

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES
THURSDAY, MAY 7, 2009
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE
REGULAR MEETING**

1:32 p.m. Mayor's Conference Room

ROLL CALL

Present (5) Chairman Dowd, Vice Chair Swinth, Board Members Galvin, Holt, and Meechan

Absent (2) Board Members Gale and Lowe

STATEMENTS OF ABSTENTION BY BOARD MEMBERS

Chairman Dowd stated he would be abstaining from Consent Item 6.2 because he has a business relationship with the low bidder.

Chairman Dowd announced the study session would be moved to the City Council Chamber. At 1:35 p.m., the Board adjourned the meeting and reconvened in the City Council Chamber.

STUDY SESSION

3.1 RAINWATER HARVESTING AND GRAY WATER SYSTEMS VS. REGULATIONS

Lynn Small, Deputy Director Environmental Services gave the staff introduction. Presenters included Jennifer Burke – Utilities Department, Michael Enright – Community Development, Janice Oakley – California Department of Public Health, Peter Fulkerson – Utilities Department, and Erik Hawk – Mosquito and Vector Control. The group provided an overview of rainwater harvesting and gray water systems, highlighting the regulatory requirements of the State and the City of Santa Rosa.

Duane Dewitt showed a map of the Southwest area of Santa Rosa, spoke about rainwater harvesting fence systems that could be used in large government facilities, and suggested redwood trees be reintroduced to the area.

DeWayne Starnes, Permit and Resource Management Department spoke about the permitting needed for gray water systems in Sonoma County and the concern over SB 1258.

David Ortiz spoke in support of rainwater

harvesting and gray water systems and added that they are being allowed in other counties. He also expressed concern that swimming pools and fire protection lines are auxiliary water supplies without following the same regulatory requirements.

Mr. Fulkerson responded that swimming pools are not considered auxiliary water supplies and Title 24 pertaining to building permits requires air gaps at the pools not the meters. He further responded that fire protection lines require backflows to protect the City water system.

Marlene Lily spoke about concern for sufficient water for those that have food gardens and fruit trees and asked that staff look into the fence style storage as a permitted option for citizens.

Brock Dolman thanked the City for having a rainwater rebate program and spoke about SB 1258 process to develop new gray water regulations.

Heather Sheppard stated that she has been teaching citizens about the legal and safe installation of gray water systems and suggested a simple set of design plans be prepared for the general public.

Chairman Dowd stated that the City of Santa Rosa has not been an obstruction to citizens that want to install these types of systems properly and as technology evolves, the City will adapt to the changes in those laws and regulations.

MINUTES APPROVAL

Board Member Holt moved approval of the minutes of April 16, 2009. The motion was seconded by Board Member Galvin and carried unanimously. AYES (5) NO (0) ABSENT (2) Gale and Lowe ABSTAIN (0)

STAFF BRIEFINGS - NONE

CONSENT ITEMS

6.1 BID AWARD – STEELE LANE SEWER AND WATER IMPROVEMENTS

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES
THURSDAY, MAY 7, 2009
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE
REGULAR MEETING**

MOTION:

Vice Chair Swinth moved a motion to award a construction contract in the total amount of \$1,394,385.00 to the lowest responsive bidder, TerraCon Pipelines of Healdsburg, CA, for Steele Lane Sewer and Water Improvements and approved a construction contingency of 15 percent. The motion was seconded by Board Member Galvin and carried unanimously. AYES (5) NO (0) ABSENT (2) Gale and Lowe ABSTAIN (0)

6.2 BID AWARD – SPRING STREET SEWER & WATER IMPROVEMENTS

MOTION:

Board Member Galvin moved a motion to award a construction contract in the total amount of \$1,205,759.05 to the lowest responsive bidder, North Bay Construction, Inc. of Petaluma, CA for Spring Street Sewer & Water Improvements and approved a construction contingency of 15 percent. The motion was seconded by Board Member Meechan and carried unanimously. AYES (4) NO (0) ABSENT (2) Gale and Lowe ABSTAIN (1) Dowd

REPORT ITEMS

7.1 FOURTH AMENDED COOPERATIVE AGREEMENT TO PROVIDE FUNDING AND SUPPORT INFORMATION FOR SANTA ROSA PLAIN GROUNDWATER STUDY (YEAR 4)

Glen Wright, Deputy Director Water Resources began the staff presentation and explained that this was the fourth amendment to a five-year study between the United States Geological Survey together with the Sonoma County Water Agency and seven public and private water purveyors to assess the geohydrology and geochemistry of the Santa Rosa Plain. He then introduced Jay Jasperse, Sonoma County Water Agency who provided a status report on the Groundwater Study. He discussed the objectives, tasks, the data compilation progress, and the additional data interpretation activities that are taking place. He presented an overview of the development of the GSFLOW flow model which links

surface water and ground water, and explained that the completed assessment is expected in December 2010.

