

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING AGENDA
February 18, 2003

A Regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, February 18, 2003, in the Board Chambers of the District Office at 19039 Bay Street, El Verano, California.

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

President Ron Prushko called the meeting to order at 6:30 P.M. Roll Call by **Deputy Secretary Shari Walk** noted the following present:

Directors Present:	Mark Bramfitt Edward Kenny Sanford Smith Michael Woods Ron Prushko
Directors Absent:	None
District Personnel:	Shari Walk, Office Supervisor Paul Gradolph, Operations and Maintenance Supervisor
General Manager:	Lee J.Harry
District Counsel	Ari Lauer
Board Secretary:	Shari Walk
Project Consultants	Winzler and Kelly: Tony Cinquini and Tami Borton
Sonoma County PRMD	Greg Carr
Sonoma Index Tribune	Sandi Hansen
Public Present:	Mickey Cooke, Erik Holbeck, Andrea Perry, Steve Perry, Yannick Ponte, Barbara Roy, Bill Schoeffler, Pat Smith, Win Smith, Margaret Spaulding, Allan Tose, Francine Maffei, and eight other members of the audience who did not identify themselves.

2. PUBLIC COMMENTS

There were no comments from the public.

3. CONSENT CALENDAR

- A. Receive and Approve Minutes of February 4, 2003 Regular Board Meeting
- B. Recommendations Regarding the SCWA Preliminary Budget and Water Rates for 2003/04

Motion by **Director Bramfitt**, seconded by **Director Woods** and carried unanimously by a voice vote to adopt the Consent Calendar, as shown.

At 6:33 P.M., **President Prushko** reported that the Public Hearing on the meeting agenda had been advertised to occur at 6:45 P.M. The Board of Directors pursued the rest of the agenda until that time.

5. OPERATIONAL & COMMITTEE REPORTS

There were no Operational & Committee Reports.

6. RECEIVE & FILE PRESIDENT'S AND DIRECTOR'S REPORTS OR COMMENTS

Director Kenny referenced the questions he had raised at the last meeting for Project #2866, Storage Reservoir Painting Phase 1, specifically related to the vent screen in need of replacement. He stated that after checking the site, he had found the vent size to be significant and found the contractor's bid to replace that vent screen to be appropriate.

7. GENERAL MANAGER'S AND DISTRICT COUNSEL'S REPORTS

- A. Information Regarding Proposed SCWA Groundwater Supply

General Manager Lee Harry reported that he had a meeting with City of Sonoma staff when a proposal had been discussed where the Sonoma County Water Agency (SCWA) had expressed an interest in purchasing the well field on Farmer's Lane from the City of Santa Rosa with a potential capacity of 2 million gallons (mg) a day. He identified water quality issues related to temperature and explained that trace amounts of iron and manganese had been found, although a treatment facility has been installed to address that situation. He stated that the SCWA had wanted to get into groundwater production and it would take an amendment to their agreement to allow that to occur.

Mr. Harry advised that he had reported that the VOMWD would be interested in complete water quality data, would not want to base the VOMWD current entitlements on Aqueduct water based on well water and some type of price break would be appropriate. He stated that he would keep the Board of Directors apprised of the situation as it progressed.

Director Woods noted that the SCWA had previously submitted information on that well to the VOMWD's attention four or five years ago and some water quality and temperature data had been provided to the VOMWD at that time.

Mr. Harry stated that a data search would be conducted and compared with the most recent data expected from the SCWA.

Mr. Harry reported that the SCWA sent a letter to Miles Ferris stating that the SCWA was in agreement with the financial analysis that the North Marin Water District has prepared regarding the ramifications of Marin Municipal and the Town of Windsor becoming prime contractors, as requested by the VOMWD. He

stated that ongoing negotiations would be conducted throughout the process.

President Prushko reiterated that since the public hearing had been noticed for 6:45 P.M., a recess would be taken until that time. He recessed the meeting at 6:38 P.M.

