



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
Tuesday, May 26, 2020
1:30 P.M.
(Approved June 9, 2020)

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

Commissioners

Ann Moller Caen, President
Francesca Vietor, Vice President
Anson Moran
Sophie Maxwell
Tim Paulson

Harlan L. Kelly, Jr.
General Manager

Donna Hood
Secretary

1. Call to Order

President Caen called the meeting to order at 1:34 PM.

2. Roll Call

Present: Caen, Vietor, Moran, Maxwell and Paulson

3. Approval of the Minutes of May 12, 2020

On Motion to approve the Minutes of May 12, 2020:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

No public comment.

4. General Public Comment

- *Madeline Mueller – email submitted and read into record by Commission Secretary: “A Resolution to Acquire the Balboa Reservoir Property for City College of San Francisco Presented by the Defend City College Alliance (DCCA)”.*
- *Dave Warner – email submitted and read into record by Commission Secretary regarding the Commission’s Bay Delta Resolution 19-0057.*
- *Thomas (inaudible) stated the Commission needs to look in to the purchase of the recently available N3 Ranch 51,000-acre property in the East Bay and to investigate finance mechanisms not previously available.*
- *Unidentified speaker provided comments regarding the Resolution to Acquire the Balboa Reservoir Property for City College of San Francisco presented by the Defend City College Alliance.*
- *Unidentified speaker expressed support for the Bay Delta and for protecting the Tuolumne River. He encouraged the Commission to voluntary release 40% unimpaired flow.*
- *Michael Frost discussed communications with his daughters regarding environmental conditions and actions that can be taken. He discussed the need for healthy fish and asked that the Commission prioritize fresh water flows into the Bay Delta.*
- *Francisco DaCosta discussed the resources and high-density living, City College, and the use of resources and that care be taken with water.*
- *Mary (inaudible) expressed support for the Water Quality Control Plan and asked that the lawsuit against the plan be dropped.*
- *Jerilyn Moran disused the Bay Delta, Tuolumne River, and encouraged water conservation efforts.*

5. Communications

- a) Contract Advertisement Report
- b) Correspondence Log
- c) Annual Schedule of Rates and Charges for Non-Municipal, Residential, Commercial Electric Service
- d) Water Supply Conditions Update
- e) Water System Improvement Program Status of Construction Change Orders

Kathy How, Assistant General Manager (AGM) Infrastructure, responded to a request from Commissioner Maxwell for background information of the Status of Construction Change Orders.

No public comment.

6. Report of the General Manager (GM)

a) Update on SFPUC Operations During COVID-19 Emergency

Harlan Kelly, General Manager, provided an update regarding SFPUC operations during the COVID-19 emergency. He noted most employees continue to work remotely. He indicated that customers continue to receive services without interruption. GM Kelly discussed efforts to create a Continuity of Operations Plan (COOP) and reviewed the work of the COOP team. He noted results a survey sent to employees regarding the agencies response to the pandemic. He discussed the launch of the COVID19 temporary emergency Customer Assistance Program for customers experiencing financial difficulties.

GM Kelly responded to a question from Commissioner Maxwell regarding personal protective equipment (PPE) being provided to employees, and if it meets employee satisfaction.

Public Comment

- *Francisco DaCosta stated enterprise departments that generate revenue should not use general funds for PPE. He discussed the sewage treatment plant's effect on the health of the Bayview community.*

7. New Commission Business

Commissioner Moran requested that staff prepare a water supply budget worksheet which will provide transparency for the process used to make decisions on water supply and water use, and to create a common framework for discussion about the allocation of water supplies.

Commissioner Maxwell requested a report regarding what is and what needs to be done to ensure our watersheds are safe from fire.

Vice President (VP) Vietor requested, to build on Commissioner Moran's comments, an outline of what will be in the water supply budget.

No public comment.

8. Consent Calendar

- a) Accept work performed by Anvil Builders, Inc., for Contract No. WD-2713, 48-Inch Diameter Water Main Replacement on Putnam Street from Peralta Avenue to Cortland Avenue; approve Modification No. 4 (Final), increasing the contract amount by \$354,081 for a total contract amount of \$5,615,202, and increasing the contract duration by 117 consecutive calendar days, for a total contract duration of

512 consecutive calendar days; and authorize final payment to the contractor. (Resolution 20-0094)

- b) Accept work performed by Shaw Pipelines, Inc. for Contract No. WW-637, Various Locations Sewer Replacement and Pavement Renovation No. 5; approve Modification No. 3 (Final), increasing the contract amount by \$133,286 for a total contract amount of \$4,393,631, and a total contract duration of 554 consecutive calendar days; and authorize final payment to the contractor. (Resolution 20-0095)
- c) Approve an increase in the amount of \$3,682,329 to the existing contract cost contingency, and an increase of 50 calendar days to the existing contract duration contingency, for Contract No. WW-686, As-Needed Spot Sewer Replacement No. 38; and authorize the General Manager to approve future modifications to the contract for a total contract amount of up to \$13,808,734 and a total contract duration of up to 490 consecutive calendar days. (Resolution 20-0096)
- d) Approve an increase of \$174,740 to the existing contract cost contingency for Contract No. WW-695, As-Needed Sewer Cleaning and Inspection (FY20); and authorize the General Manager to approve future modifications to the contract for a total contract amount of up to \$2,097,045, with no change to contract duration. (Resolution 20-0097)

No public comment.

