

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES  
THURSDAY, DECEMBER 18, 2008  
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

1:32 p.m. City Council Chamber

**ROLL CALL**

Present (4) Chairman Dowd, Board Members Galvin, Holt, and Lindsay

Absent (3) Vice Chairman Lowe, Board Members Downey and Swinth

**STATEMENTS OF ABSTENTION BY BOARD MEMBERS**

Board Member Galvin stated he would abstain from item 7.1 on the agenda because his firm represented the protesting contractor. Chairman Dowd stated he would abstain from the approval of the minutes of December 4, 2008 because he was absent from that meeting.

**STUDY SESSION - NONE**

**MINUTES APPROVAL**

Board Member Holt moved approval of the minutes of December 4, 2008 as corrected. The motion was seconded by Board Member Galvin and carried unanimously. AYES (3) NO (0) ABSENT (3) Lowe, Downey, Swinth ABSTAIN (1) Dowd

**PRESENTATION**

**5.1 REBATE CHECK FROM 2008 BUSINESS ENERGY COALITION DEMAND RESPONSE PROGRAM**

Dan Carlson, Deputy Director Utility Operations briefly discussed the Business Energy Coalition and introduced Joe Schwall, Wastewater Treatment Superintendent. Mr. Schwall explained that PG & E offers a variety of programs to reduce energy loads during peak usage times. He described how the plant was able to participate in the Demand Response Program and operate during the times that the program required in order to be eligible for a rebate. A rebate was received for 2008 in the amount of \$46,000.

**CONSENT ITEMS - NONE**

**REPORT ITEMS**

Glen Wright, Deputy Director Water Resources clarified that no formal bid protest was submitted for the West College Utilities Facility–Phase 3. Suzanne Rawlings, Assistant City Attorney explained that the resolution could be revised since a protest was not officially filed. No abstention was needed and Board Member Galvin returned to the dais to hear item 7.1.

**7.1 BID AWARD–WEST COLLEGE UTILITIES FACILITY–PHASE 3**

Mr. Wright briefly described the components of phases 1 & 2 and explained that Phases 2 & 3 are interdependent projects with Phase 2 performing site work and infrastructure necessary to construct Phase 3. Phase 3 components include an Operations and Training building, shops and expanded employee parking. A total of twelve responsive bids were received and due to the extremely competitive bid climate, the low bid was approximately 23.52 percent below the Engineer's estimate. Mr. Wright explained that at the bid opening the second low bidder observed that the low bidder's proposal was not on the form provided by the City. Staff reviewed the form and determined that the form was not altered and there was no irregularity in the bid. Bonds were sold for this project in July, 2008 and debt service for this project has less than a 1% effect on rates and was included in last year's rate increase. Mr. Wright concluded by stating that approval of this project would provide much needed construction jobs for the local community. Board Member Lindsay stated that he supported the project but noted that negative feedback could be received by approving the project and staff will need to explain to the public that Utilities Enterprise Funds cannot be used by the City's General Fund.

**MOTION:**

Board Member Holt moved to approve Resolution No. 946 entitled "Resolution of the Board of Public Utilities of the City of Santa Rosa Accepting Bid and Awarding Contract No. 08-813 to Midstate Construction Corporation for West College Utilities Facility Phase 3." The motion was seconded by Board Member Lindsay and carried unanimously.

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AYES (4) NO (0) ABSENT (3) Lowe, Downey,  
Swinth ABSTAIN (0)

**7.2 APPROVAL OF AMENDMENT NO.1 TO  
THE PROFESSIONAL SERVICES  
AGREEMENT WITH TLCD ARCHITECTURE  
IN THE AMOUNT OF \$848,120 TO PROVIDE  
ARCHITECTURAL CONSTRUCTION  
MANAGEMENT SERVICES FOR THE WEST  
COLLEGE UTILITIES FACILITY PHASE 3  
PROJECT**

Mr. Wright briefly reviewed the Request for Proposals process that was used to select TLCD for the initial design work for the West College Facility and noted that the original agreement had been taken to the Contract Review Subcommittee but the amendment had not. He explained that the amendment with the TLCD team would provide construction management and technical support during construction of the West College Phase 3 project. Due to the financial issues with the General Fund, and reduced workload of the Building Division, the day to day inspection will be performed by a City Building Division inspector. Board Members Galvin and Lindsay expressed support of the amendment as members of the Subcommittee.

