SAN FRANCISCO PORT COMMISSION

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AGENDA
TUESDAY, SEPTEMBER 10, 2013
2:00 CLOSED SESSION
3:15 P.M. OPEN SESSION

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

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 – August 13, 2013

3. PUBLIC COMMENT ON EXECUTIVE SESSION

4. EXECUTIVE SESSION

A. Vote on whether to hold closed session.

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED AND EXISTING LITIGATION MATTERS:

a. Discuss anticipated litigation matter pursuant to California Government Code Section 54956.9(d) and San Francisco Administrative Code Section 67.10(d): (Discussion Item)

Number of Potential Cases: 1 X As Defendant
Facts and Circumstances: On or about February 2012, the Port received correspondence from Vortex Marine Construction, alleging deficiencies in the Port's design and construction documents for the Pier 43 Bay Trial Link Project, Port Contract No. 2727, concerning, among other things,

(a) alleged unidentified utilities; (b) constructability of the promenade deck; and (c) Contractor's office and field expenses, alleging an entitlement to substantial compensation, which the Port disputes. These circumstances present significant exposure of potential litigation.

b. Discuss existing litigation matter pursuant to California Government Code Section 54956.9(d) and San Francisco Administrative Code Section 67.10(d): (Discussion Item)

- *Ferry Building Investors, LLC and Ferry Building Associates, LLC v. San Francisco Port Commission; Board of Supervisors of the City and County of San Francisco, et al*.; Superior Court of California, County of San Francisco (Case No. CPF 12-512355), filed July 20, 2012.

(2) 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: Pier 38, located at Delancey Street and The Embarcadero
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development
*Negotiating Parties: San Francisco Waterfront Partners III, LLC: Simon W.R. Snellgrove
*Negotiating Parties: TMG Pier 38 Partners, LLC, a joint venture of TMG Partners and Premier Structures: Michael Covarrubias

Under Negotiations: ___ Price ___Terms of Payment X Both
The Port recently received responses to a request for proposals for the lease and rehabilitation of the Pier 38 bulkhead building, located at Delancey Street and The Embarcadero. In this executive session, the Port intends to seek direction from the Port Commission on the appropriate price and terms of payment for this property. The Port intends to discuss factors affecting the price and terms of payment of the bulkhead building and the Port's goals and objectives under the Pier 38 Request for Proposals, but only with respect to the impact of those factors on price and terms of payment. 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 benefit of the Port, the City and the People of the State of California and to more effectively negotiate with the selected proposer on price and payment terms.

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. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

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 Public Comment Period. A member of the public has up to three minutes to make pertinent public comments. 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. No Commission action can be taken on any matter raised during the public comment period for items not listed on the agenda other than to schedule the matter for a future agenda, refer the matter to staff for investigation or respond briefly to statements made or questions posed by members of the public. (Government Code Section 54954.2(a))

9. EXECUTIVE

A. Executive Director's Report
- Urban Air Market at Pier 70 – August 18, 2013
- 34th America's Cup Bike Lane – September 8-15, 2013
- Brannan Street Wharf Project – Selected to receive an award for 2013 Airports & Ports Project of the Year from the San Francisco American Society of Civil Engineers – September 19, 2013 at City Club of San Francisco
- Coastal Cleanup Day – September 21, 2013 from 9 a.m. to 12 noon at Warm Water Cove, Heron's Head Park, Agua Vista Park and Mission Creek
- Department of Public Works /San Francisco Giants Clean Sweep – September 28, 2013 from 9 a.m. to 12 noon at Islais Creek Park @ Third Street and Cargo Way

B. Informational presentation by Water Emergency Transportation Authority (WETA): Overview of WETA's System and Plans for Expansion.

10. CONSENT

A. Request authorization to execute a contract modification to Construction Contract No. 2727, Pier 43 Bay Trail Link Project, with Vortex Marine Construction, Inc., to increase the contract amount by $204,726, and to retroactively approve an increase in the contract amount of $20,353, for a total authorized contract amount of $7,606,973. Resolution No. 13-32)

11. MARITIME

A. Informational presentation by Bermello & Ajamil, the Port's Cruise Terminal consultant, describing management options for the James R. Herman Cruise Terminal located at Pier 27 on The Embarcadero at Lombard Street.