President Prushko reconvened the meeting at 6:45 P.M. to discuss the Public Hearing regarding the proposed Mitigated Negative Declaration on the Glen Ellen Storage Tank Project.

4. PUBLIC HEARING

A. **Proposed Mitigated Negative Declaration on the Glen Ellen Storage Tank Project**

President Prushko advised that while he lived approximately 3,000 feet from the proposed tank, his home was within 500 feet of portions of the proposed main replacement. As such, he sought a clarification from District Counsel as to whether or not he should recuse himself from the public hearing.

Director Smith reported that he lived at 103 Hill Road, which was approximately 2,200 feet from the proposed tank site. His home was also within 500 feet of the proposed main upgrade and water services to his home were obtained directly from the main that was to be replaced as part of the proposed project. To avoid the potential for a conflict of interest, he recused himself from the discussion and deliberations on the proposed project and took a seat in the audience.

District Counsel Ari Lauer advised that under the specific circumstances offered, it was reasonably foreseeable that a decision on the Glen Ellen Storage Tank Project would not have a material financial effect on real property owned by any VOMWD Director, other than Director Smith. Because the proposed project would not affect either the use or development potential of remaining Director residences or the character in respect to the neighborhoods in which Directors lived, there was no basis to conclude that the effect of the project on the remaining Directors would in any way be distinguishable from the effect on the public in general. As a result, he did not see any basis for any Director, other than Director Smith, to recuse himself because of an actual or potential conflict of interest.

President Prushko opened the Public Hearing regarding the Proposed Mitigated Negative Declaration on the Glen Ellen Storage Tank Project and asked for the General Manager to introduce this item

General Manager Harry reported that the proposed project would address localized capacity deficiencies of fire flow, operation and emergency storage currently in the area. He noted that staff had determined that none of the Directors other than Director Smith lived within the proximity of the proposed project that would constitute a conflict of interest. He advised that Greg Carr, Comprehensive Planning Manager for the County Permit & Resources Management Department (PRMD) would present information regarding the growth issue. Tony Cinquini, the Project Engineer and Tami Borton, the Environmental Consultant from Winzler & Kelly, would respond to any questions from the Board on the responses to the Proposed Mitigated Negative Declaration and public review process.

Mr. Harry advised that under the criteria of the American Waterworks Association and the California Department of Health Services Title 22, Chapter 16, water districts such as the VOMWD had certain storage criteria to achieve in order to meet reliability goals. He reported that the Glen Ellen storage pressure zone was very deficient in any operating reserve, emergency storage, and fire protection storage

Mr. Harry reported that the operating reserve required 25 percent of the maximum daily demand in the Glen Ellen pressure zone, which equated to 152,000 gallons. The emergency reserve storage component was to be equal to 100 percent of the average daily demand in the area, or 203,000 gallons. The fire flow reserve based on the commercial businesses in the community requiring 2,500 gallons per minute for a two-hour duration, or 300,000 gallons. The total required storage need in the Glen Ellen pressure zone totaled 655,000 gallons. The VOMWD currently had 150,000 gallons in the Saddle Tank, leaving an immediate storage deficiency of 505,000 gallons and a long-term deficiency to accommodate the growth projected to the year 2050 of 613,000 gallons.

Mr. Harry reported that the VOMWD had sought a site for some time in the Glen Ellen pressure zone to satisfy the deficient storage. It was necessary to locate this tank at an appropriate elevation to balance the flows of the Saddle Tank so that the tanks could be filled and drained in equilibrium with each other.

Mr. Harry explained that four alternatives to the site had been investigated, the first of which was a no project alternative, which the Board had found to be unacceptable. Three other sites had been investigated. He stated that the Hill Road site had been found to be the best and most feasible site available. The owner of that property had initially approached the VOMWD to discuss an arrangement to place a tank on the site. He emphasized that if there were no additional water hookup in the Glen Ellen pressure zone, the VOMWD would still need 500,000 gallons of additional storage in the area.

