SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

Edwin M. Lee
MAYOR

AGENDA
Tuesday, February 25, 2014

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

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

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 the Minutes of February 11, 2014

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) Hetch Hetchy Water and Power Enterprises Capital Improvement Program Quarterly Reports
   d) Wastewater Enterprise Capital Improvement Program Quarterly Report
   e) WSIP Change Order Summary
   f) Budget Hearing Follow-Up Questions and Responses to Date

6. Other Commission Business

7. Report of the General Manager
   a) Recognition of Gail Ciardi’s Retirement and 32 Years of Service (Carlin)
   b) Recognition of Moshe Blum’s Retirement and 33 Years of Service (Carlin)
   c) Water Supply Outlook (Ritchie)

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 Modification No. 1 to JOC-42, General Engineering (A-License with Marine Engineering emphasis), for San Francisco/Peninsula/East Bay to Hetch Hetchy, with Power Engineering Construction Company, to perform general engineering and construction tasks, increasing the contract by $2,500,000, for a total contract amount of $7,500,000, and with a time extension of 730 consecutive calendar days, for a total contract duration of 1825 consecutive calendar days, as allowed for JOC contracts under the San Francisco Administrative Code. This contract modification is needed to complete general engineering and construction tasks in City facilities. (Cruz)

REGULAR BUSINESS

10. Approve an increase in the construction contract cost contingency for Contract No. WD-2666, Bioregional Habitat Restoration (BHR) – Sheep Camp Creek, in the amount of $545,664; and Authorize the General Manager or his designee to approve future modifications to the contract for a total revised contract amount up to $4,849,414. The requested increase in the contract cost contingency is due to drought conditions requiring emergency watering and due to changes in hydrogeological conditions requiring additional well investigations and construction. (Ritchie)

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

12. 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:

13. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9(d) (1) and San Francisco Administrative Code Section 67.10 (d) (1). (Cauley)

Existing Claim
Roger and Paula A. Guido
City Attorney Unlitigated Claim No.: 14-01546
Date Filed: January 15, 2014

Material terms of the proposed settlement of the unlitigated claim arising from a water main break in the vicinity of 15th and Wawona are as follows: Payment of $75,000 in exchange for a full and final release of liability.

14. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9(d) (1) and San Francisco Administrative Code Section 67.10 (d) (1) (Cauley)

Existing Claim
Jason C. Wu and Dianna V. Yick
City Attorney Unlitigated Claim No.: 14-01751
Date Filed: February 13, 2014

Material terms of the proposed settlement of the unlitigated claim arising from a water main break in the vicinity of 15th and Wawona are as follows: Payment of $560,000 in exchange for a full and final release of liability.

15. 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
Date Filed: August 16, 2013

16. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9 (d) (1) and San Francisco Administrative Code Section 67.10 (O'Neil)

Existing Litigation:
Fletcher Ranch Road Properties, a Limited Liability Company, Robert N. Fletcher as Trustee of The Robert N. and Patricia A. Fletcher Living Trust and Richard S. Fletcher as Trustee of The Richard S and Linda K. Fletcher Revocable Inter Vivos Trust, and C. Nelson Fletcher as Trustee of The C.Nelson and Betty S. Fletcher Revocable Inter Vivos Trust v. City and County of San Francisco and DOES 1 thru 100
Alameda County Superior Court, Case No. VG10510699
Date filed April 22, 2010

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). (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

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). (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
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:
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

20. 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.

21. Announcement following Closed Session

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

23. Other new business

ADJOURNMENT