

**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**  
City and County of San Francisco

**London N. Breed**  
Mayor

**AGENDA**  
**Tuesday, February 12, 2019**  
**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  
Ike Kwon

**Harlan L. Kelly, Jr.**  
General Manager

**Donna Hood**  
Secretary



For information, contact the Commission Secretary at 415-554-3165  
Minutes and other information are available on the SFPUC web site:

[www.sfwater.org](http://www.sfwater.org)

Gavel-to-Gavel coverage available at:

[http://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=22](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=22)

**Accessible Meeting Policy:** The San Francisco Public Utilities Commission meeting will be held in Room 400, at 1 Dr. Carlton B. Goodlett Place (400 Van Ness Ave.), 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-Ocean View, N-Judah and T-Third at Van Ness and Civic Center Stations; F-Market; 19-Polk, 47-Van Ness; 49-Mission-Van Ness; 5-Fulton; 6-Parnassus, 21-Hayes; 9-San Bruno; and 7-Haight Noriega. For information about MUNI accessible services call 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. Providing at least 72 hours notice will help to ensure availability. Written reports or background materials for calendar items are available for public inspection and copying at 525 Golden Gate Ave., 13<sup>th</sup> Floor during regular business hours and are available on-line at <http://www.sfwater.org/index.aspx?page=167>.

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 to accommodate these individuals.

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 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 decision 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 more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Administrator, by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.4689; by phone at 554.7724; by fax at 554.7854; or by email at [soft@sfgov.org](mailto:soft@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 <http://www.sfgov.org>.



**311 Free Language Assistance:** 免費語言協助 / Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援 / 무료 언어 / 지원 / คว"มขวั ยเหลลลล ท"งภ"ษ"โดยไม่ว สยคาไซจั าย / Libreng tulong para sa wikang Tagalog ยเหลลลล

**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](http://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 January 22, 2019](#)
4. General Public Comment (discussion only)  
*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 (discussion only)
  - a) [Advance Calendar](#)
  - b) [Correspondence Log](#)
  - c) [Contract Advertisement Report](#)
  - d) [Annual Report on Dry Year Supply Progress Pursuant to AB1823](#)
  - e) [Lake Merced Update](#)
  - f) [Water Supply Conditions Update](#)
  - g) [Water System Improvement Program Status of Construction Change Orders](#)
6. Other Commission Business (discussion only)
7. [2017-2018 Annual Financial Statements](#) (KPMG) (discussion only) (Sandler)
  - i. [Hetch Hetchy Water & Power and CleanPowerSF](#)
  - ii. [Water Enterprise](#)
  - iii. [Wastewater Enterprise](#)
8. Report of the General Manager (discussion only) (Kelly, Jr.)
  - a) CleanPowerSF Update
  - b) [Water Enterprise Capital Improvement Program Quarterly Report](#)
  - c) [Water System Improvement Program Local](#) and [Regional](#) Quarterly Reports
  - d) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements
9. Update on State Water Board's Bay-Delta Plan Amendment and Voluntary Agreement Negotiations (discussion only) (Ritchie)

*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, 13<sup>th</sup> Floor, San Francisco, CA 94102; Telephone: (415) 554-3165; Fax: (415) 554-3424; and are available on-line at <http://www.sfwater.org/index.aspx?page=167>*

## CONSENT CALENDAR

10. *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 an increase of 136 calendar days (approximately five months) to the existing 26-day construction contract duration contingency for [Contract No. WD-2742](#), 16-Inch Ductile Iron Water Main Replacement on 7th Street from Townsend to 16th Street; and authorize the General Manager to approve future modifications to the contract duration for a total revised contract duration of up to 422 consecutive calendar days (approximately one year and two months), with no change in contract cost contingency. (How)
- b) Approve an increase of 340 consecutive calendar days (approximately 11 months) to the existing 60-day construction contract duration contingency for [Contract No. WW-606R2](#), Oceanside Water Pollution Control Plant Door and Building 930 Exterior and Awning Improvements; and authorize the General Manager to approve future modifications to the contract duration for a total duration of up to 1,000 consecutive calendar days (approximately two years and nine months), with no change to the contract amount. (How)
- c) Approve an increase of 69 consecutive calendar days (approximately two months) to the existing 54-day construction duration contingency for [Contract No. WW-629](#), Various Locations Sewer Replacement and Pavement Renovation No. 1; and authorize the General Manager to approve future modifications to the contract duration, for a total revised contract duration of up to 663 consecutive calendar days (approximately one year and 10 months), with no change to the contract amount. (How)
- d) Approve an increase of 45 consecutive calendar days (approximately one and one-half months) to the existing 120-day construction duration contingency for [Contract No. WW-636](#), Various Locations Sewer Replacement and Pavement Renovation No. 4; and authorize the General Manager to approve future modifications to the contract duration for a total revised contract duration of up to 579 consecutive calendar days (approximately one year and seven months), with no change to contract amount. (How)
- e) Accept work performed by Ranger Pipelines Inc., for [Contract No. WW-653](#), Marin Street Sewer Replacement, for a total contract amount of \$4,999,681 and a total contract duration of 491 consecutive calendar days (approximately one year and four months;) and authorize final payment to the contractor. (How)

