

MINUTES
WAR MEMORIAL BOARD OF TRUSTEES
REGULAR MEETING
Thursday, May 9, 2013

The Board of Trustees of the War Memorial of San Francisco met in regular session at 2:00 p.m. on Thursday, May 9, 2013, in the Trustees' Board Room, War Memorial Opera House, President Myatt presiding.

ROLL CALL

Present: President Myatt, Vice President Bashford, Trustee Bechtle, Trustee Davis, Trustee Horn, Trustee Shultz, Trustee Stafford and Trustee Wilsey;

Absent: Trustee Lui, Trustee Moscone and Trustee Pelosi;

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

APPROVAL OF MINUTES

President Myatt called for approval of the minutes of the April 11, 2013 regular meeting of the Board. On motion of Trustee Shultz, seconded by Trustee Bechtle, the minutes were unanimously approved.

PRESIDENT'S REPORT

San Francisco Ballet & Opera Seasons: President Myatt stated that the San Francisco Ballet will conclude its 2013 repertory season on Sunday, May 12. On behalf of the Trustees, President Myatt extended congratulations to the Ballet on an excellent 2013 repertory season, with special mention of the spectacular and sold-out final program of *Cinderella*. President Myatt reported that the San Francisco Opera will open the summer portion of its 2012-13 season in the Opera House on June 5, and on behalf of the Board he extended best wishes to the Opera for a successful summer season.

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 Shultz, the following resolution was unanimously adopted:

RESOLUTION NO. 13-19

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

LOUISE M. DAVIES SYMPHONY HALL

SFJAZZ Orquesta Buena Vista Social Club	September 22, 2013	\$2,500.00 vs. 10% \$4,750.00 maximum
San Francisco Girls Chorus Holiday Concert	December 22, 2013	\$2,500.00 vs. 10% \$4,750.00 maximum

Status of occupant move-out from the Veterans Building: Ms. Murray updated the Trustees on the status of occupant move-out from the Veterans Building. She stated that the San Francisco Museum of Modern Art, Department of Environment, Mayor's Office on Disability, Swords to Plowshares, Center for Wellness and the San Francisco Opera have completed their move-outs. Ms. Murray reported that the American Legion Department of California & Auxiliary, Museum of Performance and Design and the American Legion Posts are all scheduled to vacate the Veterans Building by May 31, 2013. The War Memorial administrative staff will move to 25 Van Ness Avenue on June 19-23; the War Memorial Director of Security and Building & Grounds Superintendent will be move to an on-site trailer. Ms. Murray reported that the Law Library is scheduled to move to 1145 Market Street where tenant improvements are now underway, with the actual move-out targeted for June 29-30, 2013.

SECRETARY'S REPORT

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

RESOLUTION NO. 13-20

RESOLVED, By the Board of Trustees of the War Memorial of San Francisco that Purchase Order Nos. WM13201 through WM13220 and Interdepartmental Work Order Nos. WM13017 and WM13109 are hereby approved.

REGULAR ITEMS

San Francisco Symphony – Request to replace Assistive Listening System in Davies Symphony Hall:

President Myatt stated that the War Memorial staff has requested that this item be deferred for one month in order to complete research on the proposed new assistive listening system. President Myatt deferred this item for one month.

MISCELLANEOUS CORRESPONDENCE

Letter from American Legion Department of California – Vacating the Veterans Building: President Myatt stated that Trustees have received a copy of the letter from William Siler, Adjutant of the American Legion Department of California, regarding the Department's vacating the Veterans Building for the Veterans Building Seismic Upgrade and Improvements Project. In their letter, the Department states what they call their "agreement," that upon completion of the Veterans Building Project, the Department will be afforded square footage – equal to what they currently have – on the 3rd floor of the Veterans Building.

President Myatt noted that the American Legion Department of California is not a named beneficiary of the War Memorial Trust, and the Trust imposes no obligation on the Trustees to provide Veterans Building space to the American Legion Department of California. He stated that the Department is the parent organization of the San Francisco American Legion Posts, which is one of the beneficiaries of the Trust, and the Department currently occupies Veterans Building space as a guest of the Posts. President Myatt stated that while the Trustees plan to continue to allow the Department – as a guest of the Posts – to use office and meeting room spaces that the Trustees have allocated to the Posts after the Veterans Building Project, but the Trustees have no authority to require the Posts to do so.

President Myatt asked War Memorial staff to respond to the letter from the American Legion Department of California advising them that the Trustees have no agreement with the Department regarding the allocation of Veterans Building space.

Letter from International Brotherhood of Electrical Workers Local Union 6 regarding the pending award of the electrical portion of the Veterans Building Seismic Upgrade & Improvements Project: President Myatt stated that Trustees have received a copy of the letter from Timothy J. Donovan, Business Manager and Financial Secretary of the International Brotherhood of Electrical Workers Local Union 6, informing the Trustees that Pankow Building intends to award the electrical portion of the Veterans Building seismic retrofit to a San Diego-based electrical contractor, Helix Electric, not a San Francisco-based contractor.

President Myatt reminded Trustees that the Veterans Building Seismic Upgrade & Improvements Project is a City public works project, being managed and administered by the City's Department of Public Works, and the Trustees have no authority with regard to the bidding and award process for this public works project. He asked War Memorial staff to forward Mr. Donovan's letter to the City's Department of Public Works.

At President Myatt's request, Ms. Murray stated she was advised by the Department of Public Works of the following: The Veterans Building Seismic Upgrade & Improvements Project is utilizing a Construction Manager/General Contractor ("CMGC") project delivery method under which all subcontractors are prequalified by the CMGC under contract with the Department of Public Works. The electrical trade package Request for Qualifications was advertised on 12/7/12, and on 12/20/12, five electrical subcontractors submitted qualifications. On 2/14/13, all five firms were deemed qualified. The deadline to appeal RFQ results was 2/21/13, and no appeals were received.

Prior to issuance of the Request for Proposal, on 3/11/13, one of the five firms withdrew from the RFP process, informing the CMGC they were too busy. The electrical trade package RFP was issued on 3/12/13 to the remaining four prequalified firms. On the bid due date, 4/5/13, two bids were received, and the bids were opened on 4/10/13 after the value engineering review. Helix Electric was the low bid at \$13.8 million. Two protests were submitted before the protest deadline concerning Helix Electric. One of the protests was withdrawn after review by the City's Contract Monitoring Division.

Ms. Murray stated that the Veterans Building Project CMGC, Pankow Building, is still reviewing the electrical bid documents and the electrical trade package has not yet been awarded. She added that all contracts between Pankow and subcontractors include applicable City ordinances and requirements including: Local Business Enterprise set aside of 25% and the San Francisco Local Hire Ordinance under which 25% of workers must be San Francisco residents.

During public comment on this item, the Trustees heard from Timothy J. Donovan, Business Manager-Financial Secretary of the International Brotherhood of Electrical Workers Local Union 6, and more than twenty speakers. A number of speakers asked the Trustees to write a letter to the Department of Public Works urging them to support local unions and businesses. Speakers expressed concern that Helix Electric, who is rumored to be the low bidder for the electrical contract, is not a union contractor, and would not provide the best and most qualified workers.

President Myatt thanked the speakers for their informative and polite comments on this matter.

PUBLIC COMMENT

Mr. Michael Petrelis noted that the City is currently preparing its budget for the next year, and he asked the Trustees to please be aware of the budget process and how funds are allocated in the City.

ADJOURNMENT

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

Jennifer E. Norris
Executive Secretary