Gavin Newsom, Mayor  
Recreation and Park Commission  
Minutes  
July 1, 2010

Commissioner Buell called the Meeting of the Recreation and Park Commission to order at 4:06 p.m. on Thursday, July 1, 2010.

Present  
Mark Buell  
Tom Harrison  
Meagan Levitan  
Michael Sullivan

Absent  
Gloria Bonilla  
David Lee  
Larry Martin

Commissioner Buell announced that Items 5e and 8 were removed from calendar.

PRESIDENT’S REPORT  
Commissioner Buell: Let me be brief in the interest of time. We had a very productive, I thought, meeting with the Neighborhood Parks Council and the Mayor last Friday. The Mayor was scheduled to spend an hour—he spent two hours. And there was a lot of public input at that meeting. One of the suggestions that came out of that meeting that I have encouraged be moved forward is something that I’m sorry Commissioner Martin will not be here today to hear and that is the idea of promoting four community meetings a year. They would be coordinated by Neighborhood Parks Council but not limited to Neighborhood Parks Council members. So they’re facilitating this for us as a community outreach effort to get more public input on any item that comes before this Commission and I think it will prove a useful tool as we make every effort we can to get more public input and to try and be as transparent as possible. So I would welcome other Commissioners to weigh in on this as we put it together and work with Neighborhood Parks Council and our staff because I think this will be a productive new policy.

I continue to meet with a variety of individuals interested in the park. I met with the Chair of PROSAC today. I have had meetings with representatives from McLaren Park, from other interested parties. We did have a hearing before the Rules Committee of the Board regarding a proposed charter amendment and it was very informative to hear the public comments about the perception of this Commission and I think that the staff and the Commission would agree that it’s difficult with so many budget changes and restrictions and demands and challenges to move always in the most timely fashion to get maximum public input before we have items before us. But it is my intent to try and encourage more time and discussion with the public before matters become final at this Commission.

Having said that, that concludes my report.

PUBLIC COMMENT  
Ernestine Weiss: Hi. I would like to add to Larry’s suggestion and that would be to have the activists of the city appear at some of these meetings so they can be heard specifically for their problems too. Thank you.

Commissioner Buell: Thank you.
GENERAL MANAGER’S REPORT

Denny Kern, Director of Operations and Acting General Manager presented the General Manager’s report to the Commission. Phil is up at Camp Mather for a well-deserved rest and vacation and also to experience first-hand with his family one of the fine elements of our recreation program we offer here at Rec and Park, and that is the whole Camp Mather family summer camp experience up in the High Sierra. He’ll be back later on this weekend.

But I do have some items that he would like to highlight in the General Manager’s report. First and foremost, World Cup continues down here at Civic Center Plaza. That’s been highly popular, widely attended. They’re broadcast at Civic Center and they will continue tomorrow and Saturday with quarter final matches. We certainly encourage all the public to continue to attend. If you haven’t give it a shot here on these next two opportunities for some free soccer activities for kids, assorted food and beverage options and all the energy and excitement of the crowd and the World Cup. So the next broadcasts are Friday, July 2nd, Netherlands versus Brazil at 7:00 a.m., followed by Uruguay versus Ghana at 11:30 that same day. And then Saturday, July 3rd will be Argentina versus Germany at 7:00 a.m. and Paraguay versus Spain at 11:30 a.m.

Also in the General Manager’s report we like to highlight for those of you who are Chronicle readers that our own Commission Meagan Levitan had a fabulous feature in the Pink Section of the Chronicle this last Sunday on hidden gems in Golden Gate Park. And Megan worked with the reporter sharing her history and her hidden haunts of this great gem of our park system here. So thank you Commissioner Levitan for continuing to—

Commissioner Levitan: My age was a typo, I just want to say. [laughing] I put my age three times—it’s not, it should have been a three before the five, not a four before the five.

Denny Kern: Actually, I thought the little man was out of his seat clapping, so.

Commissioner Levitan: He might have been, seriously. Thank you.

Denny Kern: Also, our Youth Stewardship Program which is a great youth and environment stewardship program at Recreation and Park run jointly by our Volunteer Services Office and our National Areas Program. They have received a California State Parks Habitat Restoration Fund grant for this program of $165,000 to help support their program over the next five years. We’re very happy to receive that and if the Youth Stewardship Program continues to receive grants from REI and the Port Authority later on this summer they would have raised a record amount for this great program totally close to $200,000 which would be a record for Youth Steward Program grant funding.

In our new Recreation model that you’ve heard us talk about for several months and several meetings here we continue to— in our implementation phase we had reported to you that our Recreation Supervisors had been hired and were in place and we are finishing next week the interviews to select and place our Recreation Coordinators. We started with 144 candidates and a screening interview. They’ve taken them down to 96 candidates which we will then from there we will be selecting and placing a little over 50 Recreation Coordinators to flesh out our new Recreation staff. So we’re very excited about that.

Kimball Athletic Field in the Western Addition reopened on June 25th. We had over 300 neighborhood youth and kids participating in festivities. Phil, once again, showed his multi-sport talent by scoring a few goals against children, I might point out, and connecting with some high hard ones in the batting cage. So we have official grand opening ceremonies scheduled for September 19th.

Lastly, I want to shift from some of the great news items I just highlighted to something a little bit more serious. Commissioners, I just want to give you an update on information that we had given you earlier this morning. Early this morning in Golden Gate Park a little time after 6:00 a.m. in the vicinity of JFK and Transverse Drive we had a very unfortunate incident where a pit bull and what apparently a box-pit bull mix attacked two persons who were walking and jogging in Golden Gate Park early this morning. Both victims sustained dog bites of varying severity. 911 was called and there was an immediate response by SFPD Richmond Station, our own Park Patrol, the Fire Department-Paramedic Unit and Animal Care and Control. The way this went down is that Police Department took charge of the scene. The two victims were separately transported to UCSF and San Francisco General where they do remain under treatment. Police Department cordoned off the area. The Park Patrol diverted vehicle and foot traffic and then the Police and Animal Care and Control Officers began a search of the cordoned off area to subdue
and remove the two dogs. The two dogs were located. The box-pit bull mix was subdued by Animal Care and Control with a come-along device which is simply a long pole that has sort of a lasso device on the end. So he was very passively taken into custody. The pit bull however had to be subdued by a shot from a Police sharp shooter. The shot did graze the dog, it did not otherwise—it wasn’t a mortal shot. Both dogs were then—which did allow Animal Care and Control to then subdue the dog and take him into custody. Both dogs were removed by Animal Care and Control back to Animal Care and Control facilities. The cordoned off area then in Golden Gate Park was immediately reopened to the public.

Certainly our wishes go out to the two victims for a fast recovery from this traumatic event and we do extend our great appreciation and profound thanks to SFPD Richmond Station, to the Fire Department Paramedic Unit, Animal Care and Control Officers and our own Park Patrol staff for the very quick and a very well-coordinated response this morning.

Phil as I mentioned before was up at Camp Mather and we immediately informed him as soon as we learned of the incident and although he initially considered coming back down for this he has remained in close and extensive contact with the Mayor’s Office, the Chief of Police, the Fire Chief, the Director of Animal Care and Control as well as those of us on the RPD staff throughout this incident and it’s response. And what we’re doing now, Phil working with the other agencies we have taken the following actions today: Richmond Station since the event and throughout today and into this evening has a very robust presence throughout this section of Golden Gate Park and they’re monitoring for any signs of undesired dog activity and interacting with all dog owners or guardians that they encounter for outreach and possible enforcement. Our own Park Patrol is teamed up with Animal Care and Control Officers and they are similarly conducting the same effort in areas to the south and to the east of what was the cordoned off area in the western end of Golden Gate Park and are similarly interacting with dog owners and guardians.

Separately, although not directly related, I do want to point out that working the Police Department—and it has been a very good coordination with the Police Department—separately we had gone to the Police Department a couple weeks ago and made a request for them to join us in augmenting what I believe you know was our early morning illegal camper effort and we would like to start an effort at 10:00 p.m. to midnight. And we just received confirmation late last week that they are amenable to this and they will be joining us. So we are hoping that there will be an additional presence in the evening hours as well as the early morning hours to be out there to reinforce the good activity we’re looking for and be a deterrent for undesirable activity.

With that, that concludes the General Manager’s report.

Commissioner Buell: Thank you.

Sally Stephens: Hi, thank you, Sally Stephens, S.F. Dog. I just want to say that we were of course deeply saddened and concerned to hear of the incident this morning and send our best wishes also to the victims for a speedy recovery. S.F. Dog has always been about responsible dog ownership and the vast majority of dog owners in San Francisco are responsible and responsible dog ownership means don’t let your dogs off-leash if they don’t come back when you call. It also means never take an aggressive dog into the park and never let an aggressive dog off-leash in a park and never leave an unattended dog—you basically shouldn’t leave an unattended dog anywhere but especially in a park and especially if it’s in any way aggressive. Apparently from what I understand, and of course facts are still coming out, this was not a case of someone walking through the park with their dogs off-leash, you know, just running ahead of them, but a case where the dogs—basically the owners were nowhere nearby. Whether it was related to an encampment that was near where the incident happened is also I think still under investigation. They’re trying to find the owners, as well they should, and they should be held responsible for what their dogs did. I did speak with Phil this afternoon at Camp Mather and I just wanted to reiterate that S.F. Dog is happy to work with Recreation and Park in the future on education and training programs and things in trying to make sure that these kind of incidents don’t happen. There’s also an indication that the dogs may have been used for breeding. They may have been bred together. It was a female that had apparently had puppies recently, in the past year, and an un-neutered male. And obviously, irresponsible breeding is just—it’s just unconscionable as well as being just wrong. So I just wanted to again express our concerns and best wishes for the people involved and our willingness to work with you guys in making sure something like this doesn’t happen again. Thank you.

Richard Fong: Good evening Commissioners, my name is Richard Fong and this is something that I’m a bit taken aback by. I wasn’t
quite ready for this coming in today but we do have things already in the legislation. We have Supervisor Bevan Duffy’s issue on it, there’s Duffy’s law and that specifically dealt with the breeding of animals and how they were not to be bred and it’s to require a license to breed animals. So when you start having more pit bull problems we also have been getting a lot of animals being euthanized—1500 last year or something like that, and 753 were euthanized of those that were brought it. So there’s been a continuous survey of people, tagging people and everything else. So it’s something would have happened randomly and wasn’t at all expected. So when you start looking I’m sure Patrolling Officer Denny would be able to find the party. He’s really good at it because I’ve been over to some of the dog court and he’ll find the owners or whoever they are. And there’s so much already going on there I’m surprised that anything like this would have happened unless somebody would have had these animals all along and never did anything other than of a scofflaw and not even abide to any of the ordinances that have been brought in. There’s so much that’s been brought in that it’s almost impossible for anybody to try to raise a Staffordshire Bull Terrier. I myself I would never recommend that as a first dog and usually when you have a dog that’s been breeding it’s not the first time. Ernestine Weiss: Good afternoon everyone. My name is Ernestine Waters Weiss. There’s absolutely no valid reason that a certificate of appreciation has not been presented to me to date for my priceless gift of Ferry Park at a number one prime location on the waterfront. Everybody in the city thanks me for this fabulous popular park except Recreation and Park who is the recipient. Unbelievable. What is behind all this? It is now ten years and I want to know why? We must keep political agendas out of the Recreation and Park Commission’s deliberations. Try walking in my shoes. It’s very hurtful. How would you feel? Life is a two-way street. It’s give and take. Give me a break, just do it. Thank you. Katherine Howard: Good afternoon Commissioners, Katherine Howard, S.F. Ocean Edge. We appreciate the decision of the Department of Recreation and Park to perform an Environment Impact Report for the Beach Chalet Athletic Field renovation project. We have submitted a letter to the Department which you should have received and I’d like to just read a little bit from it. We would like to take this opportunity to outline some of the issues that we feel should be included in the Environment Impact Report and which we would like to discuss further at a public scoping session at the beginning of this process. We also encourage the Department to start comprehensive outreach to a broader range of members of the public than has been done to date. All San Francisco and Bay Area residents should have the opportunity to raise their own concerns about the project with the Department. The following are issues which we feel should be thoroughly explored in an Environmental Impact Report: a range of alternative construction methods for renovation of the Beach Chalet Athletic Fields including natural or living grass; a range of alternative designs that can provide some amenities without losing the parkland character of the meadow and surrounding forest; a range of alternative locations for the athletic fields and documentation of the site using the National Park Services, HALS, Historic American Landscape Survey methodology and documents at 11-1 status for significant American landscapes. And I have extra copies of the letter today for everyone and I would like to tell the general public that they can go to our website, www.sfoceanedge.org, if they would like a copy of this letter. Thank you.

PUBLIC COMMENT
Louis Dillon: Good afternoon Commissioners of Recreation and Park Department San Francisco. I’m here to raise the issue of the equestrian stables and equestrian activities in Golden Gate Park. And equestrian activities have been going on in Golden Gate Park for 165 years now and I would say in the past 10 years we’ve been totally politically discriminated against by this Recreation and Park Department. Absolutely unacceptable to close the last public stables in San Francisco with a resolution that stated they would be reopened in the quickest, most efficient manner possible and they even got together a Golden Gate Park stables working group which went nowhere and was a complete violated of the Sunshine ordinance and we have that document from the Sunshine ordinance Committee that states that. So basically what we’re looking at here is a coup, a political, social, and I would categorize it as a community that has been somewhat robbed of its probably the most historical community. The community originally settling in San Francisco was an agricultural, equestrian community and we haven’t seen any forward motion in this area. We’ve just been hoodwinked and lied to and it’s just unacceptable and it will not stand and we want to see the stable opened again, thank you.

CONSENT CALENDAR

On motion by Commissioner Harrison and duly seconded, the following resolutions were unanimously: RES. NO. 1007-001

RESOLVED, That this Commission does approved the May 20, 2010 minutes.
RESOLVED, That this Commission approve the following animal transactions for the San Francisco Zoological Society which were processed under Resolution No. 13572.

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RESOLVED, That this Commission does approve a 5-year lease between the City and Montessori of San Francisco for the operation of a preschool program in McCoppin Playground Clubhouse at 24th Avenue and Taraval Street.

RESOLVED, That this Commission does approve a new 5-year lease between the City and Noe Valley Nursery School for the operation of a preschool program in the Christopher Playground Clubhouse at 5210 Diamond Heights Blvd.

PEIXOTTO PLAYGROUND CLUBHOUSE

Tom Hart with Resource Development presented this item to the Commission. Rocky Mountain Participation Nursery School has operated an open, first come, first served, co-op nursery school there for over 30 years in a facility that in the years that I’ve been in the Department I’ve never been approached as saying that we needed to put our own programming in that site. We have never had the staff or a need to have RPD programming in that site. So we haven’t continually given them permits and leases for that site over our own needs. For those of you who have not been there, it’s a rather isolated little Playground and there’s a great deal of illegal activity in the evenings in this very protected area. So as our partner in this, as caretakers, they spend a lot of time regularly sifting through the bushes and the sandboxes and the grounds area and picking up needles, used needled, and various other drug paraphernalia for the Department which assists our gardeners who have limited time for that site. As a result of that we have over the years afforded them a caretaker discount of 50 percent of the fair market value. As with Rainbow Montessori who was on the consent calendar today it’s been historically our practice to select the fair market value which we get from the Real Estate Department and inch them up to that level by the end of their term, which we’re going to do with this lease if it’s approved. I think my write-up is pretty distinct about this so if there are no other questions I’ll close there.

David Eldrid: Good afternoon. My name is David Eldrid. I’m noticing that there’s clubhouse leases going on so I’m going to take it into account of the group of them and just some observations on this. I understand that there’s fair market value going in there being individually looked at. I guess some of my concern is that within the lease agreements themselves is the—the usage is saying that each leasee has sole possession of this particular clubhouse 24/7. So part of my concern is—and I understand that some of these clubhouses have been closed down and they need to generate something, so I understand that part and individually I see that some of these are applying to the communities well. But I think that the terms of the lease, five years to begin with and then another alternating two and possibly two, leaves an outside nine years that these clubhouses will have sole possession for one individual entity and I’m concerned that if something else comes in to play within these communities that might serve the community as well is there going to be an integrative process for other usage along the way. Just one of my concerns because most of these are schools and whatnot and who knows how long they’re going to last in that timeframe, so that’s one of my concerns. The other thing has to do with the maintenance cost and I see that Mr.
Hart had mentioned that, it’s taken into account and so in terms of fair market value I’m seeing some of these programs have pretty high revenue generating things and fair market value is providing for their maintenance—can I have a little bit more time?

**Commissioner Buell:** Please, go ahead.

**David Eldrid:** So I’m just concerned that the rents in fair market value according to what’s in there if they’re generating a lot of revenue is it really fair market value. And just two more quick points. On subletting in the template itself it says that there’s no subletting and that’s Item 15.1, yet further on in Item 24.22 Item B is says that leasee shall include in all subleases. So there’s a contradictory part of the template there and one of them should be adjusted or removed because it’s saying there’s no subleases yet they’re saying that there’s a point that there’s subleases in there. And that’s it, thanks.

**Commissioner Buell:** Thank you. Do you want to respond to—I know in some cases we have leases that go back, they’re renewed every five years but they’ve been—some tenants have been there 30 years.

**Tom Hart:** Well, in this case we—yes, that’s true. And in some of the cases that we’ll be coming forward with as with Christopher which was on consent as well today that’s being rented five days a week because that had been a popular site for weekend parties although we had not had regular programming there. And so that is structured in that we have to notify them by noon on Wednesday if there’s going to be a birthday party which if somebody’s planning a birthday party I’m quite sure it’s been planned more than two days before the event. And then they’ve agreed to be able to put there things off to one side so that most of the main room could be used for a party. And with our events like that we do have a staff person there so their things are protected as well from the general public.

**Commissioner Buell:** Okay. The sublease issue?

**Tom Hart:** I’ll check into that. This was a template that we’ve been using from the City Attorney’s office. That should be corrected. I will correct that. We would not allow subleases. In any of our leases in general if anybody wanted to sublet or assign anything it has to come back to the Commission. I don’t remember of any lease that we’ve every asked for approval that we don’t have the Commission aware of that.

**Commissioner Levitan:** A point of order. So would we approve pending removal of that or whatever?

**Tom Hart:** The changing of that before its accepted.

**Female Speaker:** Outreach is always an issue and I’m wondering—you said that no one else had asked you about and I wondered, I’d like to know the details of outreach to the generally community, who was notified, what kind of posting there was, and also to the general—I know with child care centers and things like that, that’s really a prime thing to have that kind of a space for a child care center and I wonder what kind of general San Francisco-wide outreach might have gone out before these particular vendors were chosen. Thank you.

**Tom Hart:** Well, as I said, they’ve been in this site for about 30 years. For this particular lease in addition to having it been on the calendar last Commission meeting and we noticed people through our regular notification process. I placed an advertisement in the Examiner which ran last Friday advising of all four of these items that would be on today.

**Commissioner Sullivan:** Tom, when we do these subleases do we put an announcement on the facility itself?

**Tom Hart:** You mean when we lease them out?

**Commissioner Sullivan:** Right. If we have a lease coming up, that would be one kind of logical way to get—

**Tom Hart:** We haven’t done that. As I said the—the three of the four items today—Rainbow Montessori, Peixotto and then next is Glen Ridge. We’ve had people there between 26 and 40 years and we have—I’ve never, ever, ever, once in the years that I’ve been in the Department had anybody approach me from within the Department for these three sites asking for programming in that or from the general public asking for them to have access to the
building or for the nursery schools to go away. I mean some locations I think we need to be, Ms. Howard brings up a very good point, and I think as we move forward we certainly have to engage in a great deal of outreach for many of the sites that we may choose to lease out. These three I thought we were pretty covered on.

Commissioner Sullivan: I just think as we try to balance public outreach versus the other needs of the Department I think putting up an announcement at the facility itself would be a good thing to do in almost any case whether it’s a renewal or not.

Tom Hart: Absolutely, we can do that. I agree.

Richard Fong: Good afternoon Commissioners, Richard Fong speaking again. I hope I’ve calmed down a little bit now. On this type of nursery school and other type of child care interests I kind of look locally around in Chinatown. Some of the ones that were run by the Department aren’t doing very well. There will be maybe two, three kids or some of them less than half a dozen. So what we’re doing here, what’s going on here today I think it might make a big different where it’s kind of like a private interest moving in, getting people soliciting parents to bring in their own children to get child care, after school child care and such. But the biggest thing I kind of look at is how is the political economics of it? Is it going to cost the Department money to run child care? Is it going to cost the parents lots of money? So a lot of parents around in the Chinatown-North Beach area they’re not very affluent, especially if they’re Chinese ancestry or Oriental type people. That’s not stigmatizing, it means that they just don’t have the bucks. So when you have such outreach type programs I think we do have a scholarship program. Do you have that included with this program as well as other ones? So that’s what I wanted to bring in, be sure of those who are needy that there is the availability of scholarship and of course you have to go out and get the kids in because they have afterschool programs also at public schools. Thank you. Linda Michelson: My name is Linda Michelson and I am the director of Rocky Mountain and to answer the gentleman’s question behind me we do have scholarships available and that’s been built into our budget. Come by, come by Rocky Mountain and see what it looks like, see what it is that we do. We serve people in San Francisco and have since the late 70s, well actually since 1948. The co-op nursery school used to be on Potrero at Good Samaritan Church. It then moved to Capp Street. It moved to Eureka Valley for a small period of time and then up to Pashota Playground at the end of the 70s and we’ve been there ever since. We are not expensive to go because the parents are the ones who do the work and so they have to do one workday a week, they have to provide a snack for the children once a month. We do a weekend cleanup. There are 20 weeks in our semester so we’ve got one family that comes every weekend to clean up. We do a sweep of the grounds every morning, we do an all-school cleanup before and after in August and again in December. We do outreach to the community. We are a service site for Project 20, we’re a site for child development students, we’re a site for vocational nurses to learn about children and we allow anybody, really, from the community to come in. We are open to the people who use the tennis courts, are bathrooms are open, we allow them to come in. We monitor where they go and so on and so forth because the kids are in there but other than that the place is open to everybody. If anybody has questions you know please ask me. It’s a wonderful place for kids and we’ve been there like I say for a long time. Our kids go on to public schools. We’re a vital part of San Francisco.

