

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 21, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
KATHLEEN FAIRBANKS, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**
GENE KAYE, **DIRECTOR**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

CALL TO ORDER AND FLAG SALUTE

President Mendoza opened the January 21, 1998 meeting at 7:02 p.m. and led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF JANUARY 7, 1998

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the minutes of the January 7, 1998 meeting.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Any member of the public may address the Board on any item of interest within the jurisdiction of the Board. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda. Presentations limited to three (3) minutes.

John Snyder - 662 Eucalyptus Rd. - He handed a packet of papers to the Board. A letter in the Board packet with his signature on it did not come from him but was faxed from another source. He requested that the staff not modify, with white-out, letters with his name on it.

Istar Holliday - 577 Sheridan Rd. - Arroyo Grande - She protests NCSD expanding its Sphere of Influence.

3. PUBLIC HEARING - SUN DALE WELL

Review environmental negative declaration of construction of a new well

Mr. Jones explained that on December 17, 1997, the Board set a Public Hearing for today, January 21, 1998.

Jim Garing, District Engineer, gave the staff report and explained the need to improve the District's standby and peaking capacity.

The Public Comment period closed on January 13, 1998. The comments received by that date were considered and categorized by Mr. Garing in his written report into eleven categories. Mr. Garing reviewed the comments received and summarized his report as follows:

(ITEM 3 CONTINUED) PUBLIC HEARING - SUN DALE WELL

SUMMARY OF COMMENTS <u>RECEIVED</u>	SUMMARY OF DISTRICT ENGINEER'S <u>RESPONSES</u>
1. Capacity of District Pumping	An overhead was shown with a table of the District's pumping capacity.
2. Negative Declaration conflicts with District prior position that the Basin is in an overdraft condition.	The only way to determine the overdraft condition is through a legal process. Two EIR reports were previously completed. The EIR for South County Area Plan was prepared by the Morro Group. This Board does not control land development. Mitigation measures were implemented in the County Plan.
3. Impact on existing well levels	No substantial impact expected
4. Growth inducing	SLO County Board of Supervisors controls the growth. The District has no land use control.
5. Lack of restrictions on use of well	The well may be used during maintenance of other District wells and to meet demand periods.
6. Wait for DWR Report	South County Area Plan worked with the DWR. Mitigation measures implemented should cause the basin to be uninfluenced with land improvements.
7. Cannot be considered as permanent water source and cutbacks might be required because of water shortages.	District considers every facility a permanent facility. With the implementation of the mitigation measures and the assurance that water basin is not to be affected, there is no reason to believe that water shortages are in the near future and therefore is no reason to believe that cut backs will be required in the future.

(ITEM 3 CONTINUED) PUBLIC HEARING - SUN DALE WELL

SUMMARY OF COMMENTS <u>RECEIVED</u>	SUMMARY OF DISTRICT ENGINEER'S <u>RESPONSES</u>
8. New facility may replace poorer quality pumping facilities on east side of U.S. 101. It is not clear as to which basin they are in.	Currently there are two wells operated by the District on the east side of US 101 - the Savage Well and the Church Well. These wells are both very small facilities both pumping in the neighborhood of 100-200 GPM and they don't have a significant impact all by themselves whichever basin they are in. What is significant is that all the water that is used on the east side of the freeway that goes into the wastewater collection and treatment system is transported to the wastewater treatment facility at Southland, which is on top of the Nipomo Mesa Basin. All water that is treated and reclaimed by that facility is recharged into the groundwater basin of the Nipomo Mesa.
9. Water use constantly on the increase	Per capita consumption in the past has shown a decline. Use per water account has dropped even though the number of accounts has increased.
10. Noise from new facility	The District plans to enclose the pump with double wall insulation
11. Effect agricultural water availability	1/4 mile away from the nearest ag land. The rest of the area is zoned Residential Rural or Recreational Mitigation measures should create a balance.

President Mendoza opened the Public Comments portion of the Public Hearing. He asked audience to limit their comments to 6 minutes.

During the Public Hearing, the following people spoke and their testimonies are summarized as follows:

1. John Snyder - 662 Eucalyptus Rd., Nipomo - Seems to be discrepancy in Mr. Garing's figures shown on chart. 600 ac/ft shortfall. Was the overdraft based on technical or legal components?

