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**MINUTES OF A REGULAR MEETING OF THE
REDEVELOPMENT AGENCY OF THE CITY AND
COUNTY OF SAN FRANCISCO HELD ON THE
19th DAY OF MAY 2009**

The Commissioners of the Redevelopment Agency of the City and County of San Francisco met in a regular meeting at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, in the City of San Francisco, California, at 4:00 p.m. on the 19th day of May 2009, at the place and date duly established for holding of such a meeting.

President Ramon Romero called the meeting to order at 4:00 p.m.

Mr. Romero welcomed members of the public and radio listening audience and asked that all electronic devices including pagers and cellular telephones be turned off during the meeting. Mr. Romero asked members of the public who wished to address the Commission to fill out speaker cards, and to state their names for the record, and to limit their remarks to three minutes. Mr. Romero stated that the appropriate time for members of the public to address the Commission on matters not on the current Agenda, but related to general Agency business, would be Item 6 on the agenda. This portion of the Agenda is not intended for debate or discussion with the Commission or staff, and members of the public should simply state their business or matter they wish the Commission or staff to be aware of, and if they had questions, to follow-up with staff or Commissioners during a break or after adjournment. It is not appropriate for Commissioners to engage in a debate or respond on issues not properly set in a publicly-noticed meeting agenda.

1. RECOGNITION OF A QUORUM

The Commission Secretary announced the presence of a quorum with the following Commissioners present:

Ramon Romero, President
Rick Swig, Vice President
London Breed
Francee Covington
Leroy King
Darshan Singh

And the following were absent:

Linda Cheu

Fred Blackwell, Executive Director, and staff members were also present.

- 2. REPORT ON ACTIONS TAKEN AT PREVIOUS CLOSED SESSION MEETING, IF ANY. No Reportable Action.**
- 3. MATTERS OF UNFINISHED BUSINESS. None.**

4. MATTERS OF NEW BUSINESS:

CONSENT AGENDA

- (a) Approval of Minutes: Meeting of May 5, 2009
- (b) Resolution No. 47-2009, Authorizing a Second Amendment to the Lease Agreement with Toshiba Financial Services, a California corporation, to extend the term, 90 days from May 31, 2009 through August 31, 2009, for two Estudio 520 Black and White Copiers and to increase the lease payment by \$2,500 for a total aggregate amount not to exceed \$56,600.
- (c) Resolution No. 48-2009, Authorizing a Second Amendment to the General Maintenance Agreement with Toshiba Business Solutions, a California corporation, to extend the maintenance term, 90 days from May 31, 2009 through August 31, 2009, for two Estudio 520 Black and White Copiers and to increase the contract amount by \$2,500 for a total aggregate amount not to exceed \$58,500.
- (d) Resolution No. 49-2009, Authorizing a Personal Services Contract with Helene Fried and Associates, a sole proprietorship, for a one-year term, with one, one-year extension, for a total aggregate contract amount not to exceed \$230,000, to provide support services related to implementation of the Cultural Historic Recognition Program on the Hunters Point Shipyard, including assisting with the commissioning, installation and maintenance of works of art; Hunters Point Shipyard Redevelopment Project Area.
- (e) **ADOPTION:** IT WAS MOVED BY MR. SINGH, SECONDED BY MR. SWIG, AND UNANIMOUSLY CARRIED (WITH MS. CHEU ABSENT), THAT MINUTES FOR THE REGULAR MEETING OF MAY 5, 2009; RESOLUTION NO. 47-2009, AUTHORIZING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH TOSHIBA FINANCIAL SERVICES, A CALIFORNIA CORPORATION, TO EXTEND THE TERM, 90 DAYS FROM MAY 31, 2009 THROUGH AUGUST 31, 2009, FOR TWO ESTUDIO 520 BLACK AND WHITE COPIERS AND TO INCREASE THE LEASE PAYMENT BY \$2,500 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$56,600, RESOLUTION NO. 47-2009, AUTHORIZING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH TOSHIBA FINANCIAL SERVICES, A CALIFORNIA CORPORATION, TO EXTEND THE TERM, 90 DAYS FROM MAY 31, 2009 THROUGH AUGUST 31, 2009, FOR TWO ESTUDIO 520 BLACK AND WHITE COPIERS AND TO INCREASE THE LEASE PAYMENT BY \$2,500 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$56,600, RESOLUTION NO. 48-2009, AUTHORIZING A SECOND AMENDMENT TO THE GENERAL MAINTENANCE AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS, A