On motion by Commissioner Sullivan and duly seconded, the following resolution was unanimously adopted:

RESOLVED, That this Commission does to approve a 5-year lease between the City and Rocky Mountain Participation Nursery School for the operation of a preschool program in Peixotto Playground Clubhouse at 15th and Beaver Streets with corrections as noted by staff.

SILVER TREE BUILDING IN GLEN CANYON
Tom Hart with Resource Development presented this item to the Commission. This is another co-op nursery school. And Glenridge will actually be celebrating their 40th year this coming year. For those of you that may or may not have been to the Silver Tree Building it’s the primary site of our summer day camps in the heart of Glen Canyon and it’s a rather fragile area as far as the natural springs in the area. And the school over the years has adapted their programming to fit that very well. Years ago when I first came to the Department the Department allowed cars back in the canyon, you know, not just for the school but for anybody and people were rightly afraid that this was damaging the environment. So over the years the school has been extremely cooperative in mitigating that by enforcing the fact that the parents except for a child that’s ill or if it’s pouring rain, that parents have to walk their children back into the canyon. And they’ve also incorporated a lot of nature aspects to their programming for their
tots. Glenridge really I think saves that building because we have a presence back there during the years. There’s still a lot of graffiti at night, a lot of activity at night, but that’s part of their duties is to abate the graffiti which saves our Department a lot of time and money. Over the last three years of their current agreement they spent about $15,000 on equipment and fixtures inside the building which benefit the day camp as well as the school and it’s things they’ve put into the building that will stay there. So they’ve, again, they’ve also been a very good partner. Their rent structure again was based on fair market value assessment that I recently had done at the Real Estate Department and they will be ramped up gradually over a five-year period to reach fair market value at the end of that.

On motion by Commissioner Levitan and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1007-006

RESOLVED, That this Commission does approve a 5-year lease between the City and Glenridge Cooperative Nursery School for the operation of a preschool program in the Silver Tree Building in Glen Canyon at Elk and Chenery Streets.

GENEVA AVENUE STRIP

Marvin Yee, with the Capital Division presented this item to the Commission. The item before you is a presentation of the conceptual plan for a community garden at the Geneva Avenue strip. The Geneva Avenue strip is located in Outer Mission at the corner of Geneva and Delano Streets. This is a site that is considered undeveloped. It is under the jurisdiction of the Recreation and Park Department. On the map you can see outlined in red that it is along a narrow site and is located on a slope.

Prompted by the community in 2009 Supervisor Avalos secured $30,000 for the planning of the community garden. Consequently the Recreation and Park Department help public meetings in April and in June to prepare a conceptual plan. Before you is the conceptual plan that is supported by the community and also supported by the District 11 Council.

I just have a few shots of the site. So this is looking from the street at the site. This is looking from the uphill portion of the site. And this is a view looking into the site. You can see that’s very overgrown, it’s got pampas grass, it’s got a lot of ivy, it’s got some existing fruit trees and it’s just very overgrown the vegetation at this point.

So this is the conceptual plan that was supported by the community. What it shows is that on the Delano Street side is the main entrance into the community garden. It ramped into the site and it leads a person to the common area which includes a tool shed, compost bin, a greenhouse, accessible planters. From there the major portion of the site includes a raised planter beds which is common to all of our community gardens and on the very uphill part of the site is a sitting area and also serves as a drop-off area for book materials. The entire site would be fenced and gated. And there is a single street tree along Geneva Avenue. The community expressed an interested in continuing or having more street trees and so we’ve adding four street trees to that as well as widening the sidewalk because it just feels very narrow walking along there.

Staff recommendation is to approve the conceptual plan.

Commissioner Harrison: I noticed that Supervisor Avalos secured $30,000 but our vote in contingent on the availability of funds. Have you any estimate as to the total cost of this project?

Marvin Yee: We’ve done a general estimate based on this plan and the estimate is the construction funding need of $500,000—approximately $500,000.

Commissioner Harrison: $500,000?

Marvin Yee: That’s correct. The reason why the cost per square foot would be higher in this case is that it is a sloping site. It would requiring walls and plus were putting in new fencing and the community has asked for wrought iron fencing. The picket [unintelligible] fencing because there’s less surface for graffiti and it’s also very porous visually, you could look into the garden for security reasons.
Commissioner Harrison: In the community the ones that are interested in this are they doing any fundraising for this or how to they intend to achieve this amount of money?

Marvin Yee: We’re looking at a couple of available grants such as at the Community Opportunity Fund may be a good grant for this site. Also Supervisor Avalos is interested in securing additional funds for this site.

Commissioner Harrison: Thank you.

Martha Arno: My name is Martha Arno and I live in the neighborhood and have been working on this project for about a year and a half with some great people from Recreation and Park, Marvin and Eric Anderson and the Supervisor’s office and a great bunch of folks from the community. And I just wanted to say that we’re really excited about getting this garden up and going and we’re looking probably to the Community Challenge Grant program and the Community Opportunity Fund to fund it and really I just wanted to convey our enthusiasm. So I’ll stop there.

Commissioner Buell: Thanks for your enthusiasm.

Male Speaker: Just real quick. I served with Marvin on the Community Garden Task Force and this is one of the projects—this is sort of almost my neighborhood so if you’ve ever been out to the Cow Palace and gone down Geneva and up to San Jose you know that this—it’s just we’re often accused or I’m often accused of not being joyful enough. This is one of the projects that makes me real joyful because it will make such an improvement in this neighborhood for somebody who is just even driving by or walking by that it is so worth doing. Thank you.

Commissioner Sullivan: I just want to say this is the kind of project that I’m very, very happy to support. It’s a great example of community groups and I know a lot of the people in District 11 who are part of the effort coming together with planning. And I’ve worked with Marvin who does a great job and the district supervisor. So this is exactly the kind of thing we ought to be happy to approve. So with that I’ll move approval.

On motion by Commissioner Sullivan and duly seconded the following resolution was unanimously adopted:

RES. NO. 1007-007

RESOLVED, That this Commission does approve a conceptual renovation plan for a community garden at the Geneva Avenue Strip, located at Geneva and Delano Avenues.

UPPER DOUGLAS PARK ENTRY GATE AND FENCE ENCLOSURE

Jake Gilchrist with the Capital Division presented this item to the Commission. Since 2003 when the Commission approved the addition of a dog play area at Upper Douglas Park the Friend of Upper Douglas Dog Park worked with the Department, particularly Operations and Neighborhood Service Area Manager Eric Anderson on developing several dog amenities and also safety measures for the community and what we have in front of you today is a conceptual plan for a new entry gate and a fence at the entry at 27th and Douglas Streets and a gift not to exceed $10,000 from the Friends of Upper Douglas Dog Park toward the construction of the entry gate. I don’t have a whole lot more to say than that. If you have questions for me.

Meredith Thomas: Good afternoon Commissioners, Meredith Thomas with the Neighborhood Parks Council. I got up because Denise Speilman is feeling a little bit shy but she is really the community member who’s led the charge on this enclosure to keep the dogs safe and keep a really functional dog park working safely in that neighborhood. And so I want to thank you in advance for your support of this project, thank them for holding Dogtoberfest and other fundraisers that led to their ability to provide this gift to the Department. Thank Jake and the Department for helping us finally figure out how to move the project forward and with this announcement I know that it’s going to encourage the dog park folks to take even greater role and investment in their parks and so I think this is going to be a really beneficial outcome. So thank you for your support. Sally Stephens: Sally Stephens, S.F. Dog. I also wanted to echo support for this project and for the community involvement. Raising $10,000 is not trivial and it indicates the level of community support and I think that we’re seeing more across the city, the dog community becoming more involved in some of our parks. At my neighborhood park last year we raised $15,000 to put in a drinking fountain for dogs, people, and kids and everything in a park that had tennis courts but it never had a drinking fountain. So I think this is really good and hopefully again is a model that we can use in other parks too.
Commissioner Sullivan: This is a general comment about situations where we are tapping the Open Space Contingency Fund and I think this comment has been made before—it would be really nice when we do that to know which of the pots of the fund we are accessing because we ought to be keeping an eye on that and we don’t have that information here. This is a relatively modest amount and we’re also leveraging other funds so I think that’s a good thing and actually a good model for future uses of the fund but it would be I think good if we could have that kind of information whenever we’re asked to approve expenditures from the fund.

Secretary McArthur: I believe this is coming out of the Commissioner’s 25 percent.

Commissioner Buell: That’s correct. And I’m the Commissioner that asked for it and I want to encourage the support but I do recall Commissioner Sullivan and others asking that that information be made available any time we use the fund and I think it’s important to put things in context.

Jake Gilchrist: Can I make two comments actually? I noticed earlier today that given the spreadsheet on the second page the resolution should actually be for an amount not to exceed $19,500 from the Open Space Contingency Reserve Fund.

Secretary McArthur: It’s not $21,500?

Jake Gilchrist: It’s not $21,500. It’s $19,500.

Commissioner Buell: We saved some money right there.

Secretary McArthur: Is there anything else, any other amendment to this?

Jake Gilchrist: My only question would be that I noticed on the next agenda item the resolution is for a not to exceed amount and that language is not in here right now.

Secretary McArthur: That’s because you said you wanted an allocation of 21.5 originally.

Jake Gilchrist: But it should be an amount not to exceed, correct.

Secretary McArthur: So you want that changed to an amount not to exceed $19,500. Okay, so with an amendment.

On motion by Commissioner Levitan and duly seconded the following resolution was unanimously adopted:

RESOLVED, That this Commission does approve: 1) a conceptual plan for a new entry gate and fence enclosure, 2) a gift valued up to $10,000 from the Friends of Upper Douglass Dog Park toward the construction of the gate and fence, and 3) an allocation in an amount not to exceed $19,500 from the Open Space Contingency Reserve Fund for construction of the entry gate and fence enclosure at Douglass Playground Upper Field.

CAMP MATHER TENNIS COURTS
Denny Kern, Director of Operations presented this item to the Commission. Commissioners. With your permission I’ll present the item from up here. This item discussion and possible action to approve an allocation not to exceed $330,000 from the Open Space Contingency Reserve to replace the Camp Mather tennis courts. Commissioners, I believe you’re aware that we have a COMET facility assessment database system and the Camp Mather facilities were accessed during the debut and rollout of the COMET system and the facility assessment condition per COMET of the tennis courts at Camp Mather documents the courts as being beyond useful life which is the category that basically means that they cannot be further repaired due to repeated crack repair, prolonged weathering and other impacts, the temperature extremes, and age.

The Department proposes to demolish the existing courts and rebuilt new tennis courts including new substrate and court finish that will withstand the snow load and climate extremes of the High Sierra location. Upon completion
the Department proposes that this new Camp Mather tennis facility be dedicated and named to the memory of Tony Patch, long-time Camp Mather advocate and Friends of Camp Mather leader.

The cost estimate of this project is $329,580.60 as detailed in the attachment and includes a 20 percent contingency and 18 percent soft cost estimates if those are required for the project. If approved this project would be accomplished at the end of this year’s camp season and prior to the opening of camp in 2011. At the request of Commissioners Tom Harrison, Megan Levitan and David Lee staff proposes to fund this project from the 25 percent portion of the Open Space Contingency Reserve that is allocated to Commissioner’s discretion. The balance of your Commission-controlled reserve for this fiscal year which started today, FY 2011, is $572,138. The staff recommendation is approval.

Commissioner Harrison: In the talk you talked about having the tennis courts named in Tony Patch’s memory. In fact I think there was some discussion with the General Manager and I did have with Midge Patch, Tony’s wife, and apparently the Friends of—and she’s part of this organization—has taken over the store operation and they had some other site in mind for the naming or memory name for Tony. Something to do with the Patch or something like that. So I’m sort of surprised to see this in here. Originally, yes, that was part of the thing but nonetheless it does need work. I took a ride up there one weekend and looked at it and this is one of two major projects left to do up there. The other is the mess hall but that’s an extraordinary amount of money and we need to look at that further. So I would request that this be—I’m going to support this. As you noticed I sort of rode this through after Tony passed away. He was a good fellow.

Commissioner Levitan: I’m going to move that we accept this and I would like to—I know we’ve done this before—but I want to do it in Tony’s honor. I have to say it’s really hard to look in this audience and not see Tony sitting there whenever we talk about Camp Mather. So in his honor and his memory, so moved.

On motion by Commissioner Levitan and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1007-009

RESOLVED, That this Commission does: 1) approve an allocation in the amount not to exceed $330,000 from the Open Space Contingency Reserve Fund to replace the Camp Mather Tennis Courts.

MARINA YACHT HARBOR
Items 12, 13 and 14 were heard as one but voted on separately.

Sarah Ballard: Commissioners, Sarah Ballard, Director of Policy and Public Affairs. Mary Hobson and I wanted to jointly provide you a very brief update on the status of this project since it was last before you. The four pieces we will hit on, again from briefly, are an update on the dredging; the permits—we’ve been before a variety of agencies on this project including the BCDC Design Review Board and in front of the Department of Boating and Waterways about the release of the last portion of the loan; and then also a general project update. So I’m going to let Mary speak to the specifics of the dredge and the permits and then I will wrap up with a last piece of information on an ancillary item which is improvement to the Bay Trail right along the waterfront.

Mary Hobson: Good afternoon Commission, Mary Hobson, I’m Project Manager with the Capital Division and the Project Manager for the Marina Renovation Project. I’m just going to give you a quick update. The first item that I’d like to talk about is the funding for the project. We’ve had a significant development in that. When I presented to you we were waiting to hear from the Department of Boating and Waterways on our final installment of funding for the project and I’m happy to report that the Boating and Waterways Commission approved $6,995,000 for our project. It was touch and go. The State budget is very tight but the Commission realized the importance of this project and their commitment to us and they have approved it. So we have the full amount of money we believe we need to deliver the project and we’re moving forward. So we are moving forward right now with the dredging. You’ll see an item on the agenda today for dredging of the West Harbor. We are slightly behind in our delivery of the project because we’ve been waiting for Boating and Waterways funding. In order to maximize and get ahead of the curve we’re issuing a separate contract for dredging which is part of the renovation project and we are prepared to issue a contract to Vortex Marine. You will see that as a next agenda item.

We’ve also completed additional sampling of sediments out in the harbor. When we came before you I believe back in 2007 we secured our dredging permits. I don’t know if you recall but we did have two contaminated sediment
samples among all of the samples that we took across the whole harbor. We went back and did extensive sampling in those areas and did uncover additional contamination in two sections of the harbor which is going to impact the way we deliver the project. It’s not a catastrophe, it makes it a little more complicated, but we are working on a new dredge management and sampling plan to address the contaminations in those two small areas of the harbor.

We are moving forward with the renovation component. We have our design build contract at 95 percent complete. We are expecting to issue that contract for bids at the end of July. We have gone to the prequalification process and have six designed build contract teams ready to bid on the project. We just need to incorporate some additional language regarding the new sediment management plan into the documents before we issue it for bid.

The next step will be—next time you see me will be hopefully around November with an award of a contract for this project. We have been working extensively. The majority of our work over the last few months has been on the permitting. It’s a very complicated process. Many agencies have permitting authority over this project. The most close to us is the San Francisco Public Utilities Commission. We got ensnared in the recently adopted Storm Water Management Planning requirement. So we had to go and make a Storm Water Management Plan which we have submitted and have tentative approval of for the project. We’ve also been working directly with the National Marine Fishery Service, that’s a NOAH Division. We have been going through their review and have already passed their Essential Fish Habitat Review. They are currently reviewing us under the Endangered Species Act and we are negotiating the construction sequencing with them. We hope to have that sign-off in July.

As Sarah mentioned we have been working with the Regional Water Quality Control Board and we have tentative approval for what we’re calling Phase I which is all of the work in the areas outside of the two small contaminated areas. We’re going to get a permit for that, for Water Certification first, while we continue to develop all of the information that they are requiring of us in the two contaminated areas.

We have made two presentations to the BCDC which is the Bay Conservation and Development Commission. It’s an inter-agency Commission that regulates development on water. We did two presentations to the Design Review Board on the project. Their main issue is land-side improvements and we’re working with staff to actually develop the final package of land-side improvements and public access as directed by that Commission. Once we get through that process we go to the full BCDC Commission, it’s a two-hearing process and we are hoping that we will be calendared for that in September and then in October which would make our permits available for us in November which is our target for final permitting and start of contract.

So overall the timeline for the project as it stands now, we are doing what we call Episode II dredging which will take place in July and August of this summer. We are targeting a contract for our design builder in November and have them in the water working in early 2011. That would follow the issuance of our permits for Phase I also targeted for November. And we have an early completion date, the target completion date for all work in the harbor still remains May of 2012. Based on final permitting we may see that push out to November, 2012, because we’re limited on the type of work we can do at certain times of the year. We won’t know until our permits are issues but overall that is the schedule for the project.

Sarah Ballard: And then the last piece that is related to this project is as you can imagine a large renovation of the waterfront has renewed folks’ interest in improvements to the Bay Trail right along the waterfront there. So we under the leadership of Supervisor Alioto-Pier are working closely with the GGNRA, the National Park Service, San Francisco Bike Coalition, and the Department of Public Works who actually owns half of the land, to identify funding and approve a preferred plan for some landside improvements. We have worked with DPW to apply for a Congestion Management Block Grant, about $1 million grant for some of those improvements and we are crossing our fingers that we will be awarded that and can jumpstart that process.

And we are available for any questions for that.

Commissioner Harrison: Are we talking about Item 13 now or is this just overall? The dredging?

Mary Hobson: Yes. So the first item for action is the award of a contract to Vortex Marine for dredging in the Outer Harbor. The value of that contract is $422,688. This is a contract to remove 41,000 cubic yards of sand and sediment in the Outer Basin and around the Golden Gate Yacht Club. We did a competitive bid and we are
awarding to the second low bidder. Vortex is a qualified and experienced dredge contractor and they have committed to complete this work within 60 days or no later than the Big Boat Series. We’re pushing this contract forward as quickly as possible to ensure that all the work is done before the Big Boats arrive in the harbor on September 4th. So if you have any questions I’d be happy to answer them.

Commissioner Harrison: Just to clear something up. I noticed that the Gillotti Cooper Crane were the lowest bidder and they were rejected by the HR.

Mary Hobson: Correct.

Commissioner Harrison: And it just puzzles me. It’s not a whole lot of money. It’s like $30,000 plus or minus difference between they and the successful company. One deals in Novato, one deals in Oakland. Can you clear that up for me, why they were rejected?

Mary Hobson: They were rejected because the Human Rights Commission has a couple of programs that they administer. The first one is the Local Business Enterprise Subcontracting Goal Requirement. Because this contract has—Vortex will have some contractors they’re required to give a percentage of the value of their contract to a certified local business enterprise. HRC had established the percentage of value of the contract for this to be three percent. When the bids were received Cooper Crane had listed LBE Contractors but the total value did not equal the three percent. And so HRC determined that they did not meet that requirement where the next low bidder did.

Commissioner Harrison: And Mary does that preclude this Commission from making a different decision or not?

Mary Hobson: I’m not verse on that. I think that would be a question for the City Attorney. I’m not sure what their authority is.

Male Speaker: The question is, if the Human Rights Commission has determined that a bidder doesn’t meet a requirement for subcontracting to certified local provides does that preclude this Commission from reaching a different determination as to selecting one versus the other?

Virginia dario Elizondo: Yes. Actually, I’m going to defer to Cheryl but yes. I don’t know the whole context but if they won’t certify a contract, if that’s what their determination is, then that’s the answer.

Commissioner Buell: Okay. Thank you.

Mary Hobson: I also did want to mention that because of the time delivery of this and the timing of the Commission Vortex has actually been submitted as the contractor for the permitting agency. We could substitute them, that’s not a problem, but it may delay the permitting agency giving us authority to go forward with the work.

