



**SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION**

City and County of San Francisco

**London N. Breed**  
Mayor

**MINUTES**  
**Tuesday, July 13, 2021**  
**1:30 P.M.**  
**(Approved July 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 1:30 PM.*

2. Roll Call

*Present: Maxwell, Moran, Paulson, Harrington and Ajami*

3. Approval of the Minutes

- a) June 8, 2021 Regular Meeting
- b) June 11, 2021 Special Meeting

Public Comment

- *David Pilpel suggested non-substantive edits to the minutes of June 8<sup>th</sup> and indicated that Closed Session attendees need to be listed on the minutes.*
- *Ali Altaha discussed the June 11<sup>th</sup> minutes and expressed disagreement with the Commission's recommendation of Dennis Herrera as General Manager.*

*On Motion to approve the Minutes of the June 8, 2021 Regular Meeting, as amended to include Closed Session participants.*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

*On Motion to approve the Minutes of the June 11, 2021 Special Meeting*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

4. General Public Comment

- *Francisco DaCosta stated there is a dark cloud hanging over the SFPUC. He referenced a Westside Observer article regarding the use of SFPUC facilities. He questioned the choice of Mr. Herrera as General Manager.*
- *Eileen Boken noted a July 15<sup>th</sup> event sponsored by Supervisors Mar and Melgar demonstrating ductile iron pipe. She discussed Recommendation #6 in the Civil Grand Jury (CGJ) Report titled, "Act Now Before it is too Late".*
- *Ali Altaha stated allegations against Mr. Herrera need to be addressed. He indicated there is corruption in the bidding process, especially with single bid contracts. He discussed CGJ report on the BRT.*
- *David Pilpel stated the Los Angeles sewer spill should remind us of the critical need for electricity and electrical redundancy at water and sewer power plants and he requested an update. He asked that recent retirees be recognized at a future meeting. He congratulated Alan Johanson for his new role as Acting AGM for Infrastructure. He recommended restructuring and decentralizing the Infrastructure Bureau.*

5. Communications

- a) Advance Calendar
- b) Contract Advertisement Report
- c) Correspondence Log
- d) Alternative Water Supply Program Quarterly Update, June 2021
- e) CleanPowerSF Quarterly Report
- f) Fall Protection Systems to be Implemented at O'Shaughnessy Dam under the Hetch Hetchy Capital Improvement Program

- g) FY 2021-22 Annual Schedule of Rates and Charges for Retail Non-Municipal Residential and Commercial Electric Service
- h) Water Supply Conditions Update

Public Comment

- *Francisco DaCosta discussed item 5c and stated there is a favored consultant who gets outreach. He stated corruption within the SFPUC started with consultants linked to Community Benefits. He questioned a consultant requesting endorsements from subcontractors.*
- *Ali Altaha concurred with the comments made by Mr. DaCosta. He noted that none of the contractors listed their license number on their letters. He discussed his work with the City since 2002 and stated he has never received an email from Dwayne Jones regarding outreach.*

6. Report of the General Manager

a) Drought Update

*Steve Ritchie, Assistant General Manager (AGM), Water, displayed the California Drought Monitor that showed statewide drought conditions. He stated that depending on location, the State is experiencing extreme or exceptional drought conditions.*

*He reviewed reservoir storage levels indicating Hetch Hetchy is at 85%, Water Bank is at 55%, and System Storage is at 73%, and that relative to others SFPUC storage is good. He noted water levels at other State reservoirs and stated that Total Deliveries are below 2019 and 2020 levels. AGM Ritchie provided comparisons between 2020/2021 and 1976/1977 precipitation totals, and 1977 to 2021 storage. He noted lessons learned from 1977 to 2021: (1) Planning (water first and drought scenario) and, (2) Investments (conservation, alternative supplies, and infrastructure improvements).*

