



**SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION**

City and County of San Francisco

**London N. Breed**  
Mayor

**REGULAR MEETING MINUTES**

**Tuesday, August 24, 2021**

**1:30 P.M.**

**(Approved August 14, 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) August 10, 2021 Regular Meeting

b) August 19, 2021 Special Meeting

*Commissioner Paulson lost connection at 1:33 PM.*

*No public comment.*

*On Motion to approve the Minutes of August 10, 2021*

*Ayes: Maxwell, Moran, Harrington and Ajami*

*On Motion to approve the Minutes of August 19, 2021*

*Ayes: Maxwell, Moran, Harrington and Ajami*

4. General Public Comment

- *Eileen Boken mentioned a letter she sent to the Commission regarding desal. She noted public comment made at the last meeting regarding making San Jose and Santa Clara permanent customers, to which she expressed opposition. She stated water should be given to the salmon, not to big tech.*

*Commissioner Paulson regained connection at 1:37 PM.*

- *David Pilpel expressed best wishes to Jill Thompson, former Commission Secretary, and to all former Commission Secretaries.*
- *Francisco DaCosta stated the Commission must represent the people. He stated that he is helping people in Afghanistan.*
- *Ali Altaha stated that contractors cannot be blamed for SFPUC's misdeeds. He discussed an article regarding the cost of San Francisco's trash cans and of the Central Subway. He discussed a SFPUC contract that he bid on and the costs for equipment.*
- *Alita Dupree advocated for continued conversation and work on CleanPowerSF. She indicated her home is all electric and expressed support for the forming of a Municipal Utility District.*

5. Communications

a) Advance Calendar

b) Correspondence Log

c) Contract Advertisement Report

d) Regional Groundwater Storage and Recovery - Well Corrosion Protection

e) Water System Improvement Program Status of Construction Change Orders

f) Water Supply Conditions Update

### Public Comments

- *David Pilpel stated he had no comments on Communications but noted difficulty with downloading attachments for items 7a and 7b.*

### 6. Bay Area Water Supply and Conservation Agency (BAWSCA) Update

*Nicole Sandkulla, BAWSCA CEO, discussed BAWSCA's drought message "Use Water Wisely!". She stated that a request for a percentage reduction in use isn't a helpful message to customers during a voluntary situation. She stated BAWSCA reminds customers to use every drop wisely and informs them that every drop saved is stored. She stated that customers are reminded that summertime offers the best opportunity to easily reduce water use. She reviewed BAWSCA's overall regional drought messaging coordination including the focus of BAWSCA's current drought support efforts, coordination on drought messaging, and BAWSCA responding to expanded requests for public outreach.*

*CEO Sandkulla indicated that BAWSCA's homepage has been modified to reflect current drought conditions and will direct visitors to the drought page that contains links to programs and rebates, indoor and outdoor water savings tips, and additional drought information. She stated there is also a "find rebates" interactive map with links to agency websites and rebate information and briefly discussed how the map works.*

*She reviewed other regional drought response efforts including (1) the use of electronic billboards to promote drought messaging, (2) discussions with San Mateo County and C/CAG regarding expanded rebate opportunities, (3) BAWSCA's participation in regional town halls focused on the drought, (4) BAWSCA's development of a catalog of drought outreach materials, (4) rebate programs, (5) free on-line landscape classes and garden tours, and (6) other new programs, including irrigation hardware rebates.*

*CEO Sandkulla concluded by noting that BAWSCA agencies achieved 26.5% cumulative savings during the last drought (June 2015 through February 2016).*

*President Maxwell thanked CEO Sandkulla for her presentation and BAWSCA for their good work. Commissioner Ajami concurred and noted the usefulness of the interactive map.*

### Public Comments

- *David Pilpel thanked CEO Sandkulla for her presentation and expressed appreciation for BAWSCA's work.*

*Commission Secretary Hood responded to Mr. Pilpel's comments regarding his difficulty in accessing linked agenda items and stated that SFPUC IT staff are working to fix the issue.*

