



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 Commission@sfgwater.org 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: <https://www.sfgovtv.org/sfpuc>

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

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) [Quarterly Budget Status Report](#)
 - c) [Results of the 2023 Water Revenue Bond Issuance](#)
 - d) [Water Enterprise Capital Improvement Program Quarterly Report](#)
 - e) [Water System Improvement Program Quarterly Report](#)
 - f) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements

5. CONSENT CALENDAR

- a) Approve execution and submission of an [attestation of veracity for CleanPowerSF's 2022 Power Source Disclosure Reports and Power Content Label](#); 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 [attestation of veracity for Hetch Hetchy Power's 2022 Power Source Disclosure Reports and Power Content Label](#); 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 [Contract No. HH-1005](#), 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 [Contract No. PRO.0226](#), 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-to-exceed \$7,500,000 with a term of three years.
(Robinson)

- f) Award [Contract No. WD-2848](#), 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 [Contract No. WW-682R](#), 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 [Contract No. WW-715](#), 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 [Contract No. WW-739](#), 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) [Correspondence Log](#)
- d) [2009 Water Supply Agreement Update](#)
- e) [Annual Real Estate Report](#)
- f) [Annual Water System Improvement Program Report](#)
- g) [Final Changes to FY 2023-24 Budget Since Commission Adoption](#)
- h) [Quarterly Report to the Board of Supervisors on the Status of Applications to PG&E for Electric Service](#)
- i) [Water Supply Conditions Update](#)

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)

(Bregman)

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 Francisco

Unlitigated File No.: 23-01445

Date Filed: February 24, 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 Rigoberto Herrera \$46,867.00 in exchange 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, 13TH Floor
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