

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES
THURSDAY, JANUARY 21, 2010
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE
REGULAR MEETING**

1:30 p.m. Mayor's Conference Room

ROLL CALL

Present (5) Chairman Dowd, Vice Chair Gale,
Board Members Galvin, Holt, and Lowe

Absent (2) Board Members Meechan and
Swinth

**STATEMENTS OF ABSTENTION BY BOARD
MEMBERS**

Board Member Galvin stated that he would be
abstaining from item 6.4 on the agenda
because the lowest bidder is a client of his
firm.

STUDY SESSION

**3.1 UPDATE ON GROUNDWATER
RESOURCES**

Glen Wright, Deputy Director of Water
Resources introduced Mike Prinz, Supervising
Engineer; Gerry Nakano, West Yost and
Associates and Andy Rodgers with ECON.
Mr. Wright provided an overview of the history
of the City's use of local groundwater. Mr.
Nakano described the Santa Rosa Valley
Groundwater Basin and the types of geology
found in the basin. He identified the
estimated storage, yield and water quality of
the basin and discussed the monitoring that is
performed by the Department of Water
Resources. He then presented historical data
of the water levels within the Santa Rosa
Plain. Mr. Prinz reviewed the progress of the
emergency groundwater investigation that is
underway and presented pictures of various
drilling test sites. Mr. Wright then presented a
status update on the USGS Study and stated
that it should be complete this year. The
Board then directed staff to move forward with
beginning to develop a Utilities Groundwater
Master Plan and continue the Investigative
Program.

**3.2 REVIEW OF UTILITIES DEPARTMENT
ENFORCEMENT RESPONSE PLAN AND
POLICIES**

Martin St. George, Environmental Compliance
Supervisor provided background information

on the Enforcement Response Plan that is
mandatory for an EPA approved pretreatment
program. He highlighted the changes which
included the addition of an Industrial
Pretreatment Section, New Commercial
Section and a Residential Section. He then
explained that the Technical Advisory
Committee reviewed and recommended
approval of the Plan and Policies. He noted
that there was a consent item on the agenda
for the Board to consider approval of the Plan
and the accompanying policies.

Adjourn study session and reconvene to open
session in City Council Chamber at
approximately 2:48 p.m.

MINUTES APPROVAL

The approval of the minutes of January 7,
2010 was deferred to the February 4, 2010
meeting.

STAFF BRIEFINGS - NONE

CONSENT ITEMS

**6.1 APPROVAL OF UTILITIES
DEPARTMENT ENFORCEMENT
RESPONSE PLAN AND POLICIES**

MOTION:

Vice Chair Gale moved a motion to approve
the Utilities Department Enforcement
Response Plan and Policies. The motion was
seconded by Board Member Galvin and
carried unanimously. AYES (5) NO (0)
ABSENT (2) Meechan & Swinth ABSTAIN (0)

**6.2 CONTRACT AWARD – 2009 UTILITIES
PAVEMENT PATCHING**

MOTION:

Vice Chair Gale moved a motion to award a
construction contract in the total amount of
\$395,741.00 to the lowest responsive bidder,
Argonaut Constructors of Santa Rosa, CA for
2009 Utilities Pavement Patching and approve
a construction contingency of 15 percent. The
motion was seconded by Board Member
Galvin and carried unanimously. AYES (5)
NO (0) ABSENT (2) Meechan & Swinth

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ABSTAIN (0)

6.3 PROPOSED AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT WITH MERRITT SMITH CONSULTING FOR PREPARATION OF A REPORT OF WASTE DISCHARGE AND NPDES PERMIT NEGOTIATION SERVICES

Board Member Holt requested that several grammatical changes be made on Exhibit A. Board Member Galvin reported that the Contract Review Subcommittee met to review the amendment and recommended approval by the full Board.

MOTION:

Board Member Galvin moved a motion to approve Amendment No.1 with Merritt Smith Consulting for preparation of a Report of Waste Discharge and NPDES permit negotiation services. The motion was seconded by Vice Chair Gale and carried unanimously. AYES (5) NO (0) ABSENT (2) Meechan & Swinth ABSTAIN (0)

Chairman Dowd requested that item 6.4 be removed from the consent calendar. Board member Galvin left the dais.

6.4 REJECTION OF BIDS – BISHOP DRIVE, BROOKSIDE DRIVE, CODDING DRIVE AND HOEN AVENUE SEWER AND WATER REPLACEMENT

Tetyana Mokvyts, Associate Civil Engineer reviewed the technical specifications of the bid packet that indicated the project required a C-36 Contractor's License for under house plumbing modifications. At the time of the bid opening, KAT Construction, Inc. did not list a subcontractor nor did it possess a C-36 Contractor's License. She then explained the circumstances for removing the agenda item from the December 17, 2009 BPU meeting that further lead to the staff recommendation of rejecting all bids. Chairman Dowd asked for clarification of why the Board could not award to the second lowest responsive bidder with Janice Killion, Assistant City Attorney explaining that the Board could chose that option but would have to postpone the item to a future meeting date because KAT

Construction is required to receive prior notification of that action. The Board expressed concern that KAT Construction would be able to rebid the project and Mr. Prinz responded that the project would be redefined to include additional streets in the area before it is rebid.