### 7. Report of the General Manager

#### a) Water Enterprise Capital Improvement Program (WECIP) Quarterly Report

*Katie Miller, Director, Water Capital Programs, presented the WECIP quarterly report noting that as of June 2021, 25% of projects are completed. She reviewed the*

*WECIP cost summary expenditures to date: Regional WECIP \$112M, Local WECIP \$600M, and overall WECIP \$712M. She reviewed Regional WECIP projects (total current approved budget for active regional projects by phase). Director Miller provided a status update for the following projects: Sunol Valley Water Treatment Plant Ozone, Sunol Long Term Improvements, Harry Tracy Water Treatment Plant Capital Improvements, Southern Skyline Boulevard Ridge Trail Extension, and East Bay Regional Park District Water System.*

*She continued with a review of Local WECIP projects (total current approved budget for active regional projects by phase) and provided a status update for the following projects: College Hill Reservoir Outlet, New CDD Headquarters, Local Water Conveyance/Distribution System – Water Main Replacement, and Emergency Firefighting Water System Pipelines.*

#### Public Comments

- *David Pilpel noted continued difficulty with accessing agenda items via the links. He suggested recessing the meeting until the issue is resolved.*

#### b) Water System Improvement Program (WSIP) Quarterly Report

*Director Miller presented the WSIP quarterly report stating that as of June 2021, 99% of projects are completed. She reviewed the WSIP cost summary noting \$951.4M has been expended to date; the current approved budget is \$1,047.5M; the current forecasted cost is \$1,050.3M; and the project has a cost variance of (\$2.8M). Director Miller provided a status update for the following projects: Alameda Creek Recapture Project, Regional Groundwater Storage and Recovery, Calaveras Dam Replacement Project, Sunol Valley Regional Closeout Project, and Peninsula Regional Closeout Project.*

#### Public Comments

- *Ali Altaha stated the presentation does not provide information on overruns, who is involved, or on the LBE's.*
- *David Pilpel stated he continued to have difficulty with accessing agenda items via the links. He thanked Ms. Miller for her work. He suggested recessing or continuing the meeting until the issue is resolved or he would consider filing a Sunshine complaint.*

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

*None.*

#### 8. Status of Water Supply, Hydropower Generation, and Tuolumne River Flows

*Steve Ritchie, Assistant General Manager (AGM) Water, began with a review of (1) California Drought Monitor (as of August 12, 2021), (2) Selected California reservoir levels, (3) Reservoir storage levels (as of August 16, 2021), (4) Water Bank in Don Pedro and Upcountry Reservoir Storage 2012-15 vs. 2020 to present, and (5) Total Deliveries.*

*AGM Ritchie discussed the Governor's July 8, 2021 Drought Executive Order which (1) expanded the emergency to include San Mateo and Santa Clara Counties along with other Bay Area Counties (not San Francisco), (2) asked all Californians to voluntarily reduce water use by 15% from their 2020 levels, and (3) directed State Water Board to track and report monthly on the State's progress toward achieving a 15% reduction in statewide urban water reuse as compared to 2020. The SFPUC notified Wholesale customers, City departments, and other City customers that a 15% voluntary reduction from 2020 levels was being requested. The SPUC also waived the minimum purchasing requirements from FY 21-22.*

*AGM Ritchie reviewed Regional Water System's water use reductions for the periods of January 1 through June 30 and July 1 through August 15.*

*Mr. Ritchie discussed the expanded Leak Alert Program, which is based on the Automated Water Meter System. The expanded Program now includes commercial, industrial, and multi-family properties of more than three dwelling units. In the last fiscal year the program saved SFPUC customers an estimated 47 million gallons of water. AGM Ritchie reviewed weekly water waste reported via 311.*

*He discussed additional drought response actions including pursuing water transfers, completing the Westside Recycle Water Project, continuing efforts on groundwater projects, and constructing the Alameda Creek Recapture Project.*

