



**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**  
City and County of San Francisco

**London N. Breed**  
Mayor

**REGULAR MEETING MINUTES**  
**Tuesday, August 8, 2023**  
**1:30 PM**  
**(Approved August 22, 2023)**

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 400

**Commissioners**

Newsha Ajami, President  
Sophie Maxwell, Vice President  
Tim Paulson  
Anthony Rivera  
Kate H. Stacy

Dennis J. Herrera  
General Manager

Donna Hood  
Commission Secretary

1. Call to Order  
*President Ajami called the meeting to order at 1:32 PM.*

2. Roll Call  
*Present: Ajami, Maxwell, Paulson, Rivera and Stacy*

3. Approval of the Minutes of June 27, 2023

*No public comment.*

*On motion to approve the Minutes of June 27, 2023:  
Ayes: Ajami, Maxwell, Paulson, Rivera and Stacy*

4. Report of the General Manager

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

*Ron Flynn, Acting General Manager (GM) provided an update regarding the recent algae bloom and actions being taken to reduce nitrogen levels in the San Francisco Bay. He emphasized that the SFPUC is in full compliance with current regulations and is working with regulators. He indicated the SFPUC is taking proactive steps to help reduce nitrogen in the bay via long-term investments including the state-of-the-art treatment plant being built on Treasure Island, which will have full-stream nitrogen removal (completion scheduled for 2026); piloting changes to the current treatment process to decrease nitrogen levels during dry-weather seasons; and repurposing existing tanks and other assets at the main wastewater treatment plant so they can be upgraded to removing nitrogen. He stated that the SFPUC is continuing to work with regulators on long-term strategies and are willing to adapt to meet potential nitrogen removal requirements as research and regulations evolve. He noted this will require long-range planning, construction of major new infrastructure, and billions of dollars in regional investments.*

*No public comment.*

*Vice President (VP) Maxwell requested occasional updates.*

5. CONSENT CALENDAR

a) Amend Contract Nos. PRO.0167.A-D, As-Needed Engineering Services with Kennedy/Jenks Consultants, Inc./Terra Engineers, Inc., Joint Venture (PRO.0167.A); Kleinfelder/Lee Incorporated Joint Venture (PRO.0167.B); Stantec Consulting Services (PRO.0167.C); and Mott MacDonald Group, Inc., (PRO.0167D), to increase the amount for each contract by \$2,500,000 with no extension of the contract duration. ([Resolution 23-0141](#))

b) Approve an increase of 219 calendar days of contract duration contingency for Contract No. WW-704, Various Locations Sewer Replacement No. 9, with JDB and Sons Construction, Inc., resulting in a new contract duration of up to 560 consecutive calendar days due to shortage of available local skilled workforce resulting in adjustments to the Contractor's operations, and a large number of rainy weather days that resulted in excusable delays, with no change to the contract amount. ([Resolution 23-0142](#))

c) Amend PRO.0085.C, Hetch Hetchy Capital Improvement Program Region As-Needed

Engineering Services with Stantec Consulting Services, Inc., AGS Inc., Joint Venture, to increase the contract amount by \$1,000,000 for a new total contract amount of \$5,500,000 with no change to the contract duration, to continue providing as-needed engineering services for San Francisco Public Utilities Commission capital improvement projects in the Hetch Hetchy region. ([Resolution 23-0143](#))

- d) Award Job Order Contract No. JOC-98, Electrical Construction, for work to be performed in San Francisco, San Mateo, Santa Clara, and Alameda Counties, in the amount not-to-exceed \$5,000,000, with a guaranteed minimum task order opportunity amount of \$50,000, and with a duration of two years, to the responsible bidder that submitted the lowest responsive bid, U.S. Electric Technologies, Inc., to perform C-10 licensed electrical construction work on San Francisco Public Utilities Commission systems and operations around the Bay Area. ([Resolution 23-0144](#))

*Commissioner Stacy questioned item 5a and why an increase in contract funds was necessary. Steve Ritchie, Assistant General Manager (AGM) Water Enterprise indicated the contract capacity was used up and additional funds are required for more work.*

*Acting GM Flynn responded to a question from President Ajami regarding the social impact partnership program discussed under item 5a, indicating the program has no impact on the request for the additional funds.*

*President Ajami discussed the “Funding and Cost” section under item 5d which indicates the Commission has the ability to increase the maximum contract amount by 50% of the original contract value and questioned how the 50% was determined. Ivy Fine, Contracts Division Manager responded that the language is taken from the Administrative Code and is for Job Order Contracts. President Ajami asked that staff look at how many contracts have used this provision.*

