



**SAN FRANCISCO PUBLIC UTILITIES
COMMISSION**

City and County of San Francisco

London N. Breed

Mayor

MINUTES

Tuesday, April 13, 2021

1:30 P.M.

(Approved April 27, 2021)

This meeting was 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

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



1. Call to Order

President Maxwell called the meeting to order at 1:31 PM.

2. Roll Call

Present: Maxwell, Moran, Paulson, Harrington and Ajami

The Commission Secretary announced that item 8d was removed from the Consent Calendar.

3. Approval of the Minutes:

a) March 23, 2021 Regular Meeting

b) March 23, 2021 Special Joint Meeting with the San Francisco Board of Supervisors

c) March 26, 2021 Special Meeting

No public comment.

On Motion to approve the minutes of March 23, 2021 Regular Meeting

Aye: Maxwell, Moran, Paulson, Harrington and Ajami

On Motion to approve the minutes of March 23, 2021 Special Joint Meeting

Aye: Maxwell, Moran, Paulson, Harrington and Ajami

On Motion to approve the minutes of March 23, 2021 Special Meeting

Aye: Maxwell, Moran, Paulson, Harrington and Ajami

4. General Public Comment

- *Eileen Boken stated that she wished to follow-up on submitted written comments regarding an article posted on UC Merced Student Affairs website titled "Solar Panels Over Canals Can Save Money, Energy, and Water". She suggested the SFPUC partner with MID/TID on a pilot project.*
- *David Pilpel refer to his comment letter submitted on April 13 just prior to the meeting. He indicated that at the last meeting of the Municipal Transportation Agency Board a Board member discussed tracking items and Commissioner requests and he suggested they use the SFPUC's Advance Calendar as a model.*

5. Communications

a) Advance Calendar

b) Contract Advertisement Report

c) Correspondence Log

d) Annual Electric Reliability Compliance Program Report

- e) Annual Power Risk Management Update
- f) Peninsula Watershed – Proposed Prescribed Burn Project Update
- g) SFPUC High-Efficiency Direct Toilet Install Map and Installation Totals
- h) Water Pipeline Assessment
- i) Water Supply Conditions Update

Assistant General Manager (AGM) Ritchie responded to a question from Commissioner Harrington regarding item 5i and when we might start getting concerned about drought. AGM Ritchie stated that staff is preparing the Annual Statement of Water Availability to Wholesale Customers which will indicate that Hetch Hetchy will fill but that water bank will not. He stated that customers will be asked to reduce outdoor irrigation. He noted that the state water contactors are getting 5% of deliverables and will look to the SFPUC to supplement supply.

At the request of Commissioner Paulson AGM Ritchie expanded on details of the Water Pipeline Assessment.

Commissioner Ajami thanked staff for the map showing high efficiency toilets.

Public Comment

- *Denise (inaudible), Belmont Heights, thanked the Commission for responding to community concerns regarding the controlled burn on the Peninsula Watershed and stated it was only when the SFPUC intervened that CalFire extended the public comment period. She stated that the SFPUC needs to raise environmental concerns with CalFire.*
- *Kristin Mercer thanked the Commission for intervening with CalFire to extend the public comment period for the controlled burn in the Peninsula Watershed. She indicated CalFire has not addressed alternatives and she questioned the need for the burn.*

6. Report of the General Manager

- a) 2020 Retail Water Conservation Plan which provides a summary of planned conservation measures

Julie Ortiz, Water Conservation Manager, presented (1) Conservation Program overview, (2) Conservation planning process, including extensive qualitative and quantitative analysis, (3) Conservation measure evaluation - with evaluation and/or implementation of over 80 measures and mandates 2005 through 2020. Not all measures have modelled water savings. Criteria include water savings, cost, market, feasibility, research benefits and customer interest, and (4) the Conservation Plan is a voluntary guidance document prepared every five years and describes program water savings and costs with the most precise estimates over the next five years.

