



SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

London N. Breed
Mayor

REGULAR MEETING AGENDA
Tuesday, January 25, 2022
1:30 P.M.

This meeting is being held by Teleconference Pursuant to the Governor's Executive Order N-29-20 and the Twelfth and Forty-First Supplements to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

WATCH LIVE:

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

PUBLIC COMMENT CALL-IN:

1 (415) 655-0001 / MEETING ID: 2486 907 5477 # #

During the Coronavirus Disease (COVID-19) emergency, the San Francisco Public Utilities Commission's (SFPUC) regular meeting room, City Hall, Room 400, is closed. Commissioners and SFPUC staff will convene Commission meetings remotely by teleconference.

Commissioners

Anson Moran, President
Newsha Ajami, Vice President
Sophie Maxwell
Tim Paulson

Dennis J. Herrera
General Manager

Donna Hood
Secretary



Accessible Meeting Policy: To obtain meeting materials in alternative format, please contact the Commission Secretary at 415-554-3165 or via email at Commission@sfgov.org. Providing at least 72 hours' notice will help to ensure availability. Written reports or background materials for calendar items are available on-line at the [Commission website](#).

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 sof@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 / ความช่วยเหลือทางภาษา “โดยไม่ว่า” ส่วยค่าใช้จ่าย / Libreng tulong para sa wikang Tagalog ยช่วยเหลือ

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. Adopt renewed findings under [State Urgency Legislation](#) to continue to allow remote meetings during the COVID-19 Emergency; continue remote meetings for the next 30 days; and direct the Commission Secretary to agendize a similar resolution at a Commission Meeting within the next 30 days.
4. Approval of the Minutes
 - a) [January 7, 2022 Special Budget Meeting #1](#)
 - b) [January 11, 2022 Regular Meeting](#)
5. 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
6. Communications (discussion only)
 - a) [Advance Calendar](#)
 - b) [Contract Advertisement Report](#)
 - c) [Correspondence Log](#)
 - d) [CleanPowerSF Quarterly Report](#)
 - e) [Onsite Water Reuse Program Update FY 19-20 and FY 20-21](#)
 - f) [Quarterly Report on Contracts Awarded by the General Manager Pursuant to Delegated Authority](#)
7. Bay Area Water Supply & Conservation Agency Update (discussion only) (Sandkulla)
8. Recognition of Retirements (discussion only) (Herrera)
 - a) [John S. Roddy](#) in recognition of his 41 years of service to the City and County of San Francisco and the San Francisco Public Utilities Commission
 - b) [Lisa Diep](#) in recognition of her 34 years of service to the City and County of San Francisco and the San Francisco Public Utilities Commission
 - c) [Recognition of those San Francisco Public Utilities Commission Employees who retired 2020 – 2021](#)
9. Report of the General Manager (discussion only)
 - a) [Drought Conditions Update](#)
 - b) [Power Customer Program Update](#)
 - c) [Water Enterprise Capital Improvement Program Quarterly Report](#)
 - d) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements
10. New Commission Business (discussion only)