*AGM Ritchie reviewed the Governor's May 10, 2021 Drought Executive Order, the State Water Board's Notice of Water Unavailability in the Sacramento-San Joaquin Delta Watershed, and the Governor's July 8, 2021 Drought Executive Order. He outlined potential issues and actions including a voluntary reduction of 15% from 2020 demands for the Regional Water System, waiving minimum purchase requirements, preparing to deal with curtailments, pursuing water transfers, completing the Westside Water Project, continuing efforts on groundwater projects, and constructing the Alameda Creek Recapture Project.*

*In response to a question from Commissioner Ajami regarding the use of the word "normal", referring to the slide "Normal Percent of Maximum Storage", AGM Ritchie indicated that the footnote explains the use of that word. Commissioner Ajami requested that the footnote be provided.*

*AGM Ritchie responded to a question from Commissioner Ajami as to what happens if 2022 results in significant shortage and what measures should be taken to address a shortage. Brief discussion ensued.*

Commissioner Paulson thanked AGM Ritchie for the report and said the word “infrastructure” rang for him. He stated infrastructure is a national issue and that San Francisco Public Utilities Commission has been good at ensuring good infrastructure.

Vice President (VP) Moran stated that in addition to 1976-77, years 2014-15 are of note as they were very dry. He stated short severe droughts are becoming more common and that climate change and system management need to be considered with extended dry periods becoming more frequent.

#### Public Comment

- Francisco DaCosta stated that two glaciers that provide water need to be taken into consideration and that comparison photos reflect where we are headed. He stated there is no real-time data on water that leeches into the watershed. He noted that San Franciscan’s have been conserving water more than they should. He asked what is being done to upgrade pipelines.
- Nicole Sandkulla, CEO, BAWSCA, expressed support for the Governor’s action and call for voluntary water conservation. She stated the 1976-77 analysis compared to the past two years was useful. She thanked Commissioner Paulson for his comments on infrastructure. She stated that BAWCA is committed to conservation and alternative supplies to ensure the efficient use of supply.
- Ali Altaha noted that many challenges are being faced and that professional are needed to address professional issues and we cannot rely on lawyers to address issues.
- David Pilpel stated that the San Francisco Bay Area has liberal politics and conservative water use patterns. He thanked Mr. Carlin, Mr. Ritchie and staff for their work, good policy decisions, and investment in infrastructure. He noted issues and risks of climate, cyber-attacks, drought, earthquakes, and fires. He asked that the presentation be posted. He stated that the diversity of water supply sources is critical. He noted the reopening of the Customer Services Bureau.
- Elizabeth Flegel, Water Resources Manager, City of Mountain View, thanked the Commission for the waiver of the minimum purchase requirements for FY21-22 and requested that the waiver be expanded to include FY20-21. She discussed their conservation efforts warranting the waiver’s expansion.

b) Wastewater Enterprise (WWE) Quarterly Report Including Southeast Area Major Projects Update (1) Biosolids, (2) Headworks, and (3) 1550 Evans Southeast Community Center

Stephen Robinson, WWE Capital Programs Director, outline the overall project status and provided brief construction updates on: (1) Sunset Green Infrastructure Project (anticipated completion September 2021), (2) Mariposa Dry-Weather Pump Station and Force Main improvements (anticipated completion December 2022), and Southeast Plant (SEP) Power Feed and Primary Switchgear Upgrades (anticipated completion June 2024).

He reviewed the Phase I status for the 70 projects in the Sewer System Improvement Program (SSIP) stating that as of March 2021 Phase I is 44.7%

complete with 17 projects in construction. He discussed the SSIP cost summary and the facilities and infrastructure status cost summary.

Director Robinson touched on capital programs highlights and reviewed: (1) project status for the Southeast Plant (SEP) Biosolids Digester Facilities Project. He stated that recent bids came in higher than expected and that the SFPUC suspended bid procurement activities to reassess bidding and the project delivery approach; (2) SEP New Headworks Facility Project. He noted a conflict with PG&E regarding and overhead cable around the western side of the facility (art wall) and stated that talks are taking place to resolve the conflict; and (3) Southeast Community Center 550 Evans, with hopes of earlier occupancy than expected.