MOTION:

Vice Chair Gale moved a motion to reject all bids for Bishop Drive, Brookside Drive, Coddling Drive and Hoen Avenue Sewer and Water Replacement and directed staff to rebid the project with additional scope. The motion was seconded by Holt and carried unanimously. AYES (4) NO (0) ABSENT (2) Meechan & Swinth ABSTAIN (1) Galvin

Board Member Galvin returned to the dais.

REPORT ITEMS

7.1 AUTHORIZATION TO ACQUIRE EASEMENTS FOR THE SANTA ROSA DIFFUSER PROJECT

Miles Ferris, Director of Utilities reported that staff had hoped to have negotiations complete and an agreement ready for Board review and approval but that was not possible. Mr. Ferris requested that the item be pulled from the agenda and moved to the next meeting. Board Member Holt conveyed additional language for staff to consider in their negotiations.

MOTION:

Board Member Lowe moved a motion to continue the item to the February 4, 2010 meeting. The motion was seconded by Holt and carried unanimously. AYES (5) NO (0) ABSENT (2) Meechan & Swinth ABSTAIN (0)

7.2 WATER SUPPLY UPDATE

Glen Wright, Deputy Director Water Resources reported that flows in the river have been measured at the Hacienda Bridge at 25,000 cubic feet per second. He presented a drawing from the Department of Water Resources that plot the storage at Coyote Dam which had risen significantly over the 2

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day rainy period. Lake Mendocino is currently at 47,034 acre feet and Lake Sonoma is at 219,067 acre feet. Levels have increased significantly and if the rain continues there should be full reservoirs.

7.3 2010 URBAN WATER MANAGEMENT PLAN (UWMP) UPDATE

Jennifer Burke, Senior Water Resources Planner updated the Board on the preparation of the City's 2010 Urban Water Management Plan, including a review of the Plan requirements, the proposed schedule for the development of the Plan and provided an overview of how the Water Contractors are planning to work together to update demand projections and a water conservation measures analysis. Ms. Burke explained that the Water Conservation Subcommittee will be meeting more frequently to develop the Plan and that she will be provided monthly updates to the full Board.

8. PUBLIC COMMENTS ON NON-AGENDA MATTERS - NONE

9. REFERRALS

10. WRITTEN COMMUNICATION (And Possible Board Action)

11. SUBCOMMITTEE REPORTS

Chairman Dowd reported that he has had to make some changes to the new subcommittee assignments and that Ms. Perez will be sending those out soon. Vice Chair Gale reported on the recent Budget Subcommittee meeting which included a discussion on the mid-year review and a meeting with Spencer Bader with the Water Agency. Mr. Bader conveyed that the City can expect 9% increases from the Agency into the foreseeable future. Vice Chair Gale then commended Linda Reed for presenting the mid-year status update in an understandable format and noted that while revenue is down on the water side, expenditures continue to be lower than typical. The wastewater fund seems to be following the same pattern. He then added that the Capital Improvement Program is moving forward with 35 projects under design,

16 projects under construction and 15 projects recently completed. Vice Chair Gale also commended Mr. Ferris and staff because the Board had asked them to reach a goal of \$500,000 in cuts and staff came forward with \$663,000 in cuts made so far.

12. BOARD MEMBER REPORTS

Board Member Galvin reported that he had met with Mike Prinz to review Requests for Qualifications for the Santa Rosa Groundwater Program and the report recommendations will come to the full Board next month. Chairman Dowd requested a future Study Session on a Public Information Program in relation to rates and how we communicate with our ratepayers; a report on water policies and a Study Session on timing of meetings and television broadcasting of meetings.

13. DIRECTORS REPORT

Mr. Ferris reported on a recently attended California Association of Sanitation Agencies conference that he attended. They reviewed new laws and regulations and noted that the biggest issue is long term costs to agency's surrounding medical and pensions. The State continues to look at increasing fees for many of their services to increase their revenues. He then reported that 80 propositions are waiting for signature but it's still unclear how many will reach the ballot. Mr. Ferris stated that the Division managers have been working since Monday to ensure that the system was prepared for the upcoming storms.

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 on the closed session and added that item 14.2 was not needed.

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

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**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

15. RECONVENE TO OPEN SESSION

At approximately 4:32 p.m., the Board adjourned closed session and reconvened to open session. Chairman Dowd announced that the Board had had an informational briefing from legal counsel regarding the pending litigation and no action was taken.

16. ADJOURNMENT OF MEETING

At 4:33 p.m. the meeting was adjourned. The next regular meeting of the Board of Public Utilities will be held on Thursday, February 4, 2010 at approximately 1:30 p.m. in the Council Chamber, City Hall, 100 Santa Rosa Avenue, Santa Rosa.

Richard Dowd

Gina Perez