*AGM Ritchie discussed (1) Instream Flow Releases Summer 2021, (2) Hydropower generation at Kirkwood, Holm, and Moccasin Powerhouses, (3) Instream flow releases below Don Pedro, and (4) Curtailment Regulation and Orders. At the request of President Maxwell, AGM Ritchie clarified requirements of the Curtailment Regulations and Orders. He responded to questions from Commissioner Harrington regarding instream flow requirements and from Commissioner Ajami regarding releases and water bank. Mr. Ritchie continued with a brief review of Water Bank in Don Pedro and Upcountry Reservoir Storage 2012-15 vs. 2020 to present, plus water year 1977. He concluded with a review of actions to be taken going forward and what steps will be taken if the fall remains dry. Discussion ensued.*

#### Public Comments

- Nicole Sandkulla, BAWSCA CEO, thanked AGM Ritchie for his presentation. She stated BAWSCA has copies of the Curtailment Order and that they look forward to discussions regarding the impact of the Order on water supplies for BAWSCA member agencies and actions that may need to be taken.*
- Peter Drekmeier, Tuolumne River Trust, discussed water supply and storage.*
- David Pilpel stated that he was able to access the agenda items. He discussed the current supply conditions and the need to manage resources.*

*The Commission Secretary thanked the public for their patience and understanding while the issue with accessing the agenda links was resolved. She indicated that she was informed that the Cloud "broke" and there was also a temporary service interruption from the SFPUC's provider of Citrix and ShareFile. President Maxwell thanked the*

*public for their patience and for bringing the issue to the Commission's attention.*

9. New Commission Business

*President Maxwell requested that SFPUC Legal Counsel work with the General Manager and staff to develop language to bring to the Commission formally authorizing the Social Impact Partnership Program and professional services and construction and power contracts over \$25M, with any delivery method.*

*No public comment.*

10. Accept work performed by Mitchell Engineering for Contract No. WD-2719, 8-Inch Ductile Iron Pipe and 12-Inch Earthquake Resistant Ductile Iron Pipe Water Main Installation on 22nd Street from Fair Oaks Street to Hampshire Street, for a total contract amount of \$3,891,080 and with a total contract duration of 676 consecutive calendar days; and authorize final payment to the contractor. ([Resolution 21-0130](#))  
*Mr. Ryan Freeborn introduced the item and requested approval.*

Public Comments

- *Ali Altaha discussed the Contract Monitoring Division and LBE participation. He stated there was disarray of planning.*

*On Motion to approve Item 10:*

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

*The Commission Secretary called item 12 out of order.*

12. Authorize the General Manager to execute the Los Vaqueros Reservoir Expansion Joint Exercise of Powers Agreement with Contra Costa Water District, Alameda County Flood Control and Water Conservation District Zone 7, Alameda County Water District, East Bay Municipal Utility District, Grassland Water District, San Luis & Delta-Mendota Water Authority, and Valley Water creating a new Joint Powers Authority to govern the design, construction, future operation, and administration of the Los Vaqueros Reservoir Expansion Project; and designate and appoint the General Manager to serve on the Board of Directors of the Joint Powers Authority (JPA) on behalf of the San Francisco Public Utilities Commission, and the Assistant General Manager for Water as the alternate Director. ([Resolution 21-0131](#))  
*Manisha Kothari, Project Manager, stated the Los Vaqueros Expansion (LVE) and Conveyance Project is an expansion of the Contra Costa Water District's existing reservoir for regional water supply and for the construction and expansion of conveyance facilities to and from storage. She reviewed the project location, relative size of storage for the SFPUC (storage in volume in thousand-acre feet), and project partners (Contra Costa Water District, East Bay Municipal Utility District, Alameda County Water Districts, Zone 7 Water Agency, Valley Water, SFPUC, San Luis & Delta Mendota Water Agency, and Grassland Water District).*

*Ms. Kothari reviewed (1) JPA formation and agreements (Service Agreement, Faculty Use Agreement, Operations & Maintenance Agreement, Agreements with Department*



of Water Resources and US Bureau of Reclamation, and Design and Construction Agreement); (2) Grants and partner funding, with a total SFPUC share of \$91M. The total project costs will also include ongoing operations and maintenance; (3) Other SFPUC interests – conveyance and water supply; and (4) Project schedule.