Director Robison responded to a question from President Maxwell as to possible solutions regarding the cables, stating that undergrounding is a thought, but that it is complex and may hinder construction progress. Other options could include relocation of cables to other side of the street or modifying the conflict site (moving the art wall).

#### Public Comment

- Ali Altaha addressed comments in the presentation addressing “slightly higher” project costs. He discussed the contract bidding process.

- c) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements  
None.

7. New Commission Business  
None.

The Commission Secretary announced that Consent Item 8h was removed from the calendar and would be rescheduled.

8. Consent Calendar:

- a) Approve Modification No. 1 to Job Order Contract, JOC-78R, Micro-LBE Set Aside, General Engineering (A-License) San Joaquin, Stanislaus and Tuolumne Counties, with Peterson Excavation, Inc., to complete ongoing facility and asset improvements, increasing the contract amount by \$1,000,000 for a total not-to-exceed contract amount of \$3,000,000, and increasing the contract duration by three years for a total contract duration of five years, in accordance with San Francisco Administrative Code 6.62(h). ([Resolution 21-0101](#))
- b) Accept work performed by Ranger Pipelines Inc. for Contract No. WD-2829R, San Andreas Pipeline No. 2 Replacement; approve Modification No. 20 (Final), decreasing the contract amount by \$570,418 for a total contract amount of \$32,758,582, with no change to the contract duration of 730 consecutive days; and authorize final payment to the contractor. ([Resolution 21-0102](#))

- c) Approve an increase of \$300,000 to the contract cost contingency and an increase of 365 calendar days to the contract duration contingency for Contract No. WD-2854A, 525 Golden Gate Avenue Roof Access and Fall Protection; and authorize the General Manager to approve future modifications to the contract for a total contract amount of up to \$917,186 and a total contract duration of up to 750 consecutive calendar days. ([Resolution 21-0103](#))
- d) Approve an increase of 250 consecutive calendar days to the contract duration contingency for Contract No. WD-2854B, 525 Golden Gate Avenue Tower Access and Fall Protection; and authorize the General Manager to approve future modifications to the contract for a total contract duration of up to 448 consecutive calendar days with no change to the contract amount. ([Resolution 21-0104](#))
- e) Accept work performed by Cal State Constructors for Contract No. WW-664, North Point Wet Weather Facility Sedimentation Tank Influent Gate Upgrades; approve Modification No. 5 (Final), decreasing the contract amount by \$20,037, for a total contract amount of \$2,917,876, with no change to the contract duration of 785 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 21-0105](#))
- f) Accept work performed by Trinet Construction, Inc., for Contract No. WW-683R, Sansome, 5th, 6th (North), and Division Streets Combined Sewer Discharge Rehabilitation and Backflow Prevention; approve Modification No. 11 (final) increasing the contract amount by \$14,802 for additional work at the Sansome ceiling and influent columns for a total contract amount of \$6,611,833, and increasing the contract duration by 26 consecutive calendar days for a total contract duration of 587 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 21-0106](#))
- g) Accept work performed by Precision Engineering, Inc. for Contract No. WW-692, As-Needed Spot Sewer Replacement No. 39, approve Modification Nos. 1 and 2 (Final), decreasing the contract amount by \$6,021,664, for a total contract amount of \$2,155,296, with no change to the contract duration; and authorize final payment to the contractor. ([Resolution 21-0107](#))
- h) Approve the plans and specifications, and award Contract No. WW-714, Ocean Beach Climate Change Adaptation, Short-term Erosion Mitigation, in the amount of \$3,134,000, and with a duration of 1,095 consecutive calendar days to the responsible bidder submitting the lowest responsive bid, Minerva Construction, Inc. to provide coastal erosion mitigation and protect critical wastewater treatment infrastructure, facilities, at the beach south of Sloat Boulevard to Skyline Boulevard within the City and County of San Francisco.

