



City and County of San Francisco

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

Meeting Minutes - Final

Land Use and Economic Development Committee

Members: Sophie Maxwell, Eric Mar, David Chiu

Clerk: Alisa Somera (415) 554-4447

Monday, January 11, 2010

1:00 PM

City Hall, Committee Room 263

Regular Meeting

MEETING CONVENED

The meeting convened at 1:05 p.m.

Present: 3 - Sophie Maxwell, Eric Mar and David Chiu

REGULAR AGENDA

091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]

Sponsor: Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

12/15/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

01/06/10; TRANSFERRED to Land Use and Economic Development Committee.

Heard in Committee. Speaker: Linda Mjellem, Union Square Business Improvement District.

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to \$100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

10/06/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/20/09; SUBSTITUTED. Supervisor Chu submitted a substitute ordinance bearing same title.

10/20/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/29/09; TRANSFERRED to Land Use and Economic Development Committee.

11/30/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

12/14/09; CONTINUED. Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.

Continued to January 4, 2010.

12/14/09; RESPONSE RECEIVED. Small Business Commission recommended approval.

Heard in Committee. Speakers: Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Aaron Goodman, Parkmerced Residents Org.; Juliana Choy Sommer, Asian American Contractors Assoc.; Lloyd Kraal; Leo Choy and Florence Kong, President, Asian American Contractors Assoc.; Richard Robinson; Oren Sellstrom, Coalition for Economic Equity; Rob Black, SF Chamber of Commerce; Myles Stevens, SF African American Chamber of Commerce; Ace Washington, Community Reform Committee; Monica Lim; Herrick Loi, Ameritech Computer Services, Inc.; Julian Lee, Toptek Micro Center, Inc.; Byron Ling, Bridge Micro; Supervisor Carmen Chu, Board of Supervisors; Veronica Ng, Human Rights Commission.

Continued to January 25, 2010.

CONTINUED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091163 [Economic Stimulus Measures for Capital Project Acceleration]**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from \$100,000 to \$400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to \$25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from \$25,000 to \$100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from \$3,000,000 to \$5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from \$200,000 or \$400,000 (depending on the program) to \$400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

10/06/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/29/09; TRANSFERRED to Land Use and Economic Development Committee.

12/01/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; referred to the Human Rights Commission for information.

12/08/09; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/09/09; REFERRED TO DEPARTMENT. Referred substitute to Small Business Commission for review and recommendation. Referred substitute to the Human Rights Commission for informational purposes. Referred to Public Works Department for informational purposes.

12/14/09; CONTINUED. Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.

Continued to January 4, 2010.

12/14/09; RESPONSE RECEIVED. Small Business Commission recommended approval.

Heard in Committee. Speakers: Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Aaron Goodman, Parkmerced Residents Org.; Juliana Choy Sommer, Asian American Contractors Assoc.; Lloyd Kraal; Leo Choy and Florence Kong, President, Asian American Contractors Assoc.; Richard Robinson; Oren Sellstrom, Coalition for Economic Equity; Rob Black, SF Chamber of Commerce; Myles Stevens, SF African American Chamber of Commerce; Ace Washington, Community Reform Committee; Monica Lim; Herrick Loi, Ameritech Computer Services, Inc.; Julian Lee, Toptek Micro Center, Inc.; Byron Ling, Bridge Micro; Supervisor Carmen Chu, Board of Supervisors; Veronica Ng, Human Rights Commission.

Continued to January 25, 2010.

CONTINUED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]**Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu**

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

12/08/09; ASSIGNED to Land Use and Economic Development Committee. President Chiu waived the 30 day rule.

12/09/09; REFERRED TO DEPARTMENT. Referred to the Human Rights Commission for informational purposes.

12/10/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

12/14/09; CONTINUED. Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.

Continued to January 4, 2010.

Heard in Committee. Speakers: Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Aaron Goodman, Parkmerced Residents Org.; Juliana Choy Sommer, Asian American Contractors Assoc.; Lloyd Kraal; Leo Choy and Florence Kong, President, Asian American Contractors Assoc.; Richard Robinson; Oren Sellstrom, Coalition for Economic Equity; Rob Black, SF Chamber of Commerce; Myles Stevens, SF African American Chamber of Commerce; Ace Washington, Community Reform Committee; Monica Lim; Herrick Loi, Ameritech Computer Services, Inc.; Julian Lee, Toptek Micro Center, Inc.; Byron Ling, Bridge Micro; Supervisor Carmen Chu, Board of Supervisors; Veronica Ng, Human Rights Commission.