Ms. Ortiz responded to a question from Commissioner Ajami as to whether there is accounting for individual efforts made by people without incentives or if those are via passive measures.

Public Comment

- Peter Drekmeier, Tuolumne River Trust, commended staff for the report and the presentation and noted the SFPUC is a national leader in water conservation. He thanked the Commission for the third workshop and the opportunity to share information. He indicated that the population of San Francisco is expected to grow to 1.25 million people, and he discussed growth. He asked that the SFPUC have a meeting with the Planning Commission.

b) Wastewater Enterprise (WWE) Racial Equity Plan

Greg Norby, Assistant General Manager (AGM) Wastewater, introduced the item and the importance of the Plan. WWE staff then presented: (1) Early Lessons Learned (Emily Rogers-Pharr): racial equity conversations with staff can and will be triggering; will take everyone to move forward; can't have too much engagement or feedback; and expect some resistance, acknowledge and address it. (2) WWE Racial Equity Action Plan Priorities (Emma Maack): Three top priorities of WWE Plan are diversity in recruitment and barrier removal in hiring and promotion; develop internal support systems; and intentional culture committed to inclusion and belonging. (3) Diversity in recruitment and barrier removal in hiring and promotion (Catherine Curtis): Recruitment (identify and foster relationships with non-traditional outlets, engage hiring managers in expanding job announcement distribution to non-traditional outlets, and map and track network and outreach efforts); and Hiring and Promotion (review, simplify and standardize job descriptions and minimum qualifications for Stationary Engineer, Laborer, and Sewer Worker classifications; ensure all acting assignments have corresponding plan for addressing the relevant vacancy, and conduct an analysis to identify classifications that do not have a clear progressive promotive path). (4) Develop internal support systems (Sarah Minick): internal Mentorship Committee to assist with staff who are experiencing career development challenges; career counseling and progression planning; and build a cross-divisional mentorship network. (5) Internal culture committed to inclusion and belonging (Sheena Johnson): WWE is establishing its first employee-focused resource group, the Black Phoenix Alliance, which provides a place of community and opportunity for information sharing; provide trainings for all staff on bias, conflict resolution, navigating tough/sensitive conversations, microaggressions, etc. and employee engagement at all levels. (6) Next Steps (Sheena Johnson): Incorporate into WWE's two-year business plan; reach out to as-needed contractors to provide near-term trainings and support; provide input on developing the scope for agency-wide Racial Equity consultant; and ensure alignment of WWE Racial Equity Action Plan with SFPUC Racial Equity Program.

Commissioner Paulson commented on the need to work with the unions, the need for apprenticeship programs, and for workforce development.

Commissioner Harrington expressed appreciation for the presentation. In response to his question as to whether employees who work in the field are also being engaged, AGM Norby indicated the initial efforts began with field staff. He introduced Chris McDaniels, Acting Collection System Division Manager, who stated that after the killing of George Floyd, field staff were called together to provide them with the opportunity to express their feelings. He discussed that process and the different

approaches taken to allow employees to discuss racial equity issues. He indicated this process began their overall framework and communication structure. He discussed the planning process: engagement began prior to mandate; staff-led cross functional Racial Equity Workgroup; opt-in engagement effort via phone and open-door policy to discuss race issues with BIPOC staff; and safety tailgates and division staff meetings where racial equity lead spoke.

Commissioner Ajami thanked staff for their presentation and for efforts to address issues. She discussed mentorships, early career and career path forward, and asked if there are efforts to collaborate to allow employees to move between enterprises to gain diverse experiences. AGM Norby indicated there is not a formal process for rotation, but there is a base amount of “normal” rotation across enterprise. Mr. McDaniels stated that there is work behind the scenes to work with frontline staff to determine where they would like to go within organization, and briefly noted that process.

Commissioner Paulson stated that there needs to be apprenticeship programs that ensure people are trained. In response to his question as to whether unions are engaged in the process, Acting GM Carlin stated that the unions are engaged to prepare people to come into the organization in apprenticeship positions.

