

**SANTA ROSA BOARD OF PUBLIC UTILITIES MEETING MINUTES  
THURSDAY, OCTOBER 16, 2008  
CITY HALL COUNCIL CHAMBER, 100 SANTA ROSA AVENUE  
REGULAR MEETING**

4:32 p.m. Mayor's Conference Room

12. BOARD MEMBER REPORTS - NONE

**ROLL CALL**

13. DIRECTORS REPORT

Present (5) Chairman Dowd, Vice Chairman Lowe, Board Members Galvin, Lindsay and Swinth

Miles Ferris, Director of Utilities updated the Board on an issue raised by the County Regional Parks during the October 2, 2008 meeting about not being contacted about the Discharge Compliance Project Site D1. A Chronology of Contact with County Regional Parks was provided to the Board. The list identified 45 instances of contact either via mail, email, phone call, fax or in person meetings.

Absent (2) Board Members Downey and Holt

Mr. Ferris stated that there has been an average of 1 meter being installed per day this year versus 4 per day in years prior. The construction that is ongoing is mostly governmental agencies and has created a very competitive bidding process. Bids are coming in 15-20% below estimates. He then reported that there continues to be no water available for the reclamation system and contractual agreements are being met to paying customers only.

**STATEMENTS OF ABSTENTION BY BOARD MEMBERS - NONE**

**ANNOUCEMENT OF CLOSED SESSION ITEM(S) AND ADJOURNMENT TO CLOSED SESSION(S) (MAYOR'S CONFERENCE ROOM – ROOM 10)**

Chairman Dowd asked what the status of A Place to Play and the West College Facilities. Glen Wright, Deputy Director Water Resources responded that all of the storm drains, catch basins and storm basin preventions are in the ground and the project is proceeding. Mr. Ferris explained that the A Place to Play project is a Recreation and Parks project but did notice the sod was being installed.

**STUDY SESSION**

At 4:33 p.m. Assistant City Attorney announced the closed session item.

**3.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 93 Stony Circle  
Agency Negotiator: Josh Maresca, Right-of-Way Agent  
Negotiating Party: Salvation Army  
Under Negotiation: Price and terms of payment

**7.2 WATER SUPPLY UPDATE**

Mr. Wright reported that Lake Mendocino is 47.5% full and are releasing 137 cfs and Lake Sonoma is 81.2% full and are releasing 102 cfs. He showed a chart that shows the total monthly water use is down 1.91%; total monthly gallons per connection was down 2.53%; and Single Family monthly gallons per connection are down 2.11% compared to September 2007. He then reported that the Water Transmission Reliability and Water Rights EIR is on the agenda for release for the County Board of Supervisors on December 9, 2008. The National Marine and Fishery Service and the Water Agency staff

At 4:47 p.m. the meeting was reconvened to open session in the City Council Chamber.

**MINUTES APPROVAL**

Board Member Galvin moved approval of the minutes of October 2, 2008. The motion was seconded by Board Member Swinth and carried unanimously. AYES (5) NO (0) ABSENT (2) Downey and Holt ABSTAIN (0)

**CONSENT ITEMS - NONE**

Board Member Lindsay moved a motion to reorder the agenda and move items 11, 12, and 13 forward before item 7.1. The motion was seconded by Board Member Swinth and carried unanimously. AYES (5) NO (0) ABSENT (2) Downey and Holt ABSTAIN (0)

11. SUBCOMMITTEE REPORTS - NONE

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both believe that the creek rehabilitation identified in the Biological Opinion will be sufficient to handle the flows required for water supply. Mr. Wright reported that 300 Chinook salmon had been counted so far at the rubber dam in the Russian River. Dan Carlson, Deputy Director Utility Operations provided the statistics from 2007 fish count. The first fish came through on October 3, 2007 and by the end of the month, 40 fish had been counted. By the end of November, 300 fish had passed so it appears that the run is earlier this year.

At 5:00 p.m., Ms. Rawlings announced that the closed session was an informational briefing only and no action was taken.

**REPORT ITEMS**

**7.1 REPORT – INCREMENTAL RECYCLED WATER PROGRAM SEASONAL STORAGE PROJECT ENVIRONMENTAL IMPACT REPORT (EIR) CERTIFICATION**

Chairman Dowd stated that the purpose of this item was to consider certification of the IRWP Seasonal Storage Project Final Environmental Impact Report and whether it adequately discloses the environmental effects of the subjects evaluated in the document. He explained that the meeting was not to discuss the relative merits of the alternatives evaluated in the EIR, and was not to deliberate over which of the alternatives might be identified for implementation.

