

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
REGULAR MEETING
Thursday, April 11, 2013

The Board of Trustees of the War Memorial of San Francisco met in regular session at 2:00 p.m. on Thursday, April 11, 2013, in the Trustees' Board Room, War Memorial Opera House, President Myatt presiding.

ROLL CALL

Present: President Myatt, Trustee Bechtle, Trustee Davis, Trustee Lui, Trustee Moscone, Trustee Pelosi, Trustee Stafford and Trustee Wilsey;

Absent: Vice President Bashford, Trustee Horn, and Trustee Shultz;

Staff Present: Elizabeth Murray, Managing Director
Jennifer Norris, Assistant Managing Director

APPROVAL OF MINUTES

President Myatt called for approval of the minutes of the March 14, 2013 regular meeting of the Board. On motion of Trustee Wilsey, seconded by Trustee Moscone, the minutes were unanimously approved.

PRESIDENT'S REPORT

Change in today's Agenda: President Myatt reported a change in the order of today's agenda and stated that Good and Welfare, Miscellaneous Correspondence and Public Comment will be heard before Regular Item #2, which is a closed session.

MANAGING DIRECTOR'S REPORT

Rental Requests: Ms. Murray reported that rental requests mailed to Trustees are routine, and she requested their approval. On motion of Trustee Bechtle, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 13-15

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that the following rental requests are hereby approved:

WAR MEMORIAL OPERA HOUSE

Board of Trustees of the Glide Foundation Glide Annual Holiday Concert & Reception	December 3, 4, 2013	\$6,600.00 vs. 10% \$8,850.00 maximum
San Francisco Gay Men's Chorus Holiday Concert	December 5, 6, 2013	\$4,600.00 vs. 10% \$6,850.00 maximum

LOUISE M. DAVIES SYMPHONY HALL

Foundation for National Progress Pop-Up Magazine	May 19, 20, 2013	\$3,650.00 vs. 10% \$5,900.00 maximum
SFJAZZ Presentations	June 13, 2013 July 11, 2013	\$5,000.00 vs. 10% \$9,500.00 maximum
Tessitura Network, Inc. Conference Welcome	July 14, 2013	\$3,350.00
Another Planet Entertainment Ben Harper	November 14, 2013	\$2,500.00 vs. 10% \$6,750.00 maximum

SFPUC Plumbing Fixture Retrofits in Opera House and Davies Symphony Hall: Ms. Murray informed the Trustees that the San Francisco Public Utilities Commission will use a portion of a grant from the U.S. Environment Protection Agency to implement plumbing fixture retrofits at the Opera House and Davies Symphony Hall as part of the PUC's development of a Civic Center Sustainable District Plan. The SFPUC has identified over 250 plumbing fixtures in the Opera House and Davies Symphony Hall that are eligible for replacement under the grant program. The estimated cost for removal of the old, inefficient fixtures and installation of new high-efficiency fixtures is approximately \$300,000, which will be fully funded by the grant. Ms. Murray stated that the replacement plumbing fixtures are estimated to provide a combined annual water and wastewater cost savings to the War Memorial of \$55,000 per year. The fixture replacement project will begin in the next month and will be done in phases working around rehearsal and performance schedules.

SECRETARY'S REPORT

Revenue, Appropriations and Housekeeping Expenditures Reports for March 2013: Ms. Norris referred to the Revenue, Appropriations, and Housekeeping Expenditures Reports for March 2013, and requested approval of housekeeping expenditures as submitted. On motion of Trustee Wilsey, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 13-16

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM13185 through WM13200 are hereby approved.

COMMITTEE REPORTS**Building Committee:****San Francisco Symphony – Request to implement modifications to Zellerbach Rehearsal Hall Room “A”:**

Trustee Pelosi, Chair of the Building Committee, reported that the Committee met earlier in the day to consider and adopt recommendations on the San Francisco Symphony's request to implement modifications to Zellerbach Rehearsal Hall Room “A,” including ADA upgrades and HVAC, electrical and life safety improvements, to allow for public flexible programming by the Symphony and other licensees.

Trustee Pelosi stated that Symphony representatives made a presentation to the Committee outlining the proposed modifications to Zellerbach Rehearsal Hall Room “A,” including permanent electrical, HVAC, life safety and exterior signage upgrades, and temporary/removable modifications including an ADA access ramp, temporary restroom facilities and lighting, audio and video installations. The Symphony discussed the need to expand Symphony audiences to include the 21-34 year old demographic and their belief that these modifications to Zellerbach Room “A” will provide a space with a club-like atmosphere where the Symphony can experiment with flexible programming. The Symphony noted their intention to schedule approximately 10 public events in

Zellerbach Room “A” during the time period of December 2, 2013 to April 8, 2014. Trustee Pelosi said that during discussion, Committee members expressed a desire for installation of permanent rather than temporary facilities if at all possible.

Trustee Pelosi reported that following discussion, the Building Committee voted unanimously to recommend approval of the San Francisco Symphony’s request to implement modifications to Zellerbach Rehearsal Hall Room “A” subject to the War Memorial’s standard three-party agreement for licensee construction activities, and subject to rental rates for flexible public programming in Zellerbach Rehearsal Hall being referred to the Board’s Budget & Finance Committee for consideration and recommendation.