And then the next item is approval to increase the contract value for our engineering firm of Windsler and Kelly. They are the engineering—preliminary design and owner and agent firm for the design build contract. We’re asking for an increase in value of 19.7 percent up to a total contract value now of $1,966,410. Windsler and Kelly is a head of a large team of engineers we have that have been developing the plan for this project. Over the past year they have been working on developing the plans, working with the staff and working with the permitting agencies. There have been a number of developments that were unforeseen at the time we negotiated their contract that we felt it was prudent that we have them do for us and they have requested a fee increase. The tasks and the associated fee increases were attached to your package. Staff is recommending that you approve this for going forward. They are I believe approximately 75 percent complete with their total scope of services. They will be under contract with us until the completion of the contract in 2012.

Commissioner Buell: I have a general question before I ask Commissioner Harrison to comment. And I’ll give you an example of this—when we heard the broader presentation of the Marina Yacht Harbor a couple of months ago one of the comments that was made was that the configuration of slips and sizes were contested by the users and so it was readily agreed they would go back and look and I notice that’s one of the increases in the cost is to go back and look. And so I guess I would caution people who present before this Commission that when they casually say
they’ll do something they should casually say it will cost you more money because that is part of the decision when we’re looking at factors and we have no way of knowing what the internal scope of a particular part of a contract is. So I just make that observation. But the real question is when a consulting firm or consulting engineers come back and say because of the change of XY and Z it’s going to change the scope of our work, what kind of value engineering or assessment is done on our side to make sure that’s a necessary step?

Mary Hobson: When they request a modification of their contract they submit to us—and it’s not included in your package but I do have these in my office—is a letter explaining the difference between what was originally anticipated. I have the actual scope of work and their backup documentation of the original contract which assumes so many hours for each task. It defines the task, the number of hours, the employee that will be performing that task, and when they ask for a modification they have to tell me what in addition to what was originally approved they have done and provide me with the backup of who the staff was, what they did, and what the associated hours are. And they I usually go back through each task and I determined one, if it was originally contemplated; two, if it was not originally contemplated was it warranted; and three, whether the time and the fees that they have accessed are appropriate. That’s the general process that we go through.

Commissioner Harrison: I know I asked you this the last time you presented this but the Department of Boating and Waterway, I think you mentioned this last time, they lowered the amount that they had originally said they were going to give to us. Was there an explanation as to why they lowered that?

Mary Hobson: No. Boating and Waterways has gone through significant internal restructuring. In fact, I don’t think there’s anybody remaining at Boating and Waterways that was there at the time that we went through our whole application and approval process. They changed the amount. We have documentations of when it occurred but we never got a real concrete explanation of why the amount was lowered and I was happy to get what they gave us, frankly. We do have some Marina Fund Revenue in surplus which we can tap in the event that our project comes over but we’re done a lot of value [unintelligible] on the project as is and we believe we can deliver it within the loan they have given us.

Commissioner Harrison: In the contract modifications, Item 2, DPW was supposed to do some work for us but they’ve changed their minds? Why is that?

Mary Hobson: When we went through the Civil Service process as you may know from other capital contract we need to get signoff from Public Works and other agencies that have engineering teams before we can go to a consultant. When we went through that process the Bureau of Architecture was interested in doing the architecture-related work. So we agreed in order to get through the Civic Service process to pull that out our of consultant engineering contract scope of work. When it came time for the Bureau of Architecture to actually do the work we needed it done quickly and they did not have the resources available to do it. So I made the executive decision to instruct my consultant team to perform the work because I couldn’t wait. I don’t know why they back out but they did. It was a small percentage of the overall contract.

Commissioner Harrison: And the unforeseen Item 3, unforeseen conditions I guess is something that President Buell mentioned about the changes in that. And there were some other changes?

Mary Hobson: Right. An example of an unforeseen condition would be that I asked Windsler and Kelly to prepare the storm water management plan. That was not originally contemplated because it was not a requirement at the time we negotiated their contract. That was recently approved as a new requirement for city projects.

Commissioner Harrison: I did see that but it came up in my reading this that it was a new requirement. That’s all, thank you.

On motion by Commissioner Sullivan and duly seconded, the following resolution was unanimously adopted:

RESOLVED, That this Commission does award a contract to Vortex Marine Construction, Inc. for $422,688.00 for maintenance dredging of the San Francisco Marina Yacht Harbor.
On motion by **Commissioner Sullivan** and duly seconded, the following resolution was unanimously adopted:

**RES. NO. 1007-011**

**RESOLVED**, That this Commission does increase the current approved contract value for preliminary design and owner's agent services provided by Winzler and Kelly for the Marina Yacht Harbor, West Harbor renovation project from $1,643,095 to $1,966,410.00, an increase of 19.7%.

The Commission recessed into closed session at 5:00 p.m.
The Commission reconvened at 5:34 p.m.

On motion by **Commissioner Harrison** and duly seconded, the following resolution was unanimously adopted:

**RES. NO. 1007-013**

**RESOLVED**, That this Commission votes to disclose discussions held in closed session.

**Commissioner Buell:** So let me disclose that it was the judgment in Executive Session not to pursue legal action on Item 16. Thank you.

**HARVEY MILK CENTER FOR RECREATIONAL ARTS**

**Mary Hobson** with the Capital Division presented this item to the Commission. Final item before you today I believe is the approval to increase the construction contract for the Harvey Milk Recreational Art Center. The contract is Ingotti and Riley and we’re asking you to increase to the final contract value of $8,685,827.34. The process is finally complete, open to the public, and the contractor is—we’re ready to close out the contract.

**Commissioner Buell:** I want to make a general comment about this that the Commission and staff have reviewed extensively the circumstances around the increase in the cost and a judgment has been made that they’re justified. There are some practices that brought this about that happened a few administrations ago in this Department and those practices that could have contributed to an increase cost have all been changed. There are also some issues of whether or not some of the architect and others might have contributed to these increased costs. But what I want to say publically is that it’s the judgment of the Commission that this is a justified action and I would say parenthetically that anyone who’s ever gone through a rehabilitation of their own house knows that the bank usually says it’s going to cost you twice as much and take twice as long. So maybe 30 percent increase is a deal. Be that as it may we take it very seriously. Do we have a motion to approve?

On motion by **Commissioner Levitan** and duly seconded, the following resolution was unanimously adopted:

**RES. NO. 1008-012**

**RESOLVED**, That this Commission does modify the final approved contract value for general contracting services provided by Angotti and Reilly for the renovation of the Harvey Milk Center for Recreational Arts to $8,745,899.92, an increase of 0.7% from the current approved amount of $8,685,827.34 and 35.5% from the original contract amount of $6,455,000.

**PUBLIC COMMENT**

**Bill Wilson:** I came prepared to say something very different than what I’m going to end up talking, that’s why—I had to do a lot of deep breathing the first session of this because when I was six years old I was bitten by a dog and when I hear about these people in the park it just—it really hits me because not only was I bitten in the heart but it’s really difficult for me to deal with that and it’s also difficult for me to hear the knee-jerk reactions of dog owners and I don’t even know if it’s appropriate for me to say this but when you talk about aggressive dogs even after Diane Whimple was killed the owners of those dogs said they were not aggressive. So it doesn’t give me any solace to say we have to deal with aggressive dogs because we have to deal with dogs that injure other dogs, other people, and maybe it’s wrong of me to even jump to this conclusion but I question where they licensed dogs. Because when you get the people from S.F. Dog that they’re 170,000 in San Francisco the question that I want returned to them is and how many of those dogs are licensed? Because I don’t want to hear about the vast majority because I wasn’t bitten by the vast majority of dogs in the United States, I was bitten by one and it was very helpful that that dog had a license because then we knew that I didn’t have to go through those rabies shots which in the 50s were three shots a day in the stomach for a month. I mean, I was terrified of needles for polio shots—anyway, I’ve said enough, but thank you.

**Commissioner Buell:** Got the message, thank you.
David Eldrid: I also have a procedural question. Since Item E was taken off can I speak to it?

Commissioner Buell: Sure.

David Eldrid: Okay. It’s brief, anyway. Basically it’s my opposition to the grant submittal by the Botanical Gardens. Basically what I’m seeing here, and I’m going to submit a letter to that effect and also—But basically just as a prelude to it I’m seeing somewhat of a conflict between the Golden Gate Master Plan and the Botanical Gardens Master Plan. I guess that’s what I want to put forward now and I think it needs to be revisited. The last time I think it was presented to you was in 2008 and I think that the priorities might have changed in terms of what development might best suit that facility now and in terms of the Recreation and Park Department. That’s all that I’m going to bring up at this point.

Commissioner Buell: Okay. And put it in writing too so you can tell us where you think there’s a conflict, if you would.

COMMISSIONERS MATTERS
Commissioner Buell: Let me just say, which I failed to say in my opening remarks, and that is that under Item 22 which is the posting of future items you’ll see that that’s a substantially expanded list because this is another effort to try and let the community know in a public fashion ahead of time when items are pending before us. It doesn’t go to a date-specific but it alerts people that those items are in the hopper. And I’ve asked the Secretary to try and avoid the word approval because people get confused and think that all these items are going to be on our agenda and perhaps be approved. But to simply alert the public that there are items coming up that would be of interest to them.

PUBLIC COMMENT
Marilyn Kohn: My name is Marilyn Kohn. Thank you for putting out this list. It is long but there’s some things missing from it. At the last hearing of the Commission Commissioner Lee asked that the Commission review its policy about issuing permits for street fairs. Am I missing something or is it on this list? And also there was a very spirited and admirable discussion about the permit and permitting process for the North Beach Street Fair and it was my understanding it was going to be a fairly intensive review afterwards. When is that going to occur?

Male Speaker: Sorry, another procedural question here. So when these agenda gets set is so is that just a notification to the public within the week that it gets set or is there an advance notification? I’m sorry.

Commissioner Buell: It isn’t time-specific but it’s an effort though to alert them that when they don’t see it on the regular agenda as coming up that it’s pending and headed towards the Commission at some point. Hopefully it would institute an inquiry if they—but it will keep them looking at agendas to make sure they know it’s headed in the Commission’s direction. I don’t know if that’s as clear as I could make it but it’s an effort to say items come before this Commission and we send them back to staff or we put them over because they lack a certain ripeness to be considered by the Commission and we want the public to know that it’s pending.

Male Speaker: Okay. And I guess I was just asking for an outside timeline.

Commissioner Buell: There isn’t an outside timeline.

Male Speaker: That’s all I wanted to know, thanks.

NEW BUSINESS
Commissioner Sullivan: I think I made this suggestion as a prior meeting. I think we owe it to the community to have a discussion about disk gold in McLaren Park sometime in the relatively near future. So I’d like to suggest we get that on the agenda.

Commissioner Buell: I couldn’t agree more. I’m actually going out to McLaren left Thursday to look at that site and the Secretary has promised me that I’ll see some disk golf in action since I’ve never seen it to see what—at Golden Gate Park—but I agree 100 percent.
Jim Marx: Good afternoon Commissioners. My name is Jim Marx. I’m a McLaren neighbor. I’m speaking for myself right now but I noticed the Commission Sullivan’s suggestion that he would like to get the disk golf on the agenda very soon and certainly we are very glad that President Buell said that he really wanted to take a look at this. We are also working very hard to pull together information so that any hearing or process has valuable input from the neighborhood. Our request would be that the neighborhood be allowed enough time to gather and marshal that information. Perhaps even that there be some kind of a public process to precede any kind of hearing before the Commission and how that would necessarily go forward. I’m not sure whether eventually an environmental process will be required, it something that would still have to be seen, but in any case our request is that we have effective public outreach, education and involvement in this process.

Commissioner Buell: Thank you. I would second that. I think on an issue like this having it put on the agenda and having a public hearing is not the full discourse that should take place in order to arrive at the proper results. So I’d agree. Somehow we’ve got to figure out what the procedure is to get really community input so we can look at real issues.

Jim Marx: Thank you very much. We’re in agreement with that.

ADJOURNMENT

The meeting of the Recreation and Park Commission was adjourned at 8:09 p.m. in memory of Commissioner Martin’s mother.

Respectfully submitted,
Margaret A. McArthur
Commission Liaison
Commissioner Buell called the Meeting of the Recreation and Park Commission to order at 4:03 p.m. on Thursday, August 5, 2010.

Present:
Mark Buell
Tom Harrison
Gloria Bonilla
David Lee
Larry Martin
Michael Sullivan

Absent:
Meagan Levitan

PRESIDENT'S REPORT
Commissioner Buell: The President has a very brief report since I’ve been out of town. But I did want to say that I attended yesterday the Marina Green Fun Day for the Recreation and Park Department and I would like to emphasize the Recreation side of the Department and say that it was quite a nice event and staff put in a lot of hard work and a lot of good will came from it. So I extend congratulations to all the Recreation side of the aisle. I also got a very nice letter from the widow of Art Hoppe thanking the Department and Commission for the nice way they are maintaining and revitalizing the benches that memorize people and in particular her husband. So I pass that one. And I know Commissioner Lee spent some time at Camp Mather so I’m going to ask him to weigh in under the President’s report.

Commissioner Lee: Yes, I just returned from Camp Mather yesterday. It was a great couple of days up there. I just wanted to—three items on my Camp Mather report. One is I witnessed lifeguards up there in action. I was at the pool on Sunday, actually at the lake on Sunday, it was a slow day and an elderly gentleman was having difficulty swimming in the lake and I saw one of our lifeguards, a young man, 20 year-old, a San Francisco resident whose name is Emmet Hershel Conner, lead into the water and save this particular gentleman and bring him in and it was something really to behold. And I would recommend to the President perhaps a certificate or some proclamation for the lifeguard here who performed his duties admirably just this past week and I was fortunate enough to witness that. And I have a nice bio from him. He’s a native San Franciscan who spent two years and Soda and then two years at Drew. So I’ll put that forward for a future meeting.

The other thing I’d like to say about Camp Mather is that since the general store has been turned over to the Friends of Camp Mather it’s been a vast improvement. I see the difference between the previous operators and the Friends. The Friends have done a tremendous job in stocking the general store with things that the campers really need. They’re attentive, the staff definitely feel much more passionate about the camp and it’s been a vast improvement.

And then finally I have a picture I’d like to share with the Commission of some water tanks. There are five or six water tanks at Camp Mather to chlorinate the water and provide drinking water for the entire campsite. The water tanks are wooden, they were built in the 1920s I presume and they’re leaking. As you can see from the picture they’re damp, they’re moldy and at midday I was taking a ride up there, a horseback ride up there, and I saw just a stream of fresh water pouring down these tanks and I would like to ask staff to look into the possibility of replacing
these tanks with some metal ones, some stainless steel metal ones that can perhaps hold more water and avoid the
kind of leakage that we’re seeing there because to me it seems like a tremendous waste of money and resources to
chlorinate the water, treat the water, to have so much of it flow out of the tanks and into the ground. So perhaps this
is something the General Manager or staff could look at for a future meeting. Thank you.

Commissioner Buell: We’ll get back to you on that. Good. Thank you. With that, that concludes our report.

GENERAL MANAGER’S REPORT
Katie Petrucione: Good afternoon Commissioners. Sitting in today for Phil Ginsburg who is on a much-
deserved vacation and I’ve a very brief General Manager’s report for you this afternoon. This first item on the
report is just to note that as I’m sure you all know we’ve had some incidents, in particular a stabbing a Delores Park
last weekend, and we’ve been working very closely with the San Francisco Police Department to significantly
increase the Police presence in Delores in particular. They will start to work with us to enforce all of the Park
Codes, the relevant Park Codes for Delores as well as we’re looking at some increased Police presence in Golden
Gate Park and Buena Vista as well.

On a happier topic, as Commissioner Buell mentioned yesterday was our Playday on the Green. We had over 2000
children participate and it was an enormous, a smashing success. And then tomorrow is our first ever Day Camp
Jamboree. It’s going to start at 11:00 o’clock at Kezar and there will be over 800 day campers who are going to
participate. They will take part in a parade. They will sing camp songs and they will also celebrate the 70th
anniversary of Silver Tree Day Camp which is pretty cool. So please come, one and all.

And that concludes the General Manager’s report.

CONSENT CALENDAR
On motion by Commissioner Martin and duly seconded, the following resolutions were unanimously adopted:

RES. NO. 1008-001
RESOLVED, That this Commission does approve the June 17, 2010 minutes.

RES. NO. 1008-002
RESOLVED, That this Commission does recommend that the Board of Supervisors accept and expend a gift in the
amount of $100,000 from the Friend Family Foundation for use of the Gene Friend Recreation Center renovation.

RES. NO. 1008-003
RESOLVED, That this Commission does recommend that the Board of Supervisors accept and expend a gift in the
amount of $162,063 ($54,021 annually for fiscal years 2010-11, 2011-12, and 2012-13) from the John and Lisa
Pritzker Family Fund for the general operating support of Joseph Lee Recreation Center.

RES. NO. 1008-004
RESOLVED, That this Commission does approve a resolution to apply, accept and expend a Nature Education Facilities Program Grant in the amount of $92,018 for the Camp Mather Nature Trail Project.

RES. NO. 1008-005
RESOLVED, That this Commission does approve the California Cultural and Historical Endowment Grant Agreement and its terms for the Palace of Fine Arts Project, Phase IIC.

GENERAL PUBLIC COMMENT
Ernestine Weiss: Good afternoon everyone. My name is Ernestine Weiss and I just want to point out to you one
thing—it was suggested that you do outreach to the communities that are involved with certain things that come up.
I don’t see it happening yet and especially on a item that’s on today’s agenda. So please keep that in mind, do that
first, you owe it to the community. They work hard for a lot of things to benefit the city and they’re like to see that
happen, thank you. Michael Paul Palazano: Thanks. My name is Michael Paul Palazano and I’m a 58 year-old
native San Franciscan and spent many a summer at Camp Mather because my father is a retired Police Officer and I
also learned to swim at Rossi Pool. I’m here on behalf of the San Francisco Free Civic Theater. We were an all-
volunteer adult drama program that had been part of the San Francisco Recreation and Park Department for ten
years and we were out of Eureka Valley Rec and the Randall Museum. And I’m just here to support that adult
drama program, thank you. Richard Fong: Good evening Commissioners. My name is Richard Fong. I just want
to make a few comments. I wasn’t able to get here last. It had to do with child care that we’re going to be doing
nursery school and I understand that three-fourths of our clubhouses are going to be going into nursery type of
activities, that’s what I read about. This is what I wanted to try to add in the comment that I didn’t get last time. It
has to do with how are we going to be dealing with the distribution aspect, should there be like equality and you have young people and you have different people, type of races, so one of the things I kind of came up with had to do with if we have any such type issues and there’s always the difficulty of people having to go to different parts of the city. That’s the same like at schools and everything else. So what I’m trying to think about it would be we be able to do a distribution based upon the total throughout the county so that there would be of the racial distribution would be more in the equality issue of it. That example might be like what they might have at a McDonalds that would allow ethnic specific schools or I mean school students working at such locations. Would then we at RPD with our nursery programs would we be doing that same kind of distribution throughout the whole of San Francisco County, then there would be fair and equal distribution even where there are excessive amounts of Caucasians, excessive amounts of Orientals, provided that throughout the county we have that racial distribution. That’s the comment I wanted to make on the one part of it. Another part of it has to do with we’ve got a lot of old seniors and a lot of other citizens who need to stay active in clubhouse type activities. An example might be table tennis at Chinatown. So I wanted to try to get across some of that before the Department right into all nursery school. I don’t know the programs and how the specifics but we’re going to have to keep in mind our old-timer citizens and that’s what I wanted to try to plug away at with the last few seconds I have here now. Myself and other people might have cardiac type problems so when we have these type problems we need to have cardio-fitness activities. About the only places we’re able to do such would be recreational centers and that would be at the clubhouses. So at Chinatown there are a lot of people who haven’t been able to play ping pong, they’re real old-timers and I think we’re going to have to keep them in mind not just the nursery school people. Thank you Commissioners. David Miles: Good afternoon Commissioners. My names is David Miles, I am the Executive Director for the California Outdoor Roller Sports Association. Most of my time is spent each and every Sunday in San Francisco’s Golden Gate Park at 6th Avenue, Kennedy Drive, and I’ve been here several times to speak to you, written letters about the situation that’s going there, and I wanted to take this opportunity to just let you know that we haven’t had any movement to the problems that we’re having there. Each and every Sunday people come from all over the Bay Area to go skating in the park there on Sundays and what’s happening is you’ve got more and more people, you have skateboards, you have bikes, you have a lot of different kind of people that are interacting here and I’m basically the law. And what’s happening is this is outgrowing what I can handle. You have dogs that are loose, parents that are defending their kids running into adults with their skateboards, people angry about the possibility of getting hurt. We have some people that went to the hospital behind accidents that happened between the clash of some of the people that come out there every Sunday. Now, I’d love this just to be taken of, don’t have to go to meeting, don’t have to call police or any of that stuff. But what’s happening is it’s growing out of what I can control. I have been here several times, I’ve sent several letters, we’ve had parents come over to argue with adults about their kids that are threatening to hit people with their skateboards while the adults are defending their children on their scooters. This situation needs some real attention and I would love to be able to meet with in [unintelligible] and Planning or someone but we haven’t had any movement. What we wanted to do is create a situation where everybody can be there but there’s some basic guidelines that we can follow that somebody isn’t going to say well he just made it up. And we actually—I am sending two of my Board members to the Craigslist Boot Camp because one of the things I have to do is to teach my people how to work within a corporate structure to get things done right and that’s one of the things that’s kind of slowing me down. But I’ve got to take this time to do that, that happens on the 14th of August after we come back in September, we want to come back with a real laid-out plan on how to do this. I just would like to have it received seriously and let’s move forward to make this situation something that’s fair for everybody. Thank you. Epinola Jackson: Good afternoon, my name is Esther Minola Jackson and I’m from Bayview-Hunters Point and I would like to say that I’m bringing information to you. I talked with your secretary this morning because I had called and I know it’s not on your agenda but it’s dealing with the State Park. In 1990 they tested the soil there and the water and it was very bad. This is an open letter and I hope I’m giving enough of these to your secretary to give to you. I sent a letter to Art Agnos who was the Mayor at that time. No cleanup has been done there and I just got word the other night that the first African American that was a park ranger died from cancer and she died from working out there. And I want to make sure I’ve never seen—I’ve been in San Francisco since 1943, I was a child, I’m 77 years of age but I’ve never seen as much corruption that is going on in this city as I have seen in the last 20 years. It’s a sad state that we are in here and people are dying in my community. I’m hoping that when this comes before you someone had sent it to me that you were going to be voting on the Candlestick Point. Don’t you do that, let your secretary get the information from the State. I gave her the phone number to call and he said there was sites tested in 93 and 97 but that area has not been cleaned. And the voters voted in the year 2000, 87 percent of the voters of San Francisco said that none of that shipyard will be turned over to the city until it was clean and was stated by the [unintelligible] Board that I made sure came into San Francisco at that time. I started holding Earth Days in 1990 after I found out about the toxins out there on that Bay at the State Park. Don’t turn, not one,
just after you cross Stuart Street. It’s an attempt by the Mayor’s office as well as the Recreation and Park to—it’s part of the handout I think. So I believe you have this as part of your handout. Yes?

