



SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

London N. Breed
Mayor

REGULAR MEETING MINUTES
Tuesday, September 10, 2024
1:30 PM

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

Commissioners

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

Dennis J. Herrera
General Manager

Tiffany Lennear
Director of Commission Affairs

ORDER OF BUSINESS

1. Call to Order

President Paulson called the meeting to order at 1:32 P.M.

2. Roll Call

Present Paulson, Rivera, and Stacy

Excused: Ajami

3. Approval of the Minutes of August 27, 2024

No public comment provided

On motion to approve the minutes of August 27, 2024

Ayes: Paulson, Rivera, and Stacy

4. General Public Comment

- *Francisco Da Costa provided comment pertaining to respect and responsibility within the City and County of San Francisco.*
- *Max Von Polenitz of Hillsborough, CA provided comment on the public use case of Crystal Springs Reservoir.*
- *Peter Drekmeier, Policy Director for the Tuolumne River Trust, provided comment pertaining to a letter and support materials emailed to the Commission last week.*
- *Nicole Sandkulla, Bay Area Water Supply and Conservation Agency CEO thanked the Commission for their service to the public and for the respect given her.*

5. Report of the General Manager (discussion only)

Dennis Herrera, General Manager of the San Francisco Public Utilities Commission (SFPUC), introduced agenda item 5a.

a) Draft 2025 Hazards and Climate Resilience Plan

Melissa Higbee, Manager II, Office of Resilience and Capital Planning presented the report.

- *Francisco Da Costa provided comment about requirements for a needs assessment and local government leaders.*
- *Peter Drekmeier thanked Commissioner Stacy for her comments, provided comment on the change in annual precipitation, the LTVA return period, and the known and design drought.*

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

None

6. **CONSENT CALENDAR**

- a) Award Contract Nos. PRO.0227(R2).A-D, As-Needed Power Operations Support Agreements, to Siemens Industry, Inc. (PRO.0227(R2).A), Utilicast, LLC (PRO.0227(R2).B), Clean Energy Capital Securities LLC (PRO.0227(R2).C), and Ascend Analytics (PRO.0227(R2).D), each for an amount not-to-exceed \$2,000,000 and with a duration of five years, to provide specialized professional services for the San Francisco Public Utilities Commission Power Enterprise. (24-0190)
- b) Approve Modification No. 1 to Job Order Contract No. JOC-89, General Engineering (A License) Construction, San Francisco, San Mateo, Santa Clara, and Alameda Counties with Trinet Construction, Inc., to increase the contract duration by one year for a total contract duration of three years, allowing additional time to complete ongoing facility and asset improvements. (24-0191)

*On motion to approve Consent Calendar Items 6a and 6b:
Ayes: Paulson, Rivera, and Stacy*

REGULAR CALENDAR

- 7. Adopt a refined Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act; Approve the terms and conditions and authorize the General Manager to execute a Purchase and Sale Agreement and Easement Deed with Sunol Glen Unified School District for the acquisition of a 4,008-square-foot easement for an underground water pipeline and associated appurtenances and a 34,834-square-foot temporary construction easement on and across a portion of Alameda County Assessor’s Parcel No. 096-0155-004-01, known as 11601 Main Street, Sunol, California, for \$35,000, subject to Board of Supervisors’ and Mayor’s approval. (24-0192)

Dina Brasil, Right of Way Manager, presented the report.

Commissioner Stacy requested clarification regarding staff recommendation to adopt the Town of Sunol Pipeline Mitigation Monitoring and Reporting Program. Ms. Brasil responded and confirmed that the understanding from Commissioner Stacy was correct, and that Commission action includes adoption of the Town of Sunol Pipeline Mitigation Monitoring and Reporting Program.

No public comment provided.

*On motion to approve Agenda Item 7:
Ayes: Paulson, Rivera, and Stacy*

- 8. Approve the expansion of the Wastewater, Water, and Power Enterprise Interim Funding Programs from \$750 million, \$500 million, and \$250 million, to not-to-exceed aggregate principal amounts of \$1.25 billion, \$750 million, and \$450 million, respectively; and authorize the General Manager, or the General Manager’s designee, to prepare and introduce an

ordinance with the terms described here for adoption by the Board of Supervisors and approval by the Mayor. (24-0193)

Nikolai Sklaroff, Capital Finance Director, presented the report.

- *Francisco Da Costa provided comment relating to past reports from the manager of the treatment plant to the Commission.*
- *Peter Drekmeier provided comment relating to Table A from Communications Agenda Item 11f and expressed concerns relating to the budget.*

On motion to approve Agenda Item 8:

Ayes: Paulson, Rivera, and Stacy

9. Accept work performed by Mitchell Engineering under Contract No. DB-129.1 Bay Corridor Transmission and Distribution – Phase 2 (2019) North; approve Modification No. 21 (Final) decreasing the contract amount by \$1,276,441 for a total contract amount of \$20,691,291 and increasing the contract duration by 696 consecutive calendar days for a total contract duration of 1,195 consecutive calendar days (approximately three years and three months), to cover a time impact analysis reconciliation for a compensable delay related to resequencing of duct bank work and dewatering for higher groundwater, final reconciliation of bid items and costs, and for contractor to complete closeout punch-list items, including resolution of Fluidized Thermal Backfill exceeding design strength, and preparation of as-built drawings and supporting documentation; and authorize final payment to the contractor. (24-0194)

Ada Zhu, Project Manager I, presented the report.

