

SAN FRANCISCO PORT COMMISSION

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Monique Moyer, Executive Director Amy Quesada, Commission Secretary
Phone: 415-274-0400; Fax 415-274-0412 Phone: 415-274-0406; Fax 415-274-0412

AGENDA TUESDAY, FEBRUARY 9, 2016 2:00 P.M. CLOSED SESSION 3:15 P.M. OPEN SESSION

PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, SAN FRANCISCO CA 94111

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Port Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk. If any materials related to an item on this agenda have been distributed to the Port Commission after distribution of the agenda packet, those materials are available for public inspection at the Port Commission Secretary's Office located at Pier 1 during normal office hours.

1. **CALL TO ORDER / ROLL CALL**
2. **APPROVAL OF MINUTES** – January 12, 2016
3. **PUBLIC COMMENT ON EXECUTIVE SESSION**
4. **EXECUTIVE SESSION**
 - A. Vote on whether to hold closed session.
 - (1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER (Discussion and Action Item):
 - a. Discuss existing litigation matter and possible approval of proposed settlement pursuant to Sections (a) and (d)(1) of California Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d):
 - Kevin McGuire vs. City and County of San Francisco, The Port of San Francisco; San Francisco Superior Court (Case No. CGC-14-538925, filed April 25, 2014)

Proposed settlement of litigation between the Port and plaintiff Kevin McGuire (collectively, the “Parties”). Plaintiff’s claims against the Port include allegations of disability discrimination, failure to engage in the interactive process, and failure to provide reasonable accommodations, in violation of the Fair Employment and Housing Act. The material terms of the proposed settlement include (i) the Port’s payment of \$85,000 to plaintiff, (ii) plaintiff’s dismissal with prejudice of his complaint, and a full release of all claims against the Port, and (iii) other terms and conditions contained in the proposed Settlement Agreement, General Release and Covenant Not to Sue on file with the Port Commission Secretary.

(2) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. *This session is closed to any non-City/Port representative: (Discussion Items)

- a. Property: Piers 31–33, located at Francisco and Bay Streets and The Embarcadero
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development
*Negotiating Parties: National Park Service: Christine Lehnertz, Superintendent, Golden Gate National Recreation Area

Under Negotiations: ___Price ___ Terms of Payment X Both
The Port and National Park Service are negotiating business terms for use of portions of Piers 31–33 as a long-term ferry embarkation site for passenger service to Alcatraz Island. In this executive session, the Port’s negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment, including price structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration for the property interests. The executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to set the price and payment term that are most likely to maximize the benefits to the Port, the City and the People of the State of California.

- b. Property: Pier 38, located at Delancey Street and The Embarcadero
Person Negotiating: Port: Elaine Forbes, Deputy Director, Finance and Administration
*Negotiating Parties: TMG Pier 38 Partners, LLC: Michael Covarrubias

Under Negotiations: ___Price ___ Terms of Payment X Both

The Port and TMG Pier 38 Partners, LLC (“TMG”) are negotiating a lease for the Pier 38 Bulkhead Building Rehabilitation Project. In this executive session, the Port's negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment, including price structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration for the property interests. The executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to set the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California.

5. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

6. PLEDGE OF ALLEGIANCE

7. ANNOUNCEMENTS

- A. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting: Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.
- B. Announcement of Time Allotment for Public Comments: Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Port Commission adopts a shorter period on any item.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during Public Comment Period. A member of the public has up to three minutes to make pertinent public comments. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406. No Commission action can be taken on any matter raised during the public comment period for items not listed on the agenda other than to schedule the matter for a future agenda, refer

the matter to staff for investigation or respond briefly to statements made or questions posed by members of the public. (Government Code Section 54954.2(a))

9. EXECUTIVE

- A. Executive Director's Report
 - In Memoriam:
 - Sylvia McLaughlin, co-founder of Save the Bay
 - Dr. Espanola Jackson, San Francisco Leader and Advocate
- B. Port Commissioners' Report: Without discussion, at this time Commissioners may make announcements regarding various matters of interest to the Commissioner(s).
- C. Informational presentation on the Port's 2016-2021 Strategic Plan.
- D. Remarks by Outgoing Executive Director

10. CONSENT

- A. Request approval of travel for a San Francisco Port Commissioner to travel with Port Staff to Fort Lauderdale, Florida for the Seatrade Cruise Global Conference on March 14-17, 2016. (Resolution No. 16-05)

11. MARITIME

- A. Request approval of waiver of (1) Port of San Francisco Commercial Crab Boats berthing fee; (2) crab pot storage fees; and (3) crab receiver lease rents for a period of three months (February 1, 2016 through April 30, 2016) in light of economic disruption caused by closure of 2015/16 commercial crab season. (Resolution No. 16-06)

12. FINANCE AND ADMINISTRATION

- A. Informational presentation on the Port's Fiscal Year (FY) 2016-17 and FY 2017-18 Biennial Operating & Capital Budget.

