



San Francisco
Water Power Sewer

Services of the San Francisco Public Utilities Commission

SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

London N. Breed

Mayor

Minutes

Rescheduled Regular Meeting

Tuesday, August 27, 2019

12:00 P.M. (Earlier Start Time)

(Approved September 10, 2019)

1 Dr. Carlton B. Goodlett Place
City Hall, Room 400
San Francisco, CA 94102

Commissioners

Ann Moller Caen, President

Francesca Vietor, Vice President

Anson Moran

Sophie Maxwell

Tim Paulson

Harlan L. Kelly, Jr.

General Manager

Donna Hood

Secretary



For information, contact the Commission Secretary at 415-554-3165
Minutes and other information are available on the SFPUC web site:

www.sfwater.org

Gavel-to-Gavel coverage available at:

http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=22

1. Call to Order
President Caen called the meeting to order at 12:05 PM.
2. Roll Call
Present: Caen, Vietor, Moran, and Paulson
3. Approval of the Minutes of August 13, 2019
President Caen asked for a correction to the minutes reflecting that she did not adjourn the meeting of August 13, 2019. Vice President Vietor (VP) chaired and adjourned the meeting.

*On Motion to approve the Minutes of August 13, 2019 with correction:
Ayes: Caen, Vietor, Moran, and Paulson*

No public comment.

4. General Public Comment
 - *Francisco DaCosta discussed Pacific Gas & Electric's rate increases due to fire expenses. He questioned CleanPowerSF and what transmission lines are used. He discussed sewer treatment plant notice of violations.*

5. Communications

- a) Advance Calendar
- b) Correspondence Log
- c) Contract Advertisement Report
- d) Annual Multi-Enterprise Climate Committee Update
- e) SFPUC's Community Benefits Team Diversity: Approach and Statistics
- f) Water Supply Conditions Update
None.

No public comment.

6. Report of the General Manager (GM)

- a) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements

At the request of GM Kelly Jr., Steve Ritchie, Assistant General Manager (AGM) Water, provided an update on the issue of trail access at the Montara Mountain watershed site. He briefly discussed the current requirements of the Peninsula Watershed Management Plan (WMP). He provided an update on a meeting held with representatives from the Coastside Running Club (Ron Little, Sean Handel, and Paula Leuzzi), who have agreed to work with staff to reach a resolution which will provide alternative access to the area with access for coastside views and near-watershed areas. He indicated site concepts will be developed for consideration and incorporated into a WMP amendment for Commission consideration.

Commissioner Maxwell arrived at 12:10 PM.

Vice President (VP) asked that staff report back once a resolution has been agreed upon. AGM Ritchie again noted the MRP will need to be amended, with environmental review, once a resolution is determined.

In response to a comment from Commissioner Maxwell regarding the opportunity for education regarding endangered species, AGM Ritchie noted education is a core principle of the WMP.

In response to questions from Commissioner Paulson and President Caen respectively, AGM Ritchie indicated the meeting was productive, and that the trail in question is not part of the Ridge Trail.

GM Kelly asked that AGM Richie provide response to correspondence sent to the Commission from a constituent regarding a Journal of American Medical Association article discussing the addition of fluoride to water. He provided information on the SFPUC's low amount of fluoride added into the water system as per California mandate. He also addressed the Public Health Goal Report.

Public Comment

- Francisco DaCosta stated that representative from the other side need to be included in the Montara Trail discussion. He discussed the amount of knowledge in San Francisco regarding fluoridation in water and that experts must be consulted.

7. Bay Area Water Supply Conservation Agency (BAWSCA) Update
Nicole Sandkulla, BAWSCA CEO, distributed and read a letter for the record: "Nicole Sandkulla, Chief Executive Officer, asks that the San Francisco Public Utilities Commission to comply with California State Law and develop a new water supply program to protect BAWSCA's constituents from severe water shortages in future droughts".

VP Vietor thanked CEO Sandkulla for her comments. She noted past discussions regarding water supply strategy. AGM Ritchie provided response on the process and reporting mechanisms and that he anticipates a fall report to the Commission on the issue. GM Kelly indicated that the upcoming budget proposal will include staff positions.

Public Comment

- Francisco DaCosta asked that the Commission consider what is happening in Brazil and with recent Bay Area fires. He discussed the need for conservation; how much water leaches from pipes; that developers need to pay more; that graywater should be used for toilet flushing; and that the Raker Act needs consideration.

8. Other Commission Business

Commissioner Moran disclosed for Consent Calendar item 9b, that he knows Mr. Owens, and stated that does not affect his ability to act on the item.

No public comment.

