

# SAN FRANCISCO PUBLIC UTILITIES COMMISSION

City and County of San Francisco

London N. Breed Mayor

#### SPECIAL MEETING AGENDA Wednesday, September 20, 2023 8:30 AM

# Note different **DAY** and **TIME**

1 Dr. Carlton B. Goodlett Place City Hall, Room 400

Members of the San Francisco Public Utilities Commission (SFPUC) will attend this meeting in-person. Members of the public are invited to observe the meeting in-person or remotely by watching live online as described below. Members of the public attending the meeting in person or remotely will have an opportunity to provide public comment on every action or discussion item.

Members of the public are encouraged to provide public comment by email. Send an email to <u>Commission@sfwater.org</u> by 5 pm the day before the meeting to ensure your comment is received by the Commission in advance of the meeting. All comments received will be made part of the official record.

# **REMOTE MEETING ACCESS**

Watch: <u>https://www.sfgovtv.org/sfpuc</u>

### REMOTE PUBLIC COMMENT CALL-IN: 1 (415) 655-0001/ACCESS CODE 2599 358 7591 # # (No Passcode Required )

When your item is called, press \*3 to be added to the public comment speaker line. Commenters will have up to two minutes to provide comment unless otherwise noted by the Chair. Please speak clearly, ensure you are in a quiet location, and turn off any TV's or computers around you.

#### Commissioners

Newsha Ajami, President Sophie Maxwell, Vice President Tim Paulson Anthony Rivera Kate H. Stacy

> Dennis J. Herrera General Manager

Donna Hood Commission Secretary <u>Accessible Meeting Policy</u>: City Hall, Room 400 is wheelchair accessible. The meeting will be broadcast and captioned on SFGovTV. Remote public participation is available upon request for individuals who cannot attend in person due to disability. Making a request to participate remotely no later than one hour before the start of the meeting helps ensure availability of the meeting link. Sign Language Interpretation is also available upon request. If requesting Sign Language Interpretation, please submit an accommodation request a minimum of four business hours before the start of the meeting. Allowing a minimum of 48 business hours for all other accommodation requests (for example, all other auxiliary aids and services) helps ensure availability. To request accommodation, please contact the Commission Secretary at <u>Commission@sfwater.org</u> or 415-554-3165.

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 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 http://www.sfgov.org.

**311 Free Language Assistance**: 免費語言協助/ Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Тго giúp Thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援/ 무료 언어 / 지원 / คว"มชว ่ ยเหลอ ึ ห"งภ"ษ"โดยไมเว่ ส'ยคาใชจ ้าย / Libreng tulong para sa wikang Tagalog ยเหลอ ึ

**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 <a href="http://www.sf-planning.org/index.aspx?page=3447">http://www.sf-planning.org/index.aspx?page=3447</a>. 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 August 22, 2023
- 4. Report of the General Manager (discussion only)
  - a) San Francisco Public Utilities Commission Human Resources Update
  - b) <u>Quarterly Budget Status Report</u>
  - c) <u>Results of the 2023 Water Revenue Bond Issuance</u>
  - d) <u>Water Enterprise Capital Improvement Program Quarterly Report</u>
  - e) <u>Water System Improvement Program Quarterly Report</u>
  - f) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements

# 5. CONSENT CALENDAR

- a) Approve execution and submission of an <u>attestation of veracity for CleanPowerSF's 2022</u> <u>Power Source Disclosure Reports and Power Content Label</u>; approve final submission of the 2022 Power Source Disclosure Reports to the California Energy Commission; and approve provision of the Power Content Label to all customers before January 2, 2024. (Hale)
- b) Approve execution and submission of an <u>attestation of veracity for Hetch Hetchy Power's</u> <u>2022 Power Source Disclosure Reports and Power Content Label</u>; and approve final submission of the 2022 Power Source Disclosure Reports to the California Energy Commission; and approve provision of the Power Content Label to all customers by January 2, 2024. (Hale)
- c) Approve a \$4,000,000 increase to the contract cost contingency for <u>Contract No. HH-1005</u>, San Joaquin Pipeline Valve and Safe Entry Improvements: Phase 1A, with Sierra Mountain Construction, Inc., to allow procurement of 15 large diameter valves for Phase 2, for a total contract amount of up to \$15,879,454, with no change to the contract duration. (Robinson)