(ITEM 3 CONTINUED) PUBLIC HEARING - SUN DALE WELL

2. Dwayne Chism - Utility manager for City of Santa Maria - 601 Black Rd. Santa Maria. Mitigation measured should be implemented and there should be good planning. The Negative Declaration seemed vague.
3. Estar Holliday - 577 Sheridan - Arroyo Grande
Please don't take assurances that building houses will use less water. Please bring a halt to expansion and extraction of water and expansion of the Sphere of Influence.
4. Cees Dobbe - 620 Black Ridge Rd. - Water is complex issue. Should have a full EIR.
5. James Pudwell - 880 Sun Dale The proposed well is 1/8 mile from his property which is ag land not 1/4 mile. When he tried to develop his land, the County said there was no water.
6. Herb Fox - Attorney for Koch California Ltd. and All Seasons Flowers - He handed a packet to the secretary and requested that it be logged by the Board. CEQA process requires public agencies to consider an EIR. Is there a fair argument that a significant impact will be made? He presented several instances how NCSD has consistently claimed that the basin is in an overdraft.
7. George Kiler - 1210 Pomeroy Rd., Arroyo Grande - NCSD is taking water from outside the District to provide for inside District customers. Recycled water won't reach the water table for years.
8. Susan Ostrov - Representing Black Lake Management Association - Black Lake Golf Course Development is an overlying water pumper. South County Area Plan mitigation measures seem to be working because the County required that there be no impact on the ground water basin for the Black Lake Specific Plan Amendment to increase development by 54 homes.
9. Ty Green - Represents Black Lake Partners - CEQA is not a water rights issue but an environmental one. The well does not induce growth because NCSD cannot control land use.
10. Dell Wayner - 737 Via Concha - Should provide water to people in the District not to people outside the District.
11. Brad Balzano - 226 Summit Station Rd. - Would like questions answered tonight.
12. Suzanne Koch Snyder - 662 Eucalyptus Rd.- Requested that the letter concerning the Sun Dale Well Project delivered to the Board by John Snyder at the beginning of the meeting be entered into the record.
13. Mary Holder - 234 Summit Station Rd. - Summit Station is not drawing water from the Mesa.
14. Maureen Koch - 885 Mesa Rd. - Read quote from Santa Maria Times by Bob Blair.
15. Roland Neetz - 1550 Michagan Way, Nipomo - Does the need to drill a well come as a surprise to the District?

(ITEM 3 CONTINUED) PUBLIC HEARING - SUN DALE WELL

At 8:36 p.m. President Mendoza closed the Public Comment portion of the Public Hearing.

Jim Garing, District Engineer, responded to some of the comments from the Public Hearing as follows:

- Mr. Garing did not understand the 600 ac/ft shortfall suggested by Mr. Snyder. Black Lake is extracting water from the same basin.
- South County Area Plan Update EIR is the most recent evaluation of the Nipomo area.
- Mitigation measures are being implemented. They attempt to make development completely neutral.
- To the question of how to handle water shortfall issue: After the Boyle Master Plan report was received, the Board started the process suggested.
- The well is part of the Master Plan.
- With all the previous EIR's having been done, it seems unnecessary to do more.
- The proposed well may be about the 1/8 mile from an ag area. Mr. Garing will have to check on this.
- Mr. Ty Green answered most of Mr. Fox's comments.
- The issuance of an Intent-to-Serve letter is based on the physical ability to supply the resource and is not a ground water basin issue.
- Timetable to do an EIR is about a year.
- The South County Area Plan Update looked at the whole Mesa which included the District.
- The Black Lake Development has mitigation measures that are being implemented.
- Property owners must have water available or they would not have been able to split their property.
- Mr. Garing was unable to comment on the question about the Via Concha Well contract because he was not privy to the content of that contract.
- Summit Station Assessment - Special restrictions on growth were placed on the Summit Station area by the County.
- Developing a well was not a surprise but it takes time to go through the process.

Jon Seitz, District Legal Counsel, commented:

- On all annexations LAFCO makes the Environmental Determination.
- The District's current annexation policy requires the proposed annexation be water self-sufficient.
- On Mr. Fox's comments - Mr. Green is correct. CEQA is not a water rights issue. The District took a position in 1987 that the basin was in overdraft. Rights to groundwater basin are determined by the judge. The DWR Report should be ready this year. The District will have a chance to review the report.
- The District has considered all the other EIR's addressing this issue. South County Area Plan Update reviewed McFarland report and other reports.
- NCSD expanding Sphere of Influence is considered by LAFCO

(ITEM 3 CONTINUED) PUBLIC HEARING - SUN DALE WELL

Mr. Seitz reviewed Resolution 98-633. Stated that the words "the staff report" were added after the original resolution was prepared.

Upon motion of Director Blair and seconded by Director Simon, the Board unanimously approved Resolution 98-633.

