SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

Edwin M. Lee
MAYOR

AGENDA
Tuesday, October 13, 2015

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

Commissioners
Ann Moller Caen, President
Francesca Vietor, Vice President
Vince Courtney
Ike Kwon
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
For questions about the meeting, please contact (415) 554-3165. The ringing of and use of cell phones, pages, and similar sound-producing electronic devices are prohibited. Please be advised that the President 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.

**Know your rights under the Sunshine Ordinance:** 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. For 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, Phone: (415) 554-7724; Fax: (415) 554-7854; E-mail: softh@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.

**Disability Access:** The SFPUC meeting will be held in Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The closest accessible BART Station is at Civic Center. Accessible MUNI lines serving this location are: 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 Farnamass, 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 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) 554-0761, 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.

**Language Access**

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Meeting Minutes may be translated, if requested, after they have been adopted by the Commission. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact the Commission Clerk Donna Hood at (415) 554-0761, or dhood@sfwater.org at least 48 hours in advance of the hearing. Late requests will be honored if possible.

**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, 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:
   a) September 22, 2015 Regular Meeting
   b) September 25, 2015 Special Joint SFPUC/LAFCo Meeting

4. General 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) 525 Golden Gate Building LEED Status
   d) Central Bayside Improvement Project
   e) Construction Contract Award Summary
   f) Emergency Firefighting Water System Summary and Status
   g) Non-potable Water Program Update
   h) Wastewater Enterprise Capital Project Delays

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

7. Report of the General Manager
   a) Drought Update (Ritchie)
   b) Community Benefits and Environmental Justice Policy Update (Ellis)
   c) Education and Youth Employment Update (Ellis)

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

8. 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** the assignment and assumption of **Agreement No. CS-127B**, As-Needed Building Commissioning; and **authorize** the General Manager to execute an Assignment and Assumption Agreement for the existing Agreement No. CS-127B, from McKinstry Essention LLC, to Able Engineering Services. (How)

b) **Approve Amendment No. 1 to Agreement No. CS-127C**, As-Needed Building Commissioning, with Newcomb Anderson McCormick, Inc., to continue providing building commissioning, monitoring, and performance optimization oversight to City-owned new construction and major renovations; and **authorize** the General Manager to negotiate and execute this amendment, **increasing the agreement up to $500,000**, for a total not-to-exceed agreement amount of $3,500,000, and with a **time extension of three years**, for a total agreement duration of 10 years. (Hale)

c) **Approve Amendment No. 1 to Agreement No. CS-291.B**, Education and Economic Inclusion Services, with Lisa Spinali Consulting, which assists the External Affairs Community Benefits Division by developing strategies to partner with the public school district, private and charter schools, and non-profit partners; and **authorize** the General Manager to negotiate and execute this amendment, **increasing the agreement up to $25,000**, for a total not-to-exceed agreement amount of $55,000, and with a **time extension of one year**, for a total agreement duration of two years. (Ellis)

d) **Approve Amendment No. 1 to Agreement No. CS-303**, College Hill Garden Design, with Pam Nagle, to extend and fund the contract through site development and implementation of the K-5 curriculum at the learning garden; and **authorize** the General Manager to negotiate and execute this amendment, **increasing the agreement up to $100,000**, for a total not-to-exceed agreement amount of $345,000, and with a **time extension up to seven months**, for a total agreement duration of two years and seven months. (Ellis)

e) **Approve Amendment No. 2 to Agreement No. CS-913**, Bay Tunnel Construction Management Services, with Jacobs Engineering Group, to continue providing construction management services through project close-out; and **authorize** the General Manager to execute this amendment with a **time extension up to six months**, for a total agreement duration of seven years and eight months, with no change to the agreement amount. (How)

f) **Approve** the plans and specifications, and **award Contract No. HH-979**, San Joaquin Pipeline No. 1 Replacement at the San Joaquin Valve House, **in the amount of $1,781,850**, to the lowest, qualified, responsible and responsive bidder, Cratus, Inc., to upgrade pipeline connected to the San Joaquin Valve House and perform work to allow inspection along the San Joaquin Pipeline system. (How)
g) **Accept** work performed by Harty Pipelines, Inc., for **Contract No. WW-592**, As-Needed Main Sewer Replacement, for a **total contract amount of $3,913,741** with a total contract duration of 358 consecutive calendar days (approximately two and one-half years); and **authorize** final payment to the contractor.  (How)

**REGULAR SESSION**

9. **Authorize** the General Manager, or his designee, to execute **Grant agreements with applicants for Grant Assistance for Large Alternate Water Source Projects**. The grant program is being modified in coordination with amendments to the City’s Non-potable Water Ordinance to require onsite water reuse in all new developments greater than 250,000 square feet. Funds are available through the Water Enterprise (up to $1,000,000), and are dependent on annual budget appropriations. Grant assistance will be re-evaluated and separately approved and budgeted each fiscal year.  (Ritchie)

10. **Approve Amendment No. 1 to Agreement No. CS-344**, Power Scheduling Coordination and Related Support Services, with APX Inc., to allow for the processing of the California Independent System Operator (CAISO) power transmission service charges; and **authorize** the General Manager to execute this amendment, **increasing the agreement by $100,000,000**, for a total not-to-exceed agreement amount of $105,000,000, and with no change to the five year agreement duration; subject to the Board of Supervisors approval pursuant to Charter Section 9.118.  (Hale)

