

RESOLUTION NO. 791

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES
OF THE CITY OF SANTA ROSA
APPROVING AND ADOPTING
THE RECYCLED WATER MASTER PLAN PREFERRED PROGRAM

WHEREAS, the City of Santa Rosa (“City”) Board of Public Utilities (“BPU”) proposes to approve an Incremental Recycled Water Program (“IRWP”) to provide for reliable treatment, reuse, recycling, and/or disposal of the wastewater generated from population anticipated in the new General Plans of the communities making up the Subregional Water Reclamation System; and

WHEREAS, to carry out the IRWP, the BPU proposes to adopt a Recycled Water Master Plan, including approval of the Preferred Program (“Preferred Program”); and

WHEREAS, the adoption and implementation of the IRWP and Preferred Program requires compliance with the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, §§ 21000 *et seq.*); and

WHEREAS, on June 26, 2001, the City entered into a contract with environmental consultants to prepare a Program Environmental Impact Report for the IRWP (“Program EIR”), pursuant to CEQA, the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 *et seq.*), and the local procedures adopted by the City pursuant thereto; and

WHEREAS, on August 16, 2001, the BPU, by Resolution No. 682, approved a Purpose and Needs Statement for the IRWP; and

WHEREAS, on September 20, 2001, the BPU, by Resolution No. 685, approved a Purpose and Needs Statement for the IRWP; and

WHEREAS, on October 2, 2001, the City Council of the City of Santa Rosa (“City Council”), by Resolution No. 24989, adopted the Purpose and Needs Statement as approved by the BPU; and

WHEREAS, between October 2001, and July 2002, the City conducted three initial IRWP pre-scoping meetings and held a joint City Council and BPU study session; and

WHEREAS, on July 16, 2002, the City circulated the Notice of Preparation and Initial Study for the IRWP; and

WHEREAS, on July 31, 2002, the City conducted the primary scoping meeting for the IRWP; and

WHEREAS, on August 1, 2002, the BPU, by Resolution No. 704, recommended adoption of screening criteria and amendments to the Purpose and Needs Statement; and

WHEREAS, on August 6, 2002, the City Council, by Resolution No. 25349, adopted a revised Purpose and Needs Statement for the IRWP; and

WHEREAS, on September 13, 2002, the City published Draft Scoping and Draft Screening Reports for the IRWP; and

WHEREAS, between September and October 2002, the BPU and the City Council evaluated Alternatives to be studied in the Program EIR; and

WHEREAS, on September 19, 2002, the BPU, by Resolution No. 705, recommended that the City Council accept the IRWP Draft Screening and Draft Scoping Report and confirm the BPU's selection of alternatives for evaluation in the Program EIR; and

WHEREAS, on September 24, 2002, the City Council, by Resolution No. 25393, accepted the BPU's recommendation to accept the IRWP Draft Scoping and Draft Screening Reports and confirmed the BPU's selection of Alternatives to be evaluated in the Program EIR; and

WHEREAS, between February and March 2003, the City considered additional Ocean Outfall and Napa Salt Marsh Alternatives for inclusion in the Program EIR; and

WHEREAS, on March 20, 2003, following public comments on the Ocean Outfall and Napa Salt Marsh Alternatives, the BPU rejected these alternatives because the evidence in the City's record of proceedings at that time indicated the alternatives were infeasible and inconsistent with the City's objectives for the project; and

WHEREAS, on May 16, 2003, the City published a Draft Program EIR and filed the Notice of Completion ("NOC") for the Draft Program EIR with the State Clearinghouse, pursuant to Section 15085 of the CEQA Guidelines, thereby beginning the public review and comment period; and

WHEREAS, the City distributed copies of the Draft Program EIR to those public agencies that have jurisdiction by law with respect to the IRWP, as well as to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, the City also posted the Draft Program EIR on the City's IRWP internet site and invited interested persons to submit comments; and

