SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

Edwin M. Lee
MAYOR

AGENDA
Tuesday, October 22, 2013

1:30 P.M.
1 Dr. Carlton B. Goodlett Place
City Hall, Room 400
San Francisco, CA 94102

Commissioners
Art Torres, President
Vince Courtney, Vice President
Ann Moller Caen
Francesca Vietor
Anson Moran

Harlan L. Kelly, Jr.
General Manager

Donna Hood
Secretary

For information, contact the Commission Secretary at 554-3165.
Minutes and other information are available on the SFPUC web site: www.sfwater.org
Gavel-to-Gavel coverage available at:
http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=22
**Disability Access:** The Public Utilities Commission meeting will be held in Room 400, at One 1 Dr. Carlton B. Goodlett Place, (400 Van Ness Avenue), San Francisco, CA. The closest accessible BART Station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI Lines serving this location are: Muni Metro lines J Church, K Ingleside, L Taraval, M Oceanview, N Judah and T Third at Van Ness and Civic Center Stations; F Market Line; and bus routes 19 Polk, 47 Van Ness, 49 Mission Van Ness, 5 Fulton, 6 Parnassus, 21 Hays, 9 San Bruno, 9L San Bruno Limited, 71 Haight Noriega and 71L Noriega Limited. For more information about MUNI accessible services call (415) 701.4485.

The meeting room is wheelchair accessible. Accessible curbside parking spaces have been designated on the Van Ness Avenue and McAllister Street perimeters of City Hall for mobility-impaired persons. There is accessible parking available within the Civic Center Underground Parking Garage at the corner of McAllister and Polk Streets, and within the Performing Arts Parking Garage at Grove and Franklin Streets. To obtain a disability-related accommodation, including auxiliary aids or services, or to obtain meeting materials in alternative format, please contact Donna Hood at (415) 554-3165, or by emailing dhood@sfwater.org. Providing at least 72 hours notice will help to ensure availability. To assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

**Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code):** Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people’s review. Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department’s website or in other public documents.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City’s website at www.sfgov.org.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**Lobbyist Registration and Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site at www.sfgov.org/ethics.

**CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code:** If the Commission’s action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Planning Department’s Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at http://www.sf-planning.org/index.aspx?page=3447. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or San Francisco Public Utilities Commission at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.
ORDER OF BUSINESS:

1. Call to Order

2. Roll Call

3. Approval of Minutes of October 8, 2013

4. Public Comments
   Members of the public may address the Commission on matters that are within the Commission’s jurisdiction and are not on today’s agenda.

5. Communications
   a) Advance Calendar
   b) Letter Summary
   c) Water Supply Agreement Update
   d) DB117, Solar Electric Project Construction Close-Out
   e) Calaveras Dam Pre-Construction Effort

6. Other Commission Business
   a) Discussion and possible action, in accordance with Rule 6 of the Rules of Order, to nominate and elect officers. (Torres)

7. Report of the General Manager (Kelly, Jr.)
   a) WSIP Update (Labonte)

8. BAWSCA Update (Sandkulla)

The following matters before the San Francisco Public Utilities Commission are recommended for action as stated by the General Manager and City Attorney where applicable.

Explanatory documents provided to the Commission in connection with this agenda are available for public inspection and copying at the Office of the Commission Secretary, 525 Golden Gate Avenue, 13th Floor, San Francisco, CA 94102, Telephone: (415) 554-3165, Fax: (415) 554-3424.

CONSENT CALENDAR

9. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Public Utilities Commission, and will be acted upon by a single vote of the Commission. There will be no separate discussion of these items unless a member of the Commission or the public so requests, in which event the matter will be removed from the Calendar and considered as a separate item.
a) **Approve** and award **Contract No. JOC-45**, Micro-LBE Set-Aside, General Building (B-License) for Hetch Hetchy, for a **not-to-exceed amount of $1,000,000**, to the lowest, qualified, responsible and responsive bidder, Empire Engineering & Construction, Inc., to perform general building and construction tasks for all SFPUC Enterprise Operations and Bureaus. (Cruz)

b) **Accept** work performed by M Squared Construction, Inc., for **Contract No. WD-2456**, 8-Inch Ductile Iron Main Installation and Pavement Renovation on Mission Street from 17th Street to 21st Street, on 19th Street, from Shotwell to Valencia, and on San Carlos Street from Sycamore to 21st Street; **Approve Modification Nos. 2 and 3** (Final), to reconcile final payment items to reflect actual quantities used under unit price and allowance bid items, **decreasing the contract by $61,987**, for a total contract amount of $2,591,441, and with a **time extension of 27 consecutive calendar days**, for a total contract duration of 297 consecutive calendar days; and **authorize** final payment to the contractor. (Cruz)

c) **Approve** the plans and specifications, and **award Contract No. WW-552R**, Clay, Cherry, and Collins Streets Sewer Replacement, Water Main Installation, and Pavement Renovation, **in the amount of $4,466,518** (of which $1,853,445 is funded by WWE, $1,813,480 is funded by Water Enterprise, and $799,593 is funded by DPW), to the lowest, qualified, responsible and responsive bidder, Shaw Pipeline, to replace the existing sewers and water mains and renovate the existing street pavement on the subject streets in the City of San Francisco. (Moala)

d) **Ratify** the General Manager’s approval of a **five-year revocable license** to the Young Men’s Christian Association of San Francisco at a fair market **Use Fee of $750 per biannual eight-week season**, for the use of approximately 22,500 square feet of SFPUC land at Sloat Boulevard and 22nd Avenue, as a field for a youth soccer program. (Russell)