Continued to January 25, 2010.

CONTINUED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]**Sponsors: Chiu; Chu, Maxwell and Mayor**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 and 14B.15 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to establish a goal to set aside not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, but the 25% goal shall become a requirement after 120 days, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$400,000 and \$20 million, except that in the case of contracts \$10 million and under, the 2% discount shall not apply if a Small or Micro-LBE would otherwise be the winning bidder or proposer, and (6) provide that subcontracting participation goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may set goals based on the availability of all LBEs and permit contractors to satisfy those goals with SBA-LBEs, in addition to Small and Micro LBEs, or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting participation goals are to be exempt from satisfying good faith outreach requirements, and (8) total LBE participation on a bid or proposal is to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established subcontracting goals for them on the contract.

12/08/09; ASSIGNED to Land Use and Economic Development Committee. President Chiu waived the 30 day rule.

12/10/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation. Referred to the Human Rights Commission, Public Utilities Commission and the Department of Public Works for informational purposes.

12/14/09; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.

12/14/09; CONTINUED AS AMENDED. Continued to January 4, 2010.

12/14/09; RESPONSE RECEIVED. Small Business Commission recommended approval.

Heard in Committee. Speakers: Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Aaron Goodman, Parkmerced Residents Org.; Juliana Choy Sommer, Asian American Contractors Assoc.; Lloyd Kraal; Leo Choy and Florence Kong, President, Asian American Contractors Assoc.; Richard Robinson; Oren Sellstrom, Coalition for Economic Equity; Rob Black, SF Chamber of Commerce; Myles Stevens, SF African American Chamber of Commerce; Ace Washington, Community Reform Committee; Monica Lim; Herrick Loi, Ameritech Computer Services, Inc.; Julian Lee, Toptek Micro Center, Inc.; Byron Ling, Bridge Micro; Supervisor Carmen Chu, Board of Supervisors; Veronica Ng, Human Rights Commission.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 and 14B.15 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to establish a goal to set aside not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, but the 25% goal shall become a requirement after 120 days, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$400,000 and \$20 million, except that in the case of contracts \$10 million and under, the 2% discount shall not apply if a Small or Micro-LBE would otherwise be the winning bidder or proposer, and (6) provide that subcontracting participation goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may set goals based on the availability of all LBEs and permit contractors to satisfy those goals with SBA-LBEs, in addition to Small and Micro LBEs, or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting participation goals are to be exempt from satisfying good faith outreach requirements , and (8) total LBE participation on a bid or proposal is to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established subcontracting goals for them on the contract.

Continued as amended to January 25, 2010.

CONTINUED AS AMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091397 [Academy of Art University Housing Practices]

Sponsor: Mar

Hearing on the housing practices of the Academy of Art University.

12/08/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Larry Badiner, Zoning Administrator, and Scott Sanchez, Planning Department; Delene Wolfe, Executive Director, Rent Board; Myrna Melgar, Mayor's Office of Housing; Ed Sweeney and Rosemary Bosque, Department of Building Inspection; Brad Paul; John Rahaim, Director of Planning; Jeff Kositsky and James Tracy, Community Housing Partnership; Malcolm Yeung, Chinatown Community Development Center; Ted Gullicksen, SF Tenants Union; Steve Woo, TNDC; Calum Welch, CCHO; Aaron Goodman, Parkmerced Residents Org.; Angelica Cabande, SOMCAN; Joel Koppel, SF Electrical Industry; Joshua Vining, Mission SRO Collaborative; Meithias Mormino, SRO Family Collaborative; Erika Katske, SFOP; Aaron Peskin; Mark Tario, Hayward Land Use Committee; Ed Conlon, Hathaway Dinwiddie Construction; Paul Krawl; Cathy Brandhorst; John Bandis; Sue Hester; Dr. Elisa Stephens, President, Paul Correa, Jennifer Dille, Mike Petricca, and Sue Alea, Academy of Art University; Assistant Deputy Chief Barbara Schultheis, Fire Department.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Maxwell, Mar

Absent: 1 - Chiu

ADJOURNMENT

The meeting adjourned at 4:37 p.m.