Greg Carr, Comprehensive Planning Manager of the Sonoma County PRMD spoke to the growth issue and noted that if taking the position that any improvement to the water system was growth inducing, no maintenance of the pipes and the system would be conducted. He suggested the question was whether the facilities were growth accommodating or growth inducing. He explained that if the properties being served by the VOMWD were identified as such in the General Plan and under the zoning rules and if the water service being provided was necessary to accommodate the growth that had been planned by the County, the proposal was not growth inducing, it was growth accommodating. He stated that growth in that sense was consistent with the County's General Plan and it was necessary for the VOMWD to have the facilities necessary to serve the existing use and the growth identified in its service boundary.

Mr. Carr distinguished that from growth inducing, which was the type of service to serve lands outside the VOMWD or outside the Local Agency Formation Commission (LAFCO) Sphere of Influence (SOI) or lands planned by the County that could be considered growth inducing. Planning water services for areas beyond what had been planned was growth inducing. He suggested that the VOMWD was trying to provide facilities to accommodate planned growth solely within the service area of the VOMWD.

Mr. Carr emphasized that the Board of Directors of the VOMWD did not determine growth. The County did that through its land use planning and zoning. He stated that anyone who wanted to add additional development would have to pursue a process through the County. He emphasized that the VOMWD was serving its existing service boundaries and needed the tank site to do that.

Tami Borton of Winzler & Kelly, the environmental consultant, described the process to respond to comments related to the Initial Study/Mitigated Negative Declaration and the subsequent Response to Comments. She reported that during the thirty-day review period in addition to the comments received at the Board meeting prior to the thirty-day period, a number of letters had been received. She explained that each letter had been read, marked with comments, numbered, and each had received individual responses. She referred to the Response to Comments document included in the Board packets dated February 3, 2003 that had responded to those comments received.

Ms. Borton explained that each comment had been reviewed with VOMWD staff and their Legal Counsel. A total of three amendments to the Mitigated Negative Declaration document itself had been prepared. She advised that nothing had changed the findings in the document and that no additional mitigation had been added. Responses have been added to address each of the comments received.

President Prushko opened the meeting for public comments.

Win Smith, 1450 Hill Road, Glen Ellen, stated that he had reviewed the Initial Study and the Mitigated Negative Declaration. He did not agree with a good portion of the findings as stipulated by a letter he had submitted to the VOMWD shortly after he had received the studies prepared by Winzler & Kelly.

Mr. Smith requested that the Initial Study and Negative Declaration be rejected and that an Environmental Impact Report (EIR) be prepared. He suggested that Glen Ellen residents had not heard enough about the program. He did not believe that the alternatives had been sufficiently discussed with the public, he stated that there was nothing to address the economics affecting the property owners situated to the east of the tank site, and he suggested that there were other historical items that had not been covered in the Initial Study or by the Mitigated Negative Declaration given that the properties immediately above the tank site were properties initially owned by Jack London as part of his Beauty Ranch in the Valley of the Moon. He suggested that there might be historical ramifications that should be considered and preserved.

Noting that 430 feet was the elevation of the proposed tank site, **Mr. Smith** clarified that the Saddle Tank was situated at 440 feet. As such, he inquired whether or not the Hill Road site had to be raised ten feet.

In response, **Mr. Harry** reported that an altitude valve would be placed on the Saddle Tank so that the Hill Road site would not have to be raised.

Mr. Cinquini concurred that the Saddle Tank was slightly taller and a combination of altitude valve and overflow adjustment would be employed.

Mr. Smith emphasized that residents had asked the Board sometime ago for story poles to identify the impact of the tank on the site. He disagreed with the environmental consultant's comments with respect to screening the visual impacts and stated that from the standpoint of the Glen Ellen perspective, the site was currently visually appealing and should be retained as such.

