ORDER OF BUSINESS:

1. Call to Order
   President Moran called the meeting to order at 1:31 PM.

2. Roll Call
   Present: Moran, Torres, Caen, Vietor and Courtney

3. Approval of Minutes of October 9, 2012
   On motion to approve the minutes of October 9, 2012
   AYES: Moran, Torres, Caen, Vietor and Courtney

President Moran called Item 6 out of order.

6. Other Commission Business
   a) Discussion and possible action, in accordance with Rule 6 of the Rules of Order,
      to nominate and elect officers.

   On Motion to nominate Commissioner Art Torres as President.
   AYES: Moran, Caen, Vietor, Courtney and Torres

   On Motion to nominate Commissioner Vince Courtney as Vice President.
   AYES: Torres, Caen, Vietor, Moran and Courtney

4. Public Comment
   • Mr. Francisco DaCosta congratulated President Torres and Vice President
     Courtney on their appointments and looks forward to working with them.
   • Ms. Espinola Jackson thanked Commissioner Moran for his service as President
     and congratulated the new President and Vice President.
   • Mr. Terrence Jones, Citizens’ Advisory Committee Chair (CAC), followed-up on
     questions posed during his last presentation. He noted that the CAC is moving
     their meeting day up to better align with the Commission meetings. He stated
     they are looking at ways to effectively reach-out to non-English speaking
     communities regarding CleanPowerSF.
   • Mr. Dick Allen expressed his concerns with issues surrounding the management
     of Lake Merced and the delay with calendaring of the MOU with Recreation and
     Parks.
   • Donna Hood, Commission Secretary, at the request of Ms. Espinola Jackson,
     read a letter congratulating her for receiving an honorary Doctorate Degree in
     Humanities from the Sacramento Theological Seminary.

5. Communications
   a) Advance Calendar
   b) Letter Summary
   c) Quarterly Water Supply Agreement Update
   d) List of potential Water Enterprise surplus property
Commissioner Moran asked for follow-up to questions posed in the Regional Water System Report, to which Mr. Carlin provided a brief response.

7. Report of the General Manager
   a) CleanPowerSF Update
   Ms. Barbara Hale, Assistant General Manager, Power, provided an update on the CleanPowerSF Program. She provided a timeline and background information on prior surveys and brief discussion ensued on the Program.

8. BAWSCA Report
   Mr. Art Jensen, BAWSCA, indicated that they are working on the prospect of issuing bonds to repay their capital debt and he will keep the Commission updated.

9. **CONSENT CALENDAR**

   a) Approve and award Contract JOC-42, General Engineering for San Francisco/Peninsula/East Bay to Hetch Hetchy, for a not-to-exceed amount of $5,000,000 to the lowest, qualified, responsible and responsive bidder, Power Engineering Construction Co., to perform general engineering construction tasks for all SFPUC Enterprise Operations and Bureaus. *(Resolution 12-0183)*

   b) Approve and award Contract JOC-43, for San Francisco/Peninsula/East Bay to Hetch Hetchy, for a not-to-exceed amount of $5,000,000, to the lowest, qualified, responsible and responsive bidder, Synergy Project Management, Inc., to perform general engineering construction tasks for all SFPUC Enterprise Operations and Bureaus. *(Resolution 12-0184)*

   c) Approve Modification No. 4 to Contract WW-514R Southeast Water Pollution Control Plant Medium Voltage System Reliability Upgrades, with NTK Construction, Inc., to complete the electrical reliability upgrades for the treatment facility, increasing the contract duration by 120 consecutive calendar days, for a total contract duration of 630 consecutive calendar days, with no change to the contract amount. *(Resolution 12-0185)*

   d) Accept work performed by Precision Engineering, Inc. for Contract WW-455, Various Locations Sewer Replacement & Pavement Renovation No. 1; Approve Modification No. 3, increasing the contract by $186,613 for a total contract amount of $3,955,332 (of which $2,592,332 is funded by WWE and $1,363,000 is funded by DPW), and with a time extension of 42 consecutive calendar days for a total contract duration of 362 consecutive calendar days; and authorize final payment to the contractor. *(Resolution 12-0186)*

