SAN FRANCISCO PUBLIC UTILITIES COMMISSION
City and County of San Francisco

Edwin M. Lee
MAYOR

MINUTES
Tuesday, March 25, 2014
As Approved on April 22, 2014

1:30 P.M.
1 Dr. Carlton B. Goodlett Place
City Hall, Room 400
San Francisco, CA 94102

Commissioners
Vince Courtney, President
Ann Moller Caen, Vice President
Francesca Vietor
Anson Moran
Art Torres

Harlan L. Kelly, Jr.
General Manager

Donna Hood
Secretary

For information, contact the Commission Secretary at 554-3165.
Minutes and other information are available on the SFPUC web site: www.sfwater.org
Gavel-to-Gavel coverage available at:
http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=22
1. **Call to Order**  
   Vice President Caen called the meeting to order at 1:39 PM.

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

3. **Approval of the Minutes of March 11, 2014**  
   On Motion:  
   Ayes: Caen, Vietor and Torres

4. **Public Comment**  
   - David Cincotta, JMBM, spoke on behalf of the Pacific Rod and Gun Club and distributed a letter detailing their concerns. At the request of Vice President Caen, Mr. Cincotta clarified those concerns.  
   - Mr. Francisco DaCosta spoke on an issue pertaining to the SFPUC which was before the San Francisco Ethics Commission the previous evening.  
   - Dr. Espanola Jackson asked that the time limit for public comment on Item 7 be suspended, as per Robert’s Rules. President Caen noted that the Commission does not follow Robert’s Rules.

5. **Communications**  
   a) Advance Calendar  
   b) Letter Summary  
   c) Fire Hydrant/Silver Twins  
      General Manager (GM) Kelly stated that, at the request of President Courtney, he has sent correspondence to Chief Hayes White regarding the request to paint the Silver Twins fire hydrants.  
      Mr. Bill Koenig, Guardians of the City, provided a brief background on the Silver Twins project and thanked the Commission for considering their request.

6. **Other Commission Business**  
   None.

7. **Report of the General Manager**  
   a) Water Supply Outlook  
      Mr. Steve Ritchie, Assistant General Manager (AGM), Water, provided an update on the Water Supply Outlook, discussing: Water supply conditions; Current reservoir storage; Precipitation and snow levels; Management actions; Lower Cherry Aqueduct; and he offered a look ahead.  
      Commissioner Torres asked that the report be emailed to him.
Commissioner Vietor asked when the storage level would become significant and what measures would be taken at that time. AGM Ritchie stated that at approximately 700 acre feet there would be concern and noted possible actions.

b) Sewer System Improvement Program (SSIP) Update
Ms. Karen Kubick, SSIP Director, provided a quarterly update, discussing: (1) Program-wide Status: Phase I Schedule; Governance Committees, highlighting the Green Infrastructure Advisory Group and Technical Steering Committee; Urban Watershed Assessment Coordination; and Climate Change Analysis. (2) Planning and Design Projects: Central Bayside System Improvements; SEP Biosolids Digester Facilities, including the schedule and next steps; and Stakeholder Engagement and outreach efforts.

Vice President Caen asked if the Digester design has been determined and if they have been placed. Ms. Kubick stated that the siting and stakeholder engagement processes are currently being developed.

Public Comment
• Dr. Espanola Jackson asked for clarification on the Green Infrastructure Task Force, which Ms. Kubick provided. Mr. Emilio Cruz, AGM, Infrastructure, noted that technical groups will be broken-up citywide by areas, including the 94124 zip code. He indicated the Green Infrastructure Task force has technical background and will assist staff. He noted that there will be significant opportunity for public participation and input.

c) Southeast Facility History Update
GM Kelly introduced Mr. John Roddy, Deputy City Attorney, who provided a brief presentation on the history (timeline) and background of the Southeast Community Facility (SEF), the Greenhouse, and the Southeast Facility Commission, including Commissioner appointments and roles. He discussed the legal ownership and maintenance of the SEF, and reviewed SEF rents and Greenhouse rents vs. SEF Operating Expenses.

GM Kelly thanked Mr. Roddy for his historical presentation and offered additional information on the future of the SEF. He noted that since 2005, the Wastewater Enterprise has provided $4M in financial subsidies for SEF operating costs, and that the rent does not cover expenses. He stated that the SFPUC is committed to the SEF.

The GM described additional commitments, including a Community Needs Process, conducted in 2011, that revealed the building and the Greenhouse were being underutilized; Work that was done with the SEF Commission to determine the appropriate tenant mix; Discussions that were held with the Chancellor of CCSF to stay in the building and provide additional training opportunities; Final renovation of the new wing; and opening of the 5 Keys Charter School. He stated that he is working to develop a MOU process with the SEF to increase their
participation on how the campus will operate. He noted his desire to work closely with the SEF Commissioners and to provide as much support as possible. He stated he will ask for a Letter of Intent for current and potential uses of the Greenhouse. He indicated it is his desire to be a good neighbor and to partner with the SEF Commission to work with the community. He touched on the work of the Construction Assistance Center, Youth Workforce, as well as other efforts.

Commissioner Vietor asked about the vision and timeline for the Greenhouse. AGM Cruz noted that the plan is to optimize their use. He stated that they are looking at the entire SEP for a potential location and that the Master Plan is in development and should be ready by December.

Commissioner Torres stated that the report was thorough and that it needs to be disseminated to the community to ensure that everyone is educated about the efforts of the SFPUC, and to keep the SFPUC accountable.

