

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
AND PARKING AUTHORITY COMMISSION**

MINUTES

Tuesday, January 15, 2013
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

**REGULAR MEETING AND CLOSED SESSION
1 P.M.**

BOARD OF DIRECTORS

Tom Nolan, Chairman
Cheryl Brinkman, Vice Chairman
Leona Bridges
Malcolm Heinicke
Jerry Lee
Joél Ramos
Cristina Rubke

Edward Reiskin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 1:02 p.m.

2. Roll Call

Present: Leona Bridges
Cheryl Brinkman
Malcolm Heinicke -- absent at Roll Call
Jerry Lee
Tom Nolan
Joél Ramos
Cristina Rubke

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. He also advised that cell phones that are set on "vibrate" cause microphone interference and requested that they be placed in the "off" position.

4. Approval of Minutes

On motion to approve the minutes of the December 4, 2012 Regular Meeting: unanimously approved (Heinicke-absent).

5. Communications

None.

6. Introduction of New or Unfinished Business by Board Member

Director Lee requested an update on labor cost savings and practices implemented as a result of the bond measure.

Director Heinicke arrived.

(6.1) Election of SFMTA Board Chairman and Vice Chairman pursuant to SFMTA Rules of Order

On motion to elect Tom Nolan as Chairman:

AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

On motion to elect Cheryl Brinkman as Vice Chairman:

AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

Chairman Nolan asked that the meeting be adjourned in memory of Efren Bernal and that a letter be sent to his family expressing the SFMTA's condolences.

7. Director's Report (For discussion only)

- Special Recognition Award
- December and Centennial Birthday service
- Status Report on the Central Subway Project
- Ongoing Activities

Acting Director of Transportation Bond Yee presented special recognition awards to Supervisor Mark Calgaro, PCO Supervisor, Security, Investigations and Enforcement Section, Sustainable Streets; Chadwick Lee, Clerk, Taxi Services; Myra Brummell, Transit Operator, Green Division and Angela Johnson, Transit Operator, Woods Division, Transit Services.

Acting Director Yee discussed the status of the Central Subway project; December and Centennial Birthday service; introduced Alicia John-Baptiste, Chief of Staff and Candace Sue, Director of Communications and congratulated Tom Nolan on his election to the position of Vice Chairman of the Peninsula Corridor Joint Powers Board. He also discussed the appeal of the San Francisco Bike Plan.

PUBLIC COMMENT:

Charles Rathbone noted that Luxor cabs provided free rides on New Year's Eve to reduce the number of incidents of drunk driving. Luxor plans to expand this service in the future and will next provide free service on St. Patrick's Day.

8. Citizens' Advisory Council Report

Daniel Weaver, Vice Chairman, Citizen's Advisory Council, presented the CAC's recommendations.

9. Public Comment

Vera Haile expressed concern regarding a proposal to eliminate age-base discounts. It would be a disaster for seniors. Seniors make up 19.2 percent of San Francisco's population and a majority of them don't have enough money to live in the City.

Charles Rathbone registered a complaint against Uber who is operating an unlicensed taxi dispatch service with impunity. Uber has installed equipment in Luxor cabs without authorization. To the extent that drivers respond to Uber calls, they can't respond to Luxor dispatch needs. Uber charges more than the taxi fare. He urged the Board to adopt emergency regulations.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA DIRECTOR OF TRANSPORTATION OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Ed Polk vs. CCSF, Superior Ct. #CGC11515960 filed on 11/17/11 for \$3,500
- B. Nathan Rapport vs. CCSF, Superior Ct. #CGC11516415 filed on 12/7/11 for \$24,000
- C. Antoinette Talavera vs. CCSF, Superior Ct. #CGC12521588 filed on 6/13/12 for \$50,000

RESOLUTION 13-001

(10.2) Approving the following traffic modifications:

- A. RESCIND – TOW-AWAY NO STOPPING ANYTIME – California Street, north side, from 27 feet to 40 feet east of Pierce Street.
- B. ESTABLISH – NO RIGHT TURN ON RED, EXCEPT BICYCLES – Westbound McCoppin Street at Valencia Street; and Westbound 29th Street at San Jose Avenue.
- C. ESTABLISH – TOW-AWAY, NO PARKING, 10 PM TO 6 AM, DAILY – 25th Street, both sides, between Pennsylvania and 3rd streets.
- D. ESTABLISH – STOP SIGNS – Stopping Division Street at Bryant Street, southernmost intersection, eastbound; and Stopping Alameda Street at Bryant Street, westbound.
- E. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA J, 2-HOUR PARKING, 7 AM TO 7 PM, MONDAY THROUGH FRIDAY – Belvedere Street, 600 Block, both sides, between Carmel and 17th Streets.
- F. ESTABLISH – RED ZONES – Berry Street, south side, from King Street to 23 feet westerly; and Berry Street, south side, from easternmost crosswalk at King Street to 23 feet westerly.