   e) Approve the terms and conditions and authorize the General Manager to execute a revocable permit with Mahikari for the use of SFPUC land at 1155 Junipero Serra Boulevard, San Francisco, California, as secondary driveway entrance at a use fee of $500 per month, with annual CIP increases. *(Resolution 12-0187)*
f) Authorize the General Manager to execute a Joint Funding Agreement with the U.S. Geological Survey for an amount not-to-exceed $335,520 and with a duration of one year, which will allow for hydrologic monitoring and stream gage maintenance on the Tuolumne River and its tributaries. (Resolution 12-0188)

g) Approve and authorize the General Manager to execute Amendment No. 1 to extend the term of the Memorandum of Agreement between the SFPUC and the City of San Bruno for consulting services for a Well Field Long Term Testing Program. The MOA provides funding for consulting services to study the performance of San Bruno’s production wells when idled as part of the SFPUC’s proposed Regional Groundwater Storage and Recovery Project No. CUW30103. The proposed amendment will extend the term of the agreement by 18 months, with no additional funds required. (Resolution 12-0189)

h) Accept work performed by A. Ruiz Construction Co. & Associates, Inc. for Contract WD-2634, As-Needed 2010-2011 Annual Paving Contract for Services and Main Breaks; Approve Modification No.3 (Final), increasing the contract by $344,118, for a total contract amount of $3,874,888; and authorize final payment to the contractor. (Resolution 12-0190)

i) Accept work performed by A. Ruiz Construction Co. & Associates, Inc. for Contract WD-2605R, CDD 2009-2010 As-Needed Paving Contract for New Services and Leaks, for a total contract amount of $1,979,866, and with a total contract duration of 465 consecutive calendar days; and authorize final payment to the contractor. (Resolution 12-0191)

j) Authorize and ratify execution of the extension of the existing Joint Exercise of Powers Agreement with the Bayshore Sanitary District through December 31, 2012. (Resolution 12-0192)

k) Approve Commission appointment to the San Joaquin Tributaries Authority Commission. (Resolution 12-0193)

Public Comment
- Mr. David Pilpel noted on the SFPUC address on item 9e needed correction. He questioned the HRC waiver on item 9f. He requested a report back on findings of the additional testing in San Bruno as it relates to groundwater storage. He expressed concerns with the timing of the Joint Powers Agreement on item 9j. On item 9k, he would like to see a report from the members appointed to outside Commission of the activities of that body.

REGULAR BUSINESS

10. Discussion and possible action to adopt revised San Francisco Public Utilities Commission Rules of Order, including possible revisions to reflect changes in law, changes in address for the SFPUC Administration Building, changes in the order of
business, changes in notice procedures for rate hearings, and such other matters that the Commission may propose.

Public Comment

- Mr. David Pilpel expressed his support with the proposed rules changes.
- Ms. Espinola Jackson asked for and Commissioner Moran provided clarification on changes to the Rules of Order.
- Mr. Francisco DaCosta reminded the Chair of the need to call public comment after each item.

On Motion to approve Item 10:
**AYES: Torres, Courtney, Caen, Vietor and Moran**

11. Endorse changes to the San Francisco Administrative Code by amending Section 14B.2 to increase contracting opportunities for certified SFPUC-LBEs. ([Resolution 12-0194](#))

Ms. Radhika Fox, Legislative Affairs Director, summarized the changes proposed to the Administrative Code, which would change the definition of SFPUC Regional Projects to include all regional projects that are cost-shared with other jurisdictions and to any projects that are more than 70 miles outside of San Francisco, to allow small business located in areas where projects take place the opportunity to compete.

Public Comments

- Ms. Lisa Vigil, Chair, SFPUC Small Firm Advisory Committee, indicated support for the changes to the Code.
- Mr. Brian Fields, Vice Chair, SFPUC Small Firm Advisory Committee, expressed support for the changes to the Code.
- Mr. Francisco DaCosta expressed his opposition to the Code changes.
- Mr. Art Jensen, BAWSCA, expressed support for the changes on behalf of member agencies.
- Ms. Espinola Jackson expressed her opposition to the Code changes.
- Mr. Randall Ruby, United Contractors, expressed his support for the Code changes.
- Ms. Veronica Ng, SFPUC HRC staff, noted that the Code changes have been endorsed by the Human Rights Commission Advisory Committee and the full Human Rights Commission.