She provided a summary of considerations of the SFPUC and concluded with a review of recommended Commission actions.

At the request of Commissioner Ajami, Ms. Kothari indicated that the current capacity of Los Vaqueros Reservoir is 160,000-acre feet, with 113,000-acre feet of storage. She discussed the various options for the source of the water for the expansion. Discussion ensued.

Commissioner Harrington noted another issue being dealt with is that of San Jose and Santa Clara wanting to become permanent customers, with additional water, and he questioned if this project deals with that issue. Ms. Kothari indicated that it is possible but at this point it has been looked at as a dry-year project. Vice President Moran indicated that it will be useful to have discussions about interruptible customers and what it would mean to the system to make them permanent.

In response to a question from Commissioner Ajami, Ms. Kothari indicated that the cost of the pipeline is included in the capital cost.

#### Public Comments

- Nicole Sandkulla expressed support for the item and stated that she looks forward to continuing planning studies, development of alternative water supplies, and to discussions on making San Jose and Santa Clara permanent customers.
- David Pilpel expressed appreciation for the discussion and questioned if planning should start for a new intertie with the Southbay aqueduct, either through the Hetch Hetchy aqueduct or directly to the San Antonio Reservoir, or if preliminary work should be conducted. He questioned if the JPA would continue after the expansion. He asked that regular project status reports be provided.

On Motion to approve Item 12:

Ayes: Maxwell, Moran, Paulson, Harrington and Ajami

11. Authorize the General Manager to execute Amendment No. 3 to the Multi-Party Cost Share Agreement with Contra Costa Water District, Alameda County Flood Control and Water Conservation District, Zone 7, Alameda County Water District, East Bay Municipal Utility District, Grassland Water District, San Luis & Delta-Mendota Water Authority, and Valley Water for planning of the potential expansion of the Los Vaqueros Reservoir, extending the agreement duration by up to one year, until December 31, 2022, for a total duration of 44 months, and increasing the total agreement amount by up to \$6,279,848 to be divided equally among the project partners, with the SFPUC's additional financial contribution not-to-exceed \$897,121 for a total SFPUC contribution not-to-exceed \$2,264,911. ([Resolution 21-0132](#))  
AGM Ritchie introduced the item and requested approval.

## Public Comments

- *David Pilpel stated additional language could have been included in the CEQA section to reference Contra Costa Water District’s environmental work. He stated that on page eight of the contract the word “General” needs to be added before “Manager” to read “Acting General Manager”.*

*On Motion to approve Item 11:*

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

13. Approve the responses of the San Francisco Public Utilities Commission to the relevant findings and recommendations of the June 29, 2021 Civil Grand Jury (CGJ) Report entitled, “A Fluid Concern: San Francisco Must Improve Fuel Resilience”; and authorize and direct the Commission President to submit the responses to the Civil Grand Jury no later than August 28, 2021. ([Resolution 21-0133](#))

*John Scarpulla reviewed the Report’s Executive summary which stated that the City’s essential services depend on a reliable fuel supply and that fuel shortages after a disaster could cause failures of City services. The report noted that the City should invest in a systematic program to address program preparedness. Mr. Scarpulla reviewed what key elements of the program should include. He indicated that the Mayor’s Office, Department of Emergency Management (DEM), City Administrator and the SFPUC collaborated on the report responses.*

*Mr. Scarpulla presented the following Civil Grand Jury recommendations and SFPUC responses as required:*

*Recommendation #3:* *The agency sponsor of a City Agency Fuel Working Group (FWG) should select members with strong experience in supply chain logistics and emergency management. DEM, the Office of Contract Administration, the City Administrator’s Office, and other City departments who are significant users of fuel, including the SFPUC, San Francisco Municipal Transportation Agency (SFMTA), and Public Works (PW) should dedicate staff time each month through 2024, or until the subsequent recommendations in this report are implemented.*

*Response to Recommendation #3:* *Pre-COVID, the FWG met monthly. Members included the emergency managers from DPW, SFMTA, SFPUC, City Administrator’s Office, DEM, San Francisco Fire Department, and subject matter experts from the San Francisco Airport, Central Shops and DPW. Port staff will be included once the group relaunches its regular meetings in the next 90 days.*

