

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES
THURSDAY, FEBRUARY 4, 2010
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE
REGULAR MEETING**

1:38 p.m. City Council Chamber

ROLL CALL

Present (6) Chairman Dowd, Vice Chair Gale, Board Members Galvin, Holt, Meechan and Swinth

Absent (1) Board Member Lowe

STATEMENTS OF ABSTENTION BY BOARD MEMBERS

Board Members Swinth and Meechan stated that they would be abstaining from the approval of the minutes of January 21, 2010. Chairman Dowd advised them that the minutes would be deferred to the February 18, 2010 meeting because they were not yet ready for approval.

STUDY SESSION - NONE

MINUTES APPROVAL

Board Member Galvin moved approval of the minutes for January 7, 2010. The motion was seconded by Board Member Holt and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

STAFF BRIEFINGS - NONE

CONSENT ITEMS

Board Member Swinth requested that in the future, staff provide more specificity on pay back times for items similar to Consent Item 6.1 & 6.3.

6.1 CONTRACT AWARD – BROWN FARM PHOTOVOLTAIC SYSTEM

MOTION:

Vice Chair Gale moved a motion to award a construction contract in the total amount of \$359,251.59 to the lowest responsive bidder, Warren R. Brown Construction of Graton, CA, for Brown Farm Photovoltaic System and approve a construction contingency of 15 percent. The motion was seconded by Board Member Holt and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

**6.2 CONTRACT AWARD – LAGUNA TREATMENT PLANT LABORATORY HVAC UPGRADE
MOTION:**

Vice Chair Gale moved a motion to award a construction contract of the Base Bid plus Alternate A only in the total amount of \$622,000.00 to the lowest responsive bidder, Pullman Construction, Inc. of Middletown, CA, for the Laguna Treatment Plant Laboratory HVAC Upgrade and approve a construction contingency of 10 percent. The motion was seconded by Board Member Holt and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

6.3 CONTRACT AWARD – MEADOW LANE AND ROHNERT PARK RECLAMATION PUMP STATIONS RETROFIT

MOTION:

Vice Chair Gale moved a motion to award a construction contract in the total amount of \$399,598.00 to the lowest responsive bidder, Stiles Construction Company of Windsor, California for Meadow Lane and Rohnert Park Reclamation Pump Stations Retrofit and approve a construction contingency of 12.5 percent. The motion was seconded by Board Member Holt and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

6.4 CONTRACT EXTENSION – REMOTE AND STANDARD-READ TYPE WATER METER AND ANTENNAS

MOTION:

Vice Chair Gale moved a motion to extend Contract 07-8758 for an additional one year term, for the supply of remote and standard-read type water meters and antennas with Sensus Metering Systems, Pittsburgh, Pennsylvania, in the amount of \$270,000. The motion was seconded by Board Member Holt and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

6.5 APPROVAL OF GRANT CONTRACT EXTENSION WITH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT TO BUILD PHASE II OF THE AQUATIC

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BIOMASS TO FUEL PROJECT

MOTION:

Vice Chair Gale moved a motion to approve "Amendment No.1 to Bay Area Air Quality Management District Grant No. 2008-133" extending the grant contract until January 31, 2011, and authorize the Chair to sign the Agreement amendment. The motion was seconded by Board Member Holt and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

REPORT ITEMS

7.1 ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE DUER CREEK CULVERT AT KELLY FARM PROJECT

Noah Housh, City Planner provided a project description, identified the project location and explained the environmental review process that took place. The results of the environmental analysis identified significant impacts in Air Quality, Biological, Cultural, Hydrology/Water Quality, Noise & Transportation/Traffic. He explained that after working with staff, the project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures identified in the Initial Study and resulting Mitigation Monitoring Program.

MOTION:

Board Member Swinth moved to approve Resolution No. 973 entitled "Resolution of the Board of Public Utilities Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Duer Creek Culvert at Kelly Farm Project." The motion was seconded by Board Member Galvin and carried unanimously. AYES (6) NO (0) ABSENT (1) Lowe ABSTAIN (0)

7.2 WATER SUPPLY UPDATE

Glen Wright, Deputy Director Water Resources reported that Lake Sonoma is currently at 245,887 acre feet with releases of

228 cubic feet per second. Lake Mendocino is currently at 66,683 acre feet with releases of 35 cubic feet per second. Flows in the river, without releases, have been measured at the Hacienda Bridge at 2,800 cubic feet per second. He spoke about the resolution that was passed at the February 2, 2010 Board of Supervisors meeting. He reported that Grant Davis has been appointed as General Manager of the Water Agency for a term of one year. Mr. Wright presented a brief summary of the FY2010/11 Water Agency budget for the Board. The FY2010/11 budget of the Water Agency will be presented at the Water Advisory Committee & Technical Advisory Committee on February 8, 2010 and a presentation will also take place at the City of Santa Rosa Council meeting on February 23, 2010. Board Member Swinth reported that Mayor Gorin has requested that a Joint City Council/BPU Study Session take place on February 23rd in addition to the report item to allow the Board to hear and comment on the Agency's budget.

8. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Brenda Adelman, Russian River Watershed Protection Committee expressed concern about reservoir releases and its unpredictability and the effects on the communities in the lower river.

9. REFERRALS

10. WRITTEN COMMUNICATION (And Possible Board Action)

11. SUBCOMMITTEE REPORTS

Chairman Dowd stated that he appreciated the flexibility of the Board with the new subcommittee assignments and thanked Board Member Galvin for taking on an additional committee assignment.

12. BOARD MEMBER REPORTS

Vice Chair Swinth requested that the Public Information Efforts presentation be brought to the Board at the February 18, 2010 meeting.

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13. DIRECTORS REPORT

Miles Ferris, Utilities Director requested that the Board let staff know about any upcoming absences that they may be aware of to assist with the scheduling of future meetings. He noted that Linda Reed would be Acting Director from March 17th through March 28th during his vacation.

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

Suzanne Rawlings, Assistant City Attorney announced item 14.1 and 14.3 and added that item 14.2 was not needed.

14.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9) City of Santa Rosa v. Sonoma County Water Agency, et al., Sonoma County Superior Court Case Number SCV – 245844

14.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

14.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Santa Rosa Creek Channel, Santa Rosa CA (APNs 130-040-014 & 130-210-028)
Agency Negotiator: Josh Maresca, Right-of-Way Agent
Negotiating Parties: Sonoma County Water Agency
Under Negotiation: Price and terms of payment

15. RECONVENE TO OPEN SESSION

At approximately 3:10 p.m., the Board adjourned into open session. Chairman Dowd announced that the Board with regard to Item 14.1 on the Agenda, the Board by 6-0 vote moved to make a recommendation to the City Council with regard to the litigation and with

regard to Item 14.3, the Board gave direction to the City's negotiator.

16. ADJOURNMENT OF MEETING

At 3:10 p.m. the meeting was adjourned. The next regular meeting of the Board of Public Utilities will be held on Thursday, February 18, 2010 at approximately 1:30 p.m. in the Council Chamber, City Hall, 100 Santa Rosa Avenue, Santa Rosa.

Richard Dowd

Gina Perez