## **REGULAR CALENDAR**

- 11. Discussion of proposed [amendment to Rule 6 of the San Francisco Public Utilities Commission's Rules of Order](#), moving the date of the annual election of officers from October to February of each year. (discussion only) (Caen)

12. Approve Amendment No. 4 to [Agreement No. CS-911R](#), Construction Management Service – Calaveras Dam Replacement Project, with Black and Veatch Corporation, to provide support during completion of construction and close-out of the project; and authorize the General Manager to negotiate and execute this amendment, increasing the agreement by \$3,800,000 for a total not-to-exceed amount of \$71,800,000, and extending the term by 10 months for a total not-to-exceed duration of nine years, eight months, subject to the Board of Supervisors approval pursuant to Charter Section 9.118. (How)
13. Public Comment on matters to be addressed during Closed Session
14. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel

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

15. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9 (d) (2) and San Francisco Administrative Code Section 67.10 (d) (2) (action) (Gessner)

Unlitigated Claim

*Kim Du Truong v. City and County of San Francisco*

*Unlitigated File No. 19-00232*

*Date Filed: July 30, 2018*

*Proposed settlement of claim with claimant's release of all claims and the City to pay claimant \$36,090.*

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) (action) (Gessner)

Existing Litigation

*Peter Dayton v. City and County of San Francisco*

*San Francisco Superior Court Case No. CGC-17-557549*

*Date Filed: March 15, 2017*

*Proposed settlement of lawsuit with plaintiff's release of all claims and the City to pay plaintiff \$60,000.*

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) (action) (Gessner)

Existing Litigation

*Hanover Insurance Company a/s/o WYX Holdings, Inc. v. City and County of San Francisco*

*San Francisco Superior Court Case No. CGC-18-566142*

*Date Filed: April 30, 2018*

*Proposed settlement of lawsuit with plaintiff's release of all claims and the City to pay plaintiff \$62,500.*

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) (action item) (Gessner)

Existing Litigation

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

*San Francisco Superior Court No. CGC-15-547492*

*Date Filed: August 20, 2015*

Proposed settlement of action as to property claims of two of numerous plaintiffs: (1) Chris Tilton and Blane Bachelor (\$301,000), and (2) Victoria Sanchez (\$79,500). Several co-plaintiffs remain in litigation.

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) (discussion only) (Mueller)

Existing Litigation

*Pacific Gas & Electric Corporation*

Case No. 19-30088/Date Filed: January 29, 2019

Case No. 19-30089/Date Filed: January 29, 2019

United States Bankruptcy Court, Northern District of California

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) (discussion only) (Mueller)

Existing Litigation:

*City and County of San Francisco v. Pacific Gas & Electric Company*

Docket No. EL19-38-000/Date Filed: January 28, 2019

Federal Energy Regulatory Commission

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) (discussion only) (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 6/30/15.

Case No. ER15-702-000/Date Filed: December 23, 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) (discussion only) (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 6/30/15.  
Case No. ER15-703-000/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) (discussion only) (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 7/1/15

Case No. ER15-705-000/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) (discussion only) (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 7/1/15

Case No. ER15-704-000/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) (discussion only) (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

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) (discussion only) (Mueller)

Existing Litigation:

*City and County of San Francisco v. Pacific Gas & Electric*

Federal Energy Regulatory Commission

Complaint under Sections 206 and 306 of the Federal Power Act.

Case No. EL15-3-000/Date Filed: October 9, 2014

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

27. Announcement Following Closed Session
28. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12 (a)
29. Other New Business (discussion only)
30. Adjournment



San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 13<sup>TH</sup> Floor  
San Francisco, CA 94102