*Recommendation #9:* *In the 2023 Capital Plan, the City should commit to building an additional fueling station with five-10 thousand gallon storage capacity for both gasoline and diesel fuels in the space to be freed-up at the Southeast Treatment Plant (SEP) when the digester replacement work is done, or to identify an alternate site for an additional fueling station if the (SEP) is not available.*

*Response to Recommendation #9:* *The City Administrator’s Office, Office of Resilience and Capital Planning, DEM, and SFPUC will need to complete analysis of the City’s*



*fuel needs and identify potential fuel storage project scopes, costs and target dates to understand if there are locations in San Francisco that are viable for such a storage project. This analysis should include looking at the fuel needs and potential fuel storage locations for City infrastructure located outside of San Francisco, such as the Hetch Hetchy Regional Water System. Regarding the potential use of the SEP for fuel storage, the SFPUC is completing a SEP Campus Plan to determine how to best utilize space at SFP. Any analysis of using SEP for fuel storage will need to be completed in the context of the SFP Campus Plan and must include an analysis around future SFPUC Wastewater and Recycled Water plans for SEP, the safety of storing large amounts of fuel in the same footprint as a wastewater treatment plant, and ensure consistency and compliance with the SFPUC's Racial Justice Resolution and Environmental Justice Policies regarding land use equity objectives.*

*Commissioner Harrington thanked Mr. Scarpulla for the work.*

#### Public Comments

- Francisco Da Costa asked that the Commissioners pay close attention to the report. He discussed the City's Command structure. He stated the Southeast Plant should not be used for storage.*
- David Pilpel stated the Board of Supervisors invites members of the Civil Grand Jury to present their reports and suggested that the Commission do the same. He discussed the proposed response's mention of a Southeast Campus Plan and asked for a copy of the overall Southeast Space Plan. He stated the responses to the report seem thoughtful.*

*On Motion to approve Item 13:*

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

14. Approve the responses of the San Francisco Public Utilities Commission to the relevant findings and recommendations of the June 28, 2021 Civil Grand Jury Report entitled, "Van Ness Avenue: What Lies Beneath"; and authorize and direct the Commission President to submit the responses to the Civil Grand Jury no later than August 27, 2021. ([Resolution 21-0134](#))

*Alan Johanson, Acting AGM Infrastructure, provided background information on the project and reviewed the executive summary which indicated the Van Ness Project and the delays incurred illustrate organizational shortcoming the City faces in delivering major public works projects, and in particular, planning and design processes failed to capture the scope of the project adequately; contracting processes failed to instill accountability; and ongoing project management failed to remediate problems efficiently and effectively. He indicated that the Mayor's Office, SFMTA, PW, and SFPUC collaborated on the report responses.*

*Mr. Johanson reviewed the high-level City response and presented the following Civil Grand Jury recommendations and SFPUC responses as required:*

*Recommendation #1: By June 2022, the City should adopt a policy that all capital project feasibility plans include an itemized assessment of risks to project timelines*

*and costs, which must be accompanied with specific procedures that will be undertaken to mitigate those risks early in the project.*

*Response to Recommendation #1: This has been implemented for all SFPUC major capital projects and projects of technical complexity.*

*Recommendation #2: By June 2022, the City should adopt a policy that all capital project sponsors publish, before proceeding to the construction phase, an itemized assessment of de-risking activities performed.*

*Response to Recommendation #2: The SFPUC believes that such information may allow bidders to take advantage of the bid process.*

*Recommendation #3: By June 2022, the Board of Supervisors and SFPUC should review and update policies and regulations to ensure that detailed as-built documentation of both private and public utilities is filled after all underground projects (whether undertaken by SFPUC, another City agency, or a private enterprise), with sufficient resolution and precision to allow accurate design of any future work.*