CALIFORNIA CORPORATION, TO EXTEND THE MAINTENANCE TERM, 90 DAYS FROM MAY 31, 2009 THROUGH AUGUST 31, 2009, FOR TWO ESTUDIO 520 BLACK AND WHITE COPIERS AND TO INCREASE THE CONTRACT AMOUNT BY \$2,500 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$58,500, RESOLUTION NO. 49-2009, AUTHORIZING A PERSONAL SERVICES CONTRACT WITH HELENE FRIED AND ASSOCIATES, A SOLE PROPRIETORSHIP, FOR A ONE-YEAR TERM, WITH ONE, ONE-YEAR EXTENSION, FOR A TOTAL AGGREGATE CONTRACT AMOUNT NOT TO EXCEED \$230,000, TO PROVIDE SUPPORT SERVICES RELATED TO IMPLEMENTATION OF THE CULTURAL HISTORIC RECOGNITION PROGRAM ON THE HUNTERS POINT SHIPYARD, INCLUDING ASSISTING WITH THE COMMISSIONING, INSTALLATION AND MAINTENANCE OF WORKS OF ART; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA, BE ADOPTED.

REGULAR AGENDA

- (f) Resolution No. 50-2009, Adopting the Mayor's Policy on Discriminatory or Harassing Remarks Made at Public Meetings.

ADOPTION: IT WAS MOVED BY MR. SWIG, SECONDED BY MR. SINGH, (WITH MS. CHEU ABSENT), AND UNANIMOUSLY CARRIED THAT RESOLUTION NO. 50-2009, ADOPTING THE MAYOR'S POLICY ON DISCRIMINATORY OR HARASSING REMARKS MADE AT PUBLIC MEETINGS, BE ADOPTED.

Presenter: James Morales, Agency General Counsel

Speakers: Ace Washington

Commissioner Swig put forth a motion to move Item 4(g).

Commissioner Singh seconded Mr. Swig's motion.

Commissioner Covington stated that her recollection for the item appearing on the agenda was her complaint about a speaker using a racial epithet repeatedly, and disparaging a particular group of people; she did not see the proposed policy addressing that issue nor that type of behavior. Ms. Covington stated that the policy resolution provides statements from Robert's Rules, among other things standards for decorum and debate, those standards apply to Commissioners discussions and deliberations, and provide that "a member can condemn the nature or likely consequence of the proposed measure in strong terms, but he [or she] must avoid personalities, and under no circumstances can he [or she] attack or question the motive of another member. The measure, not the member, is the subject of the date." Ms. Covington stated that she agreed with that statement but was off topic. She fully supports First Amendment Rights but has a problem with people coming

to the podium and spending three minutes haranguing the Commission using vile terms for a particular group of people, and should not be permitted by the President.

President Romero stated the agenda item and policy was a direct result of the concern expressed by Ms. Covington as she referred to in her comments about the gentlemen who was at the podium and used the "N" word. Mr. Romero stated that he asked Agency General Counsel to research the specific matter and found the policy adopted by other Agency Commissions in City Government. Mr. Romero stated that it is his understanding, after reading the memo and listening to the presentation by General Counsel Morales that this is as far as the policy can go in terms of approaching anything that may infringe upon any speakers First Amendment Rights.

General Counsel Morales stated that the fundamental problem is trying to prohibit any form of speech. Ultimately, the extreme measure would be to have the person removed from the hearing room if they insisted upon talking to the Commission and in his opinion, is not allowed by either the Brown Act Book or First Amendment in the California Constitution. Mr. Morales stated that the policy allows the Commission to interrupt a speaker and to warn them about the Agency and City's policy of no discrimination, allows people to leave, and to clarify with the speaker that discriminatory comments will not be used in any way, shape, or form, by the Agency in its deliberations. A recess can also be called and then reconvened, which as a practical matter, calm things down.

Commissioner Covington stated that she had, on occasion, interrupted people who came up to the podium using profane language, and had great success in asking people not to use that type of language during the proceedings. She stated that all that is needed is a little more diligence.

President Romero stated that it is his hope that the policy is a step towards the right direction. Mr. Romero stated that he appreciated General Counsel Morales' efforts in addressing the situation.

Commissioner Swig asked for clarification that in the event that either he or the President are leading the meeting and a speaker proceeds to use profane language or insulting language or language that is offensive to racial or religious organizations or individuals, the person presiding the meeting would have the right, at that point, to ask the speaker to stop from speaking, and ask that speaker to suspend that type of language.

