

1 [Supplemental Agreement to Install an Additional Water Pipeline over Union Pacific  
2 Railroad Company Property in Stanislaus County]

3 **Resolution approving and authorizing a Supplemental Agreement with Union Pacific**  
4 **Railroad Company to install an additional water pipeline within an existing easement**  
5 **area over Railroad property near the City of Oakdale in Stanislaus County required for**  
6 **the San Joaquin Pipeline System Project No. CUW37301 for a fee of \$2,500; adopting**  
7 **findings under the California Environmental Quality Act; adopting findings that the**  
8 **conveyance is consistent with the City's General Plan and Eight Priority Policies of**  
9 **City Planning Code Section 101.1; and authorizing the Director of Property to execute**  
10 **documents, make certain modifications and take certain actions in furtherance of this**  
11 **resolution.**

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13 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed  
14 a project known as the San Joaquin Pipeline System Project, (also commonly referred to as  
15 the SJPL System Project, Project No.CUW37301, and herein as the "Project"), a water  
16 infrastructure project included as part of the Water System Improvement Program (WSIP).  
17 The Project is located in Tuolumne, Stanislaus, and San Joaquin Counties, beginning at the  
18 Oakdale Portal in Tuolumne County, and ending at the Tesla Portal in San Joaquin County.  
19 The Project includes, among other related features, the construction of two new facility  
20 crossovers (Emery and Pelican), two new throttling stations (MP 50.57 Northeast of Willms  
21 Road and MP 55.32), Oakdale Portal improvements including a new valve house, upgrading  
22 the discharge valves at Cashman Creek and a new discharge valve at the California  
23 Aqueduct, construction of a fourth pipeline segment (Eastern Segment approximately 6.5  
24 miles from Oakdale Portal (MP 49.84) to near Fogarty Road (MP 56.50) and a tie-in vault),  
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1 construction of a fourth pipeline segment (Western Segment approximately 11 miles from  
2 west of the San Joaquin River to Tesla Portal), a new truss bridge aerial structure to carry  
3 SJPL No. 4 over the California Aqueduct, and a discharge structure at the Pelican  
4 Crossover involving intermittent drainage to the San Joaquin River, and discharge of water  
5 to U.S. Fish and Wildlife Service San Joaquin River National Wildlife Refuge, to irrigate a  
6 managed wetland area; and

7 WHEREAS, the objectives of the Project are to improve delivery reliability and  
8 provide operational flexibility during maintenance activities or unplanned outages, as well as  
9 to replenish local reservoirs after such events; and

10 WHEREAS, The Project is an improvement facility project approved by the SFPUC  
11 as part of the Water System Improvement Program ("WSIP"); and

12 WHEREAS, A Final Program Environmental Impact Report ("PEIR") was prepared for  
13 the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No.  
14 17734; and

15 WHEREAS, Thereafter the SFPUC approved the WSIP and adopted findings and a  
16 Mitigation Monitoring and Reporting Program as required by the California Environmental  
17 Quality Act ("CEQA") on October 30, 2008 by Resolution No. 08-0200; and

18 WHEREAS, an environmental impact report ("EIR") as required by CEQA was  
19 prepared for the Project in Planning Department File No. 2007.01 18E; and

20 WHEREAS, The Final EIR ("FEIR") for the Project was certified by the San Francisco  
21 Planning Commission on July 9, 2009 by Motion No. 17917; and

22 WHEREAS, The FEIR prepared for the Project is tiered from the PEIR, as authorized  
23 by and in accordance with CEQA and the CEQA Guidelines; and

24 WHEREAS, On July 14, 2009, the San Francisco Public Utilities Commission  
25 (SFPUC), by Resolution No. 09-0119, a copy of which is included in Board of Supervisors

1 File No. 100492 and which is incorporated herein by this reference: (1) approved the  
2 Project; (2) adopted findings (CEQA Findings), including the statement of overriding  
3 considerations, and a Mitigation Monitoring and Reporting Program ("MMRP") required by  
4 CEQA; and (3) authorized the General Manager to seek the Board of Supervisors' approval  
5 of and, if approved, to execute certain necessary agreements and deeds, which the SFPUC  
6 staff will pursue and submit to the Board of Supervisors at a later date; and

