



## **SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

**London N. Breed**  
Mayor

**REGULAR MEETING AGENDA**  
**Tuesday, September 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: 146 500 3304 # #**

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**

Ann Moller Caen, President  
Anson Moran  
Sophie Maxwell  
Tim Paulson

**Harlan L. Kelly, Jr.**  
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@sfgwater.org](mailto:Commission@sfgwater.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.sfgwater.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](mailto: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 / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援 / 무료 언어 / 지원 / คว่"มขง" ยเหลลลล  
ท่"งภ"ษ"โดยไม่ว่ ส่ยคาคไขจ้าย / Libreng tulong para sa wikang Tagalog ยเหลลลล

**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](http://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.sf-planning.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. Commissioner Vacancy and Possible Election of New Vice-President:
  - (a) Possible Motion to [Suspend Rule 6 of the Rules of Order](#) of the San Francisco Public Utilities Commission with regard to electing a new Vice President to fill the recent vacancy of that position due to resignation
  - (b) If Motion under (a) fails, action to elect a new Vice-President of the San Francisco Public Utilities Commission to serve until the October 2020 officer elections as per Rule 6 (Caen)
4. [Approval of the Minutes of September 8, 2020](#)
5. 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*
6. Communications (discussion only)
  - a) [Correspondence Log](#)
  - b) [2020 OneWaterSF Brochure](#)
  - c) [CleanPowerSF Update](#)
  - d) [Water Supply Conditions Update](#)
7. Report of the General Manager (discussion only)
  - a) Update on SFPUC Operations During COVID-19 Emergency
  - b) [Non-potable Water Ordinance Update](#)
  - c) Update on Voluntary Agreement Negotiations Regarding the Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary (Bay-Delta Plan)
  - b) Report on Recent San Francisco Public Utilities Commission Activities, Events and Announcements
8. Results and follow-up actions for COVID-19 Employee Pulse Survey #2, which includes content related to COVID-19 response and recovery, and Diversity, Equity, Inclusion, and Belonging (discussion only) (Kelly, Jr.)
9. Workforce Diversity and Equity Update (discussion only) (Ritchie)
10. Bay Area Water Supply and Conservation Agency Update (discussion only) (Sandkulla)
11. New Commission Business (discussion only)

## CONSENT CALENDAR

12. *All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Public Utilities Commission and will be acted upon by a*

*single vote of the Commission. There will be no separate discussion of these items unless a member of the Commission or the public so requests, in which event the matter will be removed from the Calendar and considered as a separate item.*

- a) Approve Amendment No. 2 to [Agreement No. CS-366](#), Emergency Planning, Technical Assistance, and Training Support, with AECOM Technical Services, Inc., to provide continuing emergency operations planning, training, and exercises for all SFPUC enterprises and bureaus; and authorize the General Manager to execute this amendment extending the agreement duration by two years, for a total agreement duration of eight years, with no change to the agreement amount.  
(Carlin)
- b) Accept work performed by A. Ruiz Construction for [Contract No. WD-2783](#), As-Needed Water Main Replacement at Various Locations, for a total contract amount of \$8,596,901, and with a total contract duration of 1,052 consecutive calendar days (approximately two years and 11 months); and authorize final payment to the contractor.  
(How)
- c) Approve an increase in the amount of \$1,942,300 to the existing contract cost contingency and an increase of 90 calendar days to the existing duration contingency for [Contract No. WD-2820R](#), San Francisco Local Water As-Needed Paving (FY16-19); and authorize the General Manager to approve future modifications to the contract for a total contract amount of up to \$19,077,000 and a total contract duration of up to 1,294 consecutive calendar days (approximately three years, seven months).  
(How)
- d) Accept work performed by Blocka Construction, Inc., for [Contract No. WW-570](#), Oceanside Water Pollution Control Plant and Westside Pump Station HVAC Upgrades; approve Modification No. 3 (Final), decreasing the contract amount by \$60,218 for a total contract amount of \$6,264,356, with no change to the agreement duration; and authorize final payment to the contractor.  
(How)

## **REGULAR CALENDAR**

- 13. Approve proposed modifications to the [San Francisco Public Utilities Commission Floodwater Management Grant Assistance Program Grant Requirements and Terms](#) as follows: (1) for owner-occupied, residential property owners who demonstrate financial hardship (a) provide up-front payment of up to \$1,000 for contractor deposits to secure work and (b) allow reimbursement for the final installment payment to be based on invoice only (not proof of payment); (2) for small businesses and non-profit organizations with a maximum of 50 full-time employees (a) provide up-front payment for contractor deposits, (b) allow reimbursement for the final installment payment based on invoice only (not proof of payment) and (c) reduce the grantee cost-share from 20% to 0%; and (3) remove existing eligibility criterion requiring proof of prior flooding and replace with approximately 6 inches of flooding in a 100-Year Storm.  
(Norby)

14. Discussion and possible action to establish [performance goals for Fiscal Year 2020-21 for the General Manager](#) pursuant to the General Manager's employment contract and San Francisco Charter Section 8B.126(a). (Kelly, Jr.)
15. Public comment on matters to be addressed during Closed Session
16. 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**

17. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9 (d) (2) and San Francisco Administrative Code Section 67.10 (d) (2) (action item) (Gessner)

### Existing Litigation

*James Neidel v. City and County of San Francisco*

Unlitigated Claim No.: 20-01268 / Date Filed: December 11, 2019

Proposed settlement of unlitigated claim with claimant's release of all claims and the City to pay claimant \$67,917.

18. 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)

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; Federal 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

*Following Closed Session, the Commission will reconvene in Open Session*

19. Announcement following Closed Session
20. Motion regarding whether to disclose the discussions during Closed Session pursuant to San Francisco Administrative Code Section 67.12(a)
21. Adjournment

San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 13<sup>TH</sup> Floor  
San Francisco, CA 94102