**Commissioner Buell:** We have it in our book.

**Lev Kushner:** Perfect, thank you. So yes, this is an attempt to activate this underutilized plaza and the construction is very simple. It’s about a 10 inch deep, you go down, pull up some of the turf, you go 10 inches down, there’s a layer of gravel and then some crushed stone and on top of that is oyster shells and there’s some wood edging to it. The plaza is already ADA accessible and this project has received a categorical exemption from the Planning Department and also has received approval from the Mayor’s Office of Disability.

**Ernestine Weiss:** Good afternoon. This is what I’m trying to say—nobody was advised about this. It was put on the agenda, nobody knows, only myself because I get these at home. We do not want that part of the concourse ripped up. I have my hands full with people asking me for volleyball, for soccer, there’s a couple kids in my apartment house that are crying to play soccer. I said go over there and play, there’s no signs that say you can’t. And others. This is not an exclusive place for bocce. I told the bocce people also when they were playing in the main part of 203 I said play over there away from the people so that the other people can enjoy. This park was proposed to be a passive park and that’s what I fought for and so to make an accommodation I said play on the other side which is what I want to do is to make everybody happy. This is not the exclusive place for one party. The park is an open park for everyone and we all resent the fact that they’re going to rip up the grass and put shells and whatever the gentleman said in there. No, no way. You keep it grassy, that’s what we made the park for, not for ripping it up. I mean, we like the grassy area so please keep that in mind. It’s supposed to be shared with others. You can have a schedule for game time, have one go one day, another another day and so forth and make everybody happy. Then what’s going to happen? Are you going to give permits out to these groups to play? Are they going to be charged or what’s going to happen? But this has to have outreach and I asked you to put this on hold until other people in the community have the chance to at least express their passions and I’m telling you I represent a lot of them that are in that area that do not want this park to be ripped up. That’s not what we created. In a few weeks Peter Pan will be gone and they’re going to do the renovation and make this park a beautiful place, a showplace I hope for the center of the Embarcadero and we don’t want it ruined. Please, get some common sense and make everybody happy and not make a permanent place for one group to use this. That’s totally unfair and unreasonable. So give the others a chance to play there. There are kids that need it and others that are crying out. I just went to a meeting for the Cruise Terminal last night, they’re going to also have a public park area and I begged them also put aside places for people to play. We need it so badly there, it’s missing for many years and thank them, it’s the Cruise Terminal is going to have that. And so our park should be an example for everyone else. So let’s be fair and let’s have other groups share. Thank you. **Gerry Crowley:** Good afternoon, President Buell, Commissioners. I’m Gerry Crowley, longtime community activist. You should have in your packets today an email I sent to Supervisor David Chiu, President of the Board of Supervisors, over the weekend telling him that I introduced the idea of the bocce ball courts at a meeting of the Neighborhood Network last Friday afternoon with very little notice. However, the people at the Neighborhood Network which is a group of like-minded people who believe in good government, good planning, they were to a person really excited about this project. What I said once sentence I think in my email said it’s a calming influence to have that bocce ball recreation opposite the median strip where we have this frenetic skateboarding and there’s a lot of activity there. We envisioned lunchtime tournaments, families,
visitors all being able to have a game there—or is it a match, I’m not sure. And the idea that this would be taken
care of in perpetuity is a great advantage to the City and County. The idea that people can go to the museum just
across the way, the MUNI Museum, deposit a driver’s license, get the bocce balls and return them later is I think a
perfect way to handle it. It’s free, it’s free for everyone, we truly support it. David Miles: My name is David
Miles, again, California Outdoor Roller Sports Association. Another I have done when I’ve come to these meetings
these last few times is I’ve given you a concept of something that I felt would be a great addition to the
Embarcadero which is to make that area a multi-use surface that included roller skating. Every time you build the
ice rink for the holiday season you have thousands of people that come out and it generates thousands and thousands
of dollars which could be generated to go towards a lot of the programs that we can’t afford to do anymore. I think
bocce ball is a great thing. I have no problem with bocce ball or anything of the things that people want to do but
this little spot here is very special, it’s been a lot of different things that people have tried to do from the giant 18
foot stainless steel foot to the organ pavilion and all these different idea and personally I wish that there was an
opportunity for people—I mean, if there was an effort to let’s do the best thing in this spot I’d like to go in and try to
compete with people that have great idea to see if we can get a roller skating thing put in there, a multi-use thing
where you can have a [unintelligible] roller skating, different events going on, but a surface that can accommodate
all these different type of activities and I would like to partner with the Recreation and Park Department to make this
something that my organization can be involved with to have something permanent, something that is equivalent to
kind of what we have in Golden Gate Park every Sunday that is free, inclusive, fun, and thousands of people come
to all the time. Like I say, I’m not so much against having bocce ball. I think that’s great, but I think that area I
think that the idea that we presented as a roller skating area was a very, very good one and yet that was another idea
that we haven’t been able to go any further than come to do our three-minute speech about. We are going to this
Craigslist Boot Camp. I am taking my board members through this boot camp and I am going to run them just like I
went through boot camp and basic training so that when we come back we want to be able to put this in the frame,
no matter what happens, we want to put this up to try our best to see if we can make this happen. If it happens,
great, if it doesn’t we tried our best. But I wish that you would look at doing that space, injecting a lot of different
great idea and finding an idea that’s going to use that space because one of the things that I always hear is what are
we going to do with this, what are we going to do with this? It’s been like that a long time. It’s time to do
something but let’s do the right thing and the best thing that we can do. Thank you.

Commissioner Buell: Can we put the plan up on the screen for everybody to see? One of the questions I have is
the—it’s interesting the French version petanque you see many of the courts along the roadside under trees but
they’re on the main thoroughfares so I thought it interesting that this was placed along a main thoroughfare and
similar to how the French at least play the game. But there’s also benches for people and I remember the courts and I
don’t know if they still exist down at Aquatic Park where some of the non-players can sit and relax. Is that
accounted for in this plan?

Lev Kushner: Well, there’s an extensive seating wall, basically all around or on that would be the water-side. So
there aren’t any benches in the plan but there’s pretty extensive—

Commissioner Buell: There are places to sit?

Lev Kushner: Oh yeah.

Commissioner Lee: Thank you. I know that there have been many ideas for activating this space, roller skating
and so forth, and I know it’s difficult when you’re looking at limited space with competing interests, but I do think
this is a great project and I want to thank Local 261 for stepping up and participating and helping us make this
possible. Now, I have a question Lev, from the diagram it looks like is there a fence around the area? Around
the—

Commissioner Buell: Thanks Ernestine, we’re going to ask the staff.

Commissioner Lee: So, it’s just open space.

Lev Kushner: There’s like a—as I said before there’s a low seating wall which serves as a barrier so the balls
aren’t going to roll all over the place.
Commissioner Lee: So that’s what the gray is? That is the perimeter around the green is a low seating wall?

Lev Kushner: Around the green there’s a granite curb and then outside of that there’s a decomposed granite, decomposed gravel area.

Commissioner Lee: And will this—there will be no charge for playing on this?

Lev Kushner: Oh no.

Commissioner Lee: And in terms of play are you going to—do players bring their own equipment or are you providing some?

Lev Kushner: That’s what we anticipate, yes. There are potential other plans for ways to have a set of bocce balls on site but currently it would be people will bring their own equipment.

Commissioner Lee: Then you don’t anticipate having any staff or anything monitor or program out this site?

Lev Kushner: No.

Commissioner Lee: Okay, well, thank you.

Commissioner Sullivan: I think this is a really interesting idea. I’ve spent a lot of time in this area both during the week and on the weekends and I have never seen that space used for anything. I’ve never seen anyone—I’m sure there have been people in the past that have been there but I’ve never observed it. So this is a really interesting idea for that space. I wanted to ask about the layout. So it looks like if you look at this you see grass and then within a couple of long rectangles you see where I guess you would have the crushed the surface on which you would play bocce and in between a pretty narrow of grass and around the perimeter a narrow area of grass and I know there have been some prior project that the Department has implemented where we haven’t really thought very carefully about where people are actually going to walk and we had this idea we were going to have this nice turf, grass turf, and what we discovered was that people trampled the turf and after a few months it looked like a dustbowl. So I would just really encourage as you look at this space and as you design it to think about where people are actually going to walk when they use it because it looks great now but it might make more sense to have another surface if it’s going to be an area that’s going to get a lot of wear and tear, it might make sense to have another surface in certain areas rather than grass that turns into something else.

Commissioner Harrison: Yes, two things and I think one of them is answered. You talked in the page here about having the bocce balls that the Department would have to give out to people free and I think Ms. Crowley talked about that the Rail Museum would have this equipment and would be able to give it out. Have you talked to them about this?

Lev Kushner: We’re looking into that. That was one of the ideas, that’s why I said at the beginning we’ll ask people to bring their own bocce balls but we’re looking into the idea of having one of the adjacent retail frontages have much like some other courts I’ve been to where you drop your driver’s license in exchange for getting the balls and then you do the switch back at the end but we don’t have any agreement in place.

Commissioner Harrison: The other I agree with Commissioner Sullivan that there are these blocks that they make for walking on and driving on that you fill them with soil up to a certain point and then grass seeds put in and then they grow and you can cut them like a grass but they don’t get worn out, you’re not trampling on the soil itself. That’s a suggestion.

Lev Kushner: We’ll definitely look into that.

Commissioner Bonilla: Yes. I know perhaps there have been competing ideas and interests in terms of how that space could be utilized. So what I want to hear from staff is what were some of the specific ideas that were brought up in terms of how that space could be used and what were your—in terms of the pros and cons or the wading of
these ideas—how did you arrive at that this would be the best and highest use for this parcel? Could you give me a little bit more information on that?

Lev Kushner: Sure. I may actually partially defer the answer to that question to the next item on the agenda which is the acceptance of the gift. The gift has been very generously offered to us by the Laborer’s Local 261 Community and Training Foundation. I believe I got that correct. And they presented us with the idea so I can say that from the City’s perspective we think this is a wonderful—it’s a very passive use but it’s a very popular recreational activity and we think it’s a wonderful—it’s an urban sport that doesn’t require a huge amount of infrastructure and we think it’s a wonderful match in terms of attracting people who can come and have some food and sit on these seating walls and play the sport.

Commissioner Bonilla: But what I want to know is were there actually were there other ideas that were talked about, discussed in detail in terms of what to do with this parcel? I mean, what were some of the other ideas that staff considered?

Lev Kushner: We were actually presented with the gift.

Commissioner Bonilla: No, I know you would consider it with a gift but in terms of public input what ideas were there that were presented for the use of this space other than the idea that came up in terms of having this gift for this specific purpose?

Lev Kushner: There wasn’t actually a soliciting of public input for this so the answer to your question is we didn’t actually have—I mean, we’ve had discussions internally of what we would like to do with this space and how best to activate it and we found that when we were presented with this very generous gift that we thought it was a wonderful match so I think the answer to your question is we didn’t have a long list.

Commissioner Bonilla: I see, so we just kind of are jumping on this because there is a golden opportunity here to have some monies to use that parcel, basically. But in reality and I just want to put it on the table here, is that in reality there wasn’t really a discussion per say of what were some of the competing interests or ideas for the use of this space, right. I just want to know that.

Commissioner Buell: I think the answer is that we didn’t go through an RFQ for a space like this and that some supporters came forward and I think if you look in your binder you’ll see an extensive list of supporters who came forward with an idea to pay for this and to install it. I think your question is a legitimate one about—

Commissioner Bonilla: I just want to, Commissioner Buell, just for factual purposes I just want to know if there were any other ideas out there that were considered.

Commissioner Buell: Right. And it sounds like no one else has come forward unsolicited with a proposal and staff had never gotten to the solicitation stage.

Lev Kushner: Correct.

Commissioner Buell: So we’re presented with this as an opportunity. I had opted not to put the items together because the next item has to do with the funding and installation but perhaps that would have put it in more of a context as we consider this item. I would even entertain listening to the next item before we vote on either one. I know Margaret is looking at me like I’m violating every Roberts Rule of Order but I think it puts it somewhat in context.

Commissioner Bonilla: I think so too.

Commissioner Buell: So maybe we’ll move to the second item. You can ask—you can call that item and then we’ll go back to voting on both of them after we’ve heard it.

Commissioner Bonilla: I totally agree with that. Thank you Commissioner Buell.
JUSTIN HERMAN PLAZA GIFT
Chris Gruwell:  Hi, thank you President Buell and the Commissioners and all the staff at Recreation and Park. It’s been so much fun to work with you over the last few months. If it’s okay Margaret could I hand out some bocce balls to play with while we talk so you can see what we’re talking about. So I’m here on behalf of the Laborer’s Local 261 Community Service and Training Foundation which I am a trustee. It’s a new organization. The LCTF is a local non-profit and union-affiliated organization founded last year and our mission is to empower low-income and underserved residents of San Francisco through job training and placement. And this gift is in fact the first class project for the non-profit.

I have a short PowerPoint that I’m going to go through that’s on the second page. So who’s been working on this? The Local 261 Community Service and Training Foundation has not been alone and although the gift is flowing through them it’s been a whole bunch of folks who’ve really worked to put this together and I know the actual gift amount we’ve listed is $61,000 which is for the hard costs, that’s the materials and the labor costs for the trainees. They do get paid for working on this project. Everything else has been done pro bono and if we had gone out and solicited bids to do this job it would have been somewhere in the range of $200,000. So a lot of folks have put a lot of time and have been very generous. WebCorp, one of our great builders here in town, is going to oversee the project, provide all the equipment and the tools and the construction management. AECOM that owns Eda a great local landscape architecture firm did all the conceptual work with Recreation and Park staff and the Mayor’s office to see what kinds of things would fit best in this space and I do believe during that process there was a lot of discussion over other ideas and they particularly worked with Dariush Kayhan from the Mayor’s Office of Homelessness about the need to find something that will activate this space to encourage folks to come and use this space for more than just a place to sleep at night.

Boston Properties which are very essential to this project, they currently maintain this parcel as part of their original agreement with the City and all costs of maintaining the site today and going forward will be covered by Boston Properties. So that will be the resurfacing so when the old materials wear out, the crushed oyster shells, they will replenish it, they will damper it down. It’s a playing surface so they have go out and damper it down on occasion. All the mowing of the lawns, the replacing of the turf, all these things will be done by Boston Properties. Of course I mentioned Ann Taupier and the Mayor’s Office of Economic and Workforce development who’s been definitely helping to push the ball forward with Lev and Margaret and all the folks at Recreation and Park, Sarah and Phil who aren’t here have also been fantastic. Mark Cavanero and Associates, another great local architecture firm, did the detailed drawings that we’ll be building off of. And I have not told this anybody, you’re the first to hear this but Mark Benioff from Salesforce.com has pledge the entire cost of $61,000 for the materials and the labor. So we are very excited that this project is 100 percent paid for and ready to go.

Next slide. We have been doing—I’ve personally been doing a lot of outreach and my office has been down there first at the Ferry now at 1 Market for many, many years, and I’ve reached out to as many of my neighbors as possible and here’s a short list of folks who support it and we have gone to all the building owners from the Ferry Building to 1 Market to the Spear Towers to the Hotel Vitale to the Hyatt and Boston Properties have all signed on as well as the San Francisco Sports Council which is not only a great local organization who worked to do things like the Children’s Games which I know you all have had a hand in, they’re tenants of the Ag Building across the street, the San Francisco Street Artist Programs which is another neighbor of our that you’ll find in that center space between Justin Herman Plaza, the walkway between Market Street and the Ferry Building. Michelle Meany from Wilson, Meany, Sullivan, who was the original leasing agent and designer of the concept at the Ferry Building, who brought the Farmer’s Market in, loves the idea and has been working with a lot of the vendors there who also support it. And we are trying to find someone who wants to rent or hand out or sell bocce balls. CUESA which is the Farmer’s Market folks and a whole other list of folks. Phil Ryan who runs the Golden Gateway Neighborhood Association. Of course we heard from Gerry Crowley and the Neighborhood Network. The Barbary Coast Neighborhood Association. So between the businesses, the landlords, the hotels, the restaurants, and the Neighborhood Associations we’ve not heard anybody who feels it’s not an appropriate project. It’s also to note that Supervisor David Chiu is also supporting the project.

And the next page are some frequently asked questions that I think we’ve already heard but I’ll zip through because these are the same questions that were asked by everyone I spoke with. First we’ve talked about how much will this cost the City. It will cost the City nothing. I guarantee this parcel is already maintained by Boston Properties, they’ve agreed to maintain it going forward, they’ve always done a great job at taking care of their fair share,
working with Recreation and Park in partnership together to make sure that area down there is as nice as could be. They’ll also be responsible for the maintenance. This is a playing court and in a minute I’m going to bring up a quick guest. But to maintain the course, to keep it up to its championship level. Another question I get a lot is how do you play bocce. I think people are excited but don’t know how to play so we hope to come back to the Commission at a further meeting to put up some form of signage that will have a short list of instructions and basic etiquette so folks can go out there and have fun and know what they’re doing and figure out how to best play with their neighbors. Where do you get the balls? That’s a good question. Most sports fields in San Francisco it’s sort of bring your own ball or in this case BYOBB. We have talked to a lot of folks. Everyone thinks it’s a great idea but nobody has yet to step forward to be the renters or the sellers of the balls. And the last question which we’ve received from a few folks, is this a private amenity? There is no gate around this, there is nobody with any kind of preferred tee-times. It’s self-serve. You come and you have fun and you play.

In closing I want to bring up Benji. Benji is the US Bocce Ball Championship and he’s now become our advisor. People think I’m a bocce ball nut. I’ve play about six times in my life but Benji is here to make sure that we are putting together these courts in a manner that could both be used from professional level all the way down to a passive once a year player. And so when I get down to the very end why bocce? I like bocce because it’s probably one of the most accessible sports you could play. I don’t care if you’re eight years old or you’re 80 years old, if you have great physical talents of you’re just a duffer like me, everyone can play together and have a lot of fun. The games are very, very quick and they don’t take a lot of term to learn and master. So it should be something that folks from around the area can come down on their lunch breaks or a coffee break and just have a good time. I want to thank you for your time. I’ve spoken too long. If you have any questions I’d love to answer them.

**Commissioner Buell:** We may get some public comment and then we may have some questions.

**Chris Gruwell:** And Benji, I wanted to have a chance to introduce you to the group.

**Benji Tosi:** Hello, my name is Benji Tosi and I’ve been the US Bocce Champion now since 2003 and have represented the US seven times internationally all over the world and I’m currently the President of the Aquatic Park Bocce Club which is the oldest club in the nation and when I heard about this project I was really excited. I’m always maintaining groups of people that come down to our club and play and there’s definitely I’ve noticed a spike in activity especially amongst younger people in the city wanting to use our courts and there’s often days where we’re had to just turn people away because we didn’t have enough courts. These courts I noticed they’re going to be built to regulation standards. You know, we’re planning on having a portion of the National Championships next year at the Aquatic Park Bocce Club. If these courts were around we would consider, we’d want to try to maybe do it on these courts since it’s visible to the public and more accessible and I just think there’s a lot of opportunity here if these courts are build and I just wanted to show my support for it.

**Commissioner Buell:** Who owns and operates the courts at Aquatic Park?

**Benji Tosi:** That is owned by the Federal Park system I believe and it’s maintained by a core group of members of the club, the everyday maintenance of it. Large maintenance projects come from S.F.