11. **Workshop** to present an overview of the **CleanPowerSF** program risk analysis and business plan components, the power supply contracting approval strategy, and the overall schedule for implementation of the program in Spring 2016.  (Hale)

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

13. 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:*

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)

   **Existing Litigation**

   *David Alfaro, et al v. City and County of San Francisco*

   San Francisco Superior Court Case No.: CGC-15-547492

   City Attorney File Number: 160241/Date Filed: 08/20/15  (Ambrose)
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) (Ambrose)

Unlitigated Claim
City and County of San Francisco vs. Stantec Architects, Inc.
City Attorney File No.: 160153

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

Unlitigated Claim
Scott Falcone and Ayala Mirande v. CCSF
City Attorney Claim No.: 15-02411/Date Filed March 17, 2015

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) (Ambrose)

Unlitigated Claim
Gonzalina Morales v. CCSF
City Attorney Claim No.: 15-01980/Date Filed February 10, 2015

18. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 and San Francisco Administrative Code Section 67.8 (a) (2)

Property
SFPUC Parcel 201A, located adjacent to 460 N. Shoreline Boulevard in Mountain View, CA

Persons Negotiations:
SFPUC: Michael Carlin, Rosanna Russell, and Tony Bardo
Mid-Pen Housing Corporation: Peter Villereal

Under Negotiation:
Price ☒ Terms of Payment ______ Both ☒ X

19. Conference with Legal Counsel – Pursuant to California Government Code Section 54956.9 (d) (3) and San Francisco Administrative Code Section 67.10 (d) (2) (Ambrose)

Anticipated Litigation as Plaintiff

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) (Ambrose)

Existing Litigation
Restore Hetch Hetchy v. City and County of San Francisco
Tuolumne County Superior Court, Case No.: CV-59426
City Law Number 151139/Date Filed: April 21, 2015
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:
City and County of San Francisco v. Pacific Gas & Electric
Federal Energy Regulatory Commission
Case No.: EL15-3-000/Date Filed: October 10, 2014

22. 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
Federal Energy Regulatory Commission
Tariff Withdrawal per 35.15: Notice of Termination of the 1987 CCSF Interconnection Agreement – PG&E Rate Schedule FERC No. 114 to be effective June 30, 2015.
Case No.: ER15-702-000/Date Filed: December 23, 2014

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) (Mueller)

Existing Litigation:
Pacific Gas & Electric
Tariff Withdrawal per 35.15: Notice of Termination of The CCSF Facilities Charge Agreement for Moscone to be effective June 30, 2015.
Case No.: ER15-703-000/Date Filed December 23, 2014

24. 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
Federal Energy Regulatory Commission
§205(d) rate filing per 35.13 (a)(2)(iii): City and County of San Francisco Transmission Owner Tariff Replacement Agreements to be effective July 1, 2015
Case No.: ER15-705-000/Date Filed: December 23, 2014

25. 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
Federal Energy Regulatory Commission
§205(d) rate filing per 35.13 (a)(2)(iii): City and County of San Francisco Wholesale Distribution Tariff Replacement Agreements to be effective July 1, 2015
26. 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
Federal Energy Regulatory Commission
Notice of Termination of Facilities Charge Agreements between PG&E and the City and County of San Francisco
Case No.: ER15-735-000/Date Filed: December 23, 2014

27. Threat to Public Services or Facilities – Pursuant to California Government Code Section 54957 and San Francisco Administrative Code 67.10 (a) (Carroll)

Consultation with Agency Chief of Security concerning security of SFPUC Water and Power Systems

Following Closed Session, the Commission will reconvene in Open Session

28. Announcement following Closed Session

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

30. **Adopt a Resolution** authorizing the General Manager requesting the Mayor and the Board of Supervisors **approve** a **Supplemental Appropriation in the amount of $5,000,000** for the Wastewater Enterprise, for the purpose of paying claims, settlements, legal expenses, litigation costs, judgments and related expenses. (Sandler)

31. Other new business

32. Adjournment
NOTICE OF PUBLIC HEARING Tuesday, October 27, 2015 – 1:30 PM City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the San Francisco Public Utilities Commission, the governing board of the publicly owned utility operations of the City and County of San Francisco: Public hearing, discussion and possible action to adopt RULE AMENDMENTS to Section F, Water Efficient Irrigation, of the SFPUC Rules and Regulations Governing Water Service to Customers. These rules are applicable to all public agency, residential, and commercial new construction and rehabilitated landscape projects with a landscape area equal to or greater than 500 square feet and receiving water service from the SFPUC. These rules are amended to provide consistency with state’s updated Model Water Efficient Landscape Ordinance as approved by the California Water Commission on July 15, 2015. The amended rules shall take effect on January 1, 2016. The detailed agenda and related files will be available at least 72 hours before the scheduled meeting at the SFPUC website www.sfwater.org, or by calling (415) 554-3165.
San Francisco Public Utilities Commission
525 Golden Gate Avenue
13th Floor
San Francisco, CA 94102