B. Request approval of First Amendment to Landing Rights Agreement License No. L-15209 with Tideline Marine Group, Inc. extending term, expanding permitted uses, establishing a minimum landing fee, setting minimum performance standards and modifying the Port's revocability rights and terms for Licensee default. (Resolution No. 13-33)

12. FINANCE & ADMINISTRATION

A. Informational presentation on the Port's Year-End Report on Contracting Activity for Fiscal Year 2012-13 (July 1, 2012 through June 30, 2013) and the City's Local Hire program.

13. PLANNING AND DEVELOPMENT

A. Request (1) a rescission of Port Commission Resolution 12-90, (2) endorsement of the PG&E ZA-1 Embarcadero-Potrero 230kV Transmission Project Revised Term Sheet and (3) authorization to enter into a Negotiation Agreement with PG&E, all related to onshore and submerged Port land between Pier 28½ and the foot of 23rd Street and PG&E parcels Block 4110 (Lot 008A) and Block 4120 (Lot 002) located at 22nd and Illinois Streets. (Resolution No. 13-34)

14. NEW BUSINESS

15. ADJOURNMENT

FORWARD CALENDAR
(TARGETED COMMISSION MEETING, SUBJECT TO CHANGE)

SEPTEMBER 24, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Pier 70	Informational	Presentation on Orton Development Inc.'s project at the 20th Street Historic Buildings Project at Pier 70
2	Seawall	Informational	In celebration of the Port's 150th Anniversary: Presentation on the Port of San Francisco's Historic Seawall, Where the City Meets the Bay
3	Portwide	Informational	Information Presentation on the status of the Port's Blue Greenway projects
4	Portwide	Action	Implementation of a 1.7% General Rate Increase for all items in the Port of San Francisco's Tariff Federal Maritime Commission 5, as approved by the California Association of Port Authorities (effective September 1, 2013)
5	Pier 38	Action	Authorization to enter into exclusive negotiations with the best qualified Pier 38 developer
6	Portwide	Action	Approval of: (1) issuance of Port of San Francisco Series 2013 Revenue Bonds to fund certain improvements on Port property in the aggregate principal amount not to exceed twenty six million dollars ($26,000,000) with an interest rate not to exceed twelve percent per annum; (2) the forms of Indenture of Trust between the Port and a trustee; (3) the sale of the Bonds by negotiated sale pursuant to a purchase contract; (4) the form of a bond purchase contract; (5) the preliminary form of the Official Statement relating to the Bonds and the distribution of the statement; and (6) the form of the Continuing Disclosure Certificate of the Port and the execution of the certificate.
7	Heron's Head Park at Cargo and Jennings Street	Action	Authorization to Issue a Request for Proposals to Lease the "EcoCenter at Heron's Head Park" and surrounding 6,058 square feet of non-exclusive license area.
8	Pier 27	Action	Authorization to execute an amendment to the Construction Manager / General Contractor contract with Turner Construction Company to increase the contract amount to fund the Pier 27 Cruise Terminal Project construction.
9	Pier 43	Action	Authorization to execute a unilateral contract modification to Construction Contract No. 2727, Pier 43 Bay Trail Link Project, with Vortex Marine Construction, Inc., to increase the

			contract amount and extend the contract duration

OCTOBER 8, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Third Street and Cargo Way Triangle and Cargo Way	Action	Authorization to accept and expend a grant in the amount of $3,000,000 from the Federal Railroad Administration for improvements to the Quint Street Lead Improvement Project
2	Portwide	Action	Approval for a San Francisco Port Commissioner to travel with Port Staff to Osaka, Japan, for the 15th Sister/Friendship Ports Conference
3	Foreign Trade Zone	Action	Approval of the Operations Agreement by and between the City and County of San Francisco by and through its San Francisco Port Commission and Expeditors International of Washington, Inc. granting Expeditors International authority to operate its site in Brisbane, California as a Foreign Trade Zone #3 Site for a term of 5 years, with a mutual option to extend for 5 years
4	Portwide	Action	Approval of the Executive Director's nomination of members to the Port Building Code Review Board
5	Portwide	Action	Authorization to award the contract for As-Needed Environmental and related Professional Services for three contracts at $1 million each, totaling $3 million

OCTOBER 22, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the proposed adoption of the 2013 Port of San Francisco Building Code
2	Pier 70	Informational	Update on the mixed-use development project by Forest City Development for the Pier 70 Waterfront Site, bordered generally by 20th Street, Michigan Street, 22nd Street and the San Francisco Bay
3	Pier 70	Action	Approval of a lease and development agreement with Orton Development Inc. for the 20th Street Historic Buildings at Pier 70
4	Portwide	Action	Approval to revise the existing Board Resolution of Intention to form the Port Infrastructure Financing District and Designation of Project