**Commissioner Buell:** And from an operating standpoint are there balls available for people or do you have to belong to the club and bring your own?

**Benji Tosi:** We have balls at the club that we give out to anybody even if they’re non-members and a lot of time people bring their own equipment. It’s about 50-50 I’d say.

**Commissioner Lee:** That was my question from earlier is what kind of outreach are you going to do to make the game accessible to people who don’t know anything about bocce, particularly younger people, kids, are you going to provide any kind of rules of the game, how to play, any kind of coaching? We have lots of young kids that come to the Ferry area and walk around, Embarcadero. It’s a popular, very highly trafficked area. What kind of outreach are you going to do to help educate various groups that come in that may not know anything about bocce ball?

**Chris Gruwell:** That’s a great question. I think at a future meeting we definitely would like to come and present to you and your fellow Commissioners some simple signage that will lay out in a very layman’s terms how to play
the game. I think it’s important for folks to have a quick cheat sheet on the rules to see how they can best play it. The great part about the Labor’s Local 261 is they are as diverse as this city and their membership and the folks they’re outreaching to really come from all economic backgrounds, particularly from low-income backgrounds and I think we could work together with the training foundation and Recreation and Park to try to figure out the best way to reach out to folks and to invite them down.

Is this the perfect project? I think it’s a good project. Will it solve every problem on the waterfront? Will it tie every loose corner of the city together? No, but I think it’s a great start to get this one area that really as a tenant down there for the last ten years really goes unused and underutilized and I think it’s going to really help activate and enliven the space. The one thing about bocce like I said it’s really—everyone can play, it’s something that doesn’t take a lot of practice. You can come out once a year every day and have just as much fun. So I think it’s very accessible and we’ll work with whoever you’d like us to work with to do as much outreach as we can to make it as fun for everybody as possible.

Commissioner Lee: And it looks like looking at the diagram there is a kiosk, right, at the very front. That little green square, is that a kiosk at the entrance that perhaps could be staffed?

Chris Gruwell: That’s a good question. I don’t know if you want to pull back that screen. Currently there are some kiosks out there that are part of the G.C. Decoux outdoor restroom system and advertising. Some of those aren’t utilized right now. They are designed to sell newspapers but currently are not rented out. I know that there is the historic rail museum. They have definitely been speaking, they don’t want to sort of change what their focus is. They see their staff as docents more than just someone there to sell historic items. So they’re thinking about it. There are some folks in the food court at 1 Market who are interested in maybe trying to drive some of their business by handing out balls if you leave your driver’s license. We will definitely, if there is interest, use some of the funds for this project to buy balls to be used by the public.

Commissioner Lee: And perhaps have volunteer staff that can—you know, as people wander in may want to know what this is about, can kind of explain to them what this game is and get them onto the court and show them how to play.

Chris Gruwell: That’s a great idea. Maybe we can ever host some clinics on a regular basis for folks to come out and learn how to do it. One of the great things about these large buildings down there, they’re all on common email for their property managers so maybe we’ll invite folks to come down with a special clinic on occasion to learn how to play.

Commissioner Lee: Or as you open or introduce the court perhaps you can set aside a few weekends for a clinic to kind of introduce this sport to the neighborhood and have it as a free clinic for people who want to come and learn about bocce ball and let people know there’s a course here. And I guess the other question is once you have it up and since, you know, how do you prevent other uses from happening if you don’t staff it? Because obviously it’s an open area, you have a big facility. You know, what if—there might be other uses that are on there.

Chris Gruwell: You know, it’s sort of like the tennis court where sometimes folks want to ride their bicycles or skateboards and a lot of this is on the honor system in our parks. I know that I have sort of faith that folks will go down there and be respectful with the courts. The good news is if you wanted to go out there and really misuse them there’s not a lot of damage you can do because they’re pretty simple. Our goals is to make sure that if someone does misuse them they would just get them back up to quality shape as fast as possible. The idea of this space is that currently sleep on it at night and a lot of folks sleep on it during the day and the hope is that if it’s a playing surface that’s used on a regular basis folks will be less likely to want to permanently camp out there and there’s still a big chunk of grass to the south side, almost half of the space is still open and there’s nothing on that space and we’ve on purposed tried not to put any furniture into the area. One, I think it would be a lengthier process and we could always get into a discussion over what’s the appropriate style of benches. But this area really is sort of built with benches all the way around it so we want to keep this very clean, very open and not to hog all the space. So a lot of the space is still open grass space. Let’s give it a try and see how it goes.
Commissioner Sullivan: Yes, I didn’t realize this until I saw the slides but my partner’s architecture firm is one of the donors to this event, to this project, so the City Attorney has advised to be on the safer side of the ethics rules I should ask to be recused.

On motion by Commissioner Bonilla and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1008-006

RESOLVED, That this Commission does recuse Commissioner Sullivan on Items 6 and 7, the Justin Herman Plaza Conceptual Plan and Gift.

Ernestine Weiss: Good afternoon again. As I said before, this space should be equally shared with other groups. There’s no such thing as an exclusive right to occupy a part of the park. This is very unfair and selfish because I recommended to the bocce people to play over there. Formerly they played on the grass on the other side of 203 so why can’t they play on the grass the same way? I don’t understand why they have to rip up this nice area and they say it’s not used, well, it is used by little kids and other people. They can’t be there 24/7 to see it. So let’s be fair, let’s keep it open, give other people a chance to use it. There’s a crying need for soccer, for volleyball. I’ve had to chase those groups for years not to play on 203 so our people could use the park. Now that we have a chance to have that for multi-use you’re going to just rubber stamp this thing through just because somebody’s giving you a gift of money and labor? Well, that’s a lovely gesture but not for this place, not for this location. That’s highly discriminatory and it’s not right to do that. As I said before, they’ve played on the grass, let them play on it again. Why not? It’s going to be messed up by other people, I guarantee it, because I know that area, I’ve chased skateboarders, bicyclists, all kinds of people ripping up the other part of the park and I’m glad to see that they’re going to fence off the park pretty soon after Peter Pan leaves and so I’ll have six months of peace in that regard. But I guarantee you they’re going to come there and ruin that park because it’s just up for grabs for people like that. And the homeless are going to stay there in the afternoon. Who’s going to police them? There is no such thing. So I urge you to let public comment on this for the neighborhood groups—Sue Ryan who’s head of the Golden Gateway Tenants, that’s a small group of people, they do not represent all of us and there are thousands of tenants in that building where I live. So please defer this until the wider public has a chance. Nobody knew about this including myself. This comes as a great shock and I urge you not to okay it at this meeting, to wait and see what other people have to say about it to be fair and not to exclusively grant them this precious piece of land that I fought so hard for over the years. Thank you. David Miles: Good afternoon again, Commissioners. David Miles, CORA. You know, this Saturday—you know, I do Sunday Streets where we close the streets off and all. A lot of parks in there are a good thing to demo bocce ball with that and get the public involved. But this Saturday I’ll be out in Hunter’s Point at the Hunter’s Point Youth Community Park. They came to Sunday Streets and they said nobody comes out here and does anything for us. And so I’m bringing my 300 pairs of skates, my family, my friends, we’re going to go out here and do a free thing for these kids who have a fiscal sponsor but it seems like they really don’t want to work with the people that’s trying to do things out there. They’re not like college educated and all smooth and suave. They don’t go to these meetings. They just have a will to try to do something. I showed them how they could get the wood to get their roller rink built and all and I didn’t think they was going to make it, but they did. And so I’m out here now, I’m going to help them out and do my thing. Do you know they probably have never heard of bocce ball? These are you underprivileged kids that we all stand up when we want something. I’m sure that bocce ball is probably a very exciting thing but I bet you I couldn’t find a hundred people that know what bocce ball is and this a city of 700,000 people. Still, I’ve been around the block a long time, I know how this works. I know that $63,000 is a rare thing. It’s a rare thing when people come with a plan and they can pay for it. Everybody else they want it. I just feel like you know had I had an opportunity to go before some foundations or maybe Roller Blade or Rydel or the Roller Hockey or maybe Kristie Yamaguchi who we’ve done several events in Golden Gate Park and all these other people, I probably could easily get the same type of support but that ain’t how I figured it. I thought we were going to work together and make something happen. But that’s not how it seems to work anymore and it’s not because I’m feeling anything about bocce ball or anything it’s just because I’m sitting back here listening to the kind of questions that you want answered. You know, you can do what you need to do. I still think the bocce ball is not going to work, just like some of the other ideas that you that’s not going to work. It might work, it might be great. It deserves a chance just like I think a lot of the other ideas deserve to be at least listened to. I brought all these things here, it shows you pictures of the Embarcadero, the roller rink and all. Not once have them been mentioned, not once did I have a meeting to present it, not once did we—I mean, I don’t like loading hundreds of people in here to come up and say the same thing. I really don’t like that, I think it’s a waste. I’m not going to do that. I think that you should take a look at this and say let’s just hold up a second, let’s see what we’re going to do and then if this seems like the thing to do, do it. But I am not very happy about the process today, thank you. Marilyn Kohn:
live three blocks away from this location. This is the first I’ve heard about it. I live in a large building where it is very easy to post information for our local residents. Nothing has been posted. There has been outreach on the management level. On the one hand we hear that the purpose of the people who are organizing this is to reach lower income people and on the other hand all the support is from people who can afford rents of that neighborhood who are not low income. So this is talking out of two sides of your mouth. There is a major skateboarding problem down there and this will just add to it and there’s no staffing, no way to deal with it. I’m delighted that Commissioner Buell has observed the charm of bocce in France, so have I, in small village squares not on the Champs Elysees. There are big traffic problems there. This is a totally ill-conceived idea and now we learn there’s a facility at Aquatic Park which is a much more reasonable location. Gerry Crowley: Good afternoon again, Gerry Crowley. I hate to spar with my friend Ernestine but we occasionally are on opposite sides. I just wanted to point out that this week was National Night Out and in North Beach where I live and have lived for half a century we had a barbecue at Joe DiMaggio Playground and the Community Center was involved, the Police Department was involved, and bocce ball was involved. In fact, whenever there is a community event at the Playground there is a lineup to play bocce ball. People in North Beach and in the Northern Waterfront know about that game. It’s an easy game. It’s for families, it’s for older Italian gentleman. It’s part of our heritage on this side of the city. So I would certainly urge you to move this forward. To my mind, it’s a great idea and it’s a game that everyone can share. Thank you. Ramon Hernandez: Good afternoon Commissioners. Ramon Hernandez with the Laborer’s Local 261 and one of the founders of this nonprofit we have. I’m very, very excited. Commissioners, if you could move this project forward. It takes a lot of the people that have been saying it’s an easy game to play, everybody can play. I’m very excited because we’re going to use a community [unintelligible] to do the work and we expect it to help the community to assist and attend the courts and probably even more in there. So I’ve been excited to make the bocce balls go forward. I hope you guys get your support. Thank you. Male Speaker: Hello again, just a couple quick comments. I like what—I forgot who mentioned it earlier—about the outreach and children and stuff like that. I just wanted to say that at Aquatic Park we do kids camps every summer. We just did one last week with the Salesian Boys and Girls Club, had four different groups come in of all different income levels and the kids really enjoy this. We do this a few times a year with children. All year long we do clinics with adult groups and things like that and I know that I would be more than willing to volunteer or help out down there to reach out to people and teach them the sport. As far as playing on the grass goes, it’s not really a sport that’s meant to be played on the grass. I don’t know if a lot of people know this but it’s not—grass is not even legal to play on. It’s usually dirt or natural surface or asphalt or concrete or something. Also, skateboarders probably—I don’t think they would skate on there. I’m a skater and—not at the Embarcadero—it’s a natural surface, skateboards just won’t go on that, it’s not an easy place to go. So I’m not concerned about skateboarders and I live in Oakland at the moment. I’m about to move back to the city. No one told me about this either but I did read about it in the San Francisco Examiner which is how I knew to come here. That’s it, thanks. Katherine Howard: Good afternoon Commissioners. I hesitate to come up here because it’s not a part of the city I’m usually involved in but I’m here to talk about outreach. From what I’m hearing—and I appreciate Commissioner Bonilla’s efforts to come to the root of this very closely—from what I can see a private group decided they wanted a project, they offered the city money for it. The staff, who are desperate for funding, talked about it internally. They went out and talked to the neighbors and got powerful support for it. And I’m not in any way talking against the proposal itself or the people, many of whom are friends here and have supported other causes I’ve been involved in, but I’m very, very concerned about this process. This is not outreach, this is purchase of public parkland and if you think of it in any other way you’re fooling yourselves, I’m very sorry. What I’m hearing is if you have a lot of money you pick a piece of parkland and you offer the money and you get it and you do it however you can. I do not believe that this item has been on your agendas. I believe that public parkland belongs to the entire city, not only to the people who live around it. If it belonged only to the people who live around it we would not be having so much trouble with the Beach Chalet Athletic Fields and other projects in Golden Gate Park. If it belonged only to the people who live around it the Stow Lake Boathouse would not be planned to be given to a different contractor and I believe that also applies to things that have been done to the Arboretum. I encourage you to think about this very carefully. I encourage you in the agendas to list every single project. I would like to know what other things are in the plans. I’d like to know—I’m sorry, I’m very upset about this and I really didn’t want to talk about it but the more I listened the more I realized that this is not outreach, this is not what you said you would do. You said you don’t want surprises from people, here we have a surprise. Please, stop doing this. Get the Department to list everything, every single thing that’s being considered by people should be listed. We should know about it ahead of time, we shouldn’t find out about it in the newspaper three days ahead of time. This is our parkland, this is our commons. Whatever decisions you make about it everyone should know about it. David Miles and the skaters have a right to be considered and he said he’s introduced it, he didn’t have the $70,000—why is that a deciding factor? Please, please, please think about this. Thank you.
Commissioner Lee: I was wondering if Nicole could speak to the issue of outreach. I know from staff and from the report that you guys did do outreach. Can you kind of tell us what the extent that your outreach took?

Nicole Avril: We’ve been working very closely with Chris Gruwell and his group, they’re very connected with the community down there, very tapped into the interests of the various parties from residents to merchants to tourists and they’ve been an active—we’ve been actively partnering with them because they’re really got their tentacles into the community and on the pulse of what folks want down there and frankly are better equipped that we are to connect with that community. And so they’ve been working with us very closely to make sure that folks know about the project and are in favor with the project and we’ve been very aware and participating in all of those conversations. But it’s been a partnership, very much a partnership.

Commissioner Lee: In reading that, your staff did not do outreach itself? You worked with Chris and his group to do it?

Nicole Avril: That’s correct.

Commissioner Lee: Okay, thank you.

Commissioner Harrison: Nicole, I think you can answer, I hope you can anyway. There were two things that I heard during public comment. One was that there were going to be some community folks that were working through this partnership program to build this.

Nicole Avril: That’s correct.

Commissioner Harrison: So that’s going to come from our south-east side of town, I would assume those folks. Secondly, the other thing I heard is this is not going to be reserved for any private group or people, this is going to open to everyone in the city.

Nicole Avril: That’s absolutely correct.

Commissioner Harrison: Who wishes to go down there and—

Nicole Avril: Everybody.

Commissioner Harrison: To stand in line and when it’s their turn they get a chance to play for free.

Nicole Avril: For free, that’s correct.

Commissioner Lee: But you’re not providing any staff to monitor or run the program, right?

Nicole Avril: No, we’re not.

Commissioner Lee: This is going to be purely a volunteer, user-driven activity.

Nicole Avril: That’s correct.

Commissioner Buell: Thank you.

Nicole Avril: You’re welcome.

Commissioner Buell: I want to comment on that as well. It think to characterize this as somehow a private group coming in for a private purpose is misrepresenting the facts. I think it’s a piece of land that when the Embarcadero Center was developed there were responsibilities assigned to developers to maintain the public spaces and I think this is a unique use that addresses some of the problems with a open piece of grass at that location. When I asked the leaders of the Central Park Conservancy how they dealt with some of the problems in Central Park
before it was renovated they said that it really is important not to use Police Departments and for us it’s really important to use innovative ways to use the park to get activities there of different kinds. I think this represents that. I think it’s a mistake to try and pit ethnic sports groups against ethnic sports groups or types of users against other types of users. And we’ve heard that the bocce courts at Aquatic Park are oftentimes filled to capacity and they can’t provide space. So we have a group coming in that’s a joint venture with Labor and public interest to create a use there. If this turns out to be a disaster, which I don’t think it will, it will certainly cost a lot less to restore it to its original condition. But the idea of trying to find unique uses for the public to enjoy and as Commissioner Harrison asked it’s strictly 100 percent public, this is not private, and to have the groups that went forward with this do the outreach into the community—and we have lots of letters and lots of legitimate organizations. The fact that some people didn’t hear about it may be constructed to be unfortunate but it certainly had extensive exposure from the sponsors of this. So I think that it needs to be put in the proper context when we consider the issue.

With that, if there are no other comments.

Commissioner Bonilla: My in-laws live in Belmont, California, and their next door neighbors play bocce ball. They have a—they play bocce ball on a strip of ground and I go there for Sunday dinners every Sunday and watch them play and I’ve learned about the game and it certainly seems to be a lot of fun and we just haven’t had the time—I haven’t had the time to really partake in the game but from watching it it seems to be like a very, very fun activity and it’s something that the family get around. So I’m supportive of it because I have that expose to that game. But I have to admit I am very—the process leaves a lot to be desired for me. I think that there always needs to be—we always need to weigh every—I mean, I think we need to give equal weight to competing ideas within the community and I think the means test should be that whenever something is brought before us that there is a demonstration that different ideas coming from different diverse communities have been weighted, have been considered, have been talked about. I don’t see that with this project and I just have to be absolutely honest about it. It’s not that I don’t want to support it because I would love to support it and I’m disappointed that I’m going to have a hard time supporting it because the process was not the best. In all honesty, it was not the best process and it does smack of people with influence and money coming to the table and putting forth this project. So I’m not comfortable with supporting this for this reason. It’s not that I don’t support the sport because I think anybody can play it and should be able to play it, should have the opportunity to play it. I think it’s a good thing. I just think we need to be—I think we need to do our due diligence in anything that we approve in the future in terms of making sure that we do every last bit of outreach that we can possibly do and that different communities have confidence that we have listened to and given equal weight to competing interests because the interests are always going to be very competitive. So I’m disappointed because this seems like a great project but I’m disappointed that I’m not going to be able to support it because we didn’t do our due diligence.

Commissioner Lee: I hear what my colleague Commissioner Bonilla is saying with regards to the process and I know and I do distinctly recall David coming before us with the idea of the roller skating rink and there have been other ideas. With that said, I’m prepared to support this project if we can provide the outreach component and the support that would be needed to make this sport accessible, the space accessible, to diverse groups from all over the city. One recommendation I have in terms of the conceptual plan is to have an informational kiosk or some kind of kiosk at the entrance or some place on the court where a visitor or a group of children who come into the court can get information about the sport, the rules, that equipment be provided for them. Because obviously somebody coming in new would not know how to procure equipment, they don’t know anything about the sport. And then perhaps some clinics that could be operated out of the court to improve the outreach. So I would say in the conceptual design perhaps a kiosk dedicated to information or outreach be placed in the conceptual design.

Commissioner Buell: Thank you. I might go a step farther and ask the Recreation Department side of Recreation and Park if they would look at ways for outreach for this use on this site and find ways to incorporate the communities that we’re already heavily involved in making them aware and have access to this as well. And if you’d give us a little report back—I don’t want to put a lot of pressure on you but maybe in the next 30 days about how we might do that I think it would give this commission some satisfaction. Thank you. Is there any other comment?
On motion by Commissioner Harrison and duly seconded, the following resolution was adopted:

RES. NO. 1008-007
RESOLVED, That this Commission does approve the conceptual plan for two bocce courts in the Music Concourse of Justin Herman Plaza and does direct staff to report back on ways for outreach, awareness and access to communities at this site.

Ayes: Buell, Harrison, Lee, Martin
Noes: Bonilla
Recused: Sullivan

On motion by Commissioner Lee and duly seconded, the following resolution was adopted:

RES. NO. 1008-008
RESOLVED, That this Commission does recommend that the Board of Supervisors accept a gift valued at $61,000 of labor and materials from the Laborers Local 261 Community & Training Foundation to construct two bocce courts in the Music Concourse of Justin Herman Plaza.

Ayes: Buell, Harrison, Lee, Martin
Noes: Bonilla
Recused: Sullivan

CORONA HEIGHTS PARK
Lisa Wayne, Manager of the Natural Areas Program presented this item to the Commission. The item before you is to approve the use of the lawn at Museum and Roosevelt Way at Corona Heights Park for the staging and camping areas for the volunteers for Outdoor California Volunteer Event to take place on August 20 to 22nd. Could I have the overhead please.

This shows you an overview of the lawn area here. Here is Roosevelt Way and this is Museum Way leading to the Randall, the dog play area, and the Corona Heights Natural Area. VoCal will be working the Recreation and Park Department to improve trails at Corona Heights. This is work to be performed as part of the Trails Program and an item that you approved previously on July 15th. We hope to bring out 150 volunteers to do this work over the weekend and VoCal’s Volunteer Event includes overnight camping and a modest amount of beer provided for volunteers.