General Counsel Morales stated that the Commission would have the right to stop the speaker under the policy; state the non-discrimination policy, and say that anyone that is offended can leave the room, particularly Agency employees. Mr. Morales then stated that they could advise that speaker that any further use of that language would cause further interruptions, and if the

person continues with disruptive behavior, the person presiding the meeting can recess the meeting.

Commissioner Breed stated her overall concern is both derogatory and comments outside the context of the discussions not relevant to the subject matter. Ms. Breed stated what is needed is to have the President step up and make sure that when terms are being used that are inappropriate or off the subject matter, it be done more aggressively than it has been done in the past. Ms. Breed supports the policy but would like to see more enforcement when it comes to speakers who are disrespectful and who are taking the context of the discussion outside of what the discussion entails. Ms. Breed indicated that the personal attacks, the disrespect, and the citing that has no merit within the context of the conversation need to be addressed and halted immediately when it happens.

President Romero stated that he is very well aware of the fact that any personal attacks are out of order and has stopped those attacks in the past. The particular comment that engendered the policy be made, he did not believe the tone of voice of the speaker was necessarily hostile nor were the remarks made directly to any one individual, and stated that no one on the Commission objected at the moment when the remarks were made. Mr. Romero asked his fellow Commissioners not to hesitate to make a point of order and ask for that ruling if they think there is a remark that is made that either violates the policy or violates the Robert's Rules of Order. Mr. Romero stated that Ms. Breed recently made a point of order on the spot which was prompted by stating her objection due to personal remarks being made about her. Mr. Romero asked for the Commissioners assistance in enforcing the policy, and not to hesitate to make a point of order; he will stop the meeting immediately and ask for their point of order, ask that a ruling be made with the assistance of General Counsel to determine if the policy applies.

- (g) Resolution No. 51-2009, Authorizing the issuance, sale and delivery of multifamily housing revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$26,000,000 to assist Nihonmachi Terrace Limited Partnership with the financing of the acquisition and rehabilitation of affordable residential rental facilities known as Nihonmachi Terrace Apartments at 1615 Sutter Street and authorizing and approving related actions and authorizing the execution and delivery of related documents.

Presenter: Jeff White, Agency Staff

Speakers: Jeffrey Matsuoka, Bob Hamaguchi, Ace Washington

Commissioner Covington stated that Nihonmachi is a very important institution in the community, and indicated that the goal is to make the elderly more comfortable and to make sure they can enjoy their lives. Ms. Covington

put forth a motion to move item 4(f). Ms. Covington asked if grandchildren were allowed in the units.

Mr. White stated that grandchildren are allowed to live in the units if they are part of the household.

Commissioner Breed seconded Ms. Covington's motion

Commissioner Singh asked if, due to the economy, if the bonds will be able to sell at 6.5%.

Mr. White stated the bonds would sell at 6.5% due to a previous commitment.

President Romero asked if the Agency has the authority to rehabilitate and build housing anywhere in the City, including outside project areas.

General Counsel Morales stated that to be correct.

ADOPTION: IT WAS MOVED BY MS. COVINGTON, SECONDED BY MS. BREED, (WITH MS. CHEU ABSENT), AND UNANIMOUSLY CARRIED THAT RESOLUTION NO. 51-2009, AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$26,000,000 TO ASSIST NIHONMACHI TERRACE LIMITED PARTNERSHIP WITH THE FINANCING OF THE ACQUISITION AND REHABILITATION OF AFFORDABLE RESIDENTIAL RENTAL FACILITIES KNOWN AS NIHONMACHI TERRACE APARTMENTS AT 1615 SUTTER STREET AND AUTHORIZING AND APPROVING RELATED ACTIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS, BE ADOPTED.

- (h) Resolution No. 52-2009, Authorizing a Personal Services Contract with Wallace Roberts and Todd, Inc., dba, WRT/Solomon E.T.C., a California corporation, for a one-year term, with two, one-year extensions, for a total aggregate contract amount not to exceed \$2,500,000, to provide design and planning services for the Community Facilities Parcel on the Hunters Point Shipyard; Hunters Point Shipyard Redevelopment Project Area.

Presenter: Thor Kaslofsky, Agency Staff

Speakers: None

Commissioner Swig put forth a motion to move item 4(g). Mr. Swig requested that in the future staff provide more in-depth information of the firms, and resumes, which would allow the Commissioners to provide adequate due diligence and protect the public trust.