**MOTION:**

Board Member Galvin moved a motion to approve Amendment No.1 to the Professional Services Agreements with TLCD Architecture in the amount of \$848,120 to provide construction management services for the West College Utilities Facility Phase 3 Project and authorize the Chair to execute the contract. The motion was seconded by Board Member Holt and carried unanimously. AYES (4) NO (0) ABSENT (3) Lowe, Downey, Swinth ABSTAIN (0)

**7.3 UPDATE ON WATER SUPPLY  
ASSESSMENT FOR THE SANTA ROSA  
GENERAL PLAN 2035**

Jennifer Burke, Senior Water Resources Planner provided a brief overview of Senate Bill 610, adopted in 2001, and reviewed the Water Supply Assessment (WSA) that was prepared for the Santa Rosa General Plan

2035 (Project). The WSA analyzed projected water demand and water supply through 2028. Ms. Burke then reviewed the proposed project development and the projected project and total demand figures. She identified the existing and projected water supply sources and provided projections for additional water supply. The WSA determined that Santa Rosa has adequate projected water supplies to meet existing projected demands plus the demand associated with the Project. Ms. Burke noted that the Council approved the WSA on November 25, 2008 and that it will be included in the Santa Rosa General Plan 2035 Environmental Impact Report.

**7.4 WATER SUPPLY UPDATE**

Mr. Wright presented data on the recovery times of the Farmers Lane wells 4-1 and 4-2. The wells were shut off on December 1, 2008 and data shows the wells came back up 18 feet within 1 day of shut down. A total of 489.19 MG or 1500 acre feet were pumped from the wells this year. He then reported he was unable to get a current fish count but read that the Chinook are still not running as well as they should be with approximately 1,100 counted. Lake Sonoma is 75% full and Lake Mendocino came up 2% and is up to 40% full.

**8. PUBLIC COMMENTS ON NON-AGENDA  
MATTERS - NONE**

**9. REFERRALS**

**10. WRITTEN COMMUNICATION (And  
Possible Board Action)**

**11. SUBCOMMITTEE REPORTS - NONE**

**12. BOARD MEMBER REPORTS**

Chairman Dowd wished the Board a happy holiday season.

**13. DIRECTORS REPORT**

Miles Ferris, Director of Utilities updated on the Board on activities of the Association of California Water Agencies, reported on AB125, AB49 and AB2466 and briefly discussed the ACWA conference that he

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recently attended. Ms. Rawlings reported that she had attended various workshops of the conference on recycled water pricing and tiered water rates. Mr. Ferris stated that in light of the current economic times, it appears major infrastructure projects will be in the forefront to help turn things around. Staff will continue to look at projects that could qualify for Federal funding if it becomes available.

At 4:00 p.m. the meeting was adjourned. The next regular meeting of the Board of Public Utilities will be held on Thursday, January 15, 2008 at approximately 1:30 p.m. in the Council Chamber, City Hall, 100 Santa Rosa Avenue, Santa Rosa.

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Richard Dowd

**14. ANNOUNCEMENT OF CLOSED SESSION ITEM(S) AND ADJOURNMENT TO CLOSED SESSION(S) (MAYOR'S CONFERENCE ROOM-ROOM 10)**

At 2:39 p.m., Ms. Rawlings announced the closed session items.

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Gina Perez

**14.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

(Subdivision (a) of Government Code Section 54956.9)

Name of case: In re: Calpine Corporation, et al., Debtors: United States Bankruptcy Court Southern District of New York; Case No. 05-60200 (BRL)

**14.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Subdivision (a) of Government Code Section 54956.9)

Name of Case: City of Santa Rosa v. Regional Water Quality Control Board, Sonoma County Superior Court Case No. SCV-241194

**14.3 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: One potential case

**15. RECONVENE TO OPEN SESSION**

The Board reconvened into open session at 3:58 p.m. Chairman Dowd announced that there had been informational briefings by counsel on all three matters and no action was taken.

**16. ADJOURNMENT OF MEETING**