Resolution approving an updated emergency declaration of the San Francisco Public Utilities Commission (SFPUC) pursuant to Administrative Code, Section 6.60, to contract resources for tree removal, slope repair and debris removal in Stern Grove, which was damaged by flooding caused by a failed air valve on a water transmission pipeline, increasing the cost by $16,000,000 for a total not to exceed amount of $20,000,000.

WHEREAS, On August 23, 2020, SFPUC crews were working on a leaking air valve on a 54-inch diameter water transmission pipeline, the San Andreas Pipeline No. 2, at 22nd Avenue and Sloat Boulevard; while they were tightening down a bolt, the air valve failed, sending water into the air and flooding adjacent areas, particularly Stern Grove; and

WHEREAS, The steep slope on the south side of Stern Grove was heavily eroded and gullied by the flow undermining up to 63 tall eucalyptus trees that exist on the slope and making the slope unstable; and

WHEREAS, The water and debris from the slope flowed down into and around the Concert Meadow covering the meadow, surrounding three backstage buildings, and filling in the creeks and culverts that usually transport stormwater runoff away from the site; and

WHEREAS, The water flow impacted tree and slope stability and stormwater drainage, which made Stern Grove unsafe for public use until corrected; and

WHEREAS, Stern Grove provides vital green space and amphitheater for concerts and events under the management of the San Francisco Recreation and Park Department; and
WHEREAS, Remediation is critical to restoring the site and re-opening Stern Grove to the public for such events as the Stern Grove Festival which has an 84-year tradition of providing free concerts in Stern Grove each summer; and

WHEREAS, Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes department heads to declare an emergency and award a public work contract, exempt from the competitive bidding process, in the event of an actual emergency, which is defined to include, “...[t]he breakdown or imminent breakdown of any plant, equipment, structure, street or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens, or the property of the City and County, or to maintain the public health and welfare...”; and

WHEREAS, On August 26, 2021, the SFPUC General Manager declared an emergency, which the President of the San Francisco Public Utilities Commission approved, to contract resources for tree removal, slope repair, and debris removal in Stern Grove; and

WHEREAS, Administrative Code, Section 6.60(d), requires the SFPUC General Manager to seek the Board of Supervisors’ approval in all cases where the estimated cost of the emergency work exceeds $250,000; and

WHEREAS, At the time of the emergency, before the impact of the incident could be fully evaluated, the SFPUC estimated that the tree removal, slope repair and debris removal would not exceed $4,000,000; and

WHEREAS, On November 16, 2021, by Resolution No. 531-21, the Board of Supervisors approved the SFPUC General Manager’s August 26, 2021, emergency declaration to contract resources for tree removal, slope repair, and debris removal in Stern Grove; and

WHEREAS, The SFPUC initially engaged Hernandez Engineering, Inc., through an existing Job Order Contract (JOC), to secure the site, remove debris from the parking lot,
Concert Meadow and Pine Lake, and restore backstage buildings to pre-existing conditions due to moisture damage; and

WHEREAS, Hernandez Engineering, Inc. ceased work when it approached the $706,000 limit of its JOC; and

WHEREAS, Anvil Builders, Inc. has an excellent safety record, is familiar with CCSF and SFPUC contracting, had just completed a project and had immediate capacity; and

WHEREAS, The SFPUC selected Anvil Builders, Inc. to take over and complete the scopes of work begun by Hernandez; and

WHEREAS, On December 23, 2021, the General Manager executed Agreement No. WD-2888(E), Stern Grove Emergency Site Restoration with Anvil Builders, Inc.; and

WHEREAS, SFPUC staff, with support from consultants and contractors, performed additional site investigation to assess the damage of the impacted slope, concert meadow, and ancillary buildings surrounding the concert meadow and performed detailed design for site restoration; and

WHEREAS, As the remediation work has progressed and uncovered more damage than was initially visible in the wake of the incident, staff has determined that remediation of the emergency will require: rebuilding the slope using engineered soils; rebuilding drainage systems and structural retaining walls to stabilized the hillside and to mitigate against future erosion and failure; protecting in-place the existing large diameter sewer within the footprint of the impacted slope; removal and reinstallation of historical rock walls; restoration of concert and west meadow turfgrass; replacement of exterior and interior furnishings at the ancillary buildings following moisture and mold abatements as a result of significant water egress into the buildings; removal of 63 large eucalyptus trees and replanting of eucalyptus trees within the impacted slope; and restoration of the Vale Street parking lot and tennis courts; and
WHEREAS, Based on the revised and expanded scope of work necessary to remediate the emergency to repair and restore Stern Grove, SFPUC staff now estimates the cost of the work will not exceed $20,000,000; and

WHEREAS, On February 15, 2022, the SFPUC General Manager issued an updated emergency declaration, approved by the President of the SFPUC, to reflect this increase in cost due to the previously mentioned factors; and

WHEREAS, The Controller has certified that funds are available for this emergency work and contract; now, therefore, be it

RESOLVED, That the Board of Supervisors approves, under Administrative Code, Section 6.60, the SFPUC General Manager’s updated emergency determination dated February 15, 2022, to contract for tree removal, slope repair, and debris removal in Stern Grove, for a new total cost not to exceed $20,000,000; and hereby authorizes the General Manager to use any source of available water enterprise funds for such purposes without regard to any provisions of Charter Section 8B.124; provided however that such engineering and/or planning certifications will be obtained by the General Manager as soon as practical and filed with the Clerk of the Board in File No. 220245; and, be it

FURTHER RESOLVED, That as noted in Resolution No. 531-21, the SFPUC will complete, and submit to the Board of Supervisors, a report once the emergency work is completed, providing photos and details of the improvements and repairs made to the site, including a section on proactive measures to prevent similar air valve failures in the future; and, be it

FURTHER RESOLVED, That the Board of Supervisors ratifies actions taken to date by the San Francisco Public Utilities Commission to address such emergency work and resolve the emergency condition.
RECOMMENDED:

/s/

Dennis Herrera
General Manager of the SFPUC

Funds AVAILABLE:

/s/

BEN ROSENFIELD
Controller
Resolution approving an updated emergency declaration of the San Francisco Public Utilities Commission (SFPUC) pursuant to Administrative Code, Section 6.60, to contract resources for tree removal, slope repair and debris removal in Stern Grove, which was damaged by flooding caused by a failed air valve on a water transmission pipeline, increasing the cost by $16,000,000 for a total not to exceed amount of $20,000,000.

April 20, 2022 Budget and Finance Committee - RECOMMENDED

April 26, 2022 Board of Supervisors - ADOPTED
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED on 4/26/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

5/6/22
Date Approved