



# City and County of San Francisco

## Meeting Agenda

### Budget and Finance Committee

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

*Members: John Avalos, Ross Mirkarimi, Sean Elsbernd*

*Clerk: Victor Young (415) 554-7723*

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Wednesday, December 8, 2010

11:00 AM

City Hall, Legislative Chamber, Room 250

### Regular Meeting

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*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget and Legislative Analyst report*
- 3) Department or Agency cover letter and/or report*
- 4) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

*Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

## AGENDA CHANGES

## REGULAR AGENDA

1. [101148](#) **[Visitacion Valley Infrastructure Fee Revenue Appropriation - Public Library and Department of Public Works for FY2010-2011- \$2,385,068]**  
**Sponsor: Maxwell**  
Ordinance appropriating \$2,385,068 of Visitacion Valley Infrastructure Fee revenue from the Visitacion Valley Infrastructure Fund, including \$2,169,200 in the Public Library for the Visitacion Valley Branch Library Project and \$215,868 in the Department of Public Works, for the planning and design of utility undergrounding on Leland Avenue for FY2010-2011, and placing \$1,156,304 on Controller's reserve in the Public Library pending receipt of Visitacion Valley Infrastructure Fee revenue.  
  
(Fiscal Impact.)  
  
**Attachments:** [Legislation Ver1](#)  
[Comm Packet 120810](#)

11/9/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

2. [101374](#) **[Purchase Agreement - Subsurface Easements - Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel - \$650]**  
Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to obtain two permanent, exclusive, subsurface easements from Cargill, Inc., for the purpose of constructing the San Francisco Public Utilities (SF PUC) Commission Water System Improvement Program-Funded Project No. CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel, for a purchase price of \$650; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)
- Attachments:** [Legislation VER1](#)  
[Comm Packet 120810](#)
- 11/1/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
3. [100598](#) **[Real Property Lease - 238 Eddy Street]**  
Resolution authorizing the Master Lease of the Windsor Hotel at 238 Eddy Street for the Department of Public Health. (Real Estate Department)
- Fiscal Impact
- Attachments:** [Legislation VER1](#)  
[Comm Packet 120810](#)
- 11/8/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
4. [101375](#) **[Construction Management Services Agreement - San Francisco General Hospital Rebuild Program - Not to Exceed \$16,400,000]**  
Resolution authorizing the Director of Public Works to execute an amendment to a professional construction management services agreement for the San Francisco General Hospital Rebuild Program from \$8,000,000 to \$16,400,000. (Public Works Department)
- (Fiscal Impact.)
- Attachments:** [Legislation VER1](#)  
[Comm Packet 120810](#)
- 11/1/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

5. [101346](#) **[Airport Concession Leases - Lori's Diner, Andale, Meyers Holdings, and H. Young Enterprises]**  
Resolution approving Amendment No. 1 to Domestic Terminals Food and Beverage Lease No. 03-0178 with Lori's Diner International; No. 03-0179 with Andale Airports; No. 03-0181 with Meyers Holdings, LLC; and No. 03-0188 with H. Young Enterprises, and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)  
**Attachments:** [Legislation VER1](#)  
[Comm Packet 120810](#)

10/22/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

6. [101460](#) **[Airport Concession Lease - Melshire DFW, L.P.]**  
Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)  
**Attachments:** [Legislation VER1](#)  
[Comm Packet 120810](#)

11/10/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

7. [101444](#) **[Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - \$250,000]**  
**Sponsor: Chiu**  
Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of \$250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.  
**Attachments:** [Comm Packet 120810](#)

11/16/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

8. [101446](#) **[Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - \$250,000]**  
**Sponsor: Mayor**  
Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of \$250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.  
**Attachments:** [Legislation Ver1](#)  
[Comm Packet 120810](#)

11/16/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

9. [101267](#) **[Reserved Funds, San Francisco Public Utilities Commission - \$1,873,500]**  
Hearing to consider release of reserved funds, San Francisco Public Utilities Commission (FY2007-2008 Hetch Hetchy Capital Project Budget), in the amount of \$1,873,500 to support the costs associated with the implementation of the Community Choice Aggregation Plan by early 2011. (Public Utilities Commission)

**Attachments:** [Comm Packet 120810](#)

10/4/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

10. [101461](#) **[Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed \$19,000,000]**  
Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed \$ 3,000,000, for a total agreement not to exceed amount of \$19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

(Fiscal Impact.)

**Attachments:** [Legislation VER1](#)

[Comm Packet 120810](#)

11/15/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

11. [101462](#) **[Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed \$26,000,000]**  
Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed \$ 4,000,000, for a total agreement not to exceed amount of \$26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

(Fiscal Impact.)

**Attachments:** [Legislation VER1](#)

[Comm Packet 120810](#)

11/15/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

12. [101488](#) **[Assessment Ballots for City Parcels to Form the Proposed Civic Center Community Benefit District]**

**Sponsor: Mayor**

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of 11 parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

**Attachments:** [Legislation Ver1](#)

[Comm Packet 120810](#)

11/23/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

13. [101284](#) **[Review of Fiscal Impacts of Hosting the America's Cup]**

**Sponsor: Mirkarimi**

Hearing before the Budget and Finance Committee to review the fiscal feasibility and responsibility, including analysis from the Budget Analyst, of the City hosting the America's Cup Regatta under the conditions contemplated and set forth in the "Term Sheet" to fully understand and define the City's expectations for both the short term and long term benefits that would accrue to the City for the purposes of negotiating a formal Host City Agreement.

Economic Impact

**Attachments:** [Comm Packet 120810](#)

10/5/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

14. [101259](#) **[34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]**

**Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell**

Resolution approving a Host City and Venue Agreement between the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.

Economic Impact

**Attachments:** [Legislation Ver1](#)

[Legislation VER2](#)

[Legislation Ver3](#)

[Comm Packet 120810](#)

11/9/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

11/16/10; SUBSTITUTED AND ASSIGNED to the Budget and Finance Committee.

11/23/10; SUBSTITUTED AND ASSIGNED to the Budget and Finance Committee.

15. [101324](#) **[Ongoing Budget Updates]**

**Sponsor: Avalos**

Hearing to consider various updates and presentations regarding the City budget.

**Attachments:** [Comm Packet 102710](#)

[Comm Packet 120810](#)

10/19/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

10/27/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Leo Levenson and Monique Zmuda, Controller's Office; Kate Howard, Mayor's Office.

## LITIGATION

### Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]  
Motion that the Budget and Finance Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

16. [101463](#) **[Settlement of Lawsuit - Lexington Insurance - City to Receive \$2,750,000; Appropriating Settlement Proceeds]**

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of \$2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 120810](#)

11/15/10; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.*

## ADJOURNMENT

### IMPORTANT INFORMATION

*NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors.*

*Any written comments should be sent to: Committee Clerk of the Budget and Finance Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above*

### LEGISLATION UNDER THE 30-DAY RULE

#### **(Not to be considered at this meeting)**

*Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.*

**There are no items currently pending under the 30-day rule.**



## Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; 4) standing in the meeting room.

The public is encouraged to testify at Committee meetings and to write letters to the Clerk of the Board or to Supervisors: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722. AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7719**

### Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

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 perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision 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 information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

### **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 & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)