Mr. Smith also commented that the tank proposed at 500,000 gallons was a third larger than the Saddle Tank, which was a significant size. He objected to a tank of the proposed size on what he characterized as a "postage stamp" parcel and suggested the tank could not be screened. He strongly opposed the proposal in that it could be a precedent setter.

Mr. Smith disagreed with the comments from Greg Carr with respect to the implications of growth, referred to areas east of Arnold Drive where there was no sewer service in that area and where areas served by sewer had been negatively impacted, and suggested that providing water and sewer would create growth and that the quality of life in Glen Ellen with this and any future tank would be impacted. He also referred to a slope density-zoning concept that had worked well, particularly on Hill Road, since there was to be a higher density on the Valley floor with a lower density on the higher elevations. He suggested that was appropriate and he opposed the Initial Study and the Negative Declaration.

Steve Perry, 13975 Arnold Drive, Glen Ellen stated with respect to the tank project, Initial Study and the Negative Declaration that while he agreed with the need for additional water storage in the Glen Ellen area

for fire flow purposes, he disagreed with how to achieve that goal. With respect to Mr. Carr's comments, he did not find the issue of growth to be as simple as characterized. He emphasized that he had spoken to the VOMWD Board on several occasions and that he had submitted a number of letters on the subject.

Referring to the Response to Comments document specifically related to his comments, **Mr. Perry** reiterated his concern that the proposal for an 8-inch main could allow potential hookups expanding the system's ability to provide water service with a growth inducing effect. He suggested that a ban on hookups to the new main would reduce that growth inducement. He disagreed with the responses offered to his comments, suggested that additional mitigation was necessary for the project and stated that should the Board not take steps to resolve the issue and other areas of contention, the options remaining would prove to be unpalatable to all involved.

Mickey Cooke, 1457 Hill Road, Glen Ellen stated that she and others had been appearing before the Board to speak to the proposed tank for a year and a half to communicate the belief that there was a better alternative site for the tank. She urged the VOMWD to work with the Hill Road residents to address the concerns and emphasized that the installation of story poles had been requested as had a search of alternative sites or for a smaller tank, none of which requests had been addressed. She suggested that the tank would be 11 feet taller than what had been pictured in the Initial Study/Negative Declaration, which height would not be screened. Stressing that the Hill Road residents had throughout the process objected to the placement of the tank where proposed, she stated that the Board must provide a mechanism where the public could be involved in choices that would involve the quality of life where residents lived.

Erik Holbeck, 1457 Hill Road, Glen Ellen, stated that as an architect he had a hard time placing the tank on the proposed piece of property. He inquired of the County's responsibilities with respect to improvements, noted that there was no turnaround on Hill Road and stated that garbage trucks had to back down the road. He questioned whether or not the road would be widened. He also expressed concern for the large trees that would be eliminated as a result of the project, specifically related to the large oak tree on the site and for others that would be jeopardized because their driplines were situated within the project site.

Bill Schoeffler, 13415 Mound Avenue, Glen Ellen, stated that the VOMWD had done a thorough job identifying the need for a storage tank in Glen Ellen. Acknowledging that need, he agreed that the VOMWD Board needed to address all issues and concerns to assure the greater good of the community. From the standpoint of the project, he supported the project.

Margaret Spaulding, 1264 Hill Road, Glen Ellen, commented that while the project had apparently been discussed for some time she had just learned of it. She therefore questioned the public notification process. She supported the comments offered by Win Smith, suggested that the Negative Declaration had been casually initiated, and expressed concern that there were too many issues that had not been addressed in enough detail or thoroughness to be compelling.

Ms. Spaulding questioned whether or not a tank of the proposed size was really needed in the Glen Ellen area. She was also not convinced that the tank would produce a growth enhancement of the area. She suggested that the request for an EIR with more detail, more explanation and more public input was required. She was further concerned with how traffic would be managed during construction, noting the potential for road closure and landslide and seismic issues. She sought more information as to how the tank would be constructed and to what seismic event it would be constructed.