In response to Commissioner Ajami’s comments, Acting AGM Carlin noted that rotating leadership programs expose people to various aspects of the organization to see what the work is like, but stated that a more active program is for career pathways is needed and is being explored.

No public comment.

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

None.

7. New Commission Business

None.

The Commission Secretary re-announced that item 8d was removed from the Consent Calendar and would be rescheduled.

8. Consent Calendar

a) Approve an increase of 180 calendar days to the contract duration contingency for Contract No. DB-129.1 Bay Corridor Transmission and Distribution Phase 2 (2019) North, with Mitchell Engineering; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 615 consecutive calendar days, with no change to the contract amount.

[\(Resolution 21-0050\)](#)

b) Approve an increase of 180 calendar days to the contract duration contingency for Contract No. DB-129.2 Bay Corridor Transmission and Distribution Phase 2

(2019) South, with Anvil Builders, Inc.; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 615 consecutive calendar days, with no change to contract amount. ([Resolution 21-0051](#))

- c) Approve an increase of 360 calendar days to the contract duration contingency for Contract No. DB-130 Bay Corridor Transmission and Distribution Phase 3 (2019), with Beta Engineering California, LP.; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 795 consecutive calendar days, with no change to the contract amount. ([Resolution 21-0052](#))
- d) Approve the plans and specifications, and award Contract No. HH-1003R Moccasin Powerhouse Generator Step Up Transformer Installation, in the amount of \$3,321,432, and with a duration of 716 consecutive calendar days, to the responsible bidder submitting the lowest responsive bid, Big Valley Electric, to make improvements to the two transformer bays and install two new City-furnished generator step-up transformers. 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 21-0053](#))
- e) Approve an increase of 273 calendar days to the contract duration contingency for Contract No. WD-2729, Fish Passage Facilities within the Alameda Creek Watershed, a sub-project of the Calaveras Dam Replacement Project; and authorize the General Manager to approve future modifications to the contract for a total duration of up to 1,991 consecutive calendar days, with no change to the contract amount.

No public comment.

*On Motion to approve Consent Calendar items 8a through 8e
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

- 9. Approve program rules for the Customer Affordability and Arrearage Management Plan Pilot Program and authorize the General Manager to implement the Pilot Program which will provide up to 150 low-income SFPUC residential water and wastewater customers residing in the 94112, 94124, and 94134 zip codes, who have accrued high levels of arrearages on their SFPUC accounts, with a combination of rate discounts and/or debt relief, with a not-to-exceed program budget of \$110,000 from SFPUC funds. ([Resolution 21-0054](#))

Carmen Iton reviewed: (1) Qualifying the need for program support: Average balance per delinquent single family residential accounts increased 85% from March 2020. Over the same time, the number of single family residential accounts in arrears grew 216% to 4,310 customers and new payment plans have decreased during this timeframe. Highest rate of bill and debt burden in San Francisco's Southeast neighborhoods. Simone Hudson continued with a review of: (2) Pilot goals: Provide support to customers who have accrued burdensome arrears in highest need zip

codes 94124, 94134 and 94112. Measurement of impacts and provide Customer Services Bureau with additional tools to manage arrears; (3) Pilot Structure: of bill discounts on payment behavior for customers with accrued arrears, and debt support (3) Pilot structure; (4) What is success.

Commissioner Ajami thanked staff for the presentation. Simone Hudson responded to her question as to how many of these customers have problems prior to pandemic and if so, what made their bills increase (e.g. leak), and indicated that she can provide more detailed information on pre-and-post pandemic affordability. As to why, Ms. Hudson indicated that staff works with customers on issues such as the determination of and repair of leaks. Steven Woo, Customer Services Bureau, provided additional comment on situations that are contributing to customer water use and increased bills. President Maxwell indicated that providing customer assessments may be beneficial.

Vice President (VP) Moran thanked staff for the presentation and their work. He discusses affordability as a percentage of AMI and stated that there are so many people that make less than the AMI. He stated he is glad that the issues are being addressed in an organized way with measurable goals.

Commissioner Harrington thanked staff for their work. In response to his questions regarding the availability of water arrearage funds in the federal stimulus and what happens to those customers who are in arrears and are not eligible for the pilot program, Ms. Hudson stated that those pieces are being considered together to scale interventions to maximize resources. She indicated that outreach efforts want to reach customers in arrears and possibly enroll them in assistance programs. Acting GM Carlin stated that state and federal funds are actively being sought.

Ms. Hudson responded to a question from President Maxwell as to whether there is any effort to obtain knowledge as to who the customers in arrears are, noting attempts to do so are done in a respectful manner, but that the data is limited.

Public Comment

- Ted Loewenberg, former SFPUC Citizens' Advisory Committee (CAC) member, discussed the affordability of basic utility and asked how to get more people in the city to pay for services. He stated the detonator needs to be increased.
- Laura Feinstein, SPUR, thanked the Commission, expressed support for the item, and note the positive impact it will have.
- Moisés Garcia expressed support for the item noting the importance of the pilot program.
- Juliet Christian-Smith, Water Foundations, thanked the Commission for their leadership in setting industry standards and expressed support for the item. She discussed SB-222 and expressed support for comments made by VP Moran.
- David Pilpel thanked staff for posting the 10-day notice and asked that it be provided for all rules and regulations. He expressed assumption that the ratepayer impact doesn't impact Propositions 26 or 218. He stated there needs to be a way to pay bills by credit card and obtain a receipt.

- *Jennifer Clary, California Director, Clean Water Action, noted that affordability is a problem throughout the state. She stated once the emergency is lifted shut-offs will begin. She expressed appreciation for the SFPUC proactive efforts.*

On Motion to approve Consent Calendar item 9:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

10. Adopt the 2021 Revised Baseline Scope, Schedule, and Budget for the Water Enterprise Capital Improvement Program (WECIP), consisting of 36 projects (25 Regional projects and 11 Local projects) within the adopted San Francisco Public Utilities Commission 10-Year Capital Plan for FY 2020-21 through FY 2029-30 that have budgets greater than \$5 million and are currently active or intended to be initiated within FY 2020-21 or FY 2021-22. ([Resolution 21-0055](#))

Katie Miller, Director, Water Capital Programs, provided a background on the WECIP which was approved December 2018. She discussed the need for the re-baseline and reviewed the general categories of project changes (1) New Projects; (2) Scope refinements; (3) Budget increases; and (4) Schedule extensions. She provided comparison of the 2018 WECIP versus the 2021 revised WECIP, with a total budget change of +\$441M (+\$228M regional projects and +\$153M local projects), with a new completion date from March 29, 2029 to June 29, 2035. Director Miller summarized the changes: Eight projects completed; 17 new projects added (12 regional and five local); 19 projects continued from 2018 with schedule changes; and that budgets are aligned with 10-year CIP. Director Miller noted comments received on April 6, 2021 from BAWSCA, indicating that SFPUC is in general agreement with the findings and recommendations in BAWSCA's letter and that a response will be submitted to the Commission addressing BAWSCA's specific comments within the quarter. She concluded with a review of next steps.

In response to a question from Commissioner Paulson, Director Miller indicated that the WECIP will be included in the Project Labor Agreement as appropriate.

In response to a question from Commissioner Harrington regarding Note 2 on page 15, Director Miller indicated there is no Note 2, as pointed out by BAWSCA, and that an addendum to that fact was included with the packet.

In response to a request from Commissioner Ajami, Director Miller indicated she will provide information on the magnitude of the increase or decrease in the project including the project scope.

Public Comment

- *David Pilpel questioned if the item had been presented to the SFPUC CAC Water Subcommittee for review/comment.*

Director Miller indicated that the item had not been brought before the CAC but that it had been brought to the Revenue Bond Oversight Committee and that she will look into meeting with the CAC.

On Motion to approve item 10:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

11. Presentation and discussion only of the Draft 2020 Urban Water Management Plan (UWMP), including the Draft 2020 Water Shortage Contingency Plan, for the City and County of San Francisco pursuant to California Water Code Section 10642. The Commission will consider approval of a Final UWMP at the June 8, 2021 Commission meeting.

Sarah Triolo, Water Resources Specialist, indicated the UWMPs are prepared by urban water suppliers every five years in accordance with the California Water Code and noted the purpose of the UWMP is to assess water supplies and demands over a 25-year planning time frame, describe demand management measures, report on progress toward meeting a targeted reduction in per-capita use by 2020, discuss use and planned use of recycled water and other alternative water supplies, and develop and adopt a Water Shortage Contingency Plan.

Ms. Triolo provided updated retail demand projections (2020 to 2045). She indicated demand increase is driven by housing and job growth and she presented San Francisco Planning Department housing and job growth projections and indicated residential demand projections are based on housing unit use and commercial demand projections are based on employee use per day based on sector. She stated retail per capital water use is projected to decline and she reviewed (1) total projected demands on the Regional Water System (RWS); (2) RWS supply comparison with and without Bay-Delta Plan Amendment; (3) RWS supply comparison with and without Bay-Delta Plan Amendment; (4) Water supply shortages for retail customers (with implementation of Bay-Delta Plan Amendment); (5) Water supply shortages for Wholesale customers (with implementation of Bay-Delta Plan Amendment); (6) Retail Water Shortage Contingency Plan (WSCP); (7) WSCP addressing retail water shortages (primary tool is a clearly identified and communicated level of demand reduction and additional tools will be used to achieve water use reductions); (8) review of public comment process and next steps.

In response to a question from Commissioner Ajami, AGM Ritchie indicated that a risk assessment had not been conducted.

AGM Ritchie responded negative in response to a question from President Maxwell as to whether there is a scenario where contractual obligation to Wholesale customers would change without their consideration or re-negotiation of contract.

Public Comment

- Tom Francis, Water Resources Manager, BAWSCA, provided thoughts regarding San Francisco's population growth and water demand growth; BAWSCA member agency population growth and water demand growth; unrealistic challenges with Bay Delta Plan requirements; drought planning; and that the Voluntary Agreement be considered and alternative water supply program.*
- Danielle McPherson, BAWSCA, coordinated with SFPUC staff to obtain information from Wholesale customers and expressed her thanks to staff for their work.*

- *John (inaudible) San Francisco Homeless Coalition, thanked the Commission for the report. He indicated that it doesn't capture water demands of un-housed San Franciscans and that the plan is silent on public water access and fails to meet needed goals.*
- *Gary Welling, City of Santa Clara Sewer and Water Utilities, discussed their service area, service needs, and demand. He expressed concern with the Bay Delta Plan and asked that Santa Clara be made a permanent customer.*
- *Nicole Sandkulla, BAWSCA, discussed their service area and concern with impacts of implementation of the Bay Delta Plan and stated that the Voluntary Agreement is the best alternative.*
- *Francisco DaCosta asked that the Commission read the Raker Act and that water has gone to entities not prioritized in the Act. He stated that reservoir and water belong to the First People. He stated Hetch Hetchy water should not be used to flush toilets.*
- *Peter Drekmeier, Tuolumne River Trust, expressed disappointment with the report and stated it lobbies against the Bay Delta Plan. He stated that alternative water supplies are needed and that former Commissioner Vietor's question as to what would happen if the Bay Delta Plan was implemented needs to be answered.*

Commissioner Paulson lost remote connection at 4:10 PM.

- *Larry Ackerman, Coalition on Homelessness volunteer, discussed his conversations with un-housed San Franciscan's and noted their struggle to obtain water.*
- *(inaudible), City of East Palo Alto, noted they are 100% reliable on SFPUC for their potable water supply. She noted their conservation efforts and that most of the demands is from residential customers. She discussed impacts of proposed cuts to their supply.*
- *David Pilpel indicated the staff report provides a high quality summary. He asked if the plan incorporates BAWSCA's analysis; how the plan aligns with Plan Bay Area; and if there is any additional planned public engagement prior to June.*

In response to a question from President Maxwell as to whether the report factored in homeless water use, AGM Ritchie indicated that he would look into it. He noted that staff have been working with the Department of Emergency Management and others during the COVID crisis and that multiple drink tap stations have been installed. He stated they are evaluating what "access" means and how use can be metered. Acting GM Carlin provided current data on drink taps.

12. Approve Amendment No. 2 to **Agreement No. PRO.0092**, Engineering Services for South Ocean Beach Coastal Erosion and Wastewater Protection, with Moffatt and Nichol-AGS Joint Venture to provide engineering design services for the Ocean Beach Climate Change Adaptation Long-term Improvements Project; and authorize the General Manager to execute this amendment, increasing the agreement amount by \$2,000,000 and extending the agreement duration by four years, for a total not-to-exceed agreement amount of \$5,750,000, and a total duration of nine years.
([Resolution 21-0056](#))
Heather Manders introduced the item and noted the project is a multi-agency project

led by the SFPUC. She stated the project has three phases (1) short-term improvement to utilize environmentally measures to protect the area while long-term improvements are being developed; (2) Army Corps of Engineers beach nourishment project; and (3) Long-term improvements.

She briefly discussed the history of the project and noted the need for the requested amendment.

Ms. Manders, in response to a question from Commissioner Harrington, indicated that extending the contract work by four years will extend construction by two years to 2027 but that work will start in 2022.

Public Comment

- David Pilpel asked if the project is south of Sloat Boulevard and if there is discussion of closing the Great Highway north of Sloat.

Ms. Manders indicated that the project closes the Great Highway between Sloat and Skyline and that there is an effort by Recreation and Park Department to close the Great Highway entirely.

On Motion to approve Consent Calendar item 12:

Ayes: Maxwell, Moran, Harrington and Ajami

13. Approve the selection of Kennedy/Jenks Consultants, Water Resources Engineering, Inc., AECOM Technical Services, Inc., and Hazen-LEE Joint Venture (JV); award Agreement Nos. PRO.0172.A-D, As-needed Engineering Design Services, to provide specialized engineering design services on an as-needed basis for SFPUC enterprises and bureaus; and authorize the General Manager to execute these four professional services agreements with Kennedy/Jenks Consultants (PRO.0172.A), Water Resources Engineering, Inc. (PRO.0172.B), AECOM Technical Services, Inc. (PRO.0172.C), and Hazen-LEE Joint Venture (PRO.0172.D), each in an amount not-to-exceed \$4,500,000, and each with a term of five years. ([Resolution 21-0057](#))
Kendra Cox, Contract Administration Bureau, introduced the item and requested approval. She noted a single request for proposal to award four contracts to the top four ranked proposers.

Commissioner Paulson regained remote access at 4:26 PM.

Commissioner Ajami's questioned whether it is common practice to have multiple contacts with different consultants for the same scope of work. Ms. Cox and Johanna Wong responded that it is common practice for smaller projects with any scope of work where city staff does not have the skill set or availability to do the work.

Public Comment

- Francisco DaCosta stated that joint venture agreements have corrupt individuals behind them and that they always go to the same companies.

On Motion to approve Consent Calendar item 13:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

14. Approve the plans and specifications, and award Contract No. WD-2825R, Alameda Creek Recapture Project in the amount of \$19,511,500 and with a duration of 547 consecutive calendar days, to the responsible bidder submitting the lowest responsive bid, Anvil Builders, Inc. to install a barge and pump system, pipelines, valves and valve vault, and control building to recapture and transfer creek flows to the San Francisco Public Utilities Commission's Regional Water System. ([Resolution 21-0058](#))
Brian Dessaure, Project Management Bureau, introduced the item noting it is one of the last two projects in the Water System Improvement Program.

No public comment.