d) Award Job Order Contract No. JOC-99, General Engineering (A License) Construction, San Francisco, San Mateo, Santa Clara, and Alameda Counties, in the amount not-to-exceed \$5,000,000, with a guaranteed minimum task order opportunity amount of \$50,000, and a duration of two years, to the responsible bidder that submitted the lowest responsive bid, Marinship Development Interest LLC, to perform A-licensed general engineering construction work on San Francisco Public Utilities Commission systems and operations around the Bay Area. (Robinson)

 e) Award <u>Contract No. PRO.0226</u>, Treasure Island Water Resource Recovery Facility Construction Management Staff Augmentation Services to MCK Americas, Inc./Environmental & Construction Solutions, Inc., Joint Venture in the amount not-toexceed \$7,500,000 with a term of three years. (Robinson)

- f) Award <u>Contract No. WD-2848</u>, 8-Inch Ductile Iron Water Main Replacement on Gold Mine Drive from Topaz Way to Diamond Heights Boulevard and Various Side Streets, to the responsible bidder that submitted the lowest responsive bid, A. Ruiz Construction Co. & Assoc. Inc., in the amount of \$7,750,985 and with a duration of 608 consecutive calendar days (approximately one year and eight months). This action constitutes the Approval Action for the Project for the purposes of the California Environmental Quality Act (CEQA), pursuant to San Francisco Administrative Code section 31.04(h). The Planning Department has determined that the Project is exempt from the CEQA. The Commission will rely on that determination to make its decision on this action. (Robinson)
- g) Accept work performed by Charles Pankow Builders, LTD, under <u>Contract No. WW-682R</u>, Southeast Community Center at 1550 Evans; Approve Modification No. 10 (Final) decreasing the contract amount by \$14,169, to reconcile final change orders, for a total contract amount of \$87,125,973 and a total contract duration of 1,441 consecutive calendar days (approximately four years); and authorize final payment to the contractor.

(Robinson)

- h) Approve an increase of 60 calendar days (approximately two months) to the contract duration contingency for <u>Contract No. WW-715</u>, As-Needed Spot Sewer Replacement No. 43, with J. Flores Construction Company, Inc., resulting in a new contract duration of up to 610 consecutive calendar days (approximately one year and eight months) to allow the Contractor to complete contract service work orders issued, with no change to contract amount. (Robinson)
- i) Award <u>Contract No. WW-739</u>, As-Needed Large Diameter Sewer Cleaning in the amount of \$953,127 with a duration of 365 consecutive calendar days, to the responsible bidder that submitted the lowest responsive bid, Pipe and Plant Solutions, Inc., to inspect existing sewers that are greater than 36-inches in diameter at various locations within the City and County of San Francisco. (Robinson)

# **REGULAR CALENDAR**

- 6. Authorize the Issuance of up to \$145 million of the 2023 Series A Power Revenue Bonds (2023 Power Bonds) (i) to finance or refinance Power Enterprise projects through the refunding and retirement of commercial paper issued as interim financing for such projects, (ii) to fund capitalized interest to mitigate the short-term budgetary impact of borrowing, and (iii) to potentially fund a debt service reserve fund (if the SFPUC elects to fund a reserve); Delegate to the General Manager authorization to appoint bond underwriters and to enter into one or more bond purchase contracts with underwriters selected from the City's pool of pre-qualified underwriters, subject to a competitive procurement process and in accordance with the City's policies and procedures with respect thereto, and further subject to the limits on underwriters' compensation set forth in the Commission resolution; Approve the issuance of 2023 Power Bonds; Approve the form of, and authorize the execution and delivery of, related documents; and authorize the General Manager to negotiate the sale of the 2023 Power Bonds in one or more series of bonds, as the General Manager determines is in the best financial interest of the San Francisco Public Utilities Commission. (Hom)
- 7. Communications (information only)
  - a) Advance Calendar
  - b) Contract Advertisement Report