#### Public Comment

- *Ali Altaha addressed the increased cost of construction contracts. He stated contracts only have one bidder and varying LBE goals and some of the contracts have bidding requirements for 60% of contracts.*

- *David Pilpel indicated he had concerns with environmental review on item 8h and was pleased to see it was removed from the Consent Calendar.*

*On Motion to approve Consent Calendar, excluding 8h:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

9. Authorize the General Manager to execute a Memorandum of Understanding with the San Francisco Airport Commission in an amount not-to-exceed \$3,800,000 with a term of one year and 11 months, for SFPUC to fund consulting services and engineering design work for the development and environmental review of the Electric Capacity Upgrade Program to increase capacity and improve redundancy at the two SFPUC-owned airport substations, Airport Substation and Substation MA. ([Resolution 21-0108](#))

*Barbara Hale, AGM Power, stated the MOU will support the Airport with their improvements and will allow the SFPUC to help coordinate consulting services for electrical capacity upgrades.*

Public Comment

- *Ali Altaha stated this is a way to preselect contractors who are not on the list. He questioned why qualified SFPUC staff do not perform the work.*

*On Motion to approve Consent Calendar item 9:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

10. Adopt an Untreated Wholesale Water Discount Factor of \$0.36 per one hundred cubic feet for FY 2021-22 to be applied to Wholesale Customer Coastside County Water District (CCWD), in accordance with the terms of the 2009 Water Supply Agreement between the City and County of San Francisco and the Wholesale Customers, as amended and re-stated on December 11, 2018 by Resolution No. 18-0212, and the SFPUC's individual water sales contract with CCWD. ([Resolution 21-0109](#))

*Christina Cordero, Director of Financial Planning, introduced the item and requested approval.*

Public Comment

- *David Pilpel stated that the environmental section for the item was complete and thanked staff.*

*On Motion to approve Consent Calendar item 10:  
Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

11. Adopt findings declaring as surplus to the SFPUC's utility needs per Charter Section 8B.121 and as "surplus land" and "exempt surplus land" under the California Surplus Land Act approximately 262,553 square feet of unimproved agricultural property designated as a portion of SFPUC Parcel No. 65 and also designated as portions of Assessor Parcel Nos. 96-375-12-2, 96-375-6-11, 96-375-7-3, and 96-375-6-8 in unincorporated Alameda County owned by the City and County of San Francisco under the jurisdiction of the San Francisco Public Utilities Commission; recommend to

the Board of Supervisors approval of the Agreement for the sale and purchase of 262,553 square feet of unimproved land, 186,754 square feet of easement interests, and 1,609.09 linear feet of abutters rights in SFPUC Parcel No. 65 (cumulatively, the Property) for \$152,952 total to the State of California Department of Transportation (Caltrans) and the Alameda County Transportation Commission (Alameda CTC) and authorization of the City's Director of Property and/or the SFPUC General Manager to execute deeds conveying fee, easement interests, and abutter's rights interests in the Property to Caltrans and the Alameda CTC; and authorize the General Manager to execute the Sale Agreement upon approval from the Board of Supervisors and Mayor. (Resolution 21-0110)

*Acting GM Carlin indicated this item would allow a sale to Caltrans a portion of SFPUC property along State Route 84 for road upgrades to meet expressway standards and for a utility easement for the relocation of PG&E facilities.*

*In response to a question from VP Moran for clarification as to whether the SFPUC is gaining or losing easements, Tony Bardo indicated there are new access easements to support the expansion of the roadway, an easement for a new retaining wall along Interstate 680, a new electric easement that replaces a prior PG&E easement that was displaced by the widening project, and the transfer of abutter's rights.*

#### Public Comment

- *David Pilpel expressed support for the item.*

*On Motion to approve Consent Calendar item 11:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

