

1 (GRANT-STATE FUNDS)

2 AUTHORIZING THE EXECUTIVE DIRECTOR OF THE PORT OF SAN FRANCISCO TO  
 3 ACCEPT AND EXPEND \$400,000 OF STATE FUNDS FROM THE STATE OF CALIFORNIA  
 4 DEPARTMENT OF BOATING AND WATERWAYS FOR MARINA POLLUTION  
 5 PREVENTION AND WATER QUALITY IMPROVEMENTS AT THE HYDE STREET  
 6 FISHING HARBOR; AND ~~FORGOING~~ <sup>FORGOING</sup> REIMBURSEMENT OF INDIRECT COSTS; AND  
 7  
 8 AUTHORIZING THE PORT OF SAN FRANCISCO TO HOLD THE STATE OF CALIFORNIA  
 9 HARMLESS AS REQUIRED IN THE GRANT AGREEMENT

10 WHEREAS, In Resolution 35-94, the Board of Supervisors authorized the Port of San  
 11 Francisco to apply for and obtain a \$3.5 million loan for construction of the Hyde Street Fishing  
 12 Harbor from the California Department of Boating and Waterways; and,

13 WHEREAS, In Ordinance No. 40-98, the Board of Supervisors appropriated \$3.5 million  
 14 in loan proceeds to the Port of San Francisco from the California Department of Boating and  
 15 Waterways for construction of waterside and landside facilities for the Hyde Street Fishing Harbor;  
 16 and,  
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18 WHEREAS, The Hyde Street Harbor Project also includes marina pollution prevention  
 19 and water quality improvements; and,

20 WHEREAS, On December 12, 1996 the San Francisco Planning Commission certified the  
 21 Final Environmental Impact Report for the Hyde Street Harbor ("FEIR"), and

22 WHEREAS, By Resolution No. 92-136, the Port Commission adopted findings ("Project  
 23 Findings"), a copy of which is on file with the Clerk of the Board of Supervisors in File No.  
 24 990876, based on the consideration of the FEIR that the Project will not have a significant effect on  
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1 the environment and that it would improve the existing setting for the fishing industry by the  
2 provision of much-needed facilities and would improve existing water quality; and

3 WHEREAS, In Resolution No. 98-32, the San Francisco Port Commission authorized staff  
4 to apply to the California Department of Boating and Waterways for funds to fund a vessel pumpout  
5 facility and seek additional funds from the California Legislature for other water quality  
6 improvements. A copy of said resolution and the supporting documents are on file with the Clerk  
7 of the Board of Supervisors; and,

8 WHEREAS, In Resolution No. 552-98, the Board of Supervisors authorized the Port of  
9 San Francisco to accept and expend \$86,500 of state funds from the State of California Department  
10 of Boating and Waterways for a vessel pumpout facility, that is part of the Marina Pollution  
11 Prevention program; and,

12 WHEREAS, The Port of San Francisco was awarded a \$400,000 grant from the State of  
13 California Department of Boating and Waterways, made available in the California Budget Act of  
14 1998, Chapter 324, to fund other infrastructure improvements and services that comprise the Hyde  
15 Street Harbor Marina Pollution Prevention and Water Quality project; and,

16 WHEREAS, The \$400,000 grant from the California Department of Boating and  
17 Waterways does not require matching funds from the Port of San Francisco; and

18 WHEREAS, The Board of Supervisors hereby adopts the Project Findings with respect to  
19 the application, acceptance and expenditure of the grant funds hereunder, and incorporates the  
20 Project Findings herein by this reference; and

21 WHEREAS, Based upon review of the FEIR, the Board of Supervisors finds that: (1)  
22 modifications proposed for the Project will not require important revisions to the FEIR due to the  
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1 involvement of new significant environmental effects or a substantial increase in the severity of  
2 previously identified significant effects; (2) no substantial changes have occurred with respect to the  
3 circumstances under which the Project will be undertaken which would require major revisions to  
4 the FEIR due to the involvement of new significant environmental effects, or a substantial increase  
5 in the severity of effects identified in the FEIR; and (3) no new information of substantial  
6 importance to the Project has become available which would indicate: (a) the Project will have  
7 significant effects not discussed in the FEIR; (b) significant environmental effects will be  
8 substantially more severe; (c) more significant effects have become feasible; or (d) mitigation  
9 measures or alternatives which are considerable different from those in the FEIR would  
10 substantially reduce one or more significant effects on the environment; and  
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12 WHEREAS, The State of California's "Construction Grant and Operation Contract"  
13 (Article XIII) requires the Port to hold harmless the State of California as provided below:

- 14 "A. The Grantee waives all claims and recourse against the Department  
15 including the right to contribution for any loss or damage arising from,  
16 growing out or in any way connected with or incident to this contract  
17 except claims arising from the concurrent or sole negligence of the  
18 Department, its officers, agents and employees.
- 19
- 20 B. To the extent permitted by law, the Grantee shall indemnify, hold harmless, and defend  
21 the Department, its officers, agents and employees against any and all claims,  
22 demands, damages, costs, expenses or liability arising out of the acquisition, design,  
23 construction, operation, maintenance, existence or failure of the project," now, therefore  
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25 be it


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RESOLVED, The Executive Director of the Port of San Francisco is authorized to accept and expend \$400,000 from the California Department of Boating and Waterways for the Marina Pollution Prevention and Water Quality Improvements; ~~foregoing~~ <sup>forgoing</sup> the reimbursement of indirect costs, and to execute all necessary documents relating to this grant; and, be it

FURTHER RESOLVED, The San Francisco Board of Supervisors hereby authorizes the Port of San Francisco to agree to hold the State of California harmless from all claims arising out of or connected with the work performed by the Port of San Francisco pursuant to the terms of the Marina Pollution Prevention and Water Quality Improvement Contract.

RECOMMENDED:

  
\_\_\_\_\_  
Douglas F. Wong  
Executive Director

  
\_\_\_\_\_  
Ed Harrington  
Controller

  
\_\_\_\_\_  
Willie L. Brown, Jr.  
Mayor



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Resolution

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**File Number:** 990876

**Date Passed:**

Resolution authorizing the Executive Director of the Port of San Francisco to accept and expend \$400,000 of State funds from the California Department of Boating and Waterways for Marina Pollution Prevention and Water Quality Improvements at the Hyde Street Fishing Harbor, and forgoing reimbursement of indirect costs; and authorizing the Port of San Francisco to hold the State of California harmless as required in the grant agreement.

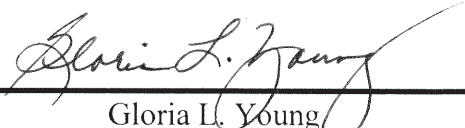
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June 1, 1999 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

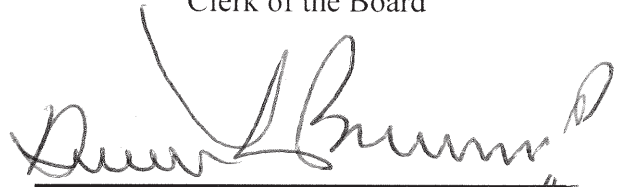
File No. 990876

I hereby certify that the foregoing Resolution was ADOPTED on June 1, 1999 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

JUN 11 1999

\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.