*Response to Recommendation #3: SFPUC's standard project procedure requires the maintenance of detailed as-built documentaries on our recent capital projects. However, SFPUC does not maintain as-built documentations on facilities/projects undertaken/owned by other city departments; nor does SFPUC have access to all as-built documentations on facilities/projected undertaken/owned by private enterprises/utilities. Furthermore, utilities are hesitant to release as-built information due to safety and security concerns, post 9/11.*

*Recommendation #4: The Board of Supervisors should direct all City departments to adopt a policy that all projects that involve underground work in the City's main corridors include, as part of the design process, the use of exploratory potholing, or another equivalent industry best-practice to identify unknown underground obstructions adhering to CI/ASCE39-02 ("Standard Guidance for the Collection and Depiction of Existing Surface Utility Data") Quality Level A. This policy should take effect for all contracts signed after January 1, 2022, and the work should be required to be performed before final construction terms or processes are agreed to.*

*Response to Recommendation #4: The SFPUC thinks that one policy for all projects is impractical. Each department must make a determination on a project-by-project basis based on the risk assessment. Currently, all major City projects that involve underground work in main corridors do incorporate potholing, or other equivalent appropriate industry practices to identify unknown underground obstructions. SFPC is also working closely with private utilities during design phase of our major projects to account for their utilities, whether active, deactivated, or abandoned.*

*Recommendation #5: By June 2022, and before entering into future CM/CG relationships, the Board of Supervisors should direct all City departments to adopt, publish, and enforce all future contracts industry-standard best practices for*

management of CM/CG projects.

Response to Recommendation #5: The SFPUC is actively implementing best practices on CM/CG contracts.

Commissioner Harrington stated that he has often been critical of Civil Grand Jury Reports but indicated this one was well written and is important. He stated that the SFPUC's responses seem to be negative and that there was partial or full disagreement with all the findings. He specifically discussed recommendations 4, 3, and 2 and suggested a different way of responding to these findings. Acting AGM Johanson generally agreed with Commissioner Harrington, except for the response to recommendation 2. Discussion ensued and included questions as to whether the response could be delayed. Deputy City Attorney Gessner indicate there is a statutory deadline for response and to the format in which responses must be provided. Mr. Scarpulla noted the four options available for recommendation response (Implementation) and suggested that "requires further analysis" be used for Recommendations 2 and 3 and that "has been implemented" be used for Recommendation 4. Discussion ensued on the need for better timing and coordination of responses.

#### Public Comments

- Francisco DaCosta stated that the Civil Grand Jury became involved because many businesses on Van Ness went under. He stated a needs assessment needs to be conducted.
- Ali Altaha stated it is a dark day in the history of San Francisco. He discussed Lance Jackson and the company he worked for. He discussed utility relocation and stated there is discrimination.
- David Pilpel indicated there are lessons to be learned with major street projects across various agencies. He stated the SFMTA toned down their responses and added language in their cover letter. He noted issues include agency coordination. He suggested changing of the resolved clause to incorporate discussions. He stated copies of the responses should be sent to the Board of Supervisors and Controller.

The following amendments as underlined, to Recommendations 2, and 3 and 4 were provided:

#### **Recommendation 2**

**Recommendation Response #2 (Implementation):** Requires further analysis.

**Response to Recommendation #2:** Speaking for the Agency and not the City as a whole, the SFPUC believes that additional analysis is required on this recommendation to determine how to best access and disclose of derisking activities.

#### **Recommendation 3**

**Recommendation Response #3 (Implementation):** Requires further analysis.

**Response to Recommendation #3:** Speaking for the Agency and not the Board of

Supervisors, the SFPUC's standard project procedure requires the maintenance of detailed as-built digital documentations on our recent capital projects. However, further analysis is required regarding the implementation of this recommendation for digital as-builts across all underground projects for public and private utilities, such as considering a digital repository.

**Recommendation 4**

**Recommendation Response #4 (Implementation):** Has been implemented.

**Response to Recommendation #4:** Speaking for the Agency, and not the Board of Supervisors, the SFPUC utilizes best practices on capital projects regarding the use of exploratory potholing. Utility best practices dictate that small capital projects on small streets do not require potholing.