Public Comment

- Mr. Francisco DaCosta expressed thoughts on issues related to Mt. Tunnel; the SSIP; and the SEF, stating that nobody is zeroing-in on the community.
- Dr. Espanola Jackson expressed her thoughts on the SEF report, the Greenhouse, and the SEF Commission.
- Ms. Yolanda Lewis, BEE Coalition, expressed her thoughts on the SSIP and asked who the key stakeholders are; about outreach efforts; and how social media input was received.

GM Kelly stated that the SFPUC actively looks in all areas for people, including those with technical expertise, to participate in decisions regarding Green Infrastructure. The GM stated he is committed to investing in the resources that are needed to make a difference, that he isn't going to make the decisions alone, and that the SEF Commission needs to assist in information gathering. He noted that the presentation given was to provide a background.

- Eddie Zhang, SEF Commissioner, expressed his appreciation to the GM for his leadership and to staff for their outreach efforts. He wanted to ensure that the community is involved in the process and stated that more outreach needs to be done to reach the vulnerable communities, as their input is valuable.

AGM Cruz stated, for clarification, that the Green Infrastructure Committee is a technical committee and not a community outreach committee.

Vice President Caen asked for the date of the SEF retreat. SEF Commissioner Zhang stated that the date has not been set.

8. BAWSCA Update

Ms. Nicole Sandkulla, BAWSCA, stated that the water supply situation is of concern and that they are expanding their conservation and education efforts and their
drought campaign. She declared that Wholesale customers are responding to requests for reduction in use. She discussed the Silicon Valley Sustainable Landscape Summit, noting the eight water conservation award winners. She discussed legislation introduced to extend state oversight on WSIP to January 1, 2022.

In response to a question from Vice President Caen, Ms. Sandkulla provided clarifying information on the January 1, 2022 date for extending state oversight. Vice President Caen expressed her displeasure with the extension date. GM Kelly provided additional explanation.

Public Comment
None.

9. Consent Calendar:
   a) Approve an increase in the construction contract cost contingency for Contract No. WW-503, Richmond District Sewer Replacement and Pavement Renovation, in the amount of $139,299, and a potential increase in the contract duration of up to 161 consecutive calendar days; and authorize the General Manager or his designee to approve future modifications to the contract to increase the contract amount up to a maximum of $3,378,167, and to extend the contract duration up to a maximum of 411 consecutive calendar days. (Resolution 14-0047)

   b) Accept work performed by D'Arcy & Harty Construction for Contract No. WW-506, McLaren/Ingleside/Excelsior/Mt. Davidson Districts Sewer Replacement and Pavement Renovation, for a total contract amount of $1,632,909 (of which $1,187,633 is funded by WWE and $445,276 is funded by DPW), and with a total contract duration of 219 consecutive calendar days; and authorize final payment to the contractor. (Resolution 14-0048)

   On Motion:
   Ayes: Caen, Vietor and Torres

10. Public Comments on Matters to be discussed in 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:
    Ayes: Caen, Vietor and Torres

    The Commission entered Closed Session at 3:21 PM.

12. 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 Claim
13. 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 Claim
Qi Wu
City Attorney Unlitigated Claim No: 14-01626 / Date Filed: January 26, 2014
(Resolution 14-0050)

14. 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 Claim
Junelle Johannah Estacio Taguas v. City and County of San Francisco
City Attorney Claim No: 14-01249 / Date Filed: December 9, 2013
(Resolution 14-0051)

15. 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
Patricia MacDonald v. City and County of San Francisco, et al.
San Francisco Superior Court Case No.: CGC-10-501646
City Law No.: 140063 / Date Filed: November 15, 2012
(Resolution 14-0052)

16. 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
Jacqueline Ortega, et al. v. City and County of San Francisco
San Francisco Superior Court Case No.: CGC-12-526188
City Law No.: 130560 / Date Filed: July 16, 2010
(Resolution 15-0053)

17. Conference with Legal Counsel - Pursuant to California Government Code Section 54956.9 (b) and San Francisco Administrative Code Section 67.10 (d) (2).
Anticipated Litigation as Defendant

18. 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:
City and County of San Francisco v. Pacific Gas & Electric Company
San Francisco Superior Court Case No.: CGC-13-529309
City Attorney File No. 0000657 / Date Filed March 6, 2013: Served June 6, 2013
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:
City and County of San Francisco v. Pacific Gas & Electric Company
San Francisco Superior Court Case No.: CGC-13-529310
City Attorney File No. 0000657 / Date Filed June 6, 2013

20. 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:
Pacific Gas & Electric Company, v. City and County of San Francisco
Court of Appeal of the State of California, First Appellate District, Division Five Case No.: A127554 / Date Filed: January 29, 2010

21. Threat to Public Services or Facilities – Pursuant to California Government Code Section 54957 and San Francisco Administrative Code 67.10 (a).
Consultation with Agency Chief of Security concerning security of SFPUC Water and Power Systems.

The Commission exited Closed Session at 3:55 PM.

22. Announcement following Closed Session
Vice President Caen announced that Items 12, 13, 14, 15 and 16 were settled; No action was taken on items 17 and 18; and Items 19 and 20 were removed from calendar.

23. Motion regarding whether to disclose the discussions during Closed Session
On Motion NOT to disclose
Ayes: Caen, Vietor, and Torres

24. Other new business
Commission Secretary Hood noted that the April 8, 2014 meeting has been cancelled.

Vice President Caen adjourned the meeting at 3:56 PM.