No public comment provided.

On motion to approve Agenda Item 9:

Ayes: Paulson, Rivera, and Stacy

10. Accept work performed by Rubecon Builders, Inc., under Contract No. WD-2687R, Auxiliary Water Supply System Pumping Station No. 2 Improvements (2016); approve Modification No. 14 (Final) increasing the contract amount by \$1,111,992, within the approved contingency amount, for a total contract amount of \$22,699,579, and increasing the contract duration by 817 consecutive calendar days for a total contract duration of 2,180 consecutive calendar days (approximately five years and 11 months), to resolve claims for additional compensation for time impacts and extended overhead, reconcile overall contract duration due to contractor- and owner-caused delays due to differing site conditions, electrical modifications, various improvements within the building due to existing conditions including additional painting, demolition, pipe and structural supports, utility repairs, concrete repairs, fire alarm system modifications), and complete administrative closeout; and authorize final payment to the contractor. (24-0195)

Ada Zhu, Project Manager I, presented the report.

No public comment provided.

On motion to approve Agenda Item 10:

Ayes: Paulson, Rivera, and Stacy

11. Communications (information only)

- a) Advance Calendar
- b) Contract Advertisement Report
- c) Correspondence Log
- d) Water Supply Conditions Update
- e) Water System Improvement Program Annual Report
- f) Water Enterprise Capital Improvement Program Quarterly Report
- g) O'Shaughnessy Dam Reservations Quarterly Report
- h) CleanPowerSF Quarterly Report

12. Items initiated by Commissioners (discussion only)

None.

13. Public Comment on the matter to be addressed during Closed Session

No public comment provided.

14. Motion on whether to assert the attorney-client privilege regarding the matters listed below:

The Commission entered Closed Session at 2:57 PM.

CLOSED SESSION

Present during Closed Session: Tim Paulson, Commission President; Tony Rivera, Commission Vice President; Kate Stacy, Commissioner; Dennis Herrera, SFPUC General Manager, Sheryl Bregman, Utilities General Counsel; Ron Flynn, Deputy General Manager; Joel Prather, Assistant General Manager; Brittany Feitelberg, Special Assistant to the General Manager; Jannie Ram, Executive Assistant; and Tiffany Lennear, Director of Commission Affairs.

15. CONFERENCE WITH LEGAL COUNSEL regarding existing litigation (Government Code §54956.9, Administrative Code §67.10(d):

Annamarie Faro, et al. v. City and County of San Francisco

San Francisco Superior Court Case No. CGC-23-610311

Date Filed: November 9, 2023

Proposed settlement of lawsuit for property damage resulting from a catch basin with the City to pay plaintiffs \$195,000 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (Action Item) (Bregman)

CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, Administrative Code §67.10(d):

Pacific Gas and Electric Company v. City and County of San Francisco

Unlitigated Claim File No.: 24-01277

Date Filed: January 11, 2024

Proposed settlement of an unlitigated claim for property damage resulting from a ruptured water main with the City to pay Pacific Gas and Electric Company \$250,000 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (Action Item)
(Bregman)

CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, Administrative Code §67.10(d):

150 Post Street LLC v. City and County of San Francisco

Unlitigated Claim File No.: 24-02232

Date Filed: March 21, 2024

Proposed settlement of an unlitigated claim for property damage resulting from a ruptured water main with the City to pay 150 Post Street LLC \$272,566.05 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (Action Item)
(Bregman)

CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, Administrative Code §67.10(d):

Awad Faddoul v. City and County of San Francisco

Unlitigated Claim File No.: 24-02173

Date Filed: May 7, 2024

Proposed settlement of an unlitigated claim for property damage resulting from an obstructed sewer main with the City to pay Awad Faddoul \$108,681.38 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (Action Item) (Bregman)

CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation (Government Code §54956.9, Administrative Code §67.10(d):

24th and Mission Partners v. City and County of San Francisco

Unlitigated Claim File No.: 24-02162

Date Filed: May 7, 2024

Proposed settlement of an unlitigated claim for property damage resulting from an obstructed sewer main with the City to pay 24th and Mission Partners \$90,201 in exchange for a full and final release, subject to final approval by the Board of Supervisors. (Action Item) (Bregman)

The Commission exited Closed Session at 3:05 PM.

16. Announcement following Closed Session

President Paulson stated the Commission recommends the Board of Supervisors approve the settlements referenced under Item 15.

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

*On motion NOT to disclose the discussions during Closed Session:
Ayes: Paulson, Rivera, and Stacy*

18. Adjournment

President Paulson adjourned the meeting at 3:06 PM.