Duane Dewitt asked for a ground water management plan to be developed and spoke as an advocate for the GIS system for the public.

MOTION:

Vice Chair Swinth moved a motion to approve Santa Rosa's continued participation in and funding of a study of the groundwater in the Santa Rosa Plain to be conducted by the United States Geological Survey and Sonoma County Water Agency, approve the Fourth Amended Cooperative Agreement to Provide Funding and Support Information for Santa Rosa Plain Groundwater Study and authorize the Chair to sign the Agreement. The motion was seconded by Board Member Holt and carried unanimously. AYES (5) NO (0) ABSENT (2) Gale and Lowe ABSTAIN (0)

7.2 REPORT – SONOMA COUNTY WATER AGENCY – WATER SUPPLY WORKSHOP

Sonoma County Water Agency staff discussed, in detail, the 12 possible strategies that could be used to address the challenges of the Agency. The key issues and challenges facing the Agency include water supply; reliability of the Agency's facilities; meeting future water demands of customers; affordability and funding limitations; and organizational fragmentation. The workshop will be used to solicit water contract and public input.

Duane Dewitt talked about the idea of sustainability for all users for a natural habitat and asked if the Agency's presentation was available to the public on the internet. Brenda Adelman, Russian River Water Protection Committee thanked the Agency for making the effort to get the word out about the current issues, then expressed concern about Decision 1610, the State Board Emergency Order, and the diversions in the Eel River.

The Board commented that this was a complicated presentation and City and SCWA staff would need to spend more time

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES
THURSDAY, MAY 7, 2009
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE
REGULAR MEETING**

discussing the strategies prior to the City giving input to SCWA. The Board indicated that they liked Strategy 12 and would like to improve communication between SCWA and the water Contractors. The Board asked for more frequent updates and discussions with the Agency as they move towards a solution to the issues.

7.3 REPORT - WATER SUPPLY UPDATE

No update was given.

8. PUBLIC COMMENTS ON NON-AGENDA MATTERS - NONE

9. REFERRALS

10. WRITTEN COMMUNICATION (And Possible Board Action)

10.1 April 28, 2009 – Letter from Miles Ferris to Richard Canini re: Letter submitted on April 2, 2009 to the Board of Public Utilities; included in packet.

11. SUBCOMMITTEE REPORTS

Vice Chair Swinth spoke about the Financial Summary, Third Quarter 2008/09 Memo from Linda Reed and stated that the Budget Subcommittee would be setting up a meeting to review this, in detail, after the first of June.

12. BOARD MEMBER REPORTS

Chairman Dowd reported that he attended, as an observer, the Water Advisory Committee (WAC)/Technical Advisory Committee (TAC) meeting on May 4, 2009. An agreement was made during that meeting that WAC would renegotiate the budget for this current year due to a reduction in water deliveries.

13. DIRECTORS REPORT

Miles Ferris, Director of Utilities reported that 3,988 pounds of pharmaceuticals had been collected to date. He then spoke about the State Board Order and noted that there is still an issue with an unclear definition of 'commercial turf'. He expressed concern that there would be less permeable surface for to absorb winter rains and provide water

treatment. He added that he was unsure if the City or the State had the legal authority to enforce the elimination of commercial turf.

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

At 4:53 p.m., Suzanne Rawlings, Assistant City Attorney announced the closed session item.

14.1 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

15. RECONVENE TO OPEN SESSION

The Board adjourned to open session at 5:20 p.m. and Chairman Dowd announced the Board had an informational briefing regarding this lawsuit and no action was taken.

16. ADJOURNMENT OF MEETING

At 5:20 p.m. the meeting was adjourned. The next regular meeting of the Board of Public Utilities will be held on Thursday, May 21, 2009 at approximately 1:30 p.m. in the Council Chamber, City Hall, 100 Santa Rosa Avenue, Santa Rosa.

Richard Dowd

Gina Perez