- G. ESTABLISH – TOW-AWAY, NO PARKING ANYTIME, EXCEPT NOON – 2 PM, WEDNESDAY – Carolina Street, west side of median, between 22nd and 23rd streets.
- H. ESTABLISH – TOW-AWAY, NO PARKING ANYTIME, EXCEPT NOON – 2 PM, MONDAY – Carolina Street, east side of median, between 22nd and 23rd streets.
- I. ESTABLISH – BLUE ZONE – 3299 Ortega Street, south side, from 0 feet to 20 feet east of 40th Avenue.
- J. ESTABLISH – BLUE ZONE – 1998 41st Avenue, east side, from 7 feet to 25 feet north of Pacheco Street crosswalk.
- K. ESTABLISH – NO PARKING, 9 AM TO 7:30 PM, DAILY – Montgomery Street, east side, from Union Street to 8 feet northerly.
- L. ESTABLISH – PARKING METER AREA 3 (NO TIME LIMIT 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) – Turk Street, 900 block, both sides from Gough Street to 450 feet westerly. (Explanatory documents include a staff report and resolution.)

RESOLUTION 13-002

(10.3) Authorizing the Director of Transportation to accept and expend \$7,070,567 in FY2012-2013 Proposition 1B California Transit Security Grant Program funds for the Radio Communications Systems and CAD Replacement Project. (Explanatory documents include a staff report and resolution.)

RESOLUTION 13-003

(10.4) Amending Transportation Code, Division II, Article 900 (Permits) by adding Section 913 to establish certain parking time limit exemptions for vehicles that display a valid Mobile Food Facility Permit. (Explanatory documents include a staff report, resolution and TC Division I and II amendments.)

RESOLUTION 13-004

(10.5) Amending Transportation Code, Division II, Articles 200 and 300, Sections 201 and 302, to provide that a public hearing is required prior to SFMTA Board of Directors approval of parking and traffic measures, the SFMTA Board of Directors designates the locations where large vehicles are prohibited from parking following a public hearing, and the parking penalty for violations of Section 7.2.36 and 7.2.54 are increased to \$100 plus additional courthouse construction penalties. Explanatory documents include a staff report, resolution and TC Division II amendments.)

RESOLUTION 13-005

(10.6) Authorizing the Director to execute Contract No. 1263, Phelan Loop Development Project, with Granite Rock Company dba Pavex Construction Division to demolish all surface components of the existing Phelan loop and construct a new terminal loop, in an amount not to exceed \$4,919,600 and for a term of 270 calendar days. (Explanatory documents include a staff report, resolution and financial plan.)

RESOLUTION 13-006

(10.7) Authorizing the Director to execute Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, to Pioneer Contractors, to replace the roof and a majority of rooftop heating and ventilation equipment, in the amount of \$4,301,800, and for a term of 244 days. (Explanatory documents include a staff report, resolution and financial plan.)

RESOLUTION 13-007

(10.8) Authorizing the Director to execute Contract No. 1264, Muni Metro Turnback Rail Rehabilitation, to NTK Construction, to replace worn running rail and guard rail from Folsom Portal to Embarcadero Station in an amount of \$800,400 and for a term of 180 days. (Explanatory documents include a staff report, resolution and financial plan.)

RESOLUTION 13-008

(10.9) Authorizing the Director to execute a Termination Agreement with the City of San Francisco Ellis-O'Farrell Parking Corporation for the Ellis-O'Farrell and execute agreements with vendors, consultants, and commercial tenants to effect assignment of their contracts and subleases to the SFMTA. (Explanatory documents include a staff report, resolution and agreement.)

RESOLUTION 13-009

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

REGULAR CALENDAR

11. Presentation and discussion regarding the SFMTA's 2012 year-end financial audit (Explanatory documents include an audit and slide presentations.)

Sonali Bose, Director, Finance and Information Technology and Tiffany Rasmussen, Partner, KPMG, presented the report.

No public comment.

