



City and County of San Francisco

Meeting Agenda

Budget and Finance Sub-Committee

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

Supervisors: Carmen Chu, Ross Mirkarimi, Jane Kim

Clerk: Victor Young (415) 554-7723

Wednesday, March 9, 2011

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

If a quorum of the Board of Supervisors members is present, the chair will hold a Special Board of Supervisors meeting to discuss items on this Budget and Finance Sub-Committee Agenda.

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. **110168 [Lease of Real Property - 1421 Broderick Street]**
Resolution authorizing the exercise of a ten year option to extend the lease of the 12,417 square foot building located at 1421 Broderick Street for the Department of Public Health. (Real Estate Department)

2/14/11; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

2/22/11; TRANSFERRED to the Budget and Finance Sub-Committee.

- 2. 110148 [Approval of Lease with ParkWide Activities, LLC - Master Bike Rental Concession Operation]**
Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks. (Recreation and Park Department)
- 2/7/11; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 2/22/11; TRANSFERRED to the Budget and Finance Sub-Committee.
- 3. 090417 [Hearing - Water System Improvement Program Update]**
Sponsors: Chu; Avalos
Hearing to receive a regular quarterly update from the Public Utilities Commission on the Water System Improvement Program to include information on projects completed to date, the corresponding costs for completed projects, and schedule and corresponding costs for upcoming projects.
- 4/7/09; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 6/3/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Julie Labonte, Public Utilities Commission; Todd Rydstrom, Assistant General Manager, Business Services, and Chief Financial Officer, Public Utilities Commission; Walter Paulson.
- 12/9/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Julie Labonte, Public Utilities Commission; Harlan Kelly, Assistant General Manager, Public Utilities Commission.
- 4/1/10; TRANSFERRED to the Budget and Finance Sub-Committee.
- 4/7/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Julie Labonte, Director, Water System Improvement Program, Public Utilities Commission; Harlan Kelly, Assistant General Manager, Infrastructure Division, Public Utilities Commission; Todd Rydstrom, Assistant General Manager, Business Services, and Chief Financial Officer, Public Utilities Commission; Harvey Rose, Budget and Legislative Analyst; Walter Paulson.
- 8/2/10; TRANSFERRED to the Budget and Finance Committee.
- 2/28/11; TRANSFERRED to the Budget and Finance Sub-Committee.
- 4. 110188 [Hearing - Reserved Funds, Public Utilities Commission - \$330,510,906]**
Sponsor: Elsbernd
Hearing to consider release of reserved funds, Public Utilities Commission (File No. 100337, Ordinance No. 92-10) in the amount of \$330,510,906 to fund the construction for the Water System Improvement Program CUW374-01 - Calaveras Dam Replacement Project.
- 2/15/11; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 2/28/11; TRANSFERRED to the Budget and Finance Sub-Committee.

5. **110187 [CEQA Findings - Public Utilities Commission Calaveras Dam Replacement Project]**
Sponsor: Elsbernd
Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Water System Improvement Program Calaveras Dam Replacement Project, in Alameda and Santa Clara Counties, including the Mitigation Habitat Actions at various sites; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
- 2/15/11; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 2/28/11; TRANSFERRED to the Budget and Finance Sub-Committee.

LITIGATION

Conference with City Attorney

*[Convene in Closed Session - Anticipated Litigation - City as Plaintiff and/or Defendant]
Motion that the Budget and Finance Sub-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 settlement of anticipated litigation involving the San Francisco Public Utilities Commission, Calaveras Dam Replacement Project, Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the anticipated litigation.*

6. **110175 [Settlement of Unlitigated Claims - East Bay Regional Park District - Public Utilities Commission Calaveras Dam Replacement Project]**
Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco and the East Bay Regional Park District (EBRPD) related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, Calaveras Dam Replacement Project, in Alameda County, calling for SFPUC to pay EBRPD \$2,000,000 related to project construction activities, and including other material terms and conditions in a settlement and release agreement. (City Attorney)
- 2/18/11; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 2/28/11; TRANSFERRED to the Budget and Finance Sub-Committee.

Conference with City Attorney

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
Motion that the Budget and Finance Sub-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. 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 claims listed below.*

7. 110154 [Appropriating \$2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating \$2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.

(Fiscal Impact.)

2/8/11; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

2/22/11; TRANSFERRED to the Budget and Finance Sub-Committee.

3/2/11; CONTINUED. Heard in Committee. Speakers: Andrew Shen (City Attorney); presented information concerning the matter and/or answered questions raised during the hearing.

Continued to March 9, 2011.

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 Subcommittee, 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.

110223 [Public Works Code - Waiver of Street Encroachment Permit Fees - Stairway Improvements on 48th Avenue at Balboa Street]

Sponsor: Mar

Ordinance waiving the Street Encroachment Permit Fees in Public Works Code Section 2.1.1 and Public Works Code Sections 786 et seq. for stairway improvements on the unaccepted stairway located on the western side of 48th Avenue between Balboa and Anza Streets.

3/1/11; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Sub-Committee.

110225 [Park Code - Botanical Garden Non-Resident Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: extend admission fees to the Botanical Garden for non-San Francisco residents beyond June 30, 2011; eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.

3/1/11; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

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

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