Before I turn it over to our partner Cathy Moyer from VoCal, their Executive Director, I wanted to briefly go through the outreach that we have done on this. We have posted all the entryways to the parks with fliers, we’ve conducted door-to-door outreach for all the homes adjacent to the park, we conducted a community meeting at the Randall Museum, did outreach to Supervisor Bevon Dufty’s Office, several neighborhood groups including the Buena Vista Neighborhoods, Corona Heights Neighborhood Association. PROSAC head the item as well and we’ve done up to date about 24 hours of direct outreach to park users.

So with that introduction let me just turn it over briefly to Cathy Moyer to explain the event, thanks.

Cathy Moyer: My name is Cathy Moyer, I’m the Founder and Executive Director of Volunteers for Outdoor California. We conduct large-scale weekend long volunteer stewardship projects on public spaces throughout Northern California, primarily the greater Bay Area. Many of our projects are much more remote than Corona Heights Park but we have a commitment to urban parks as well and in recognition of that commitment we have made a commitment to work with San Francisco Recreation and Parks each year. This will be our third project with San Francisco Recreation and Parks. We’ve previously done a project at Glen Park. Last year we did a project at McLaren Park that was a new trail construction. So this will be our third partnership with San Francisco Recreation and Parks. Each of the prior experiences has been tremendous. We’ve gotten tremendous support and encouragement and involvement from the neighbors. Very multi-cultural involvement. In fact at our McLaren Park project we had to do our project announcements in three languages to make sure that everyone there had a good solid understanding of what we were trying to accomplish during the course of the day.

The issue in front of you really is the camping and I wanted to provide you with some images of typical or representative camp environments. Here, this is an image of our kitchen setup. We cook, we provide all of our volunteers breakfast, lunch, and dinner on Saturday and breakfast and lunch on Sunday. We cook on essentially
outdoor—these are commercial-style propane burner stoves. What you won’t see there is a—there are two fire extinguishers always set next to our stoves in the kitchen area. So we have a kitchen area. We set up tables for our volunteers to make up their own lunches. And lunch involved—we always provide meals that cater to both those who eat meat and those who do not. So there’s a real broad opportunity for participation in each of our projects and we feed people really well. That’s one of the things we are best known for, actually, among our volunteers. We want them to come back, we want them to work hard, so we make sure they get a lot of protein and a lot of good food.

As Lisa Wayne explained we do provide alcohol Sunday evening for our volunteers and that’s always because we expect to have about 150 people our goal is not to have—you know, we’re not a bar, we do not provide enough alcohol for people to get wasted or even slightly drunk generally. The point there is when you come off a hard trail project at the end of the day Saturday a cold beer tastes really good and it really sets the stage. We also provide a number or other cold beverages and other refreshments for people as well.

I’m glad to answer any questions that you may have about the way we set up our camp and our environment and the way our volunteer participate there. I’m a little time-constrained because I have a board meeting myself this evening right after this meeting but I’m glad to answer any questions you have. Thank you.

Commissioner Sullivan: Lisa, a couple things. One is I didn’t notice any kind of pros and cons. Usually at the end we kind of have who’s in favor, who’s against. Ideally it says none known.

Lisa Wayne: Sorry about that, that was an oversight. So my personal email as well as my phone number went out on all the fliers that went out around the park as well as to all the neighbors and on all the emails that we’ve sent out. The only calls I have received are people who want to come and volunteer so I haven’t received any complaints on that yet. Because it was—the action was camping and the use of the lawn I didn’t include the Corona Heights Neighborhood Association which is generally supportive of the project but we didn’t specifically talk about the camping element. So sorry for that oversight.

Commissioner Sullivan: VoCal has done a great job with all the other projects that they’ve done with us. The other comment I guess is I see there’s going to be a campfire in a portable fire ring. Is that going to be in the grassy area at the park? Is that going to be in the grassy area at the park? I’m wondering if there’s going to be potential damage to the turf or the grass.

Lisa Wayne: As I understand it VoCal has sort of a portable propane kind of self-contained unit that’s elevated off the grass and it’s a pretty small unit itself.

Commissioner Sullivan: Okay, great, thank you.

Commissioner Harrison: A couple of things, concerns about safety. Is the Park Patrol going to be roaming around there and taking a look? Has the Police Department been contacted?

Lisa Wayne: Yeah, that’s a standard thing we do with VoCal is contact the Police Department as well as Park Patrol the last couple of years. Both organizations have come around and done sweeps through to just check on safety, yeah.

Commissioner Harrison: I read too that it’s going to be near a on-leash, off-leash dog play area. I hope they police the area thoroughly.

Lisa Wayne: This week actually we started posting signs to alert people who regularly use that lawn that is will be unavailable for that weekend and we’ll continue to aggressively post it so it’s no surprise to people who effectively use that as an off-leash area.

Commissioner Harrison: Any mistake could ruin the taste of a good beer.

Lisa Wayne: That’s for sure or ruin your overnight camping.
Commissioner Lee: With regard to the noise, I know you’re going to have entertainment according to your report. Do you have a curfew in terms of the sound and are you going to be monitoring the noise levels or have some type of monitoring?

Lisa Wayne: Good question. Usually people are extremely tired if not beat after this event so in my experience people are actually usually to bed by 9:00 and 10:00 at the latest. We certainly can ask that a quiet time curfew be imposed by 10:00 o'clock. I think that would be—Cathy is nodding over there. I think that would be reasonable.

Commissioner Lee: I just read evening entertainment so is that paid entertainment? You’re going to bring in an entertainer or what do you mean by evening entertainment?

Cathy Moyer: We’re actually talking to the Gay Man’s Choir about coming out and performing for us. The entertainment is typically very short. It’s always acoustic. We try to provide just to close the evening after people have dinner, it’s right after dinner, so it’s usually at 6:30, 7:00 o'clock and it runs typically for no more than about an hour. Sometimes it runs a little longer than that if people are into singing but it’s all acoustic and as Ms. Wayne described we’re a pretty early-to-bed group after a long day in camp.

Commissioner Lee: That’s where we’ll get the most calls if people think there’s a concert going on in their neighborhood park or so forth. So thank you.

On motion by Commissioner Sullivan and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1008-009

RESOLVED, That this Commission does approve use of the lawn at Corona Heights Park as a staging and camping area during the Volunteers for Outdoor California (V-O-Cal) work weekend from Friday, August 20th to Sunday, August 22nd, 2010.

BILLY GOAT HILL

Meghan Tiernan with the Capital Division presented this item to the Commission. I’m here to present the Billy Goat Hill Trail Restoration Project for discussion and possible action to approve the concept plan. This is one of the sites in the Trail Restoration Program funded by the 2008 Clean and Safe Neighborhood Parks bond.

We held a community meeting on July 14th to discuss the proposed improvements with the local community. The meeting was fairly well-attended. The concept plan received support with one further suggestion to be more specific about the treatment of the drainage area near the entry. That change has been incorporated into the concept plan.

The project budget is $50,000 and this limited budget will be used to target problem areas within the existing trail system as shown on the concept plan. These are also some images of the types of improvements; they’re all rustic style, that are proposed for Billy Goat Hill. The project will improve trail safety by decommissioning unsafe trail routes that contribute to soil erosion, realign the trail for a more moderate slope to reduce erosion and be more inviting, provide rustic type fencing where necessary for public safety and to protect sensitive habitat and to provide new retaining walls at the street level near the entry and to also provide erosion control measures, native plantings and provide way-finding signage. It’s anticipated that some of this work will be performed by a contractor, other work by community volunteers. In this way we can help to leverage the bond fund with community support and getting more trail improvements at the site.

If approved we could begin construction through a JFC contract in September and be complete by the end of this year. Staff recommends awarding approval of the concept plan for Billy Goat Hill Restoration Project. Thank you.

Jean Colvin: Good evening Commissioners. This is my first time. I live in the area of Billy Goat Hill and I’ve been a steady volunteer for a couple of years. I am one of the founding of the members of the Friends of Billy Goat Hill group and the natural area. And basically I was going to detail what was already said so what I want to do is to assure you that we have a very large community following and membership in our group. There’s a lot of enthusiasm for the trail improvement. We are gradually increasing our volunteer list because we understand that in addition to the weekly maintenance and weeding that we do we will be playing a large part in the completion of the new trails. So we’re very excited and enthusiastic and I just want to show my appreciation and Friends of Billy Goat Hill’s appreciation for all the hard work, the support, the enthusiasm, expertise, from all the people from
Recreation and Park Natural Areas Program. We’re deeply indebted to them for pushing this project forward and to helping us keep a really scenic park where people from all over the city and all over the country come to admire the wildflowers and to walk the wonderful trails and enjoy the scenery. **Frank Triska:** Hello, my name is Frank Triska. I live on 30th Street. I’m also a PROSAC representative from District 8. Currently Billy Goat Hill is an extremely steep mostly social trail and it’s fairly dangerous except for the most sure-footed. So it definitely needs improvement. I attended the meeting on July 14th as did my colleague from PROSAC Jean McKinney. I received several notices about the meeting by email from you and also from a number of local neighborhood groups including the Friends of Billy Goat Hill and the Upper Noe Neighbors. This site was also posted advertising the meeting and the site was also a featured article in the local neighborhood newspaper the Noe Valley Voice. So while I can’t guarantee that everyone knew about it certainly people did their best to have as much outreach as possible. There were some concerns, some were listed—drainage, there’s a problem with underage drinking, there’s a problem with concrete sticking up that has rebar in it and also saving the plants and keeping them from being stomped on. Some of these can be done within the budget, some of them probably can’t. Basically, despite the concerns, at the end of the meeting the question was raised does anyone disagree with the basic plan? No one disagreed with the basic plan. So in light of what has been done I would urge you to get busy and approve the project. Thank you.

**Commissioner Harrison:** A question. It concerns me about the concrete with the rebar poking out.

**Jean Colvin:** There is a—we can’t quite figure out what it is, it’s about one-foot in diameter, maybe about 18 inches high, at the top of the hill, and that will be removed as part of the contract portion of the project.

On motion by **Commissioner Martin** and duly seconded, the following resolution was unanimously adopted:  

**RESOLUTION, That this Commission does approve the conceptual plan for Billy Goat Hill.**

**MCCOPPIN SQUARE RENOVATION PROJECT**

**Meghan Tiernan:** Good afternoon Commissioners, Megan Tiernan again. I’m here to present for discussion and possible action the award of contract to Bowman Landscaping Construction in the amount of $2,449,515 for the McCoppin Square Renovation Project. This is phase I 2008 Clean and Safe Neighborhood Parks Bond project.

The Recreation and Park Department received four bids in June. All four bids were below the $3.3 million construction budget. The first low bidder unfortunately was rejected due to a deficiency in their bid. Bowman Landscape was identified as the next responsible bidder, submitting the lowest responsive bid.

If approved we could begin construction as early as September. The ball field level is expected to be completed by January, 2011, in time for the spring practice season, and the remainder of the site including the ADA accessible pathways, play areas, tennis and basketball courts, new restroom building, pedestrian lighting, planting and irrigation, could be completed by July, 2011.

Staff recommends awarding approval of the construction contract to Bowman Landscape Construction in the amount of $2,449,515 for the McCoppin Square Renovation Project. Thank you. I’m available for any questions.

**Commissioner Harrison:** Yeah, a question on the restroom. This is one of those portable restrooms, I understand?

**Meghan Tiernan:** It’s a prefab restroom. It’s a model that we’ve used successfully before in the city, specifically at Sunnyside Playground.

**Commissioner Harrison:** Has this been installed already?

**Meghan Tiernan:** Not at this site, no, but at another site recently, Sunnyside Playground.

**Commissioner Harrison:** In our letters here we’ve gotten some complaints about the use of this company, I guess it is, from Fresno. This is from the Plumber’s Union and the building trades folks and they’re claiming that
there is a problem with prevailing rates on this. So I understand that—I thought that I was informed that this was, this building was already build, is already on-site or you’ve already ordered it and paid for it?

Meghan Tiernan: No. I think the issue is that it’s a prefabricated structure so it’s built off-site and then it’s simply—it comes in on the back of a truck and is craned into place.

Commissioner Harrison: Has this already been contracted for?

Meghan Tiernan: No, not yet. It would be part of the general contract under Bowman Landscape.

Commissioner Martin: I was just wondering on this item, have we reviewed it with everybody and gone over it with everybody? Because I’m hearing everybody in my house and it’s just worrying me to death and I’m just wondering what have you done.

Meghan Tiernan: As far as the conceptual plan? Actually, we had three community meeting last I believe it was June and July, then we had another meeting specifically just for the restroom addition because this got added to the project scope after the original concept plan was approved by the Commission. So we had another meeting in March. Then we came back to the Commission in April I believe it was for the approval for the revision to the concept plan to specifically include just that restroom.

Commissioner Buell: And was it the fact that this was added at a later date that it became a prefabricated building that got put in?

Meghan Tiernan: It did. So that you were already—had already started the construction drawings for the landscape improvements. This came up through the Restroom Task Force that McCoppin Square was a high priority. So in order to maintain the budget because we had to pay for it with the money we had in hand, the most efficient way and economical way to provide the restroom was to provide a prefab restroom.

Commissioner Buell: So I think the issue here or the elephant in the room is the fact that the unions are objecting to the fact that it’s a prefabricated building built offsite and that we’re a public entity and that supporting work in San Francisco seems like a high priority and a public policy. So I guess the question would be if this was put in because it was after the initial design, etc. would we reasonably expect that this is a unique situation and that won’t be the general rule in the future?

Meghan Tiernan: I can’t say what the general rule would be in the future. That question might be addressed to the Restroom Program Manager. I know that they have a few different scenarios for how they’ll address that program. This one was different in that it kind of got thrust on us through that system and so this was the means left to me to provide.

Commissioner Buell: I’m going to ask our acting General Manager to respond, Katie.

Katie Petrucione: Thank you Commissioner. We as you know as a part of the 2008 there was a pot of money approved for the renovation and replacement of restrooms throughout the city and we’re looking on a site by site basis where it makes sense to use prefab which in some cases it may and then in cases where we’re simply going to renovate existing restrooms and then in some cases we may build from scratch. I would like to point out that where we are dropping prefab restrooms there is still work that would be done by local building trades. We need to pour a pad for a foundation, there’s work that needs to be done around plumbing, etc. So it’s not the greatest use possible of local building trades but there is some involved.

Commissioner Buell: Thank you.

Joseph Tannon: Commissioner, what’s interesting about this particular project—first of all, my name is Joseph Tannon—what’s interesting is that as Commissioner Harrison was just scratching his head is the $2 million price tag. Now, for that amount of money on a prefab restroom something’s not right here. It just doesn’t sound right to me as a community person. Why would that kind of money be spent on a prefab? And the second thing I have as far as a question, who will maintain this? Now, she just got through saying that there will be some work that would
be done, but that’s not specific enough. Who would maintain this once this starts to tear down and break down? I mean, for that kind of money this should be built from the group up and to be brought from Fresno and get the unions have already put it in writing that there’s something not right here. Now, I’m just interested and I’m curious on top of it for that amount of money for a prefab restroom. Something doesn’t sound right to me.

Commissioner Buell: I’m going to ask the acting General Manager to respond to that.

Katie Petrucione: Sure. I think that the $2.4 million bid here is for the entire renovation project of the park not simply for the restroom. The restroom is only a small portion of the bid. And then similar to all of our facilities once the facility is renovated and the new bathroom is in place the bathroom will be maintained by Recreation and Park staff.

Commissioner Harrison: Yeah. I had a conversation with Mr. Mizzola from the Plumbers and I would propose that in the very near future with the General Manager and myself and whoever—maybe Commissioner Martin—we might sit down and try to resolve this for future communication when we would use this. I have some thoughts on it.

Commissioner Martin: Yeah, I have the same problem. I’ve gotten many messages from everyone, from all over town, about this situation and I said what are you talking about. And I had to go by and see it and all that stuff they showed me [unintelligible] and there’s a letter in here from the Plumber’s Union and they’re talking about this situation. So I mean it is something that we need to look at real seriously and work with them on it to make sure that we don’t create a problem.

Commissioner Buell: Okay, thank you Commissioner. We should continue with the public comment.

Frank Triska: Hi, Frank Triska. Basically, I had the pleasure of being on the Restroom Task Force. The prefab restrooms cost about $500,000, that’s for the men’s and women’s side and usually there’s park storage in the back for lawn mowers and things like that. Basically there are about three of them already. There’s on in Sunnyside, there’s also one on the Panhandle and there’s one South of Market. Basically they’re designed to be pretty durable. When I found out beyond the Task Force that they cost $500,000 I was flabbergasted too but then I changed my toilet at home for $59 and a stainless steel one in one of these prefabs is over $700. They have to be able to be kicked and punched and beaten and the design is such in order to be safe and easy to maintain as possible. So it is a lot of money for a toilet but they’re about the same price as the one-seater Decoux. So they’re not, as prices go, they’re not terrible and that’s about what they do cost.

On motion by Commissioner Sullivan and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1008-010

RESOLVED, That this Commission does award a construction contract to Bauman Landscape and Construction in the amount of $2,449,515.00 for the McCoppin Square Renovation Project.

GOLDEN GATE PARK POLO FIELD

Dan Mauer: Good afternoon Commissioner, Dan Mauer. I’m filling in for Rick Thall, Project Manager on this particular project. The item before you is the Golden Gate Park Polo Field Renovation Project, one that’s been in the works for many, many, many years. And with the help and assistance of Prop 40 funds that you’re well aware and some Open Space Funds to help augment that budget we’re finally at a point where we can award a contract to Bowman Landscape to renovate that 16-acre athletic, multi-purpose field with new irrigation and new sod.

We designed the project, went out to bid and received two bids. Both bids were underneath the engineer’s estimate of $1.1 million. The low bidder who came in actually requested withdraw of his bid because of some clerical errors and they were granted that opportunity. So we are going and making representation for Bowman Landscape for a total project bid of $997,820 which includes base bid work and three alternates. The three alternate items that we’re asking for approval on are the removal of all the abandoned irrigation equipment that’s out there in the field and then two consecutive 30-day maintenance periods to help assist our Operations Staff to maintain the field until we have substantial growth on the turf. So we’re looking for assistance and ownership of the maintenance period for a period of time to help make sure our grass grows in properly.
We’re hoping to start this project at the end of September following all the activities that happen throughout the summer and we hope to have that facility open for play and recreation immediately following that construction activity.

So with that I ask for your approval for a construction contract to Bowman Landscape.

On motion by Commissioner Sullivan and duly seconded, the following resolution was unanimously adopted:

RESOLVED, That this Commission does award a construction contract for the Golden Gate Park Polo Field Renovation to Bauman Landscape and Construction, Inc. for the base bid and additive alternates 1 through 3 for $996,820.00.

MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO PUBLIC UTILITES COMMISSION AND THE RECREATION AND PARK DEPARTMENT

Katie Petrucione:  Good evening Commissioners. I’m here to ask that you authorize the General Manager to negotiate and execute a Memorandum of Understand with the San Francisco Public Utilities Commission for a long-term parking agreement for 60 parking spaces at Civic Center Garage.

The PUC is in the process of constructing a new administration building just up the street at 525 Golden Gate Avenue. They have a fleet of about 60 vehicles but there is no parking in the new building that they are constructing so they are interested in renting 60 spaces from the Department. In order to help us with some of our General Fund budget issues that we were experiencing as we were preparing the fiscal year 10-11 budget they agreed to enter into a 75-year lease with the Department for those spaces and they also agreed to prepay half of the $6.5 million. And we actually talked about this a little bit during the budget process as we were preparing out budget.

The $3.25 million that they are going to pay us is assumed in revenue in the fiscal year 10-11 budget that the Board of Supervisors approved and the Mayor signed last week. This has benefitted the Department in that it meant that we had fewer General Fund reductions that we had to make. So it was additional revenue as opposed to expenditure reductions that we would have had to make instead. The one downside of course is that if we take part of this payment up front it means that we will not receive revenue over time. But that was a tradeoff decision that we felt was a reasonable one to make. And there still is $3.25 million available to the Department and we will negotiate with the PUC how we want to take that payment—do we want to take it over time, over the next several years? That will be a conversation as we begin the 11-12 budget process.

Nancy Wuerfel:  There is an important number omitted here—how many spaces are there going to be left for the public? I don’t now, I’d like an answer.

Katie Petrucione:  There are about 850 spaces in the garage and we actually recently had a long-term tenant, I think it was the FBI, who moved out and they had a long-term lease for spaces and so there are spaces available for monthly parking.

Commissioner Lee:  Seventy-five years is a long, long time to have a lease. Have you done an analysis what these 60 spaces would given the rate of increase every few years of parking rates and so forth have you done an analysis of what kind of revenue would we lose by locking ourselves into this rate for 75 years versus going to the free market?

Katie Petrucione: The agreement with the PUC assumes a three percent annual adjustment upwards every year and we thought that was a fair compensation to account for inflation over the life of the lease.

Commissioner Lee:  But could it be pegged against the MTA rate increases for the garages as opposed to three percent? Could you write into the least that the rate that the PUC would pay would be the same rate that would be set by the MTA for all the garages?
Katie Petrucione: One of the challenges with doing that is that the PUC is making an upfront payment and it’s not possible obviously to know what the MTA rate would be over the years so we had to make an assumption and three percent seemed like a fair assumption.