Barbara Rory, 1310 Hill Road, Glen Ellen, commented that she had been stunned to learn that the process had been ongoing for a year and a half in that she had only learned of the proposal by accident. She

suggested therefore that there was a serious lack of notification. She commented that her neighbors were also unaware of the proposal and she emphasized the need for all involved to be notified. She emphasized the seismic issues, suggested that a more thorough EIR should be prepared and noted that while zoning impacted decisions on growth providing the availability of water encouraged growth.

Yannick Ponte, a Hill Road resident, objected to the tank, stated that the roadway was narrow, unsafe, unhealthy a concern for the children and that Hill Road was the only place where someone could park.. She had not previously been aware of the proposal and she urged the Board to find another site for the tank.

Andrea Perry, 13975 Arnold Drive, Glen Ellen, urged the preparation of a full EIR to address the seismic and other critical issues, such as growth. She sought another method of public meetings to apprise more residents of the proposal. She also urged the installation of story poles to allow the residents an ability to be apprised of the size of the proposed tank. She otherwise supported the need for fire storage.

Francine Maffei, a Hill Road resident, concurred that the story poles had been promised. She was disappointed that the Board had not had those story poles installed. She suggested that the VOMWD Board had not responded to the public. She urged the preparation of an EIR.

President Prushko Declared that all parties that wished to address the Board had been heard from and closed the Public Hearing.

8. OLD/NEW BUSINESS

- A. **Discuss/Adopt:** Resolution No. 030204 Determining That the Glen Ellen Storage Tank Project and Associated Site Improvements Will Not Have a Significant Adverse Effect on the Environment, Approving the Project, Adopting the Mitigation Monitoring Plan and Authorizing Filing of a Notice of Determination

General Manager Harry stated that the item to be considered by the Board is a Resolution stating that the Proposed Glen Ellen Storage Tank Project and associated site improvements would not have a significant adverse affect on the environment. He explained that a year and a half ago when the study had first been initiated, he had made a public presentation at the Glen Ellen Firehouse, at which time a great many people of the community had overwhelmingly supported the project. For the benefit of the discussion, he noted that the Fire Chief had indicated that the majority of those present at that time did not live in the immediate vicinity of the proposed project.

Mr. Harry stated that the options available to the Board were, to determine a need for more time to consider the item, to accept the staff recommendation regarding the Proposed Mitigated Negative Declaration and proceed with the Project, or reject the staff recommendation and halt the Project.

Director Bramfitt verified with Mr. Harry that all of the properties along Hill Road and adjacent to Hill Road were currently within the VOMWD service boundary and that those properties could apply for water service under the VOMWD's existing connection charges and rates.

Mr. Harry advised that the VOMWD had an obligation to serve if water was available and if an applicant for water service was willing pay all VOMWD connection charges including any main extensions or upgrades required.. He added that there was no statutory basis upon which the VOMWD could deny that service.

To Mr. Carr, **Director Bramfitt** noted that many residents had implied that the provision of water would entitle some of the property owners to a lower lot size or higher density.

Mr. Carr clarified that if he was a property owner and wanted to increase the development potential of his property one of the factors that would come to bear would be whether or not services were available. He stated that if a District referral identified the availability of water, the County might or might not be persuaded to accept that project.. With respect to growth, he stated that if the VOMWD developed its facilities to accommodate the growth planned for the area within the VOMWD based on the County's zoning, that question would be avoided. He noted that water was simply one factor in the County approval process.

Mr. Carr added that in the past the appropriate relationship between the County and the VOMWD with respect to future land use had been pursued. The County's question was whether or not the VOMWD had the water availability and the key was whether or not the water was necessary to meet the demand required by the PRMD.

Mr. Harry stated that if the Board referred to the numbers he had earlier presented, the tank was needed whether or not one additional service was hooked into the VOMWD system. With additional growth in the Glen Ellen community, more additional storage would be needed.