Greg Scoles, Deputy City Manager gave a brief introduction and reviewed the proposed agenda for the presentation. Dr. Dave Smith, Merritt Smith Consulting continued the presentation by briefly explaining the Program EIR and subsequent Project-level environmental review documents. The purpose of the project is to provide up to 500 MG of additional storage capacity and would support an urban reuse and/or discharge project. The process used to identify the candidate sites included in the EIR was discussed. Pat Collins, Winzler & Kelly explained the Draft EIR comment period and certification process. She reviewed the Final EIR document availability and provided a summary of the comments on the Draft EIR.

The most common concerns included flood storage capacity in the Laguna; Trails and Open Space Easements and the California tiger salamander. She also noted that no selection process is scheduled at this time, pending a decision on the Discharge Compliance Project in December. The Final EIR identified the Environmentally Superior Alternative as the No Project Alternative and, secondarily as Brown Farm 2, in part because it is the smallest pond. The Environmentally Superior Combination Alternative was identified as Brown Farm 1 and Kelly Farm 1. Ms. Collins then discussed the comments received since the publication of the Final EIR and stated that these issues have been addressed in the EIR.

Chairman Dowd opened the item to public comment.

Keith Kaulum, spoke about the comments he submitted on three separate occasions during the process; his knowledge of the California tiger salamander and participation on the Strategy Team; the consultant's responses to his comments and the request to move the pond or drop it from consideration. He expressed dissatisfaction with the review process, felt the EIR is poorly written and the review period was minimal. He also spoke about litigation brought forth by the Center for Biological Diversity against the U.S. Fish and Wildlife Service to set aside its previous decision to eliminate the 74,000 acres of critical habitat in the Santa Rosa plain and its possible effects on projects on the Santa Rosa plain.

At 5:27 p.m., seeing no additional members of the public wishing to speak, Chairman Dowd closed the public comment period and recessed for 5 minutes to allow consultants the opportunity to evaluate the comments received from the public.

At 5:31 p.m., the meeting was reconvened and Ms. Collins began her response to comments. She stated no new information was presented by the public. Mr. Kaulum's 2 page comment letter was received and a 7 page response was provided. He also spoke at the public hearing and a 2 page response was provided to those comments. It may not

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have been the response he desired but staff was responsive to Mr. Kaulum's issues and provided a thorough response. The EIR documents are lengthy due to the complexity of the projects and the City has chosen to review each one of the alternatives at a project level so there is an option to choose any one of the alternatives at the end of the process. The review periods for the draft EIR were 65 days and well in excess of requirements. The City has provided more options for public input; longer review periods and more noticing in newspapers than required.

Whit Manley, City CEQA attorney, spoke about the filing of a lawsuit by the Center of Biological Diversity (CBD) with respect to the designation of critical habitat or the implementation of the Endangered Species Act with respect to the California tiger salamander. The City has to comply with the endangered species act and work with the regulations as they exist and work with the Fish and Wildlife Service and make sure the City complies. If the rules change in response to a lawsuit by CBD or someone else, the City will comply with those regulations as they exist rather than speculate about where they may go in the future. He explained that the task of an EIR is to identify significant impacts and to identify ways to mitigate those impacts. The FEIR identifies the impacts associated with the sites, and therefore is worthy of certification.

**MOTION:**

Vice Chairman Lowe moved to approve Resolution No. 936 entitled "Resolution of the Board of Public Utilities Certifying the Final Environmental Impact Report for the Seasonal Storage Project under the Incremental Recycled Water Program." The motion was seconded by Board Member Swinth and carried unanimously. AYES (5) NO (0) ABSENT (2) Downey and Holt ABSTAIN (0)

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

**9. REFERRALS**

**10. WRITTEN COMMUNICATION (And**

Possible Board Action)

10.1 Memorandum from Linda Reed, Administrative Services Officer re: Financial Summary, First Quarter 2008/09; included in packet

**ADJOURNMENT OF MEETING**

At 5:37 p.m. the meeting was adjourned. The next regular meeting of the Board of Public Utilities will be held on Thursday, November 6, 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

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Gina Perez