

1 [Accept and Expend Grant - California Arts Council - Design and Planning for Harvey Milk
2 Plaza - \$1,500,000]

3 **Resolution authorizing the Department of Public Works to accept and expend grant**
4 **funds in the amount of \$1,500,000 from the California Arts Council for the design and**
5 **planning of new improvements on or about Harvey Milk Plaza for the project term of**
6 **July 2022 through February 2023; authorizing the Public Works Director to enter into a**
7 **grant agreement with the California Arts Council regarding the same; authorizing the**
8 **Department of Public Works and the Clerk of the Board to take further actions**
9 **necessary under the grant agreement, as defined herein; and retroactively approving**
10 **the submittal of the grant application.**

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12 WHEREAS, The Department of Public Works (“Department”) applied for a \$1,500,000
13 grant from the State of California, acting by and through the California Arts Council (“CAC”), to
14 partially fund the planning and design of potential new improvements on or about Harvey Milk
15 Plaza (“Design Project”), as further described in Public Works Order No. 206570 on file with
16 the Clerk of the Board of Supervisors in File No. 220645; and

17 WHEREAS, The new improvements on or about Harvey Milk Plaza may one day
18 include creating an iconic gateway to the Castro neighborhood, improving universal access
19 throughout the Harvey Milk Plaza site, improving onsite safety and security, and integrating
20 Harvey Milk memorial display fixtures, artwork, and sculptural landscape elements into the
21 plaza landscape and hardscape; and

22 WHEREAS, Subject to further study and design, and the completion of the Design
23 Project, the potential new improvements on or about Harvey Milk Plaza may include the
24 regrading, repaving, and re-landscaping of the Harvey Milk Plaza in coordination with the
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1 SFMTA Castro/Market Muni Station elevator project, and may include improvements to the
2 SFMTA Castro/Market Muni station entry, entry stairs, fare gates, and elevator; and

3 WHEREAS, On or about November 15, 2021, the CAC transmitted a letter to the
4 Department notifying the City and County of San Francisco (“City” or “Grantee”) of the CAC’s
5 award of a “designated funding grant” in the amount of \$1,500,000 for the Design Project
6 (“Letter of Intent”), subject to additional guidelines and contract documents that require the
7 City’s passage of a resolution authorizing the acceptance and expenditure of the grant funds
8 (“Proposed Resolution”), the City’s satisfaction of other conditions and requirements set forth
9 in the grant application (“Application”), the City’s execution of a grant agreement with the CAC
10 (“Agreement”), and the City’s compliance with procedures established by the CAC; and

11 WHEREAS, The Department proposes to use the grant funds awarded by the CAC to
12 advance, expedite, and complete the Design Project and such funds shall not be used to
13 cover indirect costs; and

14 WHEREAS, The Application includes a form of “authorizing resolution” that prescribes
15 certain recitals and clauses, and those recitals and clauses are included herein; and

16 WHEREAS, The Legislature and Governor of the State of California have approved a
17 grant for the Design Project; and

18 WHEREAS, The CAC has been delegated the responsibility for the administration of
19 the grant project, setting up necessary procedures; and

20 WHEREAS, the Grantee will enter into an agreement with the State of California for the
21 Design Project; and

22 WHEREAS, To satisfy the requirements of Administrative Code, Section 10.170-1, the
23 Department transmitted Public Works Order No. 206570 to the Clerk of the Board of
24 Supervisors along with the following documents: (1) the Proposed Resolution, signed by the
25 Department, the Mayor or the Mayor’s designee, and the Controller; (2) the associated Grant

1 Information Form; (3) the Application; (4) the Letter of Intent; and (5) a cover letter to the Clerk
2 of the Board substantially conforming to the specifications of the Clerk of the Board (together
3 the “Legislative Package”), on file with the Clerk of the Board of Supervisors in File No.
4 220645; and

5 WHEREAS, In Public Works Order No. 206570, the Director of the Department: (1)
6 certified that the Department understands the assurances and certification in the Project
7 Information Form, (2) certified that the Department will have sufficient funds to operate and
8 maintain the Design Project, (3) certified that the Department has reviewed and understands
9 the General Provisions contained in the Project Agreement shown in the Procedural Guide;
10 and (4) appointed the Design Project’s Project Manager as the City’s agent to conduct all
11 negotiations and execute and submit all documents including, but not limited to Project
12 Information Form, agreements, payment requests, which may be necessary for the
13 completion of the Project, conditioned upon the Board’s approval of this resolution; and

14 WHEREAS, In Public Works Order No. 206570, the Director of the Department
15 requested and recommended that the Board of Supervisors approve the Proposed Resolution
16 and authorize the Department to enter into the Agreement on behalf of the City, and to
17 authorize the Department and the Clerk of the Board to take further actions, as may be
18 deemed necessary by the CAC before the Department may accept and expend the grant
19 funds for the Design Project; now, therefore, be it

20 RESOLVED, That the Board of Supervisors accepts the recommendations,
21 certifications, and determinations of the Department as set forth in Public Works Order No.
22 206570 and adopts the Department’s certifications and determinations as its own; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department to
24 accept and expend \$1,500,000 from the CAC for the Design Project; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors certifies that the Department
2 understands the assurances and certification in the Project Information Form; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors certifies that the Department
4 will have sufficient funds to operate and maintain the Design Project or will enter into an
5 agreement with another entity to perform said operation and maintenance; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors certifies that the Department
7 has reviewed and understands the General Provisions contained in the Project Agreement
8 shown in the Procedural Guide; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of the
10 Department to conduct all negotiations, and execute and submit all documents including, but
11 not limited to the Agreement, the Project Information Form, other agreements, payment
12 requests and so on, which may be necessary for the completion of the Design Project, and
13 the Board of Supervisors authorizes the Director of the Department to appoint the Design
14 Project's project manager as the Department's agent to implement the preceding
15 responsibilities and tasks related to the Design Project; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of
17 indirect costs in the grant budget; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors ratifies any administrative
19 action taken to date with respect to the grant funds, including but not limited to the submittal of
20 any applications and related materials; and, be it

21 FURTHER RESOLVED, That within 30 days of the execution of the Agreement by all
22 parties, the Department shall provide the final Agreement to the Clerk of the Board for
23 inclusion in File No. 220645.

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Approved: /s/ _____
London Breed, Mayor

Approved: /s/ _____
Ben Rosenfield, Controller

Recommended:

 /s/ _____
Carla Short, Interim Director
Department of Public Works

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