13. ENGINEERING

- A. Informational presentation on the Port's Load Restricted (Yellow with Green Hatching-Tagged) and Fully Restricted (Red-Tagged) Facilities.

14. PLANNING & DEVELOPMENT

- A. Informational presentation by Bay Area Motivate LLC, the Bay Area bike share operator, on the Bay Area Bike Share Program, Agreements and Expansion.

15. REAL ESTATE

- A. Request approval of (i) a Second Amendment to Lease No. L-12838 for the premises located at Pier One in the Northern Waterfront between the Port of San Francisco and AMB Pier One, LLC granting AMB Pier One, LLC an option to extend the lease term for an additional 15 years commencing August 2, 2049; and (ii) a First Amendment to the Port Sublease for Pier One to grant Port a concurrent 15-year option, both subject to Board of Supervisors' approval. (Resolution No. 16-07)

16. NEW BUSINESS

- 17. ADJOURNMENT** in memory of Dr. Espanola Jackson and Sylvia McLaughlin.

**FORWARD CALENDAR
(TARGETED COMMISSION MEETING, SUBJECT TO CHANGE)**

FEBRUARY 23, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Seawall Lots 321, 323/324, 322-1, Piers 19½, 29½ and 33	Informational	Presentation on the results of the Request for Proposals for a lease for surface parking lots at: (i) Seawall Lot 321, bounded by the Embarcadero, Front Street and Green Street for a five year term; (ii) Seawall Lot 323/324 bounded by the Embarcadero, Broadway Street and Davis Street for a three year term with two Port options to extend for one-year each; and (iii) interim term parking for Seawall Lot 322-1 bounded by Broadway Street, Front Street and Vallejo Street; Pier 19½; Pier 29½; Pier 33 and various expansion sites
2	India Basin	Informational	Presentation by the San Francisco Recreation and Parks Department on India Basin Open Space Planning and the interagency coordination between Recreation and Parks, the Office of Economic and Workforce Development, the Port, PG&E and Build Inc.
3	Portwide	Informational	Presentation regarding the Port of San Francisco's proposed policy for the extension of Long Term Leases
4	Portwide	Informational	Presentation regarding the proposed updates to the Port of San Francisco's Retail Leasing Policy
5	Piers 31, 31½ and 33	Informational	Presentation regarding business terms with the National Park Service for a long-term Pier 31½ ferry embarkation site to Alcatraz Island including leased space at Piers 31 and 33
6	Portwide	Action	Approval of the Port's Fiscal Year 2016-17 and 2017-18 Operating and Capital Budgets
7	Seawall Lot 352	Action	Approval of an Exclusive Negotiations Agreement with DeSilva Gates and ProVen Management for negotiation of a ground lease with asphalt plant construction and operation at SWL 352
8	Crane Cove Park	Action	Authorization to advertise for competitive bids for Construction Contract No. 2740A, Crane Cove Park Phase 1 Project: Site Preparation, Grading and Surcharge for Portion of Site

MARCH 8, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Port's Report on Contracting Activity for the First and Second Quarters of Fiscal

			Year 2015-16 (July 1, 2015 through December 31, 2015)
2	Seawall Lots 323/324	Informational	Presentation on Teatro ZinZanni's design of the boutique hotel and approval of Teatro ZinZanni's term sheet at Seawall Lots 323/324 and portions of Vallejo and Davis Street right-of-ways on the west side of The Embarcadero at Vallejo Street
3	Portwide	Action	Authorization to award Construction Contract No. 2776, Five Year Maintenance Dredging 2016-2020
4	Portwide	Action	Approval of the updates to the Port of San Francisco's Retail Leasing Policy
5	Portwide	Action	Approval of the Port of San Francisco's policy for the extension of Long Term Leases

MARCH 22, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Seawall Lots 321, 323/324, 322-1, Piers 19½, 29½ and 33	Action	Authorization to award and negotiate a lease for surface parking lots at: (i) Seawall Lot 321, bounded by the Embarcadero, Front Street and Green Street for a five year term; (ii) Seawall Lot 323/324 bounded by the Embarcadero, Broadway Street and Davis Street for a three year term with two Port options to extend for one-year each; and (iii) interim term parking for Seawall Lot 322-1 bounded by Broadway Street, Front Street and Vallejo Street; Pier 19½; Pier 29½; Pier 33 and various expansion sites
2	Jefferson, Hyde & Leavenworth Streets	Action	Approval of Cost Reimbursement Agreement between City and County of San Francisco and ExxonMobil, Inc. for Management of Residual Petroleum Hydrocarbons on City Property within the block bounded by Jefferson, Hyde, and Leavenworth Streets, and San Francisco Bay, subject to Board of Supervisors' Approval

APRIL 12, 2016 – NO ITEMS SCHEDULED YET

APRIL 26, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Pier 29	Informational	Presentation regarding the results of the Request for Proposals and selection of final bidders related to the Pier 29 Bulkhead Building Retail Leasing Opportunity

