint, Inside District – Asked about the amount of leakage in the District. He felt that the retrofit program does not really save much water. The mitigation measures require proof that the Woodlands project causes water demise.

D-6) WOODLANDS PROJECT (PH PROPERTY DEV. CO.) continued.....

Jesse Hill, 1910 Grant Ave, AG – Outside District – Talked about SB 221 Section 4 and Water Code 10910. Woodlands developer must ask for letter from the public water provider's for water supply.

There was much Board discussion.

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to

- Approve staff's recommendation to present the objections as we have discussed;
  - Approve retaining District's consulting engineer to provide written report on potential of District wells being affected by cumulative water interference. This has to do with the compliance of the SEIR;
  - Retain District's consulting engineer to provide written report related to the substituted retrofit program that was supposed to save 165 ac/ft.;
  - Retain District Special Legal Counsel to appear at the hearing on October 24<sup>th</sup> to supplement the administrative record on our objections under Government Code Section 66473.7 and the applicable Water Code Section 10910.
- Vote 4-1 with Director Blair voting no.

E. OTHER BUSINESS

- E-1) BOARD OF DIRECTORS MEETING DATES  
Cancel October 16 and schedule a meeting for October 23, 2002

It was suggested to move the October 16<sup>th</sup> regular meeting to October 23, 2002, due to staff attending a AWWA conference. There was no public comment.

Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously agreed to cancel the October 16,2002, meeting and reschedule the regular meeting for October 23, 2002.

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 September 18, 2002, Regular Board meeting  
F-3) ACCEPT WATER/SEWER IMPROVEMENTS TRACT 2409 (EDWARDS) [RECOMMEND APPROVAL]  
Resolution accepting improvements for a 28-lot development at Tejas and Vista Verde

There was no public comment.

**RESOLUTION NO. 2002-837  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES  
DISTRICT ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2409 (EDWARDS)**

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved the Consent Agenda with the Minutes amended in D-4, as requested by Director Winn. Vote 5-0

G. MANAGER'S REPORT

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

- G-1) DISTRICT ACTIVITIES

**H. COMMITTEE REPORTS**

There was no committee report.

**I. DIRECTORS COMMENTS**

Director Blair relayed some information learned at the CSDA seminar in San Diego attended by Mr. Jones, Mr. Seitz and himself.

Director Winn will be attending the WRAC meeting in SLO

District customers, who are property owners with small parcels or no wells, are asking what kind of response to lawsuit service can be given to water litigation lawyers.

Asked that an item concerning ministerial approval be put on the agenda for general discussion.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following.

**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. SAVE THE MESA VS. NCSD CV 020181
- C. ARNETT, ETAL VS CALPERS CASE #C95-3022CRB
- D. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC§549569

The Board came back into Open Session and announced the following:

On a 5-0 vote, the Board unanimously agreed to join the Class Action suit in Item C above.

**ADJOURN**

President Mobraaten adjourned the meeting at 12:26 P.M.

*The next regular Board Meeting is scheduled for October 23, 2002, at 9:00 a.m.*