9. Consent Calendar:

- a) Accept work performed by Sierra Mountain Construction Inc. for Contract No. HH-991, 2018 Mountain Tunnel Interim Repairs; approve Modification No. 3 (Final), increasing the contract amount by \$297,390 and increasing the contract duration by 183 consecutive calendar days for a total contract amount of \$6,813,006 and a total contract duration of 439 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 19-0167](#))
- b) Approve the novation of Agreement No. PRO.0061, Federal Legislative Representation and Advocacy Services; authorize the General Manager to execute a Novation Agreement for the existing Agreement No. PRO.0061, from Daryl Owen Associates, Inc., to Owen Evans Ingols, Inc.; approve Amendment No. 2, increasing the agreement amount up to \$20,000, with no change in the agreement duration, for a total not-to-exceed agreement amount of \$1,220,000, and removing the requirement for 5% withholding from each invoice; and authorize the General Manager to execute this amendment. ([Resolution 19-0171](#))
- c) Accept work performed by American Construction & Supply, Inc. for Contract No. WD-2770, Cathodic Protection for Transmission Pipelines at Various Locations - Phase 1; approve Modification No. 1 (Final), increasing the contract amount by \$444,685 and increasing the contract duration by 324 consecutive calendar days, for a total contract amount of \$2,285,425 and a total contract duration of 564 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 19-0168](#))
- d) Accept work performed by Anvil Builders, Inc. for Contract No. WD-2838, Sunol Valley Water Treatment Plant Powdered Activated Carbon System for a total contract amount of \$6,442,769, and a total contract duration of 397 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 19-0169](#))
- e) Approve the terms and conditions and authorize the General Manager to execute (1) a Utility Facility Transfer and Grant of Easement Agreement by and among Alemany Housing Associates, L.P., the Housing Authority, and the SFPUC, and (2) an eight-year, Temporary Electric Utility Easement Agreement between the Housing Authority and the SFPUC. This action constitutes the Approval Action for the project for the purposes of the California Environmental Quality Act, pursuant to Section 31.04(h) of the San Francisco Administrative Code. ([Resolution 19-0170](#))

President Caen requested that item 9b be removed.

On Motion to approve Consent Calendar items 9a and 9c through 9e:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

*No Public Comment items 9a and 9c through 9e:
The Commission Secretary read item 9b:*

In response to a question from President Caen regarding the action being requested, Emily Lam, Director, Policy and Government Affairs, indicated that in addition to the novation agreement, there is a request to increase the agreement amount up to \$20,000 to provide travel reimbursements (\$5,000 per year) to allow for flexibility of as-needed travel. She discussed the removal of the 5% withholding for this agreement.

*On Motion to approve Consent Calendar item 9b:
Ayes: Caen, Vietor, Moran, Maxwell and Paulson*

No Public Comment items 9b

10. Approve the terms and conditions of, and authorize the General Manager to execute, an Agreement for Purchase and Sale of Real Estate in the amount of \$1,590,000, plus related transaction costs not-to-exceed \$100,000, for the purchase from Michael Mitchell of approximately five acres of Alameda Watershed land, improved by a 2,890 square-foot single-family residence and certain personal property, commonly known as 12163 Calaveras Road in the unincorporated Town of Sunol, California (Alameda County Assessor's Parcel No. 096-0100-015). 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. ([Resolution 19-0172](#))

Mr. Tim Ramirez, Manager, Natural Resources and Lands Management, introduced the item and requested approval.

*On Motion to approve item 10:
Ayes: Caen, Vietor, Moran, Maxwell and Paulson*

No public comment.

11. Award Job Order Contract No. JOC-74, General Engineering (A-License) for San Joaquin, Stanislaus, and Tuolumne Counties for a not-to-exceed amount of \$5,000,000 and a duration of two years, to the sole responsible and responsive bidder, Sierra Mountain Construction, Inc., to perform General Engineering construction tasks for San Francisco Public Utilities Commission Enterprises and Bureaus in San Joaquin, Stanislaus, and Tuolumne Counties. ([Resolution 19-0173](#))

Mr. Howard Fung, Project Management Bureau, introduced the item and requested approval.

*On Motion to approve item 11:
Ayes: Caen, Vietor, Moran, Maxwell and Paulson*

No public comment.

12. Consent to the terms and conditions for the completion and acceptance of water, stormwater, and sewer infrastructure in the Mission Bay South Plan Area set forth in the Letter Agreement dated July 29, 2019 between the Office of Community Investment and Infrastructure, FOCIL-MB, LLC, and the City and County of San Francisco. ([Resolution 19-0174](#))

On Motion to approve item 12:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

No public comment.

President Caen allowed Mr. Jose Garrote to speak out-of-order on a matter of General Public Comment. He addressed a letter he sent to the Commission regarding problems with the sewer main located at his house. Mr. Garrote was informed the Commission received his letter and that it was forwarded to Mr. Greg Norby, AGM Wastewater for investigation. Mr. Norby was in attendance and he and Mr. Garrote left to speak directly regarding the issue.

13. Public Comment on matters to be addressed during Closed Session

None.

14. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel

On Motion to assert:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

The Commission entered Closed Session at 12:45 PM.

15. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9 (d) (1) and San Francisco Administrative Code Section 67.10 (d) (1)

Existing Litigation

Pacific Gas & Electric Corporation

Case No. 19-30088/Date Filed: January 29, 2019

Case No. 19-30089/Date Filed: January 29, 2019

United States Bankruptcy Court, Northern District of California

16. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9 (d) (1) and San Francisco Administrative Code Section 67.10(d) (1)

Existing Litigation

City and County of San Francisco v. Pacific Gas & Electric Company

Docket No. EL19-38-000/Date Filed: January 28, 2019 Federal Energy

Regulatory Commission

17. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9 (d) (1) and San Francisco Administrative Code Section 67.10 (d) (1)

Existing Litigation

City and County of San Francisco v. Pacific Gas & Electric Federal Energy
Regulatory Commission Complaint under Sections 206 and 306 of the Federal
Power Act.

Case No. EL15-3-000/Date Filed: October 9, 2014

Commissioner Paulson was excused from the meeting at 2:32 PM.

The Commission exited Closed Session at 4:37 PM.

18. Announcement Following Closed Session
None.

19. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12 (a)
On Motion not to disclose:
Ayes: Caen, Vietor, Moran, and Maxwell

20. Other New Business
None.

21. Adjournment
President Caen adjourned the meeting at 4:38 PM.