			Areas
5	Heron's Head Park at Cargo and Jennings Street	Action	Authorization to Negotiate and Execute a Mutual Termination Agreement with Literacy for Environmental Justice for Termination of Lease L-13816, which includes the "EcoCenter at Heron's Head Park" and surrounding 6,058 square feet of non-exclusive license area, subject to Board of Supervisors approval of the Mutual Termination Agreement.
6	Tulare Park @ Army, Islais Street & Pier 90	Action	Authorization to advertise for competitive bids for Construction Contract No. 2758, Bayview Gateway & Tulare Park Projects located at Army Street, Islais Street, and Pier 90

NOVEMBER 12, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Seawall Lot 337	Informational	Update on the mixed-use development project for 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
2	Pier 9	Action	Request approval of Port of San Francisco Lease Number L-15721 with Autodesk, a Delaware Corporation for a term of eight (8) years for approximately 3,400 square feet of unimproved Pier 9 shed space

DECEMBER 10, 2013

	FACILITY/POLICY	ITEM	TITLE
1	Heron's Head Park at Cargo and Jennings Street	Action	Request authorization to execute a lease for the "Eco Center at Heron's Head Park" and surrounding 6,058 square feet of non-exclusive license area.

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Pier 27	Informational	Presentation on the James R. Herman Cruise Terminal Management Agreement with Metro Cruise LLC
2	Pier 27	Action	Approval of the James R. Herman Cruise Terminal Management Agreement with Metro Cruise LLC

3	South Beach	Action	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
4	Portwide	Action	Approval to award the Hazardous Waste contract
5	Pier 31	Action	Authorization to advertise for competitive bids for Construction, Pier 31 Building and Roof Repairs
6	Pier 94 and 96	Action	Authorization to advertise for competitive bids for Construction, Pier 94-96 Storm Drain and Outfall repairs
7	Pier 35	Action	Authorization to advertise for competitive bids for Construction, Pier 35 Building and Roof Repairs
8	Portwide	Action	Adoption of the 2013 Port of San Francisco Building Code
9	Army Street, Islais Street, and Pier 90	Action	Authorization to award Construction Contract No. 2758, Bayview Gateway & Tulare Park Projects
10	Pier 31	Action	Authorization to award Construction Contract No. XX, Pier 31 Building and Roof Repairs
11	Pier 94 and 96	Action	Authorization to award Construction Contract No. X, Pier 94-96 Storm Drain and Outfall Repairs
12	Pier 35	Action	Authorization to award Construction Contract No. XX, Pier 35 Building and Roof Repairs
13	3rd Street & Cargo Way Triangle and Cargo Way	Action	Authorization to advertise for competitive bids for Construction, Quint Street Lead Improvement Project
14	Copra Loading Dock near Tulare Street	Action	Authorization to advertise for competitive bids for Construction, Copra Crane Refurbishment
15	Pier 70	Action	Authorization to advertise for competitive bids for Construction, Crane Cove Park Project Phase 1
16	Pier 35	Action	Request authorization to advertise for competitive bids for Construction, Pier 35 Substructure Repairs
17	3rd Street & Cargo Way Triangle and Cargo Way	Action	Authorization to award Construction Contract No. 2764, Quint Street Lead Improvement Project
18	Copra Loading Dock near Tulare Street	Action	Authorization to award Construction No. XX, Copra Crane Refurbishment
19	Pier 70	Action	Authorization to award Construction Contract No. 2740, Crane Cove Park Project - Phase 1
20	Pier 35	Action	Authorization to award Construction Contract No. XX, Pier 35 Substructure Repairs
21	Pier 70	Action	Approval of Lease No. L-15690 and L-15691 with Affordable Self Storage, Inc., subject to Board of Supervisors' approval, for a container storage facility on paved vacant land within Pier 70 in the Southern Waterfront.

SEPTEMBER/OCTOBER 2013
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
Sept. 24	2:00 PM Closed Session	Port Commission	Port Commission Hearing Room at the Ferry Building
	3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
Oct. 8	2:00 PM Closed Session	Port Commission	Port Commission Hearing Room at the Ferry Building
	3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
Oct. 22	2:00 PM Closed Session	Port Commission	Port Commission Hearing Room at the Ferry Building
	3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building

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 sotf@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:
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 or use of a cell phone, pager, or other similar sound-producing electronic device.

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.