Commissioner Lee: Why an upfront payment? I understand the budget crisis and so forth but wouldn’t it be more prudent to take it perhaps in installments so that you can adjust for the price? I mean, why do you need all $6 million up front as opposed through installments?

Katie Petrucione: This really was—this decision was driven primarily by the fiscal crisis that this city and this Department found itself in fiscal year 10-11 and to be frank Commissioner I think that the fiscal year 11-12 budget is likely to be worse than the year we’ve just come through and I would reasonably expect that we would take most if not all of the second $3.25 million during the 11-12 budget process. I don’t know that for sure but I think that that’s likely to occur.

Commissioner Lee: It just seems that we are locking ourselves into something to solve a short-term problem which if the economy does recover or given a few years we may be leaving a lot of money on the table and having no ability to maneuver.

Katie Petrucione: You’re right. We had to make a tradeoff decision here. And we made the decision in favor of some short-term benefit and especially when we were faced with, you know, as Phil likes to say it’s a math problem—we either raise revenue or we cut expenditures and the only place that we have to go at this point in terms of expenditure reduction in a significant amount is on the salary side of the Department and we really felt that it made more sense to make this decision and take the revenue than to contemplate additional layoffs.

Commissioner Lee: Have you budgeted the $6 million? You know where you’re going to put the money?

Katie Petrucione: Well, so the $3.25 million is budgeted in the current year, the year we just began, it’s just budgeted as General Fund revenue.

Commissioner Lee: So the remaining payment will also just come in as general?

Katie Petrucione: Yes, that’s correct.

Commissioner Sullivan: Yeah, Katie I actually share the same concern that Commissioner Lee does. When I read this and saw that it was a 75-year lease and that we were pegging—we have a 3 percent inflation adjustment over 75 years I thought, you know, 75 years—1935? I don’t think we have any idea what inflation is going to be between now and 75 years from now and I was thinking that it would be really prudent to have some kind of a trigger that says if inflation goes over some level that we would start marking to the CPI or to the MTA rates. I almost think it’s irresponsible to approve a 75-year lease without any protection for the Department for inflation.

Katie Petrucione: We’re in a negotiation with the PUC so I can absolutely go back to them and raise that as an issue.

Commissioner Sullivan: And I get why we need to take the money upfront, that makes total sense but I don’t know that we need to sort of roll the dice on future inflation in terms of the Department.

Commissioner Lee: The MTA raises parking rates if you look at the last few years at a much higher rate than CPI. So that’s why I’m thinking that we might be leaving a lot of money on the table if we lock ourselves into this rate.

Commissioner Buell: Is there a time constraint on this?

Katie Petrucione: Yes, of course.

Commissioner Buell: Tell me what it is.
Katie Petrucione: The PUC needs to—we need to finalize the lease. So the Public Utilities Commission is selling debt actually soon and they’re selling bonds in order to pay this money to the Recreation and Park Department. And they need to move ahead relatively soon with their bond sale and so they were interested in having us have this approved at this meeting. But if it’s your please that we come back we can certainly do that.

Commissioner Buell: Well, if it’s two weeks and we can express the sentiment of the Commissioners that 75 years and no outside kickers if circumstances present themselves I think that both Commissioner Lee and Commissioner Sullivan make a very good point. I don’t think we can object if everything goes well but we certainly should provision if things don’t go well and so if you want to just take that sentiment back. If there’s anything you want to add, Commissioner Sullivan or Lee now is your time to express it.

Commissioner Sullivan: I guess I would just say if we have two weeks I’d like to see if we can get this thing worked out. If we really don’t then we should know that.

Katie Petrucione: I’m actually not—I’m on vacation at the next Commission meeting so we would be looking at September and I’m honestly not sure if that’s a time-frame that works for the staff at the Public Utilities Commission or not.

Commissioner Buell: Well, I think then General Manager Ginsburg can represent your point of view and staff can certainly express this sentiment and see if we can’t come back with at least—if it’s impossible we should know more about why it’s impossible.

Katie Petrucione: Fair enough.

Commissioner Buell: Does that satisfy? Thank you Katie. So we’ll put this—go ahead, Commissioner Harrison, I’m sorry.

Commissioner Harrison: Just to my fellow Commissioners, should there be some point at which 5 years or 10 years the trigger is pulled or should it be within a year?

Commissioner Buell: Well, I think that’s the issue that we’re getting to is the what-if scenarios and how it would trigger a different arrangement.

Commissioner Sullivan: I’m concerned about—I was 21 years old when I took out my student loan in 1981 and inflation was 17 percent and my interest rate was 21 percent and so I remember those times. So I just think we need a protection against the unusual inflation spike that we could face.

Commissioner Buell: Right. I think that’s the sentiment you need to take back is that it’s the worst-case scenario cover for us.

Katie Petrucione: Will do.

On motion Commissioner Martin and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1008-014
RESOLVED, That this Commission does table this item.

HARDING PARK GOLF COURSE MANAGEMENT AGREEMENT
Tom Hart: Good evening Commissioners. My name is Tom Hart with Resource Development. I came to you on February 4th for an approval of an RFQ package for a new management at Harding Park Golf Course. On May 10th I returned with a selection provided by a panel that was approved by the Human Rights Commission recommending that the PGA TOUR Golf Course Properties be recommended to you as the new manager of Harding Park.

In the meantime, as we were putting the agreement together as you can see an actual manager name has been selected, a Tournament Players Club of California, Inc., which is a wholly owned subsidiary of PGA TOUR Golf Course Properties who in effect if approved will be the manager at the course.
In accordance with a Sunshine request I issue a draft of the agreement on July 26th which was 10 days before this meeting. It was distributed to the people that had requested it and I also sent notices for a public meeting which was held at Harding Park on Wednesday evening, July 28th. A couple of the Commissioners were in attendance—Commissioner Harrison and Commissioner Lee. We had approximately 25 people and discussed the upcoming agreement, any changes that the actual players would notice between the past agreement and the proposed one which we don’t see that there would be any changes that would inconvenience any of the golfers at all.

There continue to me questions—and I just want to say this publically—about course maintenance. And so we always have to remind people that this is an actual management agreement for the clubhouse and non-course maintenance golf operations. So the city will continue to operate the maintenance of the course.

A number of comments were given to me which some of them have been incorporated. There were some questions concerning the fact that this agreement had a couple of elements that were not in compliance with the Golf Fund. So I did contact the City Attorney. First of all I contacted Amy Brown who is now the head of the Department of Real Estate in the Department. At the time she was a deputy City Attorney and actually drafted the language for the Golf Fund. There were a couple of things in the agreement that were brought to my attention. One was how are the language and the agreement refers to golf instruction and the money that would be coming to us. And the other was for the incentive payment formula.

The golf instruction, the relevant passage in the Golf Fund that is in question here states ‘Operation and maintenance of the golf courses pursuant to budgets of each golf course annually approved by the Recreation and Park Commission which costs may include without limitation personnel costs; the purchase and leasing and maintenance of equipment; the purchase of supplies for the golf courses and any clubhouses or any or other facilities at the golf courses; training costs; management fees; general and administrative costs and utilities and other indirect costs attributable to the golf courses’.

The discussion of the revenue is basically hinges on one word, the complaints came that all revenues or revenues shall mean all proceeds derived from the golf courses. The next phrase actually modifies that by saying ‘due to the city’. In the case of golf instruction there’s no golf course in the world that the golf course gets 100 percent of the cost of the golf lessons and that was the crux of the whole situation. I’ve written into this agreement that if there are any instructors on the payroll of the new manager that are giving lessons all the lessons will be booked through the clubhouse because we really kind of want to know how much money is being generated out there. The course will get 15 percent of that as its commission which will be paid to the course the same as if we contract out, subcontract out, to a company that will be offering a golf program. That will entail a subcontract which would be attached to the lease and certainly you would have approval over that contract before we would go in that direction.

The second element was the incentive payment. If you remember when I came to you with the proposal from the PGA Golf Course Properties Incorporated, they wanted to accrue an incentive but give the money then to the First Tee, Local 261, other charities. It was rightly pointed out to us that we legally could not do that, we could not accrue the money and just give it to other people, it had to stay within the Golf Fund. So it would require for us to give them an incentive payment based on the formula much as we had done with Kemper. That is entitled—that is included in management fees and administrative costs. So that’s when the incentive payment has been constructed that way in the agreement you see now.

The formula was—we talked back and forth on how to set the formula and just to clarify that for you the Golf Fund of course has various components of all the golf courses and the Harding Park portion would be the only ones that’s really—the manager would be responsible for. So every year we have a budget of what we think the gross revenues will be, a budget of what we think that the manager’s expenses are going to be on our behalf which reimburse, so that you have a net revenue and that will be the element that we’re talking about. So at the end of every year we’ll see what we expect that the net revenue would be through the budget and then we’ll see what the net revenue is for the actual costs. Of that difference 25 percent would go to the manager and 75 percent would be retained by the city.
I did a rough analysis, an accurate but rough analysis of the last three years using actual and budget figures that we used for paying a sentence to Kemper along with their management fee and we would still considerably be better off financially with this arrangement.

After the meeting that I attended on the 28th I specifically said that the document was in draft form. In fact, every one that I passed out had this rather bold first page stating that, they were subject to a few changes that were made until the 29th when I posted the copy of the agreement that you have in your packet. We have talked to the City Attorney about this. Nobody felt that the changes that were made were substantive in nature, most of them were for clarification. Just for the record, they’re very short and you have a copy of this I believe in your packet. We clarified language concerning the lesson instructions in two portions of the agreements. We clarified language concerning the incentive payments which as I’ve explained to you now. The only added language was a short paragraph in the indemnification section which actually reemphasizes the responsibility of the city. That section basically states that the manager is not responsible for acts of city employees because they don’t supervise them, they don’t have control over them. So the City Attorney felt that was extraordinarily reasonable to add. There were a couple of additional definitions added as a result of the change in the other language and the remainder of the work was strictly making sure that the sections pointed to each other and that there were no typographical errors.

**Commissioner Buell:** Right. I want to interrupt you there Tom to say I read them and it’s the opinion of the Chair that they’re clarifications and remedies, they don’t change the basic terms of the contract.

**Tom Hart:** Right, thank you very much. As far as the highlights of the agreement, we’ve really stuck to what the proposal was. I have set the initial term assuming that the commencement date is October 1st, to be nine years and three months and that’s kind of a weird time but that coincides with the expiration of the initial terms of the Master Tournament Agreement with the PGA TOUR. This was collectively between us the idea of making that the termination date.

The extension term, if any, both parties will have the right to request the extension and the period would coincide with any extension of the current Master Tournament Agreement or any new Master Tournament Agreement that may supersede the initial one. Again, with most of our large extension request this will be upon 180 days advance written notice.

The Commission certainly has the right to approve this and we have listed that we have the right to negotiate any and all terms in the agreement before we would grant the extension. The PGA TOUR Golf Course Properties Incorporated is not charging us a management fee, an upfront fee. Currently we pay $192,000 to Kemper for a management fee. We will continue do reimbursable expenses. This is a management agreement which means we do receive 100 percent of the revenue due us at the course which—all the green fees, all the revenue from the restaurant, all the revenue from the pro shop, and in this case with the understanding of the golf lessons, 15 percent of all golf instruction.

We have worked with the HRC on this. We will continue have the manager participate in the LBE utilization program with the applicable expenses that are out there they felt that reaching a level of 12 percent was fair and would certainly fall in the guidelines with the ordinance. 12 percent by the way is what is currently being followed by Kemper. Additional provisions contain of course all of our standard insurance provisions. As I said, the slightly modified indemnification language that states the city still reserves the right to see all green fees at Harding Park, that we definitely run the course maintenance—I left that to no other opinion—and they will provide to us a subcontract with the First Tee of San Francisco which will be attached to this agreement. We have an agreement now with—excuse me, Kemper has an agreement with First Tee now and so the new manager will be required to have a specific agreement with them for it to be attached. And they will be required to follow all city ordinances that is any other contract minimum compensation ordinance for [unintelligible] hiring and nondiscrimination compliance.

After we did get a request to add a couple of sections in the agreement from the PGA Tour which I believe you have in front of you and I would like to very briefly explain these to you. They’re not in the draft agreement that you have. We are required as part of Exhibit B of the Master Tournament agreement to maintain Harding at a certain level. There are two elements of that exhibit which I want to be very clear of what we’re talking about. The first element concerns a summary of terms of a level that we should reach all the time that we’re operating the course,
basic maintenance requirements. The second portion has to do with anything that we are required to do to prepare for a PGA Tournament event. That’s not what we’re talking about here at all. So they want to make sure that we are going to be able to maintain that level with the budgets that we have attributable to the course. So there are two parts concerning that and one is if our budget drops less than 85 percent they have the right to give us notice to rectify that. If we choose in the 60-day period not to do that then they can give us 270 days notice to terminate the agreement which will give us nine months to find a new operator.

Commissioner Buell: So you would characterize that as a remedy if we don’t live up to our end of the obligation?

Tom Hart: Right. We are required to do that. If it’s less than 15 percent but they feel that it’s really kind of flying the face of the terms of the Master Tournament Agreement long-term maintenance of the course they would be able to suggest that we go into arbitration for that. The City Attorneys looked at this and obviously drafted this language. I’ve spoken with the General Manager many times today and last night and the day before concerning this so he’s quite aware of all this and very involved in this proceeding.

Commissioner Buell: And that second part would also be a remedy if we’re not living up to our end of the obligation.

Tom Hart: Absolutely, absolutely. This is just clarification of our existing responsibilities.

Commissioner Buell: I understand.

Tom Hart: The third part which may seem a little strange but it’s actually a very important part is the retaining of the current resident-nonresident play mix at Harding Park. When Harding Park was opened the mix was through an ordinance was 65 percent resident and 35 percent nonresident and we realized early on that it was going to be extraordinarily difficult for us to make the numbers that we needed not only to support Harding Park but to support the Golf Fund and try to generate enough money for us to be able to meet our financial responsibilities to the Golf Fund and keep the resident rates at a reasonable level which I think we’ve successfully done. I think there are always people that are going to complain about it but if you look at what we charge versus some of the other premium courses in the country I think that we can hold our head high on that.

So we amended that in Ordinance 184-06 in 2006 to raise that level or equalize that level to 50-50 and this basically is just sort of a reminder clause in the lease stating that if we do something actively to change that level so that the nonresident play is less than 50 percent.

Commissioner Buell: It changes the terms.

Tom Hart: It changes the terms and they can leave. They can give us notice to leave. And this is basically driven—these were, and Jody Brothers from PGA is here and he can explain their intent of these little languages.

Commissioner Buell: I think they’re pretty obvious.

Tom Hart: I think they’re pretty obvious. They’re not anything to benefit them. This is going to benefit the course, this is going to be a benefit to the Golf Fund.

Commissioner Buell: Right. And again I would say having reviewed those before today’s meeting that I believe those were all clarifications and remedies and don’t change the basic structure of the agreement.

Tom Hart: No, they don’t. We’re responsible for everything that’s memorialized in this language here. So I think that’s about all I had to say. I you have any questions and then I said Jody’s here. The one thing about the language is that we did—we finalized this early this morning. I did get a couple of technical changes from their attorney, Virginia is doing a couple of changes, so I would say that if we were approving this it would be subject to last-minute technical changes. But again we are in total agreement with the concept of this language.
**Commissioner Sullivan:** Tom, I have a question about the incentive payment and how it works. I just want to make sure I understand it. So there are two parts to the incentive payment.

**Tom Hart:** Right.

**Commissioner Sullivan:** One part says as I read it they get 25 percent of any net income from Harding.

**Tom Hart:** Right.

**Commissioner Sullivan:** And that’s based on an approved budget.

**Tom Hart:** Right.

**Commissioner Sullivan:** And what is our budget this year? What is net income for this year at Harding Park just as an example. You may not know.

**Tom Hart:** One piece of information I didn’t bring, sorry.

**Katie Petrucione:** It’s on your sheet, Tom.

**Tom Hart:** I don’t have this year’s budget. Last year’s budget for instance as an example, the budget for total revenue was $7.5 million and we brought in $6.6 million. So we had a bad year last year because of rain and weather and things of that nature.

**Commissioner Sullivan:** So revenue was $7.5?

**Tom Hart:** No, budgeted at $7.5 million. The actual was $6.6.

**Commissioner Sullivan:** But the relevant thing here is not revenue, it’s income.

**Commissioner Buell:** Net income.

**Tom Hart:** Net income, right. So the net operating revenue and I want to redefine that—that is all the revenue from the course and only the manager’s expenses which are reimbursable by the city. That has nothing to do with the course maintenance expenses of city personnel or anything like that, it’s just their expenses for their operations because they don’t have control over our maintenance budget. And so the net operating actual income was $3.6, $3.7 million, which would have been about $250,000 over net operating income and that would result in payment to them of $60,000.

**Commissioner Buell:** Tom, I’m sorry to interrupt but wasn’t the reduction because there was a tournament and we missed almost a month of play?

**Tom Hart:** Absolutely, right. There were a couple of things there. The Presidents Cup. And because it was such a large tournament it took us a while to get the course back into shape and then right after that we had rain. So that was the big jump. But that’s comparing—then I also compared what we paid to Kemper actually. So we would have been paying $60,000 to the PGA TOUR Golf Course Properties. We paid $224,000 to Kemper.

**Commissioner Sullivan:** So if next year turns out like last year we would have paid $60,000 to the PGA because that would have been 25 percent of the net income of the—as defined.

**Tom Hart:** Right. The year before, because we didn’t have a tournament and because we had a lot better weather, we would pay $76,000 to them but we paid $277,000 to Kemper.

**Commissioner Sullivan:** And then the second piece of this seems to be saying that if net income goes up more than we project, so if we project $200,000 of net income and it ends up being $300,000, an extra $100,000, and we share that incremental $100,000. We share 25 percent of that incremental revenue with them.
Katie Petrucione: Actually, it’s my understanding that the two pieces are if their net—NOY, if net income is better than budget whatever the increment is that it’s better than budget, if it’s a $100,000 better than budget they would get $25,000.

Tom Hart: Right, and we get $75,000.

Katie Petrucione: And then the second incentive actually has to do with looking at the entire budget for Harding Park. So not just the expenses that are associated with running the clubhouse operation but the expenses associated with running the entire golf course including maintenance. The goal of course being to have incentivized to getting Harding Park to place where it’s actually in the black.

Commissioner Sullivan: Right. And if there was no net income because things ran in the red then there would be no net income and so no payment under the incentive?

Katie Petrucione: Correct. Yes.

Tom Hart: The current incentive clause in the Kemper agreement is strictly on gross revenues. So they get five percent over $6 million. So we can be losing money and we would be paying an incentive payment based on the revenues.

Commissioner Sullivan: Thank you.

Commissioner Lee: Thank you Tom for that presentation you did last week. It was I thought very well done. A couple questions came up during that meeting and I think you handled the question well. One was on the repayment of the Open Space Fund and I think you had—if you can just recap quickly for the Commission what your answer was—I thought it was well-put.

Tom Hart: Well, I think a lot of people might be looking at this management agreement, this being the panacea of the Golf Fund and I don’t think that’s realistic. I think the most that we can really work for and strive for is get a management agreement that will generate the most revenue for the Golf Fund because it’s the money that we need. Harding is supposed to be the engine that drives the Golf Fund which will help us own up to our responsibilities financially for the Golf Fund and also help with the other golf courses. What we’re tried to do here is provide a management agreement that this entity will be able to run this as a business and derive the income that we need for the Golf Fund.

Commissioner Lee: And then I had one clause, it’s on Item 6G, the management plan. So we have the annual budget process coming to the Commission in draft form and then going back, staff having it for another I guess 180 days, and then it comes back to us as part of an overall budget. But it doesn’t say for final approval and I was wondering if we could add language and it clarifies that the final management plan will come back to the Commission for final approval.

Tom Hart: We can certainly nest that in.

Commissioner Lee: Just a simple line that the final management plan comes back to the Commission for final approval.

Tom Hart: I’m sure Katie has mentioned this before on the whole process, but we start—that’s why I started the request for their initial budget to us so early in the fiscal year, the previous fiscal year, because we have to decide what that budget’s going to be, that’s the first component. That will be the biggest component on looking at the Golf Fund budget which of course is nested into our Department budget. So that’s the really first step that we have to come to. The other agreement was probably not drafted in such a way that the three components of the marketing plan and the management plan and the budget were all together. They’re interdependent, they’re extremely important. So we all have to have all three before we can decide whether the budget’s realistic and whether it’s going to do what we need to do. There are some choices that we make between the draft budget and the final budget from them. You know, it takes money to make money and so we have to weigh the two to see that we
are spending the money most prudently as we can in order to achieve our goal. But we will definitely—the final management plan will be part of the budget that comes to you and we can send that to her.

**Commissioner Lee:** Yeah, I just want to—it’s not clear in the language that we get to vote on the final, final budget plan and I’d like that put into the clause G.