Director Woods sought a response from the VOMWD's engineers with respect to access of the site by construction vehicles.

Tony Cinquini recognized that Hill Road was a very narrow road typically having one to one and a half lanes. He reported in such cases that there would be limited construction hours, 9:00 A.M. to 3:30 P.M., which would help mitigate the amount of traffic on the road. Construction personnel were restricted to time delays of how long someone could be stopped from proceeding, which in residential areas was typically five minutes. No one would be stopped from going to his/her property, and all those issues would come into effect with the placement of the pipeline. He stated that the pipeline would typically be to the side of the road to allow more passing lanes.

With respect to construction vehicles turning around at or near the site, **Mr. Cinquini** stated that an excavator could turn around on the site, pickup trucks would have to potentially turn around in a driveway, and if a crane was used, the crane would have to be unloaded at the site and the vehicle transporting the crane would have to back down the site.

When asked, **Mr. Harry** stated that the construction proposed for the Hill Road Tank would be the same as utilized for the Bolli Tanks. He commented that every time there was a main project in the Springs areas there were problems due to narrow roads, and by staying to the side of the road and by doing those projects incrementally there was little inconvenience to residents, which was one of the prime considerations involved.

With respect to the question of tree removal, **Tami Borton** noted issues raised by different speakers for trees that could be impacted or removed by the placement of the tank, and other issues with respect to the width of the tank and the apron around the tank. She reported that one oak tree of approximately 24 inches in width would be removed. She explained that Winzler & Kelly would be working with the County on the proper tree replacement through mitigation measures. As far as impacts to the driplines of other trees, tree replacement for those trees that would not be removed but could be impacted could also require replacement

trees. She affirmed that mitigation measures would require that be done and that a landscaping plan would have to return to the VOMWD Board for public review and comment.

In response to the President, **Mr. Cinquini** reported that during the Initial Study Tabor Consultants had done a full seismic analysis of the grounds, had conducted borings, had found hard pan, had analyzed soils and had recommended mitigations to the design of the tank foundation. He stated that Tabor's findings were typical of what was found in the area. He added that a typical tank design of concrete ring foundation would be needed and be designed to Seismic Zone 4 pursuant to the California Uniform Building Code (UBC). He explained that nothing out of the ordinary had been found at the site.

Director Kenny inquired how long it would take to finish the project.

Mr. Cinquini stated that the proposed project will be constructed in two phases, the construction of the pipeline to take 90 to 120 days to complete and the tank project, which would take 4 to 5 months to complete.

On the question from **Director Kenny** as to whether or not there would be a conflict given that he was related to Win Smith by marriage, **Mr. Lauer** advised that a relationship by marriage would not create a conflict that would require Director Kenny to recuse himself.

Director Bramfitt was sensitive to the criticism that the Board had not been open and forthcoming with the public. He emphasized that the project had been discussed for fully one and a half years, with a town meeting in Glen Ellen and with any number of meetings when residents had been able to speak to the Board. He had also been personally available to respond to and to address concerns. He was equally sensitive to the complaint that people had not been informed of any project. He did not know how any public agency could do a better job to publicize projects.

Director Bramfitt stated that any tank placed at the required elevation would involve hillsides and associated potential issues. He stated that some of the sites discussed did not have roads and there would be even more environmental issues in those cases where roads would have to be built. He stated that it had been accurately reported in the paper that it would be criminal for him not to address the fire needs of Glen Ellen. He felt very strongly about that. In terms of visual impacts, while he appreciated that fact with respect to local residents, he emphasized that the site would not be visible from the Valley floor. He suggested that the VOMWD could do the best job that it could to ensure appropriate construction and shielding and address all the issues that had been raised. He was ready to approve the Negative Declaration at this time.

