



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
[www. CityofSacramento.org](http://www.CityofSacramento.org)

Staff Report
February 17, 2009

**Honorable Mayor and
 Members of the City Council**

Title: Freeport Regional Water Project – Extension of Work Hours

Location/Council District: 7

Recommendation: Consider and decide whether to approve the request from Freeport Regional Water Authority (FRWA) to extend work hours at the Freeport Regional Water Project intake site from 6:00 PM to 10:00 PM.

Contact: David L. Brent, Engineering Services Manager, 808-1420; Jim Peifer, Senior Engineer, 808-1416

Presenters: Jim Peifer, Senior Engineer

Department: Utilities

Division: Engineering

Organization No: 14001321

Description/Analysis

Issue: The FRWA is a joint powers authority between the Sacramento County Water Agency (SCWA) and East Bay Municipal Utilities District (EBMUD). The Freeport Regional Water Project consists of a Water Intake Structure located on the Sacramento River and pipelines that extend from the structure to the east portion of the County. The intake is located west of I-5 and adjacent to the South Pocket Neighborhood. One purpose of the Project is to provide EBMUD with a supplemental water supply during drought conditions.

The Freeport Regional Water Project is behind schedule, and the FRWA is requesting that the City Council agree to FRWA's request to extend the permitted working hours to allow some recovery in the schedule. The FRWA Board has authorized FRWA's Program Manager to authorize a second shift at the intake site for a period of six weeks, with the hours of operation limited to

7:00 am to 10:00 pm, with such authorization not taking affect until the City Council has addressed the issue on February 17, 2009. EBMUD is entering the 3rd year of a water shortage, and has indicated that the escalating drought conditions will require their customers to undertake extraordinary conservation measures, which can be alleviated when the Project is completed. Adjacent residents have expressed opposition to this request.

Policy Considerations: FRWA's work hours at the intake site are limited by a provision of the Purchase Agreement entered into between the City and FRWA when the site was sold to FRWA to construct the Project. The pertinent agreement provision provides that work at the intake site shall be limited to the hours of 7 AM to 6 PM Monday through Friday "except in emergency situations." The FRWA Board recently declared that an emergency exists within the meaning of this provision, based on the drought conditions and EBMUD's ongoing water shortage. Deciding whether or not to agree to FRWA's request is within the discretion of the City Council.

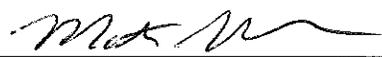
Environmental Considerations: FRWA certified an EIR in compliance with the California Environmental Quality Act prior to approval of the Freeport Regional Water Project.

Rationale for Recommendation: FRWA is asking the City Council to consider and act upon FRWA's request for extended work hours.

Financial Considerations: None

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: 
David L. Brent
Engineering Services Manager

Approved by: 
Marty Hanneman
ACM/Director of Utilities

Recommendation Approved:


for Ray Kerridge
City Manager

Table of Contents:

Report	pg. 1
Attachments	
1 Background	pg. 4
2 FRWA Board Action Summary	pg. 5

Attachment 1**BACKGROUND**

The Freeport Regional Water Authority (FRWA), a joint powers authority between the County of Sacramento and the East Bay Municipal Utility District, is constructing a water intake facility, adjacent to the Sacramento River and the Freeport Reservoir. The location where the FRWA is constructing the structure is on land formerly owned by the City, but purchased by the FRWA.

Authorization for FRWA's purchase of the property was granted by the Council on October 11, 2005 through a resolution authorizing the City Manager to enter into a Sales and Purchase Agreement with the FRWA. The Agreement required, among other things, that the FRWA limit construction between 7:00 a.m. and 6:00 p.m., Monday through Friday, "except in emergency situations". The limitation on working hours was established to minimize the adverse effects of FRWA's construction activities on residents living adjacent to the Project site.

In July, 2007, the FRWA requested that the City allow the contractor to work on Saturdays in order to perform timely completion of work required in the levee. The request was acceptable to the neighborhood and was granted by the City. In addition to Saturday work in the summer of 2007, work has been occurring on most Saturdays since the spring of 2008.

In August 2008, EBMUD was concerned about potential shortages to their water supply, and the FRWA requested that the working hours be extended to permit a second shift to make up for schedule delays. The residents adjacent to the intake site unanimously objected to an extension in working hours, and that request was denied by City staff.

EBMUD has indicated that they are entering their third year of drought, which will require their customers to undertake extraordinary conservation measures. They have indicated the timely completion of the intake will reduce the amount of conservation required.

On February 5th, 2009, the FRWA Board declared an Emergency Regarding the Freeport Regional Water Project Construction. A copy of FRWA's action summary is attached as Attachment 2. Additionally, based on this declaration, the FRWA Board authorized FRWA's Program Manager to authorize a second shift at the intake site for a period of six weeks, with the hours of operation limited to 7:00 am to 10:00 pm, with such authorization not to take affect until the City Council has addressed the issue on February 17, 2009.

ACTION SUMMARY

**BOARD OF DIRECTORS
FREEPORT REGIONAL WATER AUTHORITY**

(VIA TELECONFERENCE)

**Sacramento County Administration Center
700 H Street, Room 2450
Blue Conference Room
Sacramento, CA 95814**

AND

**East Bay Municipal Utility District Board Chambers
375 11th Street, Room 218
Oakland, CA 94607**

AND

**165 Rudgear Drive
Walnut Creek, CA 94596**

THURSDAY FEBRUARY 5, 2009 9:00 AM

Chair: John Coleman, Vice Chair: Don Nottoli

Directors: Katy Foulkes, Jimmie Yee

Associate Member: Bonnie Pannell

Alternate Director: William Patterson

(All Directors were present)

ROLL CALL: Also in Attendance: Eric Mische, Program Manager; John Whisenhunt, Counsel; Keith DeVore, Water Agency; Dennis Diemer, EBMUD

PUBLIC COMMENT: The Board of Directors is limited by state law to providing a brief response asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

AUTHORITY BUSINESS AND RECOMMENDED ACTION

1. Declaration of Emergency Regarding Freeport Regional Water Project Intake Site Construction

9:55 AM Board Action: Katy Foulkes/ Jimmie Yee – Adopted Resolution No. FWA-0148 declaring existence of emergency with respect to the construction of the Freeport Regional Water Project Intake Facility

AYES: Katy Foulkes, Don Nottoli, Jimmie Yee, John Coleman

NOES: (None)

ABSTAIN: (None)

ABSENT: (None)

9:55 AM Board Action: Katy Foulkes/ Don Nottoli - Authorized the Program Manager to authorize a second shift at the intake site for a period of six weeks, with the hours of operation limited to 7:00 a.m. to 10:00 p.m., and the authorization shall not take affect until the City Council has addressed the issue on February 17, 2009; Directed a specific work plan with a mitigation measures for potential inside work be submitted once the wall is completed

AYES: Katy Foulkes, Don Nottoli, Jimmie Yee, John Coleman

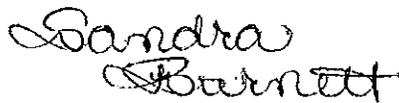
NOES: (None)

ABSTAIN: (None)

ABSENT: (None)

10:09 - Adjourned

Respectfully submitted,



SANDRA BURNETT, Secretary
Board of Directors
Freeport Regional Water Authority