Following discussion, and on motion of Trustee Pelosi, seconded by Trustee Bechtle, the following resolution was unanimously adopted:

RESOLUTION NO. 13-17

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby adopts the report and recommendation of its Building Committee and approves the San Francisco Symphony’s request to implement modifications to Zellerbach Rehearsal Hall Room “A,” subject to the War Memorial’s standard three-party agreement for licensee construction activities, and subject to rental rates for flexible public programming in Zellerbach Rehearsal Hall being referred to the Board’s Budget & Finance Committee for consideration and recommendation.

REGULAR ITEMS

San Francisco Public Utilities Commission – Davies Symphony Hall Solar Energy System: President Myatt stated that at the June 2009 meeting of the Board, the Trustees approved the proposal of the San Francisco Public Utilities Commission to install, at the PUC’s cost, a solar energy system on the roof of Davies Symphony Hall, subject to the War Memorial and PUC developing and entering into a Memorandum of Understanding concerning the system’s installation, operation and maintenance. At the time of the Trustees approval in 2009, it was anticipated that the project would be constructed during the summer of 2010, with the project completed and on-line during the 4th quarter of 2010.

President Myatt stated that an MOU between the War Memorial and PUC was executed in mid-2010, however, due to contracting issues, the PUC’s solar system installation project was delayed. The PUC advises that these issues have now been resolved and they would like to proceed with the project. Due to the amount of time that has elapsed since the original approval for this project, War Memorial staff has asked the PUC to re-request approval for the project.

John Doyle, Manager of the SFPUC Energy Infrastructure Division, addressed the Trustees and noted that when this project was originally approved in 2010, the PUC had a different contract model using design-build contractors. Since that time, the PUC has moved to a different type of contract model where contractors will do the design phase and installation will be done by City staff from the Department of Public Works. Mr. Doyle said that this contract transitioning caused a delay, but that the PUC is now ready to move forward with the project. Mr. Doyle stated that the MOU between the War Memorial and the PUC would remain the same, however, the PUC would now take on all responsibilities, liabilities and penalties previously assigned to the design-build contractor.

Mr. Doyle stated that the design phase for the Davies Symphony Hall solar project is scheduled to be completed on June 30, 2013. The construction phase will begin with the PUC installing a new covering on the roof from July 1 to August 30, 2013, then installation of solar panels on the roof will occur from August 1 to September 30, 2013, with final project close-out continuing through October 2013. He stated that the PUC will be very cognizant of rehearsal and performance schedules and that all construction will be scheduled so as not to interfere with Davies Symphony Hall activities.

During public comment, John Kieser, General Manager of the San Francisco Symphony, stated that the Symphony applauds this project going forward and noted that Symphony patrons expect Davies Symphony Hall to be as energy efficient as possible.

Following discussion, and on motion of Trustee Pelosi, seconded by Trustee Moscone, the following resolution was unanimously adopted:

RESOLUTION NO. 13-18

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that it hereby re-approves the San Francisco Public Utilities Commission's installation and operation of a solar energy system on the roof of Davies Symphony Hall subject to the re-review of the MOU between the PUC and the War Memorial.

MISCELLANEOUS CORRESPONDENCE

Alexander Hamilton Post #448 letter regarding Veterans Building Retrofit: President Myatt stated that Trustees have received a copy of the letter from the Alexander Hamilton Post No. 448 of the American Legion regarding the Post's vacating the Veterans Building for the seismic retrofit project. President Myatt stated he has been advised that Post No. 448 has sent a further communication to the Chair of the American Legion War Memorial Commission confirming that Post 448 will cooperate in the planned move-out from the Veterans Building.

Nelson Lum, Chair of the American Legion Commission, stated that he has received both written and verbal confirmation from the Alexander Hamilton Post #448 that they will cooperate with the planned move-out from the Veterans Building.

PUBLIC COMMENT

John Caldera, member of the Veterans Affairs Commission, urged the Trustees to disclose information following the Closed Session scheduled later in the meeting.

Nelson Lum, Chair of the American Legion War Memorial Commission, stated that the Veterans Success Center currently located on the 2nd Floor of the Veterans Building will move to 407 Harrison Street where it will continue operating during the Veterans Building closure.

Susan Serpanchy, General Manager for Patina Catering at the War Memorial, introduced Patina's new Assistant General Manager, Craig Smith.

REGULAR ITEMS

Closed Session for Conference with Legal Counsel for Existing Litigation: President Myatt stated that the Board of Trustees will meet in closed session to confer with legal counsel on existing litigation. President Myatt called for any public comment on matters pertaining to the closed session.

Nelson Lum, Chair of the American Legion Commission, urged Trustees to disclose the contents of the closed session.

President Myatt called for a motion to invoke the attorney-client privilege and go into closed session to confer with or receive advice from the City Attorney. On motion of Trustee Bechtel, seconded by Trustee Moscone, the Board of Trustees voted unanimously to convene in closed session to confer with Legal Counsel pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d).

CLOSED SESSION

RECONVENE IN OPEN SESSION

President Myatt reconvened the meeting in open session. President Myatt announced that the Board of Trustees took no action during the closed session. President Myatt called for a motion on whether to disclose the contents of the closed session. On motion of Trustee Bechtle, seconded by Trustee Moscone, the Board of Trustees voted unanimously not to disclose any of the discussion during the closed session.

ADJOURNMENT

There being no further business, President Myatt adjourned the meeting at 3:15 p.m.

Jennifer E. Norris
Executive Secretary