

SAN FRANCISCO PORT COMMISSION

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AGENDA

TUESDAY, FEBRUARY 26, 2013

2:30 P.M. CLOSED SESSION

3:15 P.M. OPEN SESSION

**PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, SAN FRANCISCO CA 94111**

PLEASE NOTE THE DATE & TIME OF THE MEETING

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Port Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk. If any materials related to an item on this agenda have been distributed to the Port Commission after distribution of the agenda packet, those materials are available for public inspection at the Port Commission Secretary's Office located at Pier 1 during normal office hours.

1. **CALL TO ORDER / ROLL CALL**
2. **APPROVAL OF MINUTES** – February 12, 2013
3. **PUBLIC COMMENT ON EXECUTIVE SESSION**
4. **EXECUTIVE SESSION**
 - A. Vote on whether to hold closed session.
 - (1) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. ***This session is closed to any non-City/Port representative:**
 - a. Property: AB 8719, Lot 002, also known as Seawall Lot 337, AB 9900, Lot 62, also known as China Basin Park, and AB 9900, Lot 048 and AB

9900, Lot 048H, also known as Pier 48 (all bounded generally by China Basin, the San Francisco Bay, Mission Rock Street, and Third Street)

Person Negotiating: Port: Byron Rhett, Deputy Director, Planning & Development

*Negotiating Parties: Jack Bair, SWL 337 Associates, LLC

Under Negotiations: ____Price ____Terms of Payment Both
Pursuant to Resolution No. 10-32, the Port Commission awarded to the non-Port party an exclusive negotiation agreement with the Port for the lease and development of the property. In this executive session, the Port's negotiator seeks direction from the Port Commission on rent structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration for the lease and development of the property. The executive session will enable the Port Commission to develop a negotiating strategy tailored to maximize the City's return based on these factors. In particular, the executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to set the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California.

(2) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTERS. (Discussion and Action Items)

- a. Discuss existing litigation matters pursuant to Sections (a) and (d) of California Government Code Section 54956.9 and San Francisco Administrative Code section 67.10(d):

- Cypress Security, LLC. v. City and County of San Francisco, (San Francisco Superior Court Case No. CGC-12-517696); filed January 27, 2012)

Discussion and approval of proposed settlement of litigation arising out of Contract no. 86022 for unarmed security guard services provided to the Port of San Francisco. Material terms of the proposed settlement include: (i.) payment of \$217,500 to Cypress Security, LLC; (ii.) dismissal of the complaint with prejudice; (iii.) mutual release of claims except for those encompassed within paragraph 9 ("HOLD HARMLESS AND INDEMNIFICATION") of Contract no. 86022 or those relating to contracts other than Contract no. 86022; and, (iv.) each side to bear its own fees and costs, including attorney's fees.

5. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67-12.

- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

6. PLEDGE OF ALLEGIANCE

7. ANNOUNCEMENTS

- A. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting: Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.
- B. Announcement of Time Allotment for Public Comments: Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Port Commission adopts a shorter period on any item.

8. EXECUTIVE

- A. Executive Director's Report
- Anchor Brewing Company - San Francisco Giants first tenant for the Mission Rock development project
 - Sunday Streets on The Embarcadero - March 10, 2013 from 11 am to 4 pm

9. CONSENT

- A. Request authorization, subject to Board of Supervisors' approval, to accept and expend (1) \$300,000 of the \$919,243 grant for Portwide CCTV (Resolution 13-03) and (2) the entire \$403,510 for Pier 80 security improvements in 2011 Infrastructure Protection Program Port Security Grant Program funds from the U.S. Department of Homeland Security for security improvements at the Port of San Francisco. (Resolution No. 13-04)
- B. Request authorization to advertise for Competitive Bids for Construction Contract No. 2761, Blue Greenway Signage. (Resolution No. 13-05)
- C. Request authorization to execute a modification to Contract No. 2757, Pier 50 Valley Substructure Repair, with West Bay Builders Inc., to extend the original Contract duration of 240 days by an additional 71 days. (Resolution No. 13-06)
- D. Request approval of the Port's supplemental appropriation to the Biennial Operating Budget and Capital Budget for Fiscal Year 2012-13 and 2013-14. Resolution No. 13-07)