On Motion to approve the Consent Calendar:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

Item 9 was removed from the agenda and will be rescheduled.

- 9. Approve Amendment No. 3 to Agreement No. CS-109, Specialized Engineering Services, Recycled Water Projects, with Kennedy Jenks Consultants, Inc./Bahman Sheikh Water Reuse Consulting/Water Resources Engineering, Inc. a Joint Venture, to provide additional technical and engineering services in support of the Westside Recycled Water Project; and authorize the General Manager to execute this amendment, increasing the contract amount by \$2,500,000 and increasing the contract duration by two years, for a total not-to-exceed agreement amount of \$10,500,000 and a total duration of 14 years, subject to the Board of Supervisors approval pursuant to Charter Section 9.118.
- 10. Public Hearing: Adopt a new schedule of Hetch Hetchy Power Enterprise General Use Municipal Electricity Service Rates for Fiscal Years 2020-21 and 2021-22 to take effect only July 1, 2020 for certain City agencies, certain non-City governmental agencies such as the San Francisco Unified School District, and certain non-profit entities such as the California Academy of Sciences, that are closely related to the City through City governance, financial support, or other legacy relationship. The new schedule would increase General Use Municipal Electrical Rates by \$0.01/kWh each fiscal year. The proposed action constitutes the Approval Action for the purposes of

CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code. (Resolution 20-0098)

Charles Perl, Deputy CFO, presented the item and requested approval.

No public comment.

On Motion to approve Item 10:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

11. Retroactively authorize the General Manager's implementation on May 12, 2020 of a temporary emergency bill discount for certain San Francisco Public Utilities Commission residential customers who have been financially impacted by the COVID-19 emergency. The Temporary Emergency Customer Assistance Program for COVID-19 Relief Program provides eligible residential customers with a bill discount of 15% on water, 35% on sewer, and 30% on Hetch Hetchy Power bills for six months spanning from March 4, 2020 to September 4, 2020. (Resolution 20-0099)
Erin Franks presented the item and requested approval.

No public comment.

On Motion to approve Item 11:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

12. Authorize the General Manager to negotiate and execute a Memorandum of Understanding with the Public Works Department, Municipal Transportation Agency, Fire Department, and Port Commission, regarding and the authority and responsibility for operations and maintenance of public improvements at the Mission Rock Special Use District (Mission Rock); and approve amendments to the Mission Rock Infrastructure Plan. (Resolution 20-0100)
Michael Carlin, Deputy General Manager (DGM), presented the item and requested approval.

DGM Carlin responded to a question from Commissioner Maxwell regarding the durability of and maintenance costs for lightweight cellular concrete and who is responsible for those costs. GM Kelly and Commissioner Paulson provided additional response.

Public Comment

- *Francisco DaCosta asked if there is project site contamination and if mitigation and abatement have taken place.*

On Motion to approve Item 12:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

13. Authorize the General Manager to negotiate and execute a Memorandum of Understanding with the Port Commission, San Francisco Public Works, the San Francisco Municipal Transportation Agency, and the San Francisco Fire Department

regarding each department's operations and maintenance of public improvements at the Pier 70 Special Use District, including improvements located in streets under the Port's jurisdiction. ([Resolution 20-0101](#))

DGM Carlin presented the item and requested approval.

Public Comment

- *Francisco DaCosta discussed the use of Pier 70 during WWII and that there was a former power plant at the site. He discussed materials that need abatement and mitigation. He stated human remains of the first people are located at the site.*

On Motion to approve Item 13:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

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

None.

15. 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 regarding matters listed as Conference with Legal Counsel:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

The Commission entered Closed Session at 2:57 PM.

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

David Alfaro, et al. v. City and County of San Francisco

San Francisco Superior Court No. CGC-15-547492

Date Filed: August 20, 2015

*Proposed partial settlement of action as to diminution in property value claims of 19 of numerous plaintiffs arising out of December 2014 stormwater flooding: (1) David and Jessica Alfaro (\$290,000), (2) Joy Caguimbaga/Zenida Restauero (\$240,000), (3) Armando and Maria Castillo (\$200,000), (4) Elaine Choy (\$221,150), (5) John Clay (\$250,000), (6) Ruth Patricia del Castillo (\$150,000), (7) Rizaldy Gache (\$235,000), (8) Susan Garduno (\$235,000), (9) Carlos Gross (\$210,000), (10) Suzanne Houlihan (\$250,000), (11) John and Maria Naniola (\$290,000), (12) Donato and Aurora Ponferrada (\$257,000), (13) Cesar and Fe Ponferrada (\$250,000), (14) Rick Popko /Nancy Huff (\$150,000), (15) Victoria Sanchez (\$220,000), (16) Bing On Seid (\$207,000), (17) Peter So/Diane Chung (\$235,000), (18) Ho Tan (\$295,000), and (19) Chris Tilton/Blane Bachelor (\$210,000)
(Resolutions 20-0102 through 20-0121)*

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

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)

The Commission exited Closed Session at 4:47 PM.

18. Announcement following Closed Session

President Caen stated that the Commission recommends the Board of Supervisors approves settlements noted in item 16. No other action was taken.

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 discussions during Closed Session:

Ayes: Caen, Vietor, Moran, Maxwell and Paulson

20. Adjournment

President Caen adjourned the meeting at 4:48 PM.