11. CONSENT CALENDAR

- a) Authorize the General Manager of the to execute a [Cost Recovery Agreement](#) with the United States Bureau of Land Management (BLM) to reimburse the BLM for costs of \$22,106.74 to correct the mapped boundary of a right-of-way grant for the Canyon Power Tunnel and Aqueduct; and authorize the General Manager to amend the Cost Recovery Agreement, or enter into a new Cost Recovery Agreement, to reimburse the BLM for additional reimbursable expenses of up to \$77,893.26 if the BLM incurs reimbursable costs over \$22,106.74, for the total potential not-to-exceed sum of \$100,000. (Ritchie)
- b) Approve the plans and specifications and award [Contract No. WD-2843](#), 16-, 12-, and 8-inch Ductile Iron Water Main Replacement on Diamond St from 27th St to Diamond Heights Blvd, 28th and Duncan Sts from Douglass to Noe Sts, Valley St from Diamond to Noe Sts, and Noe St from Duncan to Valley Sts, in the amount of \$8,802,037 and with a duration of 783 consecutive calendar days (approximately two years and two months), to a responsible bidder that submitted the lowest responsive bid, M Squared Construction Inc., to install 13,640 feet of ductile iron water conveyance pipe, ancillary water service pipe, curb ramps, and pavement restoration The contract is funded under the Local Conveyance/Distribution System Program. This action constitutes the Approval Action for the Project for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 31.04(h) of the San Francisco Administrative Code. The Planning Department has determined that this action is exempt from the CEQA. If the item is approved, the Commission will rely on that determination to make its decision. (Johanson)
- c) Approve an increase of \$200,000 to the contract cost contingency and an increase of 180 consecutive calendar days to the contract duration contingency for [Contract No. WD-2858R](#), Sunol Valley Water Treatment Plant Water Quality Modular Office, with Alta Group, Inc.; and authorize the General Manager to approve future modifications to the contract for a total contract amount up to \$1,405,820 and a total contract duration of up to 422 consecutive calendar days (approximately one year and two months). (Johanson)
- d) Approve an increase of \$2,250,000 to the contract cost contingency, and an increase of 180 consecutive calendar days to the contract duration contingency for [Contract No. WW-712](#), New Montgomery, Jessie, Minna, and Mission Street Brick Sewer Rehabilitation, with D'Arcy & Harty Construction, Inc; and authorize the General Manager to approve future modifications to the contract for a total contract amount of up to \$7,627,625 and a total contract duration of up to 609 consecutive calendar days (approximately one year and eight months). This action constitutes the Approval Action for the additional work covered under this modification for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 31.04(h) of the San Francisco Administrative Code. The Planning Department has determined that this action is exempt from the CEQA. If the item is approved, the Commission will rely on that determination to make its decision. (Johanson)

REGULAR CALENDAR

12. Approve modification of the program rules for the [Water Use Allocation and Excess Use Charge Program](#) for Accounts Complying with Article 12C of the City and County of San Francisco Health Code to (1) change the name of the program to Non-Potable Water Ordinance Excess Use Charge Program; (2) modify the process for determining the Potable Make-Up Allocation for projects subject to the Program; (3) change the water usage data reporting requirements for projects subject to the Program; (4) establish methodology for applying excess use charges on a project's bill and change the billing schedule for excess use charges to a six-month cumulative basis; (5) clarify the eligibility requirements and process for projects to request a Temporary Suspension or a Potable Make-Up Allocation Revision; and (6) authorize the General Manager, in consultation with the City Attorney, to approve future non-material modifications to the Non-Potable Water Ordinance Excess Use Charge Program Rules that are necessary or appropriate to facilitate implementation of the Program.
(Ritchie)
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 item:

CLOSED SESSION

15. Conference with Legal Counsel – Pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1)
(discussion only) (Mueller)

Conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: City and County of San Francisco v. Federal Energy Regulatory Commission, (United States Court of Appeals, D. C. Circuit), No. 20-1313, petition for review filed August 17, 2020, consolidated with No. 20-1458, petition for review filed November 16, 2020; City and County of San Francisco v. Federal Energy Regulatory Commission, (United States Court of Appeals, D. C. Circuit), No. 20-1084, petition for review filed March 23, 2020; consolidated with No. 20-1297, petition for review filed August 3, 2020; In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 9-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL 19-38- 000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18- 1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory

Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; California Public Utilities Commission Case No. R.19-09-016, filed January 10, 2019; and California Public Utilities Commission Case No. P. 21-07-012, filed July 27, 2021.

Following Closed Session, the Commission will reconvene in Open Session

16. Announcement following Closed Session
17. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a)
18. Adjournment

San Francisco Public Utilities Commission
525 Golden Gate Avenue, 13TH Floor
San Francisco, CA 94102