Vice President Courtney briefly discussed his thoughts and concerns on this item.

On Motion to approve Item 11:
**AYES: Torres, Courtney, Caen, Vietor and Moran**

12. Approve amendments to Agreement Nos. CS-116B, Environmental Analysis Services for the Millbrae Yard Improvement Project and CS-116D, Environmental Analysis Services for the Sunol Yard Improvement Project, with URS Corporation Americas. Authorize the General Manager to execute these amendments, each with
a time extension of four years, for total agreement durations of six years, and eight months, with no change to the value of the agreements. These amendments will allow for completion of the required CEQA and resource agency permitting processes on designated projects. (Resolution 12-0195)

Ms. Irina Torrey, Manager of the Bureau of Environmental Management provided a brief introduced for this item.

Public Comment

• None.

On Motion to approve Item 12:
AYES: Torres, Courtney, Caen, Vietor and Moran

13. Informational discussion and possible adoption of a SFPUC Ratepayer Assurance Policy, a policy statement that would guide SFPUC to ensure accountability to ratepayers in all aspects of SFPUC operations and management. (Resolution 12-0196)

Mr. Todd Rydstrom, CFO and Assistant General Manager Business Services, presented this item and provided a brief summary of the Ratepayer Assurance Policy. He discussed the CAC stakeholder, Revenue Bond Oversight Committee, and Rate Fairness Board input, and offered next steps.

Commissioner Moan provided background on the Policy noted that the CAC and RBOC provided recommendations for rate setting, and suggested that the Commission look at possible changes to the Rate Policy in the future.

Commissioner Moran proposed a brief amendment to the Policy titled “Operating Cost Containment” to read: “To the extent that operation costs are determined by SFPUC actions and choices, it is the policy of this Commission to limit operating cost increases, exclusive of debt service and cash-funded capital investment, to no more than the cost of inflation. Any budget that increases the operating budget above this level will be supported by findings of necessity, adopted by the Commission, and detail the specific reasons and needs for increases above the rate of inflation”.

Public Comment

• Mr. David Pilpel expressed his support for the Policy and offered his thoughts on the amendment.

On Motion to approve Item 13 as Amended:
AYES: Torres, Courtney, Caen, Vietor and Moran

Ms. Barbara Hale, Assistant General Manager, Power Enterprise, presented and discussion ensued on the RPS Procurement Plan needed to comply with California’s Renewable Energy Resources Act and offered the SFPUC’s proposal for compliance. Ms. Hale stated that she was seeing Commission input and direction on the proposal which would give the General Manager the authority to procure RPS supplies to meet unexpected requirements and to set a cost limitation for compliance, which is allowed under the Act. Ms. Hale noted that the presentation was for information only and that an action item would be before the Commission on November 13th.

Public Comment

- None.

**On Motion to approve Item 14:**

**AYES: Torres, Courtney, Caen, Vietor and Moran**

15. Public comments on matters to be discussed in Closed Session.

16. Motion on whether to assert the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel.

**On Motion TO ASSERT:**

**AYES: Torres, Courtney, Caen, Vietor and Moran**

**CLOSED SESSION**

17. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10 (d) (1).

Existing Litigation: Maya Vlanin v. CCSF; San Francisco Superior Court Case No. CGC 10-501135 (Resolution 12-0199)

18. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10 (d) (1).

Existing Litigation: Brendan Cadman v. CCSF (Resolution 12-0198)

19. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10 (d) (1).

Existing Claim: Crystal Chung v. CCSF (Resolution 12-0200)

20. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10 (d)(1).

Existing Litigation: City and County of San Francisco v. Pacific Rod and Gun Club (Resolution 12-0197)
21. Announcement following closed session.
   President Torres stated that the Commission took action on the fours matters discussed in Closed Session.

22. Motion regarding whether to disclose the discussions during Closed Session.
   On motion NOT TO DISCLOSE:
   AYES: Torres, Courtney, Caen, Vietor and Moran

23. Other new business.

ADJOURNMENT:
The meeting adjourned at 4:41 PM