AUGUST 9, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Status report on Staff performance against Strategic Plan Update on Board of Supervisors' adoption of Port's FY 2016-17 and 2017-18 operating and capital budget
2	Portwide	Action	Approval of the new bike share agreement

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Results of the Earthquake Vulnerability Study of the Northern Waterfront Seawall
2	Pier 94 and 96	Action	Authorization to advertise for competitive bids for Construction, Pier 94-96 Storm Drain and Outfall repairs
3	Loading Dock near Tulare Street	Action	Authorization to advertise for competitive bids for Construction, Copra Crane Refurbishment
4	Pier 35	Action	Authorization to advertise for competitive bids for Construction, Pier 35 Substructure Repairs
5	Pier 80	Action	Approval of Marine Terminal Agreement at Pier 80
6	Pier 31½	Action	Approval of business terms leading to a Memorandum of Understanding with the National Park Service for a long-term Pier 31½ ferry embarkation site to Alcatraz Island including leased space at Piers 31 and 33
7	Portwide	Action	Approval of San Francisco Public Works vendors proposals for Public Toilets and advertising Kiosks, support for selection of vendor, affecting several locations on Port property

**FEBRUARY/MARCH 2016
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
Feb. 23	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Building
Mar. 8	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Building
Mar. 22	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Building

NOTES:

The San Francisco Port Commission meets regularly on the second and fourth Tuesday of the month at 3:15 p.m., unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com. Contact Amy Quesada at 274-0406 or amy.quesada@sfport.com

Full Commission meetings are replayed on San Francisco cable via SFGovTV2 and streamed on the Internet. Broadband service is recommended for access. The Port Commission is generally broadcast on SFGovTV2, cable channel 78 on the 2nd & 4th Thursday of the month at 9 p.m. SFGovTV archives include a recording of each meeting, an agenda with links to the specific portion of the meeting, a file containing all closed captions for the deaf from the meeting and an MP3 recording of the meeting. The Port Commission meetings can be viewed online at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92

The Fisherman's Wharf Waterfront Advisory Group (FWWAG) meets regularly on a bi-monthly basis, on the third Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Rip Malloy @ 274-0267 or rip.malloy@sfport.com

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. @ Pier 1. Contact Michael Nerney @ 274-0416 or michael.nerney@sfport.com

The Mission Bay Citizens Advisory Committee meets on the second Thursday of the month at 5:00 p.m. in the Creek Room at Mission Creek Senior Building located at 225 Berry Street in San Francisco (along the Promenade just beyond the library.) Contact Hilde Myall @ 749-2468 or hilde.myall@sfgov.org. For matters related to the proposed Golden State Warriors Event Center, the main contact is Adam Van de Water at MOED Adam.VandeWater@sfgov.org

The Northeast Waterfront Advisory Group (NEWAG) meets regularly on a bi-monthly basis on the first Wednesday of the month from 5:00 p.m. to 7:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Diane Oshima @ 274-0545 or diane.oshima@sfport.com

The Central Waterfront Advisory Group (CWAG) meets monthly on an as-needed basis, generally on the third Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 705-8674 or mark.paez@sfport.com

The Southern Waterfront Advisory Committee (SWAC) meets at the last Wednesday of the month as needed from 6:00 to 8:00 p.m. Location to be determined. Contact Kanya Dorland @ 274-0264 or kanya.dorland@sfport.com and/or David Beaupre @ 274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. The Committee meets as needed on the fourth Monday of the month at 6:30 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 274-0625 or dan.hodapp@sfport.com

ACCESSIBLE MEETING INFORMATION POLICY

FERRY BUILDING:

The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots: 3 spaces in the surface lot on the west side of the Embarcadero at Washington Street.

Hourly and valet parking is available in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa. Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington, Folsom & Drumm Streets.

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 various chemical based products. Please help the City to accommodate these individuals.

Disability Accommodations:

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact Wendy Proctor, Port's ADA Coordinator at (415) 274-0592 or via email at wendy.proctor@sfport.com or Amy Quesada, Commission Secretary, at (415) 274-0405 or via email at amy.quesada@sfport.com at least 72 hours in advance of the hearing. The Port's TTY number is (415) 274-0587.

Language Assistance

311 Free language assistance / 免費語言協助 / Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuity / 無料の言語支援 / 무료 언어 지원 / ភ្នំ ១ “ង” “ម” / Libreng tulong para sa wikang Tagalog

NOTICES

Know Your Rights Under the Sunshine Ordinance:

Government's duty is to serve the public, reaching its decisions 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 more information on your rights under the Sunshine Ordinance (Sections 67.1 et seq. of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Chris Rustom by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at sof@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Rustom or by printing Sections 67.1 et seq. of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

Prohibition of Ringing of Sound Producing Devices:

The ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

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 & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code:

If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.