



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

City and County of San Francisco

London N. Breed
Mayor

REGULAR MEETING AGENDA
Tuesday, September 28, 2021
1:30 P.M.

This meeting is being held by Teleconference Pursuant to the Governor's Executive Order N-29-20 and the Twelfth Supplement 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: 146 238 4281 # #

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

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


Michael Carlin
Acting 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” / Librang tulong para sa wikang Tagalog ยะเหลือ

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. [Approval of the Minutes of September 14, 2021](#)
4. 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
5. Communications (discussion only)
 - a) [Advance Calendar](#)
 - b) [Correspondence Log](#)
 - c) [Contract Advertisement Report](#)
 - d) [Annual Multi-Enterprise Climate Program Update](#)
 - e) [Annual Real Estate Update](#)
 - f) [Final Changes to FY 2021-22 Budget since Commission Adoption](#)
 - g) [Capital Improvement Program Quarterly Report](#)
 - h) [Water Pipeline Assessment](#)
 - i) [Water Supply Conditions Update](#)
6. Bay Area Water Supply and Conservation Agency Update (discussion only) (Sandkulla)
7. Report of the General Manager (discussion only)
 - a) [Quarterly Audit and Performance Review Report](#)
 - b) FY 2022-23 and 2023-24 Budget Introduction
 - c) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements
8. New Commission Business (discussion only)

CONSENT CALENDAR

9. *All matters listed hereunder constitute a Consent Calendar are considered 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 selection of AECOM Technical Services, Inc.; award [Agreement No. PRO.0182](#), Electrical Engineering Services for the Hetch Hetchy Region, to AECOM to provide electrical engineering planning, design, and engineering support during construction for the Hetch Hetchy Capital Improvement Program; and authorize the General Manager to negotiate and execute the agreement for an amount not-to-exceed \$6,000,000 and a duration of eight years. (Johanson)
 - b) Approve an increase of 365 calendar days to the duration contingency for

[Contract WD-2687R](#), Auxiliary Water Supply System (AWSS) Pumping Station No. 2 Improvements (2016), with Rubecon Builders, Inc.; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 1,800 consecutive calendar days (approximately five years), with no change to the contract amount. (Johanson)

- c) Accept work performed by Ronan Construction, Inc. for [Contract No. WW-671\(I\)](#), Fillmore and Haight Street Intersection, AWSS, Pavement, and Sewer Replacement; approve Modification No. 5 (Final), increasing the contract amount by \$65,718, for a total contract amount of \$656,895 with no change to the agreement duration; and authorize final payment to the contractor. (Johanson)

REGULAR CALENDAR

10. Discussion and possible action to approve the terms of an [employment contract](#), pursuant to San Francisco Charter Section 8B.126 (a) and (c), between the San Francisco Public Utilities Commission and Dennis Herrera for the position of General Manager of the San Francisco Public Utilities Commission and authorize the President of the Commission to execute the contract. (Maxwell)
11. Authorize the General Manager to execute a [Novation Agreement](#) with AECOM Global II, LLC for **Agreement No. CS-396**, Engineering Services Pilarcitos Dam and Reservoir Improvements Project; approve Amendment No. 1 and authorize the General Manager to execute Amendment No. 1, increasing the agreement amount by \$1,500,000 and extending the agreement duration by two years and six months, for a total not-to-exceed agreement amount of \$4,500,000 and a total duration of nine years and six months, to complete the planning phase for the proposed project. (Johanson)
12. Approve the selection of the Japanese Community Youth Council (JCYC), the sole respondent to the Request for Proposals; award [Agreement No. PRO.0169](#), Project Pull Citywide Internship, to JCYC to provide San Francisco youth with summer internship opportunities with the SFPUC and other City departments; and authorize the General Manager to negotiate and execute a professional services agreement with JCYC for an amount not-to-exceed \$4,000,000, and with a duration of four years. (Johanson)
13. Approve a [contract amendment for CleanPowerSF](#), between the San Francisco Public Utilities Commission and NextEra Energy Resources Development, to add battery storage to an existing long-term renewable energy contract for a total amount not-to-exceed \$220,280,744 over the remaining 19 years of the agreement; and authorize the General Manager to seek approval from the Board of Supervisors for this contract. (Hale)
14. Public Hearing: Discussion and possible action to approve, for customers of the San Francisco Public Utilities Commission's CleanPowerSF (Community Choice Aggregation) Program, a [revised rate-setting methodology](#) effective November 1, 2021 through June 30, 2022 that sets rates to the lesser of (a) 15% higher than comparable PG&E rates, or (b) rates that recover CleanPowerSF's program costs. This action constitutes the Approval Action for the project for the purposes of CEQA,

pursuant to Section 31.04(h) of the San Francisco Administrative Code. (Sandler)

15. Authorize the General Manager to execute an [agreement between Pacific Gas and Electric Company and the City and County of San Francisco](#), acting through the San Francisco Public Utilities Commission, for service to some new 100% Affordable Housing projects on City land with a term of 10 years, and an option to extend an additional five years; and authorize the General Manager to seek Board of Supervisors approval of the agreement. (Hale)
16. Public comment on matters to be addressed during Closed Session
17. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel
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) (Bregman)

EXISTING LITIGATION

Tamsyn Waterhouse v. City and County of San Francisco

San Francisco Superior Court Case No. CGC-20-583543/Date Filed March 2, 2019

Proposed settlement with City to pay plaintiff \$45,000 and plaintiff to release all claims

19. 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 item) (Robinson)

Settlement of Unlitigated Claim

City and County of San Francisco v. Shimmick Construction Company, Inc. and F.D. Thomas Inc.

City File No. 190927

Proposed settlement of City's unlitigated claim against Shimmick and F.D. Thomas, Inc., with F.D. Thomas to pay City \$750,000 in exchange for City's release of all unlitigated claims arising from the failure of interior liners in digesters at the Oceanside Water Pollution Control Plant

20. 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: 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

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

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