Director Woods emphasized that staff had been challenged to find an alternative to the site since the General Manager had started with the VOMWD. He stated that the tank would be tall, as identified in the document, and when looking at the site it would be obvious how high that tank would be. He suggested that screening could reduce the visual impacts when driving by the site. While the visual impacts would not be eliminated, he stated that the site itself was in a wooded, screened area and would not be viewable from Arnold Drive or from any particular scenic corridor. He emphasized the importance of the landscape plan with respect to the implementation of the mitigation measures.

In terms of the growth issue, **Director Woods** stated that the Board had a policy for some time consistent with its legal requirements that it was not a growth management agency and did not evaluate a project based on growth. He stated that the issue of growth was outside the VOMWD's legal parameters. The Board would have to consider adequate service to the VOMWD and adequate service required immediate

additional storage. He agreed with Director Bramfitt that if not proceeding with a storage facility the Board would be neglecting its duties given the need for storage in the Glen Ellen area now.

Director Woods also commented that if an EIR was prepared and it came back that significant effects on the environment could not be mitigated, even if that were the case hypothetically he could support a Statement of Overriding Considerations that the project would have to be done anyway. He felt strongly that there was a need for the project.

Director Woods referred to two occasions in the last couple of years when the single barrel Aqueduct providing 80 percent of the water to the Valley had shut down due to backhoe accidents. He stated that there was a very significant issue related to storage that had to be faced. He also noted that on one occasion the VOMWD was within 30 minutes of losing all the water to Glen Ellen and had lost all water to the homes in Trinity Oaks at that time.

Director Woods also noted that at one point the County's plan for repairing the Aqueduct would have taken 24 hours to replace the piece of pipe that had broken through. It had been concluded that a patch would work in that case. He therefore supported the project and stated that the mitigation measures would have to be watched carefully to do everything necessary to implement those measures.

Director Kenny noted that the area was noted for the presence of property owners who objected to the presence of public facilities in their area. He stated that he and the other Directors had actually visited the proposed site. He supported the project because it would offer a great asset to the VOMWD and to the Valley in the future.

President Prushko reiterated that he lived in the Glen Ellen area. He referred to the Oakland Firestorm some years ago when there had been little water to extinguish that fire. He did not want the same situation to occur in Glen Ellen. He stated that there were other circumstances involved in that some wells in the area were going dry, which was also a concern to him. He supported the proposal for the tank, for the fire suppression and to have water available to those in need.

On motion by **Director Bramfitt**, seconded by **Director Woods** to adopt Resolution 030204 Determining That the Proposed Glen Ellen Storage Tank Project and Associated Site Improvements Will not Have a Significant Adverse Effect on the Environment, Approving the Project, Adopting the Mitigation Monitoring Plan, and Authorizing the Filing of a Notice of Determination. The motion carried by the following roll call vote:

Ayes:	Bramfitt, Kenny, Woods, Prushko
Noes:	None
Recused	Smith

Director Smith returned to the dais.

President Prushko adjourned the meeting into Closed Session at 8:00 P.M.

9. CLOSED SESSION

- A. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8; Negotiate Price and Terms of Payment. Agency Negotiator: Lee J. Harry; Negotiating Parties: N/A. Proposed Tank Site 1475 Hill Road and District Declared Surplus Properties: APN 056-

583-017, Alberca Road; APN 133-061-002, Heaven Hill Road and Proposed Well Site at Arnold Drive and Felder Road.

10. RECONVENE IN OPEN SESSION

President Prushko reconvened the meeting at 8:27 P.M. and reported the following action:

On motion by **Director Bramfitt**, seconded by **Director Woods** and carried unanimously by a roll call vote to approve the Heaven Hill Road proposal with a reduction of the price from \$125,000 to \$100,000 in return for a signed hold harmless agreement on behalf of the Valley of the Moon Water District.

11. REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

12. ADJOURNMENT

Motion by **Director Bramfitt**, seconded by **Director Woods** and carried unanimously to adjourn the meeting at 8:29 P.M. The next regular meeting is scheduled for March 4, 2003 at 6:30 P.M.

Shari Walk, Deputy Board Secretary