WHEREAS, on June 19, 2003, the City Council and the BPU held a joint public hearing on the Draft Program EIR; and

WHEREAS, on June 30, 2003, the 46-day public comment and review period closed; and

WHEREAS, on October 20, 2003, the City released the Final Program EIR, containing oral and written comments on the Draft Program EIR (received within the comment period), responses to those comments, and appropriate changes to the Draft Program EIR; and

WHEREAS, on October 24, 2003, the City submitted the NOC for the Final Program EIR to the State Clearinghouse; and

WHEREAS, on November 6, 2003, the BPU and the City Council conducted a joint meeting to consider whether to certify the Program EIR; and

WHEREAS, on November 6, 2003, the BPU, by Resolution No. 771, certified the Program EIR for the IRWP; and

WHEREAS, on November 6, 2003, the City Council, by Resolution No. 25809, certified the Program EIR for the IRWP; and

WHEREAS, on November 12, 2003, the City published and released a draft Master Plan; and

WHEREAS, on November 20, 2003, the BPU conducted a study session at which it identified the selection criteria for the Master Plan; and

WHEREAS, on December 4, 2003, the BPU and the City Council conducted a joint meeting regarding the draft Master Plan; and

WHEREAS, on December 18, 2003, the BPU conducted a public meeting to receive presentations from entities interested in using recycled water, and at this meeting 11 persons appeared on behalf of companies or organizations expressing interest in using such water; and

WHEREAS, on January 7, 2004, the BPU conducted a public meeting to consider the draft Master Plan, and to provide City staff with direction regarding identification of a Preferred Program for BPU and City Council consideration; and

WHEREAS, on January 15, 2004, the BPU conducted a public meeting to consider further the draft Master Plan, and to identify the Preferred Program to be forwarded to the City Council for its concurrence; and

WHEREAS, on February 3, 2004, the City Council conducted a public meeting at which it concurred with the Preferred Program identified by the BPU on January 15, 2004; and

WHEREAS, on February 17, 2004, the City published and released a proposed Master Plan and Preferred Program consistent with the direction provided to staff by the BPU and the City Council; and

WHEREAS, on February 17, 2004, the City published and released an addendum to the Program EIR for the IRWP providing further analysis of the impacts of the Preferred Program (“Addendum”);

WHEREAS, on March 4, 2004, the BPU and the City Council conducted a joint meeting to consider whether to approve the Preferred Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Public Utilities of the City of Santa Rosa hereby resolves, finds and certifies as follows:

1. The Board of Public Utilities hereby certifies that the Addendum to the Program EIR, together with the Program EIR, has been completed in compliance with CEQA (see Pub. Resources Code, § 21166); and
2. The members of the Board of Public Utilities have reviewed the Addendum, and have considered the Addendum together with the Program EIR; and
3. The Addendum, together with the Program EIR, represents the independent judgment and analysis of the Board of Public Utilities; and
4. The Board of Public Utilities hereby approves the Preferred Program; and
5. The Board of Public Utilities hereby adopts the findings attached at Exhibit A to this resolution, in accordance with Public Resources Code section 21081, subdivision (a); and
6. The Board of Public Utilities hereby adopts the statement of overriding considerations attached at Exhibit B to this resolution, in accordance with Public Resources Code section 21081, subdivision (b); and
7. The Board of Public Utilities hereby adopts the mitigation monitoring program attached at Exhibit C to this resolution, in accordance with Public Resources Code section 21081.6, subdivision (a)(1); and
8. The custodian and location of the documents or other material which constitutes the record of proceedings upon which this resolution is based is:

Dan Carlson, Capital Projects Manager
Santa Rosa Utilities Department
69 Stony Circle
Santa Rosa, CA 95401
9. The Board of Public Utilities directs staff to take those actions necessary to implement the Preferred Program.

10. The Board of Public Utilities directs staff to comply with Public Resources Code section 21152.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 4th day of March, 2004.