- c) <u>Correspondence Log</u>
- d) 2009 Water Supply Agreement Update
- e) Annual Real Estate Report
- f) <u>Annual Water System Improvement Program Report</u>
- g) Final Changes to FY 2023-24 Budget Since Commission Adoption
- h) <u>Quarterly Report to the Board of Supervisors on the Status of Applications to PG&E for</u> <u>Electric Service</u>
- i) <u>Water Supply Conditions Update</u>
- 8. General Public Comment Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
- 9. Items initiated by Commissioners (discussion only)
- 10. Public Comment on the matters to be addressed during Closed Session
- 11. 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:

### **CLOSED SESSION**

12. CONFERENCE WITH LEGAL COUNSEL regarding existing litigation (California Government Code Section 54956.9(d)(1), and San Francisco Administrative Code Section 67.10(d)(1)):

City and County of San Francisco v. U.S. Environmental Protection Agency (U.S. Court of Appeals for the Ninth Circuit, Case No. 21-70282, Filed February 9, 2021); City and County of San Francisco v. State Water Resources Control Board, et al. (Alameda Superior Court, Case No. RG-19042575, Filed October 30, 2019). (discussion only) (Bregman/Kus)

13. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

99 Ocean Avenue, LLC v. City and County of San Francisco
Unlitigated Claim File No.: 23-02535
Date Filed: June 16, 2023
Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay 99 Ocean Avenue LLC \$36,000.00 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (action item)

14. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

Joseph Hohenrieder v. City and County of San Francisco Unlitigated File No.: 23-00777 Date Filed: November 28, 2022 Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Joseph Hohenrieder \$35,000.00 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (action item) (Bregman)

15. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

Tim Wong v. City and County of San Francisco

Unlitigated File No.: 23-02127 Date Filed: April 27, 2023

Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Tim Wong \$50,000.00 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (action item)

(Bregman)

16. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

Trung Lam v. City and County of San Francisco

Unlitigated File No.: 23-02117

Date Filed: April 26, 2023

Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Trung Lam \$50,000.00 in exchange for a full and final release subject to final approval by the Board of Supervisors. (action item)

(Bregman)

17. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

Gil Orozco v. City and County of San Francisco

Unlitigated File No.: 23-00854 Date Filed: December 8, 2022

Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Gil Orozco \$65,000.00 in exchange for a full and final release subject to final approval by the Board of Supervisors. (action item)

(Bregman)

18. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

Rigoberto Herrera v. City and County of San FranciscoUnlitigated File No.: 23-01445Date Filed: February 24, 2023Proposed settlement of unlitigated claim for damage to property resulting from a ruptured watermain with the City and County of San Francisco to pay Rigoberto Herrera \$46,867.00 inexchange for a full and final release subject to final approval by the Board of Supervisors.(action item)(Bregman)

19. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code

§54956.9, San Francisco Administrative Code §67.10(d)(1)):

Dolores Street Community Services v. City and County of San Francisco Unlitigated File No.: 23-02048 Date Filed: April 20, 2023 Proposed settlement of unlitigated claim for damage to property resulting from a high pressure fire suppression water service main fail with the City and County of San Francisco to pay Dolores Street Community Services \$37,197.48 in exchange for a full and final release subject to final approval by the Board of Supervisors. (action item) (Bregman)

Following Closed Session, the Commission will reconvene in Open Session

- 20. Announcement following Closed Session
- 21. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a).
- 22. Adjournment

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