7 WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No.  
8 09-0119 have been made available for review by the Board and the public, and those files  
9 are considered part of the record before this Board; and

10 WHEREAS, The Board of Supervisors has reviewed and considered the information  
11 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0119, and all  
12 written and oral information provided by the Planning Department, the public, relevant public  
13 agencies, SFPUC and other experts and the administrative files for the Project; and

14 WHEREAS, This Board, by Resolution No. 369-09 adopted on September 22, 2009,  
15 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 090980 and  
16 which is incorporated herein by this reference and considered part of the record before this  
17 Board, adopted findings under CEQA related to the Project, including the statement of  
18 overriding considerations and the MMRP; and

19 WHEREAS, A copy of the Supplemental Agreement (the "Agreement") between the  
20 City, as Grantee, and Union Pacific Railroad Company, as Grantor, is on file with the Clerk  
21 of the Board of Supervisors under File No. 100492; and,

22 WHEREAS, The Director of Property has determined that a one-time fee of \$2,500 is  
23 fair and reasonable; and,

24 WHEREAS, The Director of Planning, by letter dated June 29, 2009, found that the  
25 purchase of all the necessary property rights for the Project, is consistent with the City's

1 General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, which  
2 letter is on file with the Clerk of the Board of Supervisors under File No. 100492, and which  
3 letter is incorporated herein by this reference; now, therefore, be it

4 RESOLVED, The Board has reviewed and considered the FEIR and record as a  
5 whole, finds that the FEIR is adequate for its use as the decision making body for the action  
6 taken herein and hereby incorporates by reference the CEQA findings contained in  
7 Resolution No. 369-09; and, be it

8 FURTHER RESOLVED, The Board finds that the Project mitigation measures  
9 adopted by the SFPUC will be implemented as reflected in and in accordance with the  
10 MMRP; and, be it

11 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there  
12 have been no substantial project changes and no substantial changes in the Project  
13 circumstances that would require major revisions to the FEIR due to the involvement of new  
14 significant environmental effects or an increase in the severity of previously identified  
15 significant impacts, and there is no new information of substantial importance that would  
16 change the conclusions set forth in the FEIR; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
18 Francisco hereby finds that the Agreement is consistent with the General Plan and with the  
19 Eight Priority Policies of city planning Code Section 101.1 for the same reasons as set forth  
20 in the letter of the Director of Planning dated June 29, 2009, and hereby incorporates such  
21 findings by references as though fully set forth in this resolution; and, be it

22 FURTHER RESOLVED, That in accordance with the recommendations of the Public  
23 Utilities Commission and the Director of Property, the Board of Supervisors hereby approves  
24 the Agreement and the transaction contemplated thereby in substantially the form of such  
25 Agreement presented to this Board; and, be it

1           FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
2 Property to enter into any additions, amendments or other modifications to the Agreement  
3 (including, without limitation, the attached exhibits) that the Director of Property determines  
4 are in the best interest of the City, that do not increase the cost for the Agreement or  
5 otherwise materially increase the obligations or liabilities of the City, and are necessary or  
6 advisable to complete the transaction contemplated in the Agreement and effectuate the  
7 purpose and intent of this resolution, such determination to be conclusively evidenced by the  
8 execution and delivery by the Director of Property of the Agreement and any amendments  
9 thereto; and, be it

10           FURTHER RESOLVED, That the Director of Property is hereby authorized and  
11 urged, in the name and on behalf of the City and County, to accept the Agreement for  
12 installation of an additional water pipeline from the Grantor in accordance with the terms and  
13 conditions of the Agreement, and to take any and all steps (including, but not limited to, the  
14 execution and delivery of any and all certificates, agreements, notices, consents, escrow  
15 instructions, closing documents and other instruments or documents) as the Director of  
16 Property deems necessary or appropriate pursuant to the Agreement, or to otherwise  
17 effectuate the purpose and intent of this resolution, such determination to be conclusively  
18 evidenced by the execution and delivery by the Director of Property of any such documents.

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1 RECOMMENDED:

\$2,500 Available

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4 Amy L. Brown  
5 Director of Property

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7 Controller

8 Appropriation: Index Code 737312

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