**RESOLUTION NO. 98-633
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN ENVIRONMENTAL NEGATIVE DECLARATION AND
AUTHORIZING THE GENERAL MANAGER TO FILE A
NOTICE OF DETERMINATION FOR THE SUN DALE WATER WELL**

[A copy of the tape recording of the Public Hearing is available for public inspection.]

President Mendoza called a five-minute break.

At 9:10 p.m. the Board came back from the break.

4. CONSTRUCTION OF SUN DALE WELL
Review bids to drill a test hole and well

Mr. Jones explained that bids were received from four well drillers. Enloe Drilling was low bidder coming in at \$95,870.00.

During this agenda item the following people spoke:

John Snyder - 662 Eucalyptus Rd. Nipomo - Asked how much of the bid for the Sundale Well was for the test hole.

Mr. Jones answered that approx. \$14,000 was for the test hole.

Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 98-634 awarding the contract to Enloe Well Drilling to drill the Sun Dale Well.

**RESOLUTION NO. 98-634
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO ENLOE WELL DRILLING
TO DRILL THE SUN DALE WELL**

5. SUMMIT STATION
Sub committee report

President Mendoza explained that he and Director Kaye were on the Sub-committee that reviewed the information presented at past Board meetings. The District is waiting for the District engineer, Jim Garing, to summarize his findings in a report to the Board.

Director Kaye stated that the legal requirements of Title 22 of 20 psi at the meter are being met.

Jon Seitz, District Legal Counsel, stated that the law sets minimum standards of 20 psi. Boyle Engineering suggested minimum to be set higher. The Board can make the standard even higher. The District is responsible up to the meter. The property owner is responsible after that.

Jim Garing, District Engineer, suggested putting the measuring device at the house.

Director Blair suggested putting a measuring device on Dale or Poppy Lanes.

Director Kaye says that now the pressure may be fairly good but the residents are concerned about the upcoming summer.

Mr. Jones said the District is taking pressure recordings on a daily basis and that a quarterly report will now be sent to Kurt Souza at the Dept. Of Health Services.

During this agenda item, the following people spoke:

Mary Holder - 234 Summit Station Rd. - repeated to the Board that they do not want a measuring device at their house since NCSD's responsibility ends at the meter. Her water line has been in for twenty-two years and she never had a problem with it.

Wilbur Swanson - 1250 Futura Lane - He has pressure but no water.

Brad Balzano - 226 Summit Station Rd. - Suggested a pressure recording device at each user's house. Said someone on Futura Lane moved because they had no water.

Jan Neetz - 1550 Michigan Way - These people should not be begging for water.

John Snyder - 662 Eucalyptus Rd. Nipomo - Asked if the District had thought of placing a camera down the line. Asked the cost of a booster pump or alternate pump at the tank.

Director Simon asked about possibility of placing the pressure gauges.

Director Kaye said the committee had considered possibilities suggested by John Snyder.

Director Blair agreed that to TV the water line might be a good idea.

Mr. Garing's report will probably be presented to the Board in two meetings.

There was no action taken by the Board.

6. DISTRICT INVESTMENT POLICY

Adoption of the 1998 District Investment Policy

Mr. Jones explained that the California Government Code Section 53646 requires local government entities to adopt an annual investment policy. Director Simon asked to check about the Vanguard Plan as an investment possibility. He asked to be on the sub-committee if one is formed. Jon Seitz, District Legal Counsel, pointed out the investment portion on page 2 of the Investment Policy. There were no Public Comments. Upon motion of Director Fairbanks and seconded by Director Simon, the Board unanimously approved Resolution 98-635 adopting the 1998 District Investment Policy.

**RESOLUTION NO. 98-635
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 1998 DISTRICT INVESTMENT POLICY**

FINANCIAL REPORT

7. APPROVAL OF WARRANTS

Upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the January 21, 1998 meeting.

8. QUARTERLY INVESTMENT REPORT

The Quarterly Investment Report was presented to the Board. The District is in compliance with the 1997 Investment Policy. There were no public comments on this item. Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously received the Quarterly Investment Report into file.

OTHER BUSINESS

9. MANAGER'S REPORT

Mr. Jones presented information on the following:

1. Cal. Water Journal article on Coastal Aqueduct
2. Senator O'Connell correspondence on State Budget
3. Facility Plan Approval - Wastewater Expansion

10. DIRECTORS COMMENTS

Director Kaye, Director Blair and President Mendoza had general comments about the meeting.

No Closed Session necessary at this time.

ADJOURN

President Mendoza adjourned the meeting at 10:18 p.m.

A copy of the tape recording of the meeting is available for public inspection.