12. Authorize the General Manager to execute Memoranda of Understanding No-4453 and No-4454 with San Francisco Public Works (SFPW) for the San Francisco Public Utilities Commission's use of a portion of SFPW property, located at 2323 Cesar Chavez Street in San Francisco, to construct a sewer tunnel and appurtenant facilities for the Kansas and Marin Streets Sewer Improvements Project, and for related temporary construction staging for a period of 20 months, with an option to extend for six months, at no cost to the SFPUC. (Resolution 21-0111)

*Derek Adams, Project Manager, stated this is Phase II of the project and noted the work to be completed. He stated that there will be micro-tunneling rather than trenching due to the crossing of the vehicle entrance at the 24-hour Public Works Yard. He reviewed the project schedule and discussed the need for the two separate MOUs.*

#### Public Comment

- *David Pilpel expressed confusion with what sewer flow problem is being resolved by the project. He indicated in addition to the Public Works Yard, traffic access is needed to the Post Office and other businesses on Napoleon Street and he questioned if they are part of the construction mitigation. He discussed the environmental language on the agenda regarding approval action.*

*Mr. Adams addressed Mr. Pilpel's question regarding sewer flow and noted historical*

*flooding in the area. He stated that the existing business owners at the site are being protected.*

*On Motion to approve Consent Calendar item 12:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

13. Approve the selection of MCK Americas, Inc. (MCK), the sole responsive, responsible, and qualified proposer; award Agreement No. PRO.0181, Westside Pump Station Construction Management Staff Augmentation Services, to provide construction management personnel to assist in managing the construction of the Westside Pump Station Reliability Improvements Project; and authorize the General Manager to negotiate and execute a professional services agreement with MCK for an amount not-to-exceed \$3,300,000, and a duration of three years. ([Resolution 21-0112](#))

*Mario Valdez, Contracts Manager, stated that three proposals were received and that prior to the evaluation phase beginning, minimum qualification reviews are conducted. He discussed the review process and the reasoning for two of the responders being deemed as non-responsive and not being moved to full evaluation.*

*VP Moran expressed frustration with \$10M contracts that go out without effective competitive bidding. He stated that we have not worked with the bidders well enough for them to respond correctly.*

*VP Moran noted a similar contract was closed-out under the Consent Calendar with \$6M unexpended and questioned why the other contract wasn't used to complete the work, making the subject contract a lesser amount to get competitive bids. Mr. Valdez indicated this project is a contract-specific RFP for the Westside Pump Station to be funded by that project. VP Moran clarified that is comments relate to item 14 rather than this project.*

*In response to a question from Commissioner Ajami, Mr. Valdez stated that RFP's don't accept the lowest bid and the cost in the RFP is a not-to-exceed amount. Brief discussion ensued.*

#### Public Comment

- Ali Altaha indicated he was not surprised with one bidder. He stated that the SFPUC circumvents basic rules. He indicated that minimum requirements were not provided and that the information provided was incorrect.*
- David Pilpel questioned why a contractor is used to augment staff rather than hiring or reassigning current SFPUC staff since no specialized engineering work is needed.*

*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. WW-699, As-Needed Spot Sewer Replacement No. 42, in an amount not-to-exceed \$10,176,957, and with a duration of 400 consecutive calendar days, to the sole, qualified, responsible bidder, J.

Flores Construction Company, Inc., in accordance with San Francisco Administrative Code 6.23(c)(2), to replace sections of existing sewer piping, on an as-needed basis, at locations to be determined throughout the City of San Francisco. ([Resolution 21-0113](#))

*Aileen Caylao, Project Manager, discussed the work to be conducted at various locations, which are to be determined throughout San Francisco.*

*In response to a question from Commissioner Paulson, Ms. Caylao indicated in that the work is for replacement of short segments, as needed, and provided examples of work.*

*VP Moran returned to his comments made under Item 13 and questioned why an existing contract with unexpended funds was not used to complete the work, making the subject contract a lesser amount to get competitive bids. Alan Johanson, Acting AGM Infrastructure, noted the contractor had a significant backlog, was unable to keep up with the work, and that it was not a process they could facilitate. VP Moran indicated the work is for an on-going need and that the lack of competitive procurement is frustrating. He stated that as a general matter, something is missing, that the skill sets can be accommodated by multiple contractors, and that the bidding and scheduling process needs to be reviewed to be more competitive.*