President Romero asked Director Blackwell if he would like the item continued so staff can provide the information requested by Mr. Swig or entertain the item now.

Director Blackwell stated he would like to entertain the item now, and will include full resumes from here forward.

Commissioner Singh seconded Mr. Swig's motion.

Commissioner Covington agreed with Mr. Swig's suggestions, however, she suggested the background and track record of the company would be sufficient.

Commissioner Breed agreed with Mr. Swig's and Ms. Covington's suggestions, and asked that brief information on panel members also be included. Ms. Breed also asked that certain terms be spelled out instead of being abbreviated.

ADOPTION: IT WAS MOVED BY MR. SWIG, SECONDED BY MR. SINGH, AND UNANIMOUSLY CARRIED (WITH MS. CHEU ABSENT), THAT RESOLUTION NO. 52-2009, AUTHORIZING A PERSONAL SERVICES CONTRACT WITH WALLACE ROBERTS AND TODD, INC., DBA, WRT/SOLOMON E.T.C., A CALIFORNIA CORPORATION, FOR A ONE-YEAR TERM, WITH TWO, ONE-YEAR EXTENSIONS, FOR A TOTAL AGGREGATE CONTRACT AMOUNT NOT TO EXCEED \$2,500,000, TO PROVIDE DESIGN AND PLANNING SERVICES FOR THE COMMUNITY FACILITIES PARCEL ON THE HUNTERS POINT SHIPYARD; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA, BE ADOPTED.

- (i) Resolution No. 53-2009, Authorizing a Construction Contract with NCR Construction Inc., a California corporation, for an amount not to exceed \$1,899,136.00 for construction of improvements to Building 101 on the Hunters Point Shipyard, allowing Cal Pacific to withdraw its bid, and authorizing a lien and any related documents for the land under Building 101; Hunters Point Shipyard Redevelopment Project Area.

Director Blackwell stated that staff requests the item be continued to June 16th Commission due to a variety of obstacles that requires staff to rebid.

Speakers: None

General Counsel Morales clarified that the particular action is not being continued but rather the general subject matter of awarding a contract for the purpose.

MOTION: IT WAS MOVED BY MR. SINGH, SECONDED BY MR. SWIG, AND UNANIMOUSLY CARRIED THAT RESOLUTION NO. 53-2009, BE CONTINUED TO THE JUNE 16TH COMMISSION MEETING.

5. **MATTERS NOT APPEARING ON AGENDA: NONE**

6. **PERSONS WISHING TO ADDRESS THE MEMBERS ON NON-AGENDA, BUT AGENCY RELATED MATTERS**

7. **REPORT OF THE PRESIDENT:**

- President Romero stated that he and Vice President Swig met with Director Blackwell to plan the agenda for the Commission retreat scheduled for June 23, 2009.

8. **REPORT OF THE EXECUTIVE DIRECTOR:**

- Director Blackwell reported that the Budget process is scheduled for the next Commission meeting of June 2, 2009. The voting down of tentative agreements with Labor Unions within the City has resulted with the Mayor's Budget office working hard in producing a balanced budget to the Board of Supervisors. A full report and description of the following items will be presented June 2nd.
 - The Educational Revenue Augmentation Fund (ERAF) was the subject of a lawsuit by the California Redevelopment Association (CRA); CRA won the lawsuit at the lower court level with a ruling that Agencies should not be making that payment at this time. As a result, the \$5.9M held aside for the current fiscal year, as well as the \$6M set aside for the upcoming fiscal year is no longer needed and removed from the budget at the request of the Mayor's Office.
 - The line item for the Reserve Fund is being reexamined by the Budget office to make sure the Agency has the ability to pay retirement benefits as well as vacation pay when someone retires.
 - Added side:
 - Increased support for the HOPE SF Program
 - Increased investment in the Bayview area
 - Support of operating subsidies for supportive housing projects that area Agency sponsored.

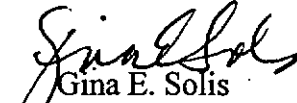
9. **COMMISSIONERS' QUESTIONS AND MATTERS:** None

10. **CLOSED SESSION:** (a) Pursuant to Section 54597 (b) (1) of the Government Code regarding personnel matters: evaluation of performance of the Commission Secretary.

11. **ADJOURNMENT:**

It was moved by Commissioner Singh, seconded by Commissioner Swig, and unanimously carried that the meeting be adjourned at 6:30p.m.

Respectfully submitted,


Gina E. Solis
Agency Secretary

ADOPTED: