SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

London N. Breed
Mayor

REGULAR MEETING AGENDA
Tuesday, December 22, 2020
1:30 P.M.

This meeting is being 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

WATCH LIVE:
https://www.sfgovtv.org/sfpuc

PUBLIC COMMENT CALL-IN:
1 (415) 655-0001 / MEETING ID: 146 940 8633 # #

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

Michael Carlin
Acting General Manager

Donna Hood
Secretary
Accessible Meeting Policy: To obtain meeting materials in alternative format, please contact the Commission Secretary at 415-554-2165 or via email at Commission@sfwater.org. Providing at least 72 hours’ notice will help to ensure availability. Written reports or background materials for calendar items are available on-line at http://www.sfwater.org/index.aspx?page=167.

Know Your Rights Under the Sunshine Ordinance: Government’s duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people’s review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Administrator, by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.4689; by phone at 554.7724; by fax at 554.7854; or by email at sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City’s website at http://www.sfgov.org.

311 Free Language Assistance: 免費語言協助/Ayuda gratuita con el idioma/Бесплатная помощь переводчиков/Tro giúp Thông dịch Miễn phí/Assistance linguistique gratuite/無料の言語支援/kses بالترجمة/พยายาม للترجمة/311 ميزة اللغة cost free/Libreng tulong para sa wikang Tagalog 311/Free Language Assistance

Lobbyist Registration and Reporting Requirements: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site at www.sfgov.org/ethics.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code: If the Commission’s action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Planning Department’s Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at http://www.sfplanning.org/index.aspx?page=3447. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or San Francisco Public Utilities Commission at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.
ORDER OF BUSINESS

1. Call to Order

2. Roll Call

3. Approval of the Minutes
   - November 30, 2020, Special Meeting
   - December 8, 2020, Regular Meeting

4. General Public Comment
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda

5. Communications (discussion only)
   a) Advance Calendar
   b) Contract Advertisement Report
   c) Correspondence Log
   d) Tax-Exempt Bond Financing of Distributed Infrastructure
   e) City Administrator’s Office Contract Monitoring Division Memoranda dated October 29, 2020 and November 10, 2020 Re: PRO.0140 Construction Management Services for the East Bay Region (Item 10e on Commission’s December 8, 2020 agenda)
   f) Water Supply Conditions Update

6. Annual Revenue Bond Oversight Committee Quarterly Report (discussion only) (Leale)

7. Bay Area Water Supply and Conservation Agency Update (discussion only) (Sandkulla)

8. Presentation by the City’s Department of Human Resources regarding the selection process for a General Manager of the SFPUC; discussion and possible action to establish procedures for the recruitment process, including procedures for selection of a recruitment firm, or take other action regarding the recruitment and selection process. (discussion only) (Howard)

9. Report of the General Manager (discussion only)
   a) Update on December 2018 Bay Delta Plan Amendment and Voluntary Agreement Negotiations with the State
   b) SFPUC Regional Water System Supply and Demand Worksheet
   c) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements

10. New Commission Business (discussion only)

CONSENT CALENDAR

11. Accept work performed by J. Flores Construction Company, Inc. for Contract No.
WW-656. As-Needed Spot Sewer Replacement No. 37, with a total contract amount of $9,837,556, and a total contract duration of 400 consecutive calendar days (approximately one year and one month); and authorize final payment to the Contractor. (How)

REGULAR CALENDAR

12. Approve the terms and conditions of and authorize the General Manager to execute Amendment No. 2 to the Lease between the San Francisco Public Utilities Commission, and Bakeworks, LLC (Tenant) for the lobby café at 525 Golden Gate Avenue, suspending for seven months from October 1, 2020 through May 31, 2021 the terms of the Lease including Tenant’s obligation to pay rent and giving Tenant the right to resume the Lease on June 1, 2021 or terminate the Lease; retroactively ratify and approve the General Manager’s execution of Amendment No. 1 to the Lease which suspended the Lease terms, including payment of rent, from May 1, 2020 to September 30, 2020; and delegate authority to the General Manager to execute further amendments to the Lease to provide rent relief to Tenant due to COVID-19 through no later than December 31, 2021. (Carlin)

13. Adopt Asset Management Policy of the San Francisco Public Utilities Commission to guide and facilitate the planning, design, procurement, construction, operation, maintenance and retirement of critical infrastructure of the Water, Wastewater, and Power Enterprises. (Ritchie)

14. Adopt (1) Revised 2020 Baseline Scope, Schedule and Budget for the Sewer System Improvement Program (SSIP), increasing the budget for SSIP Phase 1 projects to $3,655,256,684 and the budget for “SSIP Other Projects” to $1,197,281,262, and (2) a new Baseline Scope, Schedule, and Budget for the Wastewater Enterprise (WWE)'s Facilities and Infrastructure Program, which is a subset of projects in the adopted WWE 10-Year Capital Plan for FY 2020-21 through FY 2029-30, with a budget of $662,605,843. (How)

15. Approve Modification No. 3 to Contract No. WW-628, Southeast Water Pollution Control Plant New Headworks Facility Project, a Construction Manager/General Contractor (CM/GC) agreement, with Sundt-Walsh Joint Venture, increasing the contract amount by $106,321,923, and increasing the contract duration by 111 consecutive calendar days (approximately nine months), for a total contract amount of $398,502,107, and a total contract duration of 2,769 consecutive calendar days (approximately eight years). (How)

16. Authorize the General Manager to execute an Electric Service Agreement with the Master Developer of the Pier 70 Project, FC Pier 70, LLC, for the SFPUC to be the primary provider of electric service to the Pier 70 Project; and authorize the General Manager, subject to approval by ordinance from the Board of Supervisors, to enter into a separate agreement with FC Pier 70, LLC to pay FC Pier 70, LLC up to $1,700,000 to install certain SFPUC electric facilities in substructures on the Pier 70 Project that the SFPUC will use to provide electric service to the Pier 70 Project and may use to provide temporary electric service to other customers. (Hale)
17. Public comment on matters to be addressed during Closed Session

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

_The Commission will go into Closed Session to discuss the following items:_

**CLOSED SESSION**

19. 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** (Gessner)

   *Benito Taylor v. City and County of San Francisco*

   San Francisco Superior Court Case No. CGC-18-570702/Date Filed 10/18/18.

   Proposed settlement with City to pay plaintiff $85,000 and plaintiff to release all claims.

20. Conference with Legal Counsel – Pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1)

   (discussion only) (Mueller)

January 10, 2019

Following Closed Session, the Commission will reconvene in Open Session

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

Existing Litigation
State Water Board Cases, Sacramento Superior Court, JCCP No. 5013 (originally filed on January 10, 2019 in Tuolumne Superior Court as San Joaquin Tributaries Authority, et al v. California State Water Resources Control Board, Case No. CU62094)

22. Announcement following Closed Session

23. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a)

24. Adjournment