

FILE NO. 981935

ORDINANCE NO. 104-99

[Parking Facility Leases and Management Agreements]

AMENDING CHAPTER 17, ARTICLE II, OF PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY AMENDING SECTION 17.11 TO REQUIRE THAT ALL LEASES AND MANAGEMENT AGREEMENTS FOR PARKING FACILITIES BE AWARDED THROUGH A COMPETITIVE PROCESS AND THAT SUCH PARKING FACILITY LEASES AND MANAGEMENT AGREEMENTS BE APPROVED BY THE BOARD OF SUPERVISORS.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be It Ordained by the People of the City and County of San Francisco:

Section 1. Chapter 17 Article II of Part I of the San Francisco Municipal Code

(Administrative Code) is hereby amended by amending Section 17.11, to read as follows:

**SEC. 17.11 LEASES AND MANAGEMENT AGREEMENTS FOR PARKING**

**FACILITIES.** (a) ((The Parking and Traffic Commission shall submit all leases of parking facilities, agreements for operation of parking facilities and invitations for bids for such leases or operating agreements to the Board of Supervisors after approval by the Commission and approval as to form by the City Attorney. The Board may revise the submitted documents and, by ordinance, shall approve or disapprove the documents in their original form or as revised by the Board.)) Except as provided in subsection (c) below, all leases and management agreements for the use or operation of parking facilities by private persons or entities shall be awarded through a competitive bid process developed and implemented by the Director of Property and the Executive Director of the Department of Parking and Traffic; provided, however, a competitive bid process, combined with a request for proposal ("Bid / RFP Process") which shall take into consideration qualifications and experience, may be utilized when it is determined by the Parking and Traffic Commission that such a process would be in the best interest of the public. In a Bid/ RFP Process, the cost to the City for the lease of and management agreement for a parking facility shall constitute not less than sixty

1 percent (60%) of all points granted in the selection of the successful operator. The authority  
2 given to the Parking Authority to use the Bid/FP Process shall sunset on December 1, 2000,  
3 unless the Board of Supervisors, by ordinance, continues this authorization. Prior to such  
4 reauthorization by the Board of Supervisors, the Bid/RFP Process shall be reviewed by the  
5 Parking Authority to determine if the utilization of the Bid/RFP Process has been in the best  
6 interest of the public, and a report shall be submitted to the Board of Supervisors.

7 (b) ((If the Board approves the documents, it shall, by ordinance, authorize and urge  
8 the Director of Property to advertise an invitation for bids for the leasing or the operation of the  
9 parking facility. The Director of Property shall thereupon advertise the invitation for bids.  
10 Within 30 days after the bid opening, or such additional time as the Board may allow, the  
11 Director of Property and the Parking and Traffic Commission shall recommend to the Board  
12 the acceptance of the highest responsive and responsible bid (in the case of a lease) or the  
13 lowest responsive and responsible bid (in the case of an operating agreement) or, in the  
14 alternative, shall recommend the rejection of all bids. The Board shall award or reject the  
15 lease or operating agreement by resolution.)) The award of leases and management  
16 agreements for parking facilities shall require the approval of the Board of Supervisors by  
17 resolution. All leases and management agreements submitted to the Board of Supervisors for  
18 its approval shall be in substantially final form and shall contain provisions designed to assure  
19 that use of the parking facility in question will be in the public interest. Such leases and  
20 management agreements shall, among other things, set forth the following:

- 21 (1) A covenant that the public shall be entitled, as a matter of right, to use the  
22 parking facility, subject to established rates and charges;  
23 (2) A description of the public uses and purposes permissible on or in such parking  
24 facility;  
25 (3) A schedule of the permitted rates and charges;

1           (4) A schedule of the minimally required hours and days of operation;

2           (5) A description of restrictions, if any, on all-day or monthly parking;

3           (c) Notwithstanding anything to the contrary elsewhere in this Chapter, when  
4 authorized and directed by a resolution of ((ordinance of the Board)) the Parking and Traffic  
5 Commission, a lease of or management agreement for a parking facility or a parking facility  
6 site may be awarded, without a competitive process, ((without advertising for bids)) to a  
7 nonprofit association or corporation, for the purpose of facilitating financing of a facility, on  
8 such terms and conditions as are approved by the Board of Supervisors by resolution.

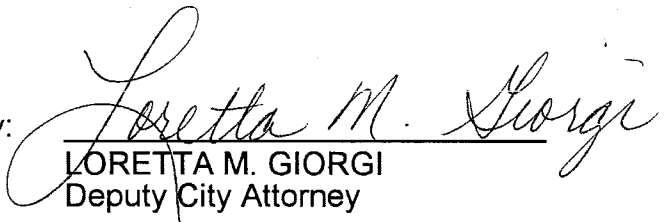
9           (((d) All documents submitted to the Board of Supervisors for its approval shall contain  
10 provisions designed to assure that use of the parking facility in question will be in the public interest  
11 and, among other things, shall set forth:

- 12           (1) That the public shall always be entitled, as a matter of right, to use the parking  
13 facility, subject to established rates and charges;
- 14           (2) The public uses and purposes permissible on or in such parking facility;
- 15           (3) The rates and charges;
- 16           (4) The hours and days of operation;
- 17           (5) Restrictions, if any, on all-day or monthly parking;
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1 (6) That the lease or management agreement shall be subject to modification of the  
2 terms required by Paragraphs (2), (3), (4) and (5) of this Section, and otherwise  
3 in accordance with this Chapter.) (Added by Ord. 223-96, App. 6/7/96)

4 APPROVED AS TO FORM:

5 LOUISE H. RENNE, City Attorney

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8 By:   
9 LORETTA M. GIORGI  
10 Deputy City Attorney

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# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 981935

**Date Passed:**

Ordinance amending Administrative Code Section 17.11 to require that all leases and management agreements for parking facilities be awarded through a competitive process and that such parking facility leases and management agreements be approved by the Board of Supervisors.

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April 19, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 8 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Yaki, Yee

Absent: 3 - Bierman, Newsom, Teng

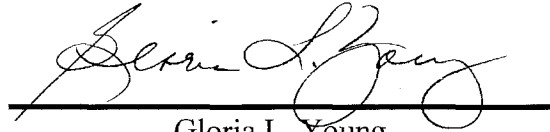
April 26, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 1 - Teng

File No. 981935

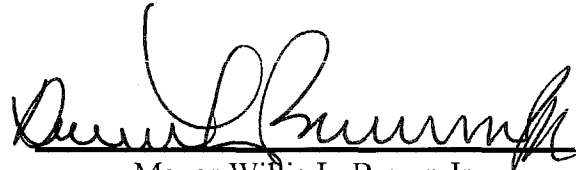
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 26, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young  
Clerk of the Board

**MAY - 7 1999**

**Date Approved**



Mayor Willie L. Brown Jr.