*VP Moran requested information as to how the SFPUC chooses to perform spot-sewer work and if there are options for a better way to do the work and improve the bidding environment.*

*Brief discussion ensued on the type of work performed, who is performing the work, and if work could be done internally.*

#### Public Comment

- *Ali Altaha stated there is only one bidder and that something is missing. He noted a lack of outreach and stated that San Francisco is a racist city. He discussed Government Code 4525.*
- *Francisco DaCosta stated the Commission needs to review how contracts are given and discussed his experience certifying businesses. He stated the Raker Act needs to be called in.*

*On Motion to approve Consent Calendar item 14:*

*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*

15. Authorize the General Manager to negotiate a contract scope of work and price reduction of greater than 10% for Contract No. WW-647R, Southeast Water Pollution Control Plant Biosolids Digester Facilities Project (BDFP) with Construction Manager/General Contractor, MWH Constructors/Webcor Builders Joint Venture, to provide flexibility to use alternative delivery methods to achieve the overall BDFP objectives and scope of work, and if negotiations are successful, return for Commission approval of such scope and price reduction through either a contract modification or partial termination for convenience.

*President Maxwell stated that the Commission needed the opportunity to hear the item and discuss prior to taking any action, and that the item would not be considered for action at the meeting.*

*Acting AGM Johanson introduced the item and Carolyn Chiu, Biosolids Project Manager, who indicated that construction is well underway. She stated the earlier bids received were on or below budget, but over the last few months the bids received were higher than the budget. She provided a comparison of bids received for Electrical and Mechanical Installation Package Number 1. She stated that bid procurement was suspended while staff re-thought bidding strategy and delivery approach. She indicated the need for better cost certainty: (1) biosolids project is large and complex, (2) benefits of a CM/CG approach have not been realized in this contract, (3) ability to navigate post-pandemic market conditions, and (4) need to adapt and re-evaluate delivery approach. She noted the need for project-wide contractual considerations of maintaining scope and objectives (maintaining Contract WW-647R with no change, terminating Contract WW-647R, or have a hybrid delivery).*

*She summarized the request for the Commission's consideration - for the authorization to negotiate a contract scope of work and price reduction of greater than 10% for the Biosolids Project CM/CG construction contract WW-647R: (1) approval provides ability to consider breaking up the project into smaller manageable contracts by delivery methods will provide better project value, (2) no change to the project's overall objectives and scope, and (3) staff will return to the Commission with an update on the delivery approach and possible modification to the CM/CG contract.*

*Commissioner Paulson thanked staff for alerting them as to the issues. He discussed budgetary expectations versus contractor costs and questioned the logic of breaking up the project.*

*Acting AGM Johanson indicated there is ownership on both sides and that there were things staff misunderstood when looking at pricing and that contractors had packages that involved more risk with higher pricing. In response to a question from Commissioner Paulson, he defined "risk". Brief discussion ensued.*

*In response to a question from Commissioner Ajami, Mr. Johanson indicated the SFPUC has no other contracts with MWH Constructors/Webcor Builders. In response to follow-up question as to whether there are any other digester projects in the Bay Area, Acting GM Carlin stated that MWH is building digesters across the country, but none in the Bay Area. In response to another question as to whether issues related to cost are considered a trend, Ms. Chiu indicated she believes they are, and that staff are looking at all conditions as part of the evaluation. Brief discussion ensued.*

*Commissioner Harrington expressed his understanding of initially looking at it as one mega project, but the need to re-baseline in addition to this issue is a red flag and that blindly continuing doesn't make sense. He indicated the pause will allow for evaluation.*

*President Maxwell expressed concern with the language "if negotiations are*

successful” and asked if they aren’t successful, what is the bottom line, and how far to go. She questioned what leverage the Commission has and asked for a plan for going forward. Acting GM Carlin indicated that those are questions that are being asked and that at the July 27<sup>th</sup> meeting responses can be provided.

