

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 10-0198

WHEREAS, On August 11, 2009, pursuant to Resolution No. 09-0142, this Commission awarded Agreement No. CS-916, Peninsula Construction Management (CM) Services, and authorized the General Manager of the San Francisco Public Utilities Commission to negotiate and execute a professional services agreement, in the amount of \$22,000,000, and with a term of fifty-five (55) months, concluding on June 29, 2014 with HDR Engineering, Inc., subject to Board of Supervisors approval pursuant to Charter Section 9.118; and

WHEREAS, On October 20, 2009 pursuant to Resolution No. 405-09, approval for Agreement No. CS- 916 was obtained from the San Francisco Board of Supervisors; and

WHEREAS, The Bioregional Habitat Restoration to be implemented under the WSIP consolidates impacts from multiple WSIP projects to benefit the environment by constructing larger ecosystem mitigation projects with less construction effects; and

WHEREAS, Amendment No. 1 is being requested in the amount of \$4,000,000 additional CM services associated with Bioregional Habitat Restoration sites to be located within the Peninsula Region, increasing the total not-to-exceed agreement amount to \$26,000,000; and

WHEREAS, The Homestead Pond, Adobe Gulch, and San Andreas Reservoir compensatory habitat mitigation sites, for which construction management services will be provided, include sites which are proposed as mitigation for WSIP facility improvement projects which have been approved by the Commission and CEQA findings adopted by the Board of Supervisors ("Board"); including, among others, the Bay Division Reliability Upgrade and Crystal Springs San Andreas Transmission Upgrade project; and

WHEREAS, The Skyline Boulevard, Upper San Mateo Creek, Skyline Quarry, Adobe Gulch Creek South, Boat Ramp North, Boat Ramp South, Half Moon Bay/Pilarcitos, and Sherwood Point projects are proposed as compensatory mitigation habitat for the Lower Crystal Springs Dam Improvement Project which has been approved by the Commission (SFPUC Resolution 10-0175), including the adoption of CEQA Findings and a Mitigation Monitoring and Report Program, but for which CEQA findings have not yet been adopted by the Board of Supervisors; and

WHEREAS, Environmental review has been completed for the above-referenced WSIP facility improvement projects, and CEQA findings adopted by the Commission and the Board, as described above; and by Note to the File ("Note to File") dated June 14, 2010 for the Bay Division Reliability Upgrade prepared by the San Francisco Planning Department, Major Environmental Analysis Division (City Planning File No. 2005.0164E), determining that implementation of the Homestead Pond mitigation site would not result in any additional significant environmental impacts beyond those disclosed in the Final EIR for the project; and

WHEREAS, By adopting CEQA Findings for Bay Division Reliability Upgrade and Crystal Springs / San Andreas Transmission System Upgrades including implementation of compensatory mitigation at sites that may be proposed as mitigation for individual WSIP facility improvement projects that have not yet been approved by the SFPUC, the SFPUC is not making any commitment to approve any other WSIP project or mitigation, nor does the Commission make any determination as to the adequacy of the Bioregional Habitat Restoration sites as compensatory habitat mitigation for any WSIP project that has not yet been approved, and the Commission retains full discretion to consider the environmental documents for other WSIP projects, including but not limited to mitigation measures therein, and to adopt or decline to adopt findings required under CEQA for those projects; and

WHEREAS, The Commission has reviewed and considered the information and findings contained in the final EIRs for the Bay Division Reliability Upgrade and Crystal Springs/San Andreas Transmission System Upgrades projects, Note to the File, all as contained in the respective project files, WSIP Program FEIR, SFPUC and Board Resolutions referred to in the Agenda Report for this matter, which resolutions are incorporated herein by reference as though fully set forth and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for this action as identified above; and

WHEREAS, A Human Rights Commission (HRC) sub consulting goal of 17.9% Local Business Enterprise (LBE) participation (of the total value of services to be provided) has been established for this agreement; and

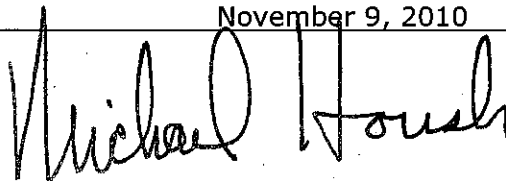
WHEREAS, Funds for this agreement are available from Project No. CUW 38802 – Habitat Reserve Program (The Bioregional Habitat Restoration) and were accounted for in the existing WSIP budget approved by the Commission on July 28, 2009; now, therefore, be it

RESOLVED, That the Commission finds that the Bay Division Reliability Upgrade and Crystal Springs / San Andreas Transmission System Upgrades FEIRs are adequate for their use by the decision-making body for the action taken herein; and be it

FURTHER RESOLVED, The Commission finds that since the FEIRs were finalized, there have been no substantial changes in the Bay Division Reliability Upgrade or Crystal Springs / San Andreas Transmission System Upgrades Projects, and no substantial changes in circumstances relating to the project that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR; and be it

FURTHER RESOLVED, That this Commission hereby approves Amendment No. 1 to Water Enterprise Water System Improvement Program-funded Agreement No. CS-916, Peninsula Region Construction Management (CM) Services, with HDR Engineering, Inc. for additional construction management services associated with Bioregional Habitat Restoration sites within the Peninsula Region; and authorizes the General Manager of the San Francisco Public Utilities Commission to execute this amendment, increasing the agreement by \$4,000,000, for a total agreement amount of \$26,000,000; provided that expenditures shall be limited to pre-construction activities until such time as the Commission reviews and considers the Final Environmental Documents and determines whether or not to approve the proposed Projects; subject to Board of Supervisors approval pursuant to Charter Section 9.118.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *November 9, 2010*

A handwritten signature in black ink, reading "Michael Housh". The signature is written in a cursive style with a large initial "M".

Secretary, Public Utilities Commission