On Motion to approve Consent Calendar item 14:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

15. Approve the plans and specifications, and award Contract No. WW-711, Wawona Area Stormwater Improvement and Vicente Street Water Main Replacement Project, in the amount of \$29,132,100 and with a duration of 987 consecutive calendar days to the responsible bidder submitting the lowest responsive bid, KJ Woods Construction Inc., to construct a stormwater conveyance system in the Wawona area and replace the water mains on Vicente Street. This action constitutes the Approval Action for the project for the purposes of California Environmental Quality Act, pursuant to Section 31.04(h) of the San Francisco Administrative Code. ([Resolution 21-0059](#))
Saed Toloui, reviewed a map of the project area, discussed hydraulics at 15th and Wawona, noting due to the steep topography in the sub-watershed the flooding occurs rapidly. Intercepting such a flow on their way to the intersection on a short time, by detention other green infrastructure is not feasible. He indicated that unfavorable ground conditions in the ravine would make detaining water against the slopes unfeasible. A concrete reservoir in the ravine would eliminate green benefits, changes the ravine's historical character, and is risk prohibitive due to conditions of the slope. He discussed a new auxiliary sewer on Vicente and scope of construction (sewer and water/paving).

Public Comment

- *Eileen Boken urged the Commission to unbundle the stormwater project from the water main replacement project and move forward with the stormwater project.*
- *David Pilpel asked that the Commission refer to his comment letter of April 13, 2021 and that staff can respond to his concerns. He expressed support for the merits of the project and expressed concern with process issues and stated that he can appeal the project determination, although that he doesn't want to do that. He requested the presentation be posted on the project website.*
- *Ted Loewenberg expressed interest in the subject and concern with using potable water to fight fires after a catastrophe and stated that sea water or bay water should be used. He expressed objection to the project.*

- *Francisco DaCosta stated that residents from Western side of the City have given their opinion, but they are not being listened to, and the empirical data needs to be reviewed. He stated a multi-pronged model needed to be used to attack fire.*

On Motion to approve Consent Calendar item 15:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

AGM How responded to a question from Commissioner Ajami as to issues raised regarding firefighting management in the project. Brief discussion ensued.

16. Public comment on matters to be addressed during Closed Session.

None.

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

On Motion to assert the attorney-client privilege:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

Present in Closed Session:

Commissioners Maxwell, Moran, Paulson, Harrington and Ajami (all items); Michael Carlin, Acting GM, Francesca Gessner, Deputy City Attorney, Donna Hood, Commission Secretary, Lee Sayao, SFPUC IT (all items); Barbara Hale, Assistant General Manager Power, Theresa Mueller, Deputy City Attorney, Pam Husing, SFPUC Power Enterprise, Tyler Gamble, SFPUC Communications, Emily Lam, SFPUC Legislative Affairs, Derek Jansen, Consultant, Michael Roth, Consultant, Dan Newman, Consultant, Justin Ewers, Consultant (item 18); Steve Ritchie, AGM Water Enterprise (items 19 & 20)

The Commission entered Closed Session at 5:05 PM.

18. Conference with Legal Counsel – Pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1) 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; and California Public Utilities Commission Case No. R.19-09-016, filed January 10, 2019.

19. Conference with Legal Counsel – Anticipated Litigation as Petitioner per California Government Code 54956.9(d)(4) and San Francisco Administrative Code Section 67.10(d)(2).
20. Conference with Legal Counsel – Pursuant to California Government Code Section 54965.9 (d)(1) and San Francisco Administrative Code Section 67.10 (d)(1) Existing Litigation
San Joaquin Tributaries Authority, et al v. California State Water Resources Control Board
Tuolumne Superior Court Case No. CV62094/Date Filed: January 10, 2019
Coordinated as State Water Board Cases by order filed May 13, 2019 in Sacramento Superior Court, JCCP No. 5013

The Commission exited Closed Session at 6:22 PM.

21. Announcement following Closed Session.
President Maxwell announced that no action was taken during Closed Session.
22. 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 discussions:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

President Maxwell adjourned the meeting at 6:23 PM.