In response to a question from President Maxwell, Mr. Carlin stated three things that could be in the way if it is not successful: (1) whether bid packages come back too high and don’t reflect current bidding atmosphere, (2) changing of contractor project managers and the ability of the project manager to manage project in a reasonable way, and (3) the need for the SFPUC to be realistic about options if it doesn’t go forward. Mr. Carlin noted he will communicate what is needed from the contractor to succeed, and that if they cannot deliver that they need to inform the SFPUC. AGM Carlin indicated at the next meeting outstanding questions will be addressed.

#### Public Comment

- Ali Altaha noted two reports by SUPR addressing the escalation of prices and why projects are not being properly built in San Francisco. He discussed a report by the Civil Grand Jury regarding the BRT. He said to stop blaming the contractor and focus on reasons for expanding costs – design, risk factor, and corruption.
- Francisco DaCosta stated the commission will “never get it”. He stated he has information on getting rid of one of the digesters. He indicated the digesters are a Scandinavian design and asked why the design in Los Angeles wasn’t considered. He asked why SFPUC staff have left. He stated the Raker Act is needed.

President Maxwell announce there would be no action taken on this item.

#### 16. Report out from June 11, 2021 Closed Session

President Maxwell announced that at the Special Meeting of June 11, 2021, Closed Session, the Commission unanimously voted to forward the name of Mr. Dennis Herrera, as nominee for the position of SFPUC General Manager.

No public comment.

#### 17. Public comment on matters to be addressed during Closed Session

None.

#### 18. 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

The Commission entered Closed Session at 4:59 PM.

Present in Closed Session: All items: Commissioners Maxwell, Moran, and Harrington. Donna Hood Commission Secretary, and Lee Sayao, SFPUC IT; Item 19: Robert Coelho, Assistant County Counsel, County of Santa Clara, Kate Howard, City and

*County of San Francisco Department of Human Resources; Commissioner Paulson; Commissioner Ajami; Item 20: Michael Carlin, Acting GM, Francesca Gessner, Legal Counsel, John Roddy, Deputy City Attorney, Estie Kus, Deputy City Attorney, Tyrone Jue, Chief-of-Staff, Eric Sandler, CFO, Greg Norby, AGM Wastewater, (Commissioner Ajami recused and not present for item 20); Item 21: Michael Carlin, Theresa Mueller, Deputy City Attorney, Barbara Hale, AGM Power Enterprise, Tyrone Jue, Pam Husing, SFPUC Power Enterprise, Commissioner Ajami.*

19. Pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b), to consider public employee appointment/hiring for the position of General Manager of the San Francisco Public Utilities Commission; and Pursuant to Government Code Sections 54954.5(f) and 54957.6, and San Francisco Administrative Code Section 67.8(a)(5).

Conference with Labor Negotiator, Unrepresented Employee

*City Negotiator  
Commission President Sophie Maxwell*

*Unrepresented Employee  
General Manager, San Francisco Public Utilities Commission*

Anticipated issues under negotiation:

- Wages
- Hours
- Benefits
- Working conditions
- Other

*Commissioner Paulson was excused from the meeting at 6:54 PM.*

20. CONFERENCE WITH LEGAL COUNSEL  
Anticipated litigation as defendant pursuant to California Government Code Section 54956.9(d)(2) and S.F. Administrative Code Section 67.10(d)(2).
21. 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; 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.

*The Commission exited Closed Session at 7:27 PM.*

22. Announcement following Closed Session.

*President Maxwell announced that no action was taken during Closed Session.*

23. 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 the discussions during Closed Session:*

*Ayes: Maxwell, Moran, and Harrington*

*Absent: Ajami*

*President Maxwell adjourned the meeting at 7:28 PM.*