**Tom Hart:** Okay, absolutely, we’ll do that.

**Commissioner Buell:** Tom, I have a question for you. I have a fantasy and I don’t know that it can be realized that perhaps a free-standing restaurant could be part of the operation out there as opposed to just the food service that PGA would be obligated to provide under this. Is there anything in this agreement that precludes us at a future date from negotiating with them if we thought it was a viable entity to put a separate operator into the restaurant?

**Tom Hart:** There’s nothing that would prevent us from requesting that. That subcontractor language in here.

**Commissioner Buell:** I understand they wouldn’t be obligated to do it but there’s nothing that would preclude us from pursuing it?

**Tom Hart:** No. There’s subcontracting language in here for a number of reasons, for what you just mentioned as a possibility and I also put in here in case they want to bring in a full-fledged lesson program.

**Commissioner Buell:** Great. Let’s open it up to public comment.

**Commissioner Buell:** Former President of the United States Golf Association.

**Sandy Tatum:** And playing golf for 85 years. I am acutely conscious of what golf can do for people who get involved in it. I’m acutely conscious of what Harding Park can do for this city. I’m acutely conscious of what the PGA TOUR’S involvement now has done for sure but now will do in connection with taking on the management responsibilities for operations and indeed for marketing. And I want to say I think it’s the best of all possible worlds and I can’t imagine that there could possibly be any organization that could take on the problems—and there are very serious problems with the management of this golf course—could take on the problems that this golf course poses and solve them in a way that would maximize the asset values that are there. It’s worth some emphasis very briefly that the asset values are two-fold. That is a priceless recreational resource. Eighty-five years of expose of playing the game I happen to know how much it matters to have a recreational resource where you can play golf and you can play golf virtually all your life, it’s a life-extender and a life-enhancer. The other facet involved is there is a huge, almost priceless—I think it’s priceless—asset value involved in this golf course in terms of its economic potential and that potential has two basic elements. Some of the golf tournaments that the Tour puts on there are televised. The Presidents Cup for example was television in 231 countries for 28 hours with a viewing audience of 500 million, with a demographic that this city couldn’t possibly buy at any price in respect of advertising this city is a place to come and enjoy. So those values are very, very, very real and it’s very comforting for me to be able to anticipate that those values are going to realize their final potential because they haven’t come anywhere near realizing their potential as it now stands but they will with the Tour Properties people taking over effectively the management of this golf course.

I also want to emphasize that the fact that we now have the right to withdraw is I think a crucial right because I think it puts the tour in a position to make sure that the obligations that are being imposed on it, it can perform. And most especially the obligations involved in the maintenance of the golf course. Everything, everything depends upon that golf course being maintained at a level that will attract the kind of play that it needs and particularly attract the kind of play that the non-resident rates are going to be charged. And apropos of that my judgment for whatever it’s worth is that the Tour should be given absolute, unfettered right to set the rates for the non-resident play because it knows it has to raise every dime it can possibly raise and that’s where the money’s going to come from and it knows what the market and it’s the basic, fundamental resource for making this whole operation work and I just couldn’t be more grateful for the fact that I can see it happening. **Bo Links:** If I was really smart what I would say following somebody like Sandy Tatum is I second that. And I do second that. I have been a San Francisco golfer for almost 50 years. I’ve been a card carrying public golfer every since I was 13 years old and I serve now as a volunteer historian for the city trying to make sure we capture the essence of these properties and record it so that people in the
future know what these things are and what took place there. And Harding Park is not just probably the greatest course here in the city, it’s probably one of the top two or three public golf courses in America and one of the top ten in the world. It’s an unbelievable property. Not only has it been home to some great golfing events and great civic events here, not only is it a great vehicle for advertising the city, but what we’ve seen in the last five or six years with the creation of the First Tee program is this now is a public facility that is proving what all of us golfers know and that’s that golf changes life for the better and it’s a wonderful vehicle to teach our young people how to live productive lasting and meaningful lives. And not only has this taken place at Harding Park but because of what’s been done there we now have a First Tee facility at Visitation Valley Middle School, the first one of those in the country. I think the name of the game in terms of maximizing the full potential of this asset, part of it comes with maintenance which is going to be the city’s responsibility. The other is with marketing. And what I want to make sure everybody knows is your staff has located and brought into the corral the greatest marketer in the world, the TPC and the PGA Tour Golf Course Properties entities have the finest network of public golf courses in the world that are available to people that know how to run them, they know how to market them. I think we’re going to be very, very well-served by this contract. I have one request at the risk of maybe disagreeing with some people on something that’s in there. I don’t think we should change the name of Harding Park. I don’t think it should be the TPC at San Francisco or the TPC San Francisco at Harding Park. It should be Harding Park and if they want to say Harding Park part of the TPC network of great golf courses, fantastic. But it should be Harding Park. That’s what it was, that’s what it is. It’s not Pebble Beach, the Del Monte Pebble Beach. It’s Pebble Beach. It’s Beth Paige, it’s Torrey Pines, it’s Harding Park. Thank you, I hope you’ll approve this. I think it’s a wonderful day for the city and great day for golf in San Francisco. Thank you.

Richard Harris: Good afternoon Commissioners. I’m a co-founder with Beau Links who just spoke with you, of the Public Golf Alliance and we’ve been involved in public golf issues for the last couple of years. I have a couple of—I support and the Public Golf Alliance supports this contract. We have a couple of small points, one of which Beau raised is the name. We like the name Harding Park. It’s an 85-plus year-old franchise. We prefer that name. A second point Beau touched on, he spoke about marketing. Marketing is something that you’ve had two studies on from the National Golf Foundation and from Younger and Pros who gave you studies in 2007, 2008. A big item in both of those studies was that Harding Park has not been adequately marketed and they went into great detail, particularly the National Golf Foundation study. This contract and with the TPC you have a entity that has a world-wide name, they surely have the ability to market things. This contract does not make specific that marketing is a duty of the manager. It’s ambiguous and it is ambiguous—marketing is mentioned two or three places in this contract, each time it is ambiguous. I spoke with Tom Hart about this and I believe it’s Tom’s intent, based on that conversation, that marketing be the obligation, the duty of management of TPC. That should just be made explicit so there’s no question about it. And it can be made explicit by adding a new lettered sub-paragraph to Section 6 of the contract at approximately page 15 and it would be my recommendation that you spell that out so there’s no question about it. I will show you if you wish to see where I believe the contract as written is ambiguous on that point.

Commissioner Buell: I think we’ll wait and hear all the testimony and decide whether or not. It just seems to me as an observation that the one entity that’s incentivized to market is the PGA. It’s a little bit like combing hair when you have a date. If you want the next date you’d better look pretty good. So I think I might beg to differ with you on that point.

Richard Harris: I agree with that but the issue is with contract when, and there are a lot of lawyers in this room and I’m one of them.

Commissioner Buell: I knew it.

Richard Harris: When you have something that’s ambiguous in agreement it’s better to get is specific.

Commissioner Harrison: I have three things. I too am concerned about the naming so if something could be worked out with that so that the Harding Park name can remain.

Tom Hart: That’s never been divulged, I mean it’s never been given away yet and this agreement doesn’t give it away either. We say in here that we will work with them to develop any possible naming logo, branding, like that. So we won’t allow that to happen without input from here.
Commissioner Buell: We might not either. I think we might suggest that it comes back to the Commission before it changes.

Tom Hart: Right. We would normally do that anyway. The city reserves the right for that. I have my personal preferences for this which I will not give now because that’s not the position I’m in right now but I can certainly understand Bo’s sentiment and I think we all can and I think it’s very important to consider. We’re going to balance this. I don’t think that calling it Harding Park is necessarily going to diminish its marketability, so I think there’s ways we can approach this by developing the logo or anything we need and you will also know about this and get approval.

Commissioner Buell: I’m inclined to agree with you. I go back to this issue that we all win when it gets maximum use and the PGA is of the mind that certain audiences need to know it’s a TPC course there’s a way to do that without diminish Harding Park as the name of the course.

Tom Hart: Said so much more eloquently that I was trying to do. So we believe that.

Commissioner Harrison: I have two more things to say. One, I want to comment on the praise being hoisted onto Harding Park, placed on Harding Park, because I worked out there for years and years and was personally hurt by the terrible report, terrible comments and things that were said about Harding Park over the years. And to hear the praise being put upon it now is just really great, it does my heart great to hear that kind of talk.

My last thing is I want to personally commend Tom Hart, his staff, and Tom Hart for the work that he did on this meeting that we had out there. I was there and Commissioner Lee was there and the professionalism, the thoroughness and dealing with the public is astounding and I really want to commend you for that work, you did an outstanding job. Thank you.

Tom Hart: Thank you very much.

Commissioner Sullivan: While we’re commending I want to also commend you for taking our suggestion which I think actually came from Bo Links in a prior meeting to actually go out and talk to the golf community and sort of our experts out there which you did with Mr. John Abendroth.

Tom Hart: John Abendroth, right. He was very, very helpful and John attended the public meeting as well. John’s an avid San Francisco golfer and he really cares about golf. I would like since you brought up the maintenance issue, that’s been brought up a couple of times—I would like because they’ve been sitting here so diligently and patiently through this entire thing—as you know Ana Alvarez in charge of the overall supervision and maintenance crew of the golf course but Steve Castille is the Superintendent of the golf course and Kevin Teahan is Superintendent at the course. And the real wonderful thing that we have now is starting in January as you all know the PGA Tour situated one of their employees to give us advice and assistance out there and Jim Bodee who’s right here. And as Commissioner Harrison and Commissioner Lee will attest to one of the gardeners actually was in attendance there and stood up and sang Jim’s praises. And the feeling that has been brought into the course of really caring about the course. What Sandy said is extremely true—if the course is not maintained property all of our revenue dreams will never be realized. And so that’s extremely important. I really appreciate it.

Commissioner Harrison: I have one more question for Tom which is also on the naming and this was in the Examiner yesterday and I forgot about it until it came up in public comment today. Can you really assure—and I just spent five minutes hunting through the lease and I didn’t see naming rights in there anywhere. Can you assure us that there isn’t anything in the lease that would allow the PGA to rename Harding without our consent?

Tom Hart: In the recitals at the beginning—I’m pretty sure.

Commissioner Buell: Well, we can put it in the amendments that we’re going to be considering anyway. So I’m satisfied that we could protect that.

Commissioner Lee: I believe the Park Code gives the Commission sole authority to rename park property.
Tom Hart: It says in Section 6.10 city shall work with manager in establishing a brand to be marketed as TPC San Francisco at Harding Park or another name as determined by manager and approved by city.

Commissioner Buell: Approved by city?

Tom Hart: Right.

Commissioner Buell: We’ll consider that the Commission. The City Attorney.

Virginia dario Elizondo: Nick and I were just making notes and that was going to be my recommendation that we clarify that to make sure that comes back to the Commission.

Commissioner Martin: You know, I’m just sitting here listening to all this and the young man that got up and talked over there, the youngest one on the end.

Commissioner Buell: Mr. Tatum.

Commissioner Martin: He don’t remember me but many years ago I used to be out there with him when he was doing stuff. I had hair at that time. It’s been a lot of years but I remember everything out there and I’m still near the park and love it myself. I used to play but now I’ve had my grandson out there playing and all that kind of stuff so it’s a lot of history.

Commissioner Buell: Great. I have one question Tom and that is, is it my understanding that at least initially the PGA is going to keep the staff that is at the facility now?

Tom Hart: Absolutely. May I introduce Jody Brothers?

Commissioner Buell: Please do. I was going to and please—

Tom Hart: Jody can speak to that point.

Jody Brothers: Thank you Commissioners. We absolutely have met with the staff a couple times now and interviewed all of them and we have extended—obviously contingent upon us being approved as the managers—we’ve extended an offer for them to retain their employment at the club for us.

Commissioner Buell: Great, thank you very much and thank you for all the work you’ve put into this.

Commissioner Lee: On signs, 6.5, by signage there are you talking about—you’re not talking about advertising or anything like that?

Tom Hart: No, we’re talking about course signage that would be on the course or in the clubhouse.

Commissioner Buell: Okay. Seeing no other comments by Commissioners, Tom the amendments that we’re providing—one, the Chair is deeming to be ministerial and to clarify the terms of the contract rather than to change the contract and we need to vote on those amendments before we vote on the agreement and I’m going to ask Margaret.

Secretary McArthur: Can we also add to those amendments that name change needs to come back to the Commission?

Commissioner Buell: Yes.

Secretary McArthur: And Commissioner Lee’s request for final approval in 6B.

Commissioner Buell: Of the management—
Secretary McArthur: Yes, plan.

Commissioner Buell: If you could add those two and the amendments that Tom mentioned in the beginning of his presentation we can entertain a motion or we can restate them if you like. City Attorney.

Virginia dario Elizondo: So I just ask that you also grant permission for us to—for the attorneys to work on the final language of this. I’m looking at their notes now, it looks good but I would like to have a few minutes of quiet time.

Commissioner Buell: That would be the dotting of the I’s and the crossing of the T’s.

Virginia dario Elizondo: And to make sure that the language is clear, we all understand the concept and you’re right it is clarifying a remedy that they have to make sure that this actually says what everybody wants it to say.

Commissioner Buell: And if there’s a substantive change it would have to come back to this Commission.

Virginia dario Elizondo: Of course.

On motion by Commissioner Sullivan and duly seconded, the following resolution was unanimously adopted:

RES. NO. 1008-013

RESOLVED, That this Commission does approve a Management Agreement between the City and Tournament Players Club of California, Inc. for the management of the clubhouse and all non-course maintenance golf operations at Harding Park Golf Course with the following amendments:

1) Section 6.1(g) has been amended to read:

Management Plan. As part of the Annual Budget process, as described in Section 10.1 herein below, Manager will work with Department staff on an annual Management Plan describing the Manager’s explicit responsibilities including, for example, marketing plans and capital, service or maintenance improvements and the Department’s goals and objectives for each upcoming year,. The annual Management Plan will also include an evaluation of the previous year’s goals and objectives. A preliminary Management Plan will be delivered to the Commission, along with the preliminary Annual Budget, one hundred and eighty (180) days prior to the beginning of the Fiscal Year for which the Management Plan is drafted. The Management Plan will be delivered to the Commission for final approval, along with the final Annual Budget, as part of the Department’s annual budget presentation to the Commission.

2) Section 6.10 has been amended to read:

Branding and Marketing. Manager shall develop a marketing and outreach plan. City shall work with Manager in establishing a brand to be marketed as “TPC San Francisco at Harding Park” or another name as determined by Manager and approved by the Commission.” Any renaming of this facility must be approved in advance by the Commission.

3) Section 7.1 has been amended to read:

City Responsible for Maintaining the Courses. City shall be solely responsible for maintaining the Courses with City employees, and subject to required funding, the City will ensure that the Courses are maintained consistent with premium golf course standards.

(a) Material Reduction in Harding Park Course Budget. If, in any Fiscal Year during the term of this Agreement, the City reduces the Harding Park Course Budget to an amount that is eighty-five percent (85%) or less of the prior Fiscal Year Harding Park Course Budget, then the City shall notify Manager of such reduction. Upon receipt of such notice, the Parties shall meet and confer for a period of not less than thirty (30) days to determine in good faith whether Manager believes the City can meet Exhibit B, Section A of the Master Tournament Agreement, “General Course Maintenance Operating Plan Summary (attached here as Exhibit D; the
"Maintenance Standards") notwithstanding such reduction in the Harding Park Golf Course Budget. If the Parties are not able to reach agreement during the meet and confer period and Manager reasonably determines that the City cannot meet the Maintenance Standards, Manager shall notify the City of this fact in writing. The City shall have a period of not less than sixty (60) days to either increase the Harding Park Course Budget to the prior Fiscal Year amount or to reach a mutually acceptable funding level. If City does not so increase the Harding Park Course Budget to the prior Fiscal Year amount or the Parties otherwise do not reach a mutually acceptable funding level, then Manager's sole right shall be to terminate this Agreement without cost or liability to either Party by written notice to the City. Any such termination shall occur on the date that is two hundred seventy (270) days following the City's receipt of Manager's termination notice, or such alternative date as may be mutually agreed upon by the Parties.

(b) Other Reduction in Harding Park Course Budget. If, in any Fiscal Year during the term of this Agreement, the City reduces the Harding Park Course Budget to an amount that is less than the prior Fiscal Year Harding Park Course Budget but not lower than eighty-five percent (85%) of such amount as set forth in subsection (a) above, then the City shall notify Manager of such reduction. If Manager reasonably believes that City is or will be in violation of Maintenance Standards as a result of such reduction, then Manager shall notify the City of such belief with appropriate backup statements or documentation. Upon receipt of such notice, the Parties shall meet and confer for a period of not less than thirty (30) days to determine in good faith whether the City can satisfy the Maintenance Standards notwithstanding the proposed Harding Park Course Budget reduction. If the City is not willing to increase the Harding Park Course Budget to the prior Fiscal Year amount and the parties cannot otherwise reach agreement on the required funding, then Manager can initiate arbitration within sixty (60) days following the meet and confer period.

(i) To initiate arbitration, Manager shall submit the matter to a single qualified arbitrator at Judicial Arbitration and Mediation Services, Inc. ("JAMS") in the San Francisco area in accordance with the applicable rules of JAMS, and simultaneously send a copy of such submission to the City (the "Arbitration Notice"). The Arbitration Notice must include a summary of the dispute and the reasons why Manager believes that the City cannot or will not meet the Maintenance Standards. The Parties will cooperate with JAMS and with one another in selecting an arbitrator with appropriate expertise in the matter from a JAMS panel of neutrals, and in scheduling the arbitration proceedings as quickly as feasible. If the Parties are not able to agree upon the arbitrator, then each will select one arbitrator, and the two selected arbitrators shall select a third arbitrator. The third arbitrator selected shall resolve such dispute in accordance with the laws of the State of California pursuant to the JAMS Streamlined Arbitration Rules and Procedures.

(ii) The Parties shall bear their own fees and costs during the arbitration proceedings, and each Party shall bear one-half of the costs assessed by JAMS. The Parties shall use good faith efforts to conclude the arbitration within thirty (30) days after selection of the arbitrator, and the arbitrator shall be requested to render a written decision consistent with, based upon, and subject to, the requirements of this Agreement within ten (10) days after the final submission by the Parties to the arbitrator. The arbitrator shall have no right to modify any provision of this Agreement or to require the City to take any action. However, if the arbitrator determines that the City cannot meet the Maintenance Standards without a specified increase in the Harding Park Course Budget and the City does not so increase the Harding Park Course Budget within sixty (60) days following the arbitrator's decision, then Manager's sole right shall be to terminate this Agreement without cost or liability to either Party by written notice to the City. Any such termination shall occur on the date that is two hundred seventy (270) days following the City's receipt of Manager's termination notice, or such alternative date as may be mutually agreed upon by the Parties.
Now, therefore, be it;

FURTHER RESOLVED, That this Commission does authorize staff to work with the City Attorney to finalize the contract language to ensure that the intent of the Parties is clear.

The Commission recessed into Closed Session at 6:55 p.m.
The Commission reconvened at 7:03 p.m.

On motion by Commissioner Harrison and duly seconded, the following resolution was unanimously adopted:

RESOLVED, That this Commission does vote to disclose discussions held in closed session.

RES. NO. 1008-016

Commissioner Buell: The unanimous consent of this Commission is to grant the easement to the plaintiff and simply report out that its access to a tower at a location within the city.

Michael Berke: My name is Michael Berke and I would be remiss if I didn’t salute Ms. Elizondo as well at the other folks in the City Attorney’s office. But she has been tremendously helpful as has you staff and I really appreciate it and my clients really appreciate it. Thank you.

Commissioner Buell: Thanks very much. They said the same about you.

COMMISSIONER’ MATTERS

Commissioner Harrison: Yeah, I would like to have at a future meeting for discussion the maintenance costs for the synthetic turf including the removal, disposal, and replacement costs at end-of-life.

Commissioner Lee: Two items. The first is a proclamation that I talked about which I think Margaret’s got for the lifeguard and the second issue is with Portsmouth Square to get an update on what the progress has been on the contract negotiations for Portsmouth Square.

Commissioner Sullivan: Yeah, we continue to get communications from the public every month in volume about disk golf in McLaren Park and I know we’ve noted on a few occasions that we’d like to have that come back for a hearing and I guess I’d just like to know maybe it could be the General Manager’s report next time or some other fashion but in the near future I’d like to know what is our plan for a re-hearing of that.

Commissioner Buell: Right, and I’d comment—I know I’m trying to do it and I’d recommend every other Commission where we get into that issue to the degree you can get out there and see the site and get a hands-on experience I think that’s one of the places where it’s going to help up.

Katie Petrucione: Commissioner Sullivan, just to clarify. Are you looking for an update on when we’re actually going to have a hearing or the hearing itself?

Commissioner Sullivan: I think several of us have asked for a public hearing on this topic because it seems like this happened a long time ago and there’s confusion about whether it was ever approved at McLaren Park or not so I think we’ve all said we would like to have a public hearing but there hasn’t been any evidence that that’s happening so I’d like to know what’s the plan for the public hearing.

Katie Petrucione: Okay.

ADJOURNMENT

The meeting of the Recreation and Park Commission was adjourned at 7:07 p.m.

Respectfully submitted,
Margaret A. McArthur
Commission Liaison