e) **Accept** work performed by Bass Electric for **Contract No. DB-117**, Solar Photovoltaic Renewable Energy Plants: Chinatown Public Health Center and Muni Woods Motor Coach Facility, for a **total contract amount of $1,397,749**, and with a **total contract duration of 365 consecutive calendar days**; and **authorize** final payment to the contractor. (Hale)

f) **Approve** the terms and conditions and **authorize** the General Manager to execute a **five-year revocable license** with the Girl Scouts of Northern California, for the use of approximately 244,000 square feet of SFPUC land near Lake Merced in San Francisco for a summer camp facility (Camp Ida Smith), for no annual Use Fee, but subject to maintenance and indemnity obligations. (Russell)
REGULAR BUSINESS

10. **Approve Amendment No. 1 to Agreement No. CS-139**, Environmental Analysis Services for the Moccasin Facilities Upgrade Project, with Environmental Science Associates +Orion Joint Venture, to allow for completion of the required environmental review and resource agency permitting processes for the project; **Authorize** the General Manager to execute this amendment providing a **time extension of three years** for a total agreement duration of five years and eight months, with **no change to the agreement value.** (Cruz)

11. **Authorize** the General Manager to execute on behalf of the City and County of San Francisco, the **third amendment to the Memorandum of Understanding** by and between the SFPUC and other members of the Alameda Creek Fisheries Restoration Workgroup; **Authorize** the General Manager to allocate funding for the SFPUC portion of the Flow Studies as described in the amendment, **for an amount not-to-exceed $12,500.** (Ritchie)

12. **Authorize** the General Manager to apply for **Proposition 84 grant funding** pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 [Public Resource Code Section 75065(a)], through the Strategic Growth Council, in order to obtain up to $800,000 in Urban Greening for Sustainable Communities Program funding; and, if selected, to enter into an agreement with the State of California to carry out the Chinatown Green Alleys Project, and seek Commission and Board of Supervisors approval to accept and expend grant funds, if awarded. (Moala)

13. **Approve Project No. CUW36702** - Peninsula Pipelines Seismic Upgrade Project in northern San Mateo County, California; **Adopt** the required California Environmental Quality Act Findings, including a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program; and **authorize** the General Manager to implement the Project, in compliance with the Charter and applicable law, and subject to Board of Supervisors approval where required. (Cruz)

14. **Approve Project No. CUW2730502**, San Andreas Pipeline 2 and San Andreas Pipeline 3 Improvements Project in the City of South San Francisco, San Mateo County, California; **Adopt** findings pursuant to the California Environmental Quality Act including adopting the Mitigation Monitoring and Reporting Program for the Baden and San Pedro Valve Lots Improvements Project, as applied to the Project; and **authorize** the General Manager to implement the Project, in compliance with the Charter and applicable law. (Cruz)

15. Public Comments on matters to be discussed in Closed Session.

16. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel.
CLOSED SESSION

The Commission will go into Closed Session to discuss the following items:

17. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1).
   (O’Neil)
   
   Existing Litigation:
   Walsh v. City and County of San Francisco
   Alameda County Superior Court No. RG 1160618
   City Attorney File Number: 120833
   Date filed: November 29, 2011

18. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9 (d)(1) and San Francisco Administrative Code Section 67.10 (d)(1).
   (O’Neil)
   
   Existing Litigation:
   Mark Pear and Matt Pear v. City and County of San Francisco
   Santa Clara Superior Court Case No.: 1-12-CVC-227801
   City Attorney File Number: 130094
   Date Filed: July 5, 2012

19. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10 (d)(1).
   (Mueller)
   
   Existing Litigation:
   City and County of San Francisco v. Pacific Gas & Electric Company
   San Francisco Superior Court Case No.: CGC-13-529309
   City Attorney File No. 0000657/Date Filed March 6, 2013: Served June 6, 2013

20. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10 (d)(1).
    (Mueller)
    
    Existing Litigation:
    City and County of San Francisco v. Pacific Gas & Electric Company
    San Francisco Superior Court Case No.: CGC-13-529310
    City Attorney File No. 0000657/Date Filed June 6, 2013

21. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10 (d)(1).
    (Mueller)
    
    Existing Litigation:
    Pacific Gas & Electric Company, v. City and County of San Francisco
    Court of Appeal of the State of California, First Appellate District, Division Five
    Case No.: A127554/Date Filed: January 29, 2010
22. Conference with Legal Counsel- Pursuant to California Government Code Section 54956.9(d)(4) and San Francisco Administrative Code Section 67.10(d)(2).  (Mueller)
   Anticipated Litigation as Plaintiff

23. Conference with Legal Counsel- Pursuant to California Government Code Section 54956.9(d)(1) and San Francisco Administrative Code Section 67.10(d)(1).  (Emery)
   Existing Litigation
   *California Coastal Protection Network v. City and County of San Francisco*
   San Francisco Superior Court Case No.: CGC-11-513176

24. Threat to Public Services or Facilities – Pursuant to California Government Code Section 54957 and San Francisco Administrative Code 67.10(a).  (Barrett)
   Consultation with Agency Chief of Security concerning security of SFPUC Water and Power Systems.

   *Following Closed Session, the Commission will reconvene in Open Session.*

25. Announcement following Closed Session

26. Motion regarding whether to disclose the discussions during Closed Session

27. Other new business

ADJOURNMENT