10. REAL ESTATE

- A. Request approval of a First Amendment to Lease No. L-15202 ("Lease") with Cabouchon Properties, LLC, a California Limited Liability Company, located at Pier 9 to provide a minimum of \$100,000.00 in rent credits for Core and Shell improvements. (Resolution No. 13-08)

11. PLANNING AND DEVELOPMENT

- A. Informational presentation on the Term Sheet between the Port and Seawall Lot 337 Associates, LLC for the mixed-use development of Seawall Lot 337 and Pier 48 bounded by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay and adjacent to AT&T Park.

12. FINANCE & ADMINISTRATION

- A. Informational presentation on the Port's Five-Year Financial Plan for Fiscal Years 2013-14 through 2017-18.

13. NEW BUSINESS

14. PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. A member of the public has up to three minutes to make pertinent public comments before action is taken on any agenda item and during the new business/public comment period. It is strongly recommended that public comments be submitted in writing so they can be distributed to the Commissioners for their review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

15. ADJOURNMENT

**FORWARD CALENDAR
(TARGETED COMMISSION MEETING, SUBJECT TO CHANGE)**

MARCH 12, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Pier 90	Action	Request authorization to execute a contract with Laura Haddad and Tom Drugan for Public Art to be installed on the Pier 92 Grain Silos, located on Amador Street and Islais Creek
2	SWL 337	Action	Request endorsement of the Term Sheet between the Port and Seawall Lot 337 Associates, LLC for the mixed-use development of Seawall Lot 337 and Pier 48 bounded by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay and adjacent to AT&T Park
3	Portwide	Action	Accept the Port's Quarterly Report on Contracting Activities for Fiscal Year 2012-13 (October 1, 2012 through December 31, 2012)
4	Pier 70	Action	Request approval of the First Amendment to the Exclusive Negotiation Agreement between the Port of San Francisco and Orton Development, Inc. for the lease and development of the 20th Street Historic Buildings on or near 20th and Illinois Streets at Pier 70

MARCH 26, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Pier 9	Action	Request approval of Second Amendment to Lease No. L-14282 with the San Francisco Bar Pilots Benevolent and Protective Association retroactively amending the rental schedule of the lease for space located at Pier 9 on The Embarcadero at the foot of Vallejo Street
2	Pier 9	Action	Request approval of Lease No. L-14935 with Hornblower Yachts, Inc., a California corporation, for a five-year lease with one five-year extension, for premises located at Pier 9 South, on The Embarcadero at the foot of Vallejo Street
3	10 Lombard Street	Action	Request approval of time extension for the Roundhouse 2 HVAC central plant upgrade, Contract No. 2744R
4	Portwide	Action	Request approval of the Port's 10-Year Capital Plan, FY 2014-2023.

APRIL 9, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Pier 96	Informational	Present the commercial maritime activities of San Francisco Bay Rail located at 100 Cargo Way @ Pier 96 Railyard

APRIL 23, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Request authorization to advertise a Request for Qualifications (RFQ) soliciting As-Needed Environmental and related Professional Services for three contracts at \$1 million each, totaling \$3 million

JULY 9, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Request authorization to award the contract for As-Needed Environmental and related Professional Services for three contracts at \$1 million each, totaling \$3 million