*On Motion to approve Item 14 as amended:*

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

15. Approve the Water Supply Assessment (WSA) for the proposed 490 Brannan Project located at the corner of 4th and Brannan Streets (Lot 025 in Assessor's Block 3776), pursuant to the State of California Water Code Section 10910 et seq., California Environmental Quality Act (CEQA) Section 21151.9, and CEQA Guidelines Section 15155. ([Resolution 21-0135](#))

*AGM Ritchie stated that the item is necessary so the Planning Department can continue the CEQA process for the 490 Brannan Project. He stated the Urban Water Management Plan 2020 is now included in WSAs.*

Public Comments

- *Peter Drekmeier, Tuolumne River Trust, discussed previous WSAs and stated that issues of concern, including as better planning with the Planning Commission, have not been addressed and he encouraged a joint meeting. He discussed job/housing imbalance. He stated staff have not responded to the National Marine Fisheries Service Peer Review.*

*Commissioner Ajami discussed a Santa Monica program requiring the retrofit of buildings to have a zero-water footprint and questioned if a similar program would be useful. She asked if a detailed analysis has been conducted to know how much demand reduction has been achieved through on-site reuse projects. AGM Ritchie noted San Francisco's "Net-Zero Ordinance" and stated that it can be investigated. He stated that the Water Resources Annual Report would indicate data from the On-Site Ordinance. Commissioner Ajami suggested including BAWSCA and Wholesale Customers in conversations for such programs.*

16. Public comment on matters to be addressed during Closed Session  
*None.*
17. 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 the matters listed as Conference with Legal Counsel*

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

*The Commission entered Closed Session at 5:46 PM.*

*Present in Closed Session: All Items: Commissioners Maxwell, Moran, Paulson, Harrington and Ajami; Donna Hood, Commission Secretary; Lee Sayao, SFPUC IT; Item 18: Robert Coelho, Assistant County Counsel, Office of the County Counsel, County of Santa Clara; Item 19: Francesca Gessner, Deputy City Attorney, Rick Sheinfeld, Deputy City Attorney, Michael Carlin, Acting General Manager, Eric Sandler, CFO; Item 20: Michael Carlin, Francesca Gessner, Nicholas Whipps, Deputy City Attorney, Steve Ritchie, AGM Water Enterprise, Eric Sandler, CFO.*

18. 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 Sections 67.8(a)(5) and Section 67.10(e)(1).

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

19. 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 Settlement of Action as To Diminution in Value Claims of 12 Plaintiffs; Attorney's Fees and Interest Remain In Litigation arising out of December 2014 stormwater flooding: (1) Baikonor 1701 LLC (\$410,000), (2) 2170 Folsom LLC (\$525,000), (3) Angela Sinicropi and Marin Takigawa (\$288,1800), (4) Chris Hickey (\$1,150,000), (5) Monte Stott (\$188,300), (6) Francis and Julio Osorio (\$225,000), (7) John and Janice Gumas (\$225,000), (8) Kwon Shing Import Export, Inc. (\$440,000), (9) Hans Art dba Hans Art Automotive (\$500,000), (10) Malcom Davis (\$215,000), (11) Malcom Davis (\$470,000), (12) San Francisco Motorcycle Club (\$310,000) (Resolution 21-0136)
20. Conference with Legal Counsel – Pursuant to California Government Code Section 54965.9 (d)(1) and San Francisco Administrative Code Section 67.10 (d)(1) Existing Litigation San Joaquin Tributaries Authority, et al v. California State Water Resources Control Board



Tuolumne Superior Court Case No. CV62094/Date Filed: January 10, 2019  
Coordinated as State Water Board Cases by order filed May 13, 2019 in Sacramento  
Superior Court, JCCP No. 5013

*The Commission exited Closed Session at 6:36 PM.*

21. Announcement following Closed Session  
*President Maxwell announced that the Commission recommends the Board of Supervisors settle item 19 and that no other reportable action was taken.*
  
22. 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 discussion during Closed Session:*  
*Ayes: Maxwell, Moran, Paulson, Harrington and Ajami*
  
23. Adjournment  
*President Maxwell adjourned the meeting at 6:37 PM.*