12. Awarding Contract No. 1260R, Integrated Systems Replacement Project, to Blocka Construction to replace and install the Subway Public Address/Platform Display System, the Subway Facility Supervisory Control and Data Acquisition System, the Motive Power SCADA System, a Subway Fiber

Broadband Network System, and Uninterruptible Power Supplies Systems in an amount not to exceed \$24,116,000 and for a term of 573 calendar days. (Explanatory documents include a staff report, resolution and financial plan.)

Vince Harris, Director, Capital Projects and Construction, presented the report.

No public comment.

RESOLUTION 13-010

On motion to approve:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

13. Approving the SFMTA's 2013 Legislative Program. (Explanatory documents include a staff report, resolution and program.)

Kate Breen, Manager, Government Affairs, presented the report.

No public comment.

RESOLUTION 13-011

On motion to approve:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

14. Authorizing the Director to enact a Small Business Enterprise Bonding and Financial Assistance Program on federally-assisted contracts, including: establishing a surety bond reserve fund and obtaining a letter of credit or alternate collateral for Small Business Enterprises on federally-assisted contracts and issuing bond guarantees. (Explanatory documents include a staff report and resolution.)

Virginia Harmon, Manager, Small Business Enterprise Program, Finance and Information Technology, presented the report.

No public comment.

RESOLUTION 13-012

On motion to approve:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

15. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session.

On motion to invoke the attorney-client privilege: unanimously approved.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 2:43 p.m.

2. Roll Call

Present: Leona Bridges
Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Tom Nolan
Joél Ramos
Cristina Rubke

Also present: Bond Yee, acting Director of Transportation
Roberta Boomer, Board Secretary
Julia Friedlander, Deputy City Attorney
Alicia John Baptiste, Chief of Staff
Candace Sue, Director, Communications

3. Pursuant to Government Code Section 54956.9 and the Administrative Code Section 67.8 (a) (3), the Municipal Transportation Agency Board of Directors will meet in Closed Session to discuss and possibly take action on attorney-client matters in the following cases:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

- A. Josephine Paras vs. CCSF, Superior Ct. #CGC8473476; Virgil Comia vs. CCSF, Superior Ct. #CGC8476201; Scourkes Living Trust vs. CCSF, Superior Ct. #CGC9489065; Christina Moreno vs. CCSF, Superior Ct. #CGC11508934 filed on 3/19/08 for \$175,000

RESOLUTION 13-013

On motion to approve:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

B. Rumi Ueno vs. CCSF, filed on 12/30/12 for \$32,087.55

RESOLUTION 13-014

On motion to approve:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

C. Bill Mounsey vs. CCSF, Superior Ct. #CGC12525348 filed on 10/22/12

D. Bill Mounsey vs. CCSF, Superior Ct. #CPF12512660 filed on 12/12/12

Also present: Christiane Hayashi, Director, Taxi and Accessible Services

E. Marc Bruno and Save North Beach vs. CCSF, Superior Court #CPF12512380 filed on 7/31/2012

Also present: Sonali Bose, Director, Finance and Information Technology
Kerstin Magary, Manager, Real Estate
John Funghi, Director, Central Subway

4. Pursuant to Government Code Section 54956.8 and Administrative Code Sections 67.8 (a) (2) and 67.12 (b) (1), the Municipal Transportation Agency Board of Directors/Parking Authority Commission will meet in closed session to discuss real estate negotiations:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1731-1741 Powell Street, (Assessor's Parcel Number Block 0101, Lot 004)

Persons negotiating: Sonali Bose, Kerstin Magary

Parties negotiating: Joel Campos, Martin Kirkwood

Under negotiation: Price: ___ Terms of Payment: ___ Both: X

Also present: Sonali Bose, Director, Finance and Information Technology
Kerstin Magary, Manager, Real Estate
John Funghi, Director, Central Subway

5. Pursuant to Government Code Sections 54956.9 (b), and Administrative Code Section 67.10 (b) (2), the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case(s):

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

_____ As defendant or _____ As plaintiff

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 3:16 p.m.

16. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss Paras et. al. and Ueno vs. CCSF with the City Attorney. The Board of Directors voted unanimously to settle the cases. The Board also discussed the Mounsey and Marc Bruno/Save North Beach cases but took no action. The Board held a conference with their real property negotiator but took no action. The Board did not discuss anticipated litigation.

17. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: unanimously approved.

ADJOURN - The meeting was adjourned at 3:17 p.m. in memory of Efren Bernal.

A tape of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.



Roberta Boomer
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the web site: sfgov.org/ethics.