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Pier 70 Waterfront Site (Forest City)	Informational	Present Forest City's term sheet for the Pier 70 Waterfront Site
2	South Beach	Action	Request for Port Commission's consideration of agreements between the Port Commission and the Successor Agency to mutually terminate 13 ground leases in the South Beach project area and set business terms for the transfer of the South Beach Harbor Program.
3	Portwide	Action	Request approval to enter into agreements with the San Francisco Municipal Transportation Agency and the regional bike share program operator to use Port property for the Bay Area Regional Bike Share Pilot Program
4	SWL 351	Action	Request approval of resolution recommending that the Board of Supervisors form a City and County Infrastructure District No. 2 and adopt the Infrastructure Financing Plan included in Appendix C which will capture tax increment from the Seawall Lot 351 project (commonly

			known as the 8 Washington Street project) for site open space improvements, the Cruise Terminal project, under-pier utilities and pier substructure repairs; and authorizing the Port's Executive Director to enter into a Memorandum of Understanding with the City and County of San Francisco acting through the Controller's Office to implement the District
5	Pier 70	Action	Request approval of Federal Cost Sharing Agreement between the Port of San Francisco and the U.S. Army Corps of Engineers for study of the Central Basin Dredge Project
6	295 Terry Francois	Action	Request approval of Lease No. L-15228 ("Lease") with Bo's BBQ of SF, LLC ("Bo's"), for a Retail Restaurant lease located at 295 Terry Francois Boulevard (the "Premises") for a term of 15 years with two five year extension options, subject to Board of Supervisors' approval
7	Pier 70 Waterfront Site (Forest City)	Action	Request approval of Forest City's term sheet for the Pier 70 Waterfront Site

MARCH/APRIL 2013
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
MAR. 12	2: 00p.m. Closed Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
	3:15 p.m. Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
MAR. 26	2:00 p.m. Closed Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
	3:15 p.m. Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
APR. 9	2:00 p.m. Closed Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
	3:15 p.m. Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
APR. 23	2:00 p.m. Closed Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.
	3:15 p.m. Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Bldg.

NOTES:

The San Francisco Port Commission meets regularly on the second and fourth Tuesday of the month at 3:15 p.m., unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com. The Port Commission meetings can be viewed online at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92. The Port Commission meetings are also broadcasted on the 2nd & 4th Thursday of the month at 9 p.m. on Comcast Cable Channel 26 or Astound Cable Channel 78 (formerly RCN Cable). Contact Amy Quesada at 274-0406 or amy.quesada@sfport.com

The Fisherman's Wharf Waterfront Advisory Group (FWWAG) meets regularly on a bi-monthly basis, on the third Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Rip Malloy @ 274-0267 or rip.malloy@sfport.com

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. @ Pier 1. Contact Jim Maloney @ 274-0519 or jim.maloney@sfport.com

The Mission Bay Citizens Advisory Committee meets on the second Thursday of the month at 5:00 p.m. in the Creek Room at Mission Creek Senior Building located at 225 Berry Street in San Francisco (along the Promenade just beyond the library.) Contact Catherine Reilly at the former Redevelopment Agency @ 749-2516 or catherine.reilly@sfgov.org

The Northeast Waterfront Advisory Group (NEWAG) meets regularly on a bi-monthly basis on the first Wednesday of the month from 5:00 p.m. to 7:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Jonathan Stern @ 274-0545 or jonathan.stern@sfport.com

The Central Waterfront Advisory Group (CWAG) meets monthly on an as-needed basis, generally on the third Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 705-8674 or mark.paez@sfport.com

The Southern Waterfront Advisory Committee (SWAC) meets every last Wednesday of the month from 6:15 to 8:15 p.m. Location to be determined. Contact David Beaupre @ 274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. The Committee meets as needed on the fourth Monday of the month at 6:30 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 274-0625 or dan.hodapp@sfport.com

ACCESSIBLE MEETING INFORMATION POLICY

FERRY BUILDING:

The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots: 3 spaces in the surface lot on the west side of the Embarcadero at Washington Street.

Hourly and valet parking is available in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa. Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington, Folsom & Drumm Streets.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact Wendy Proctor, Port's ADA Coordinator, at 274-0592, the Port's TTY number is (415) 274-0587.

Know Your Rights Under the Sunshine Ordinance:

Government's duty is to serve the public, reaching its decisions 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 (Sections 67.1 et seq. of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Chris Rustom by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at soft@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Rustom or by printing Sections 67.1 et seq. of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

NOTICES

Prohibition of Ringing of Sound Producing Devices:

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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 & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.