*No public comment.*

*On motion to approve the Consent Calendar:*

*Ayes: Ajami, Maxwell, Paulson, Rivera and Stacy*

6. Award sole-source Grant No. CS-1245(G) to the Miraloma Park Improvement Club for the redesign of their Native Plant Garden Project at 350 O'Shaughnessy Blvd., through the District 7 Participatory Budget Program, using addback funding in a not-to-exceed amount of \$25,000 in accordance with Administrative Code Section 21G.8. This action constitutes the Approval Action for the Project for the purposes of the California Environmental Quality Act (CEQA), pursuant to San Francisco Administrative Code Section 31.04(h). The Planning Department has determined that the Project is exempt from the CEQA. The Commission will rely on that determination to make its decision on this action. ([Resolution 23-0145](#))

*AGM Ritchie introduced the item. He responded to a question from Commissioner Stacy regarding the funding indicating that funds are received via the Board of Supervisor's add-back process. Emma Heiken, Legislative Aide to Supervisor Melgar stated the funds were allocated by Supervisor Melgar through the participatory budgeting process, which she described.*

Public Comment

- *Robert Gee, Miraloma Park Improvement Club asked that the Commission approve the item. He provided information on the Miraloma Park neighborhood and Improvement Club and the garden, which has been there since 1997.*
- *Todd Siemens, Miraloma Park Improvement Club concurred with Mr. Gee's comments and requested Commission approval.*

*On motion to approve item 6:*

*Ayes: Ajami, Maxwell, Paulson, Rivera and Stacy*

7. Communications (information only)

- Advance Calendar
- Contract Advertisement Report
- Correspondence Log
- CleanPowerSF Quarterly Report
- General Manager Correspondence to Commission
- Green Infrastructure Grant Program Board of Supervisors Update
- Power Quarterly Report on Delegated Authority Contracts Pursuant to Administrative Code Section 21.43
- Quarterly Report Regarding Power Scheduling Coordination and Related Support Services, with APX Inc. per Board of Supervisors Resolution No. 095-23
- Water Supply Conditions Update

8. General Public Comment

- *Gwen Jackson Fagan provided the Commission with a [document](#) which was provided to her by Harlan Kelly. She questioned if the Commission was going to demolish 1800 Oakdale and stated that it should be devoted as an educational facility.*
- *Marilyn Jackson discussed the importance of continuing educational opportunities and asked that Dr. Espanola Jackson's dream be kept alive.*
- *Mtoa Jones read portions of the March 8, 2016 resolution for Espanola Jackson.*
- *Robert Ball discussed Espanola Jackson's dedication to the community and the status of projects that were important to her. He emphasized the need for better opportunities for youth in the community.*
- *Dave Warner discussed the California Department of Finance population projections and stated populations have an impact on demand and demand projections.*

9. Items initiated by Commissioners

*Commissioner Maxwell requested an update regarding the rent paid for the Greenhouses on Evans Street, and information as to hiring and wages.*

*President Ajami requested information on 1550 Evans and 1800 Oakdale as a follow-up to the public comments made.*

*No public comment.*

10. Public Comment on the matters to be addressed during Closed Session

*None.*

11. 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: Ajami, Maxwell, Paulson, Rivera and Stacy*

*The Commission entered Closed Session at 2:13 PM.*

*Present in Closed Session: Commissioners Ajami, Maxwell, Paulson, Rivera, and Stacy; Ron Flynn, Deputy General Manager; Sheryl Bregman, Deputy City Attorney; Steve Ritchie, AGM Water Enterprise; and Donna Hood, Commission Secretary*

12. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

*Bing Situ v. City and County of San Francisco*

Unlitigated File No.: 23-02128

Date Filed: April 27, 2023

Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Bing Situ \$64,483.41, subject to final approval by the Board of Supervisors. (Resolution 23-0146)

13. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

*Yaol Oenn Wong v. City and County of San Francisco*

Unlitigated File No.: 23-02086

Date Filed: April 24, 2023

Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Yaol Oenn Wong \$50,000.00, subject to final approval by the Board of Supervisors. (Resolution 23-0147)

14. CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, San Francisco Administrative Code §67.10(d)(1)):

*Jessica Middleton v. City and County of San Francisco*

Unlitigated File No.: 23-01785

Date Filed: Mach 24, 2023

Proposed settlement of unlitigated claim for damage to property resulting from a ruptured water main with the City and County of San Francisco to pay Jessica Middleton \$32,439.60, subject to final approval by the Board of Supervisors. (Resolution 23-0148)

*The Commission exited Closed Session at 2:30 PM.*

15. Announcement following Closed Session

*President Ajami announced that the Commission recommended the Board of Supervisors approve the settlements heard during Closed Session.*

16. 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: Ajami, Maxwell, Paulson, Rivera and Stacy*

17. Adjournment

*President Ajami adjourned the meeting at 2:30 PM.*