

Date: March 22, 2011

Item No. 11

File No. 10075

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

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Completed by: Chris Rustom

Date: March 17, 2011

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



<complaints@sfgov.org>  
02/16/2011 10:09 AM

To <soft@sfgov.org>  
cc  
bcc  
Subject Sunshine Complaint

To:soft@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:Department of Recreation and  
Parks

CONTACTED:

PUBLIC\_RECORDS\_VIOLATION:Yes

PUBLIC\_MEETING\_VIOLATION:No

MEETING\_DATE:

SECTIONS\_VIOLATED:

DESCRIPTION:Failure to release the following record: audio/video recording, or transcript, of  
closed-door session, RecreationPark Commission hearing of October 7, 2010.

HEARING:Yes

PRE-HEARING:No

DATE:Dec. 17, 2010

NAME:Anonymous

ADDRESS:

CITY:

ZIP:

PHONE:

CONTACT\_EMAIL:

ANONYMOUS [REDACTED]@hotmail.com

CONFIDENTIALITY\_REQUESTED:Yes

Administrator of the Sunshine Ordinance Task Force  
City Hall, Room 244

Contact: [REDACTED]@hotmail.com

Please accept this Sunshine Ordinance complaint, against the Recreation/Park Commission, for failure to release the following record: audio/video recording, or transcript, of closed-door session, Recreation/Park Commission hearing of October 7, 2010.

On my behalf, Robert Divelbiss of Collette, Erickson, Farmer & O'Neill LLP submitted a previous request for this record to the Recreation/Park Commission. [See attached: Collete/Erickson letter, 11/17/10]. The Commission response was perfunctory and, I believe, failed to address the arguments made for release of the record. [See attached: Recreation/Park letter, Olive Gong, 12/7/2010]

Note: A copy of this correspondence has been sent to the City Attorney, Supervisor of Records. That office is aware of this submission as well. I submit this request as an anonymous report. Please use the email address above for questions, status and other communication.

The Recreation/Park Commission entered into closed-door session on October 7 to discuss one instance of possible litigation, as potential plaintiff [Item 9a]. As outlined in Mr. Divelbiss' letter, the Chair's comments in the public audio/video record make clear that the closed-door session discussion was directly related to Item 10 on the meeting agenda [Murphy-Windmill].

As Mr. Divelbiss also noted, Recreation/Park staff submitted a memo, "Re: Golden Gate Park Murphy Windmill- Award of Personal Services Contract" [hereon referred to as "Recreation/Park Memo"], as supplemental material for Item 10. The memo fully documents the background to the issue and makes clear that the only plausible defendant to the potential litigation discussed in closed-door session was Bloemendal Construction. The statute of limitations for any action against Bloemendal has expired (Chapter 7 bankruptcy filing occurred without the City having filed a claim). The release of the transcript is therefore required [SF Admin Code 67.8-1(a)].

In the very unlikely event the Commission met to discuss an action against Verbij, then Commission Resolution 0010-010 constitutes removal of the underlying dispute, and also a settlement with Verbij, and release of the transcript is required [SF Admin Code Sec. 67.8-1(a), Sec. 67.12.(3)].

The department's attempt to now assert attorney-client privilege is inappropriate. The relevant portion of the Sunshine Ordinance [67.8-1(a)] presumes that a closed-door session, based on an assertion of attorney-client privilege, has occurred. The intent is to require disclosure in this context, if additional conditions, as discussed above, exist.

Further, the Recreation/Park Memo discloses the financial background to the Murphy-Windmill issue, including facts that clearly formed the basis of the closed-door discussion. Even if the department wishes to claim privilege for the discussion through citation of the California Evidence code, it is unlikely that any undisclosed material (covered by that code) exists in the closed-door session. Further, even if such material did exist, the Commission can produce a transcript of the closed-door session that is selectively redacted of that specific factual material.

There is an additional, compelling reason to release the closed-door session [Item 9a]. The record for public agenda Item 10 needs to be repaired. The Commission improperly subsumed complete discussion of this item within the closed-door session, and then failed to repeat any portion of that discussion upon return to open session. The disclosure of the closed-door session, hopefully, will correct the serious omission that now exists in the record for Item 10.

To date, the Commission's actions do not show concern for the public interest when creating and archiving, or considering disclosure of, the items. The entire debate regarding release of the close-door session [Item 9e] consisted of a single remark by the Chair: "I don't think we want to talk about it." [SFGTV time code 3:42:08]. Further, and stunningly, the Commission now claims that no audio recording of the closed-door session exists. [See attached letter, Recreation/Park Department] The Commission, via department staff, provides no explanation for this serious failure to create a proper record other than "technical or operator failure." Interestingly, the City Hall Media Services Group received no report of problems with the recording equipment during or after the meeting.

I ask that an outside party examine the digital media used by the Commission clerk to determine if the audio recording can be recovered. If no recording of the closed-door session can be found or recovered, I request that a transcript be created and released to the public from the Commission Secretary's notes.

**COLLETTE ERICKSON  
FARMER & O'NEILL LLP**  
ATTORNEYS AT LAW  
235 PINE STREET, SUITE 1300  
SAN FRANCISCO, CALIFORNIA 94104-2733  
TELEPHONE (415) 788-4646 • FAX (415) 788-6929 • WWW.COLLETTE.COM

November 17, 2010

**Via Facsimile to 415.221.8034  
and U.S. Mail**

San Francisco Recreation and Park Commission  
501 Stanyan Street  
San Francisco, CA 94117

**Re: Request for Immediate Release to the Public: Transcript and Audio/Video  
Recoding of Closed Session During October 7, 2010 Rec/Park Commission  
Hearing**

To Whom It May Concern:

This office represents a resident of the City and County of San Francisco. On behalf of our client, we respectfully request that the Commission release a transcript and/or audio-video record of the closed-door session that occurred during the October 7, 2010 meeting.

It is our belief that the closed session was entered into incorrectly, that the scope of discussion extended beyond the allowable topic, and that discussion and deliberation of a public agenda item [#10] was subsumed into the closed session. Further, conditions now exist that require disclosure regardless of the above: the "statute of limitations" for the anticipated litigation discussed has effectively expired and/or the source of controversy has been resolved.

**I. Sequence of Events**

At the meeting, the Commission entered into closed-door session [Item 9a] for consideration of litigation, with the City as potential plaintiff. Upon return to public session, the Commission voted not to disclose any portion of the closed-door record [Item 9e].

The Commission next began consideration of Item 10: GOLDEN GATE PARK MURPHY WINDMILL "Discussion and possible action to approve a personal services contract with Verbij Windmill Design and Construction BV in the amount of \$206,406". Immediately following announcement of the item by the Commission secretary, the Chair commented: "...and is there anyone outside that wants to come back in and hear this wonderful decision?"<sup>1</sup> The Commission then

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<sup>1</sup> See record of proceedings at time code 03.42.43.

elected not to hold public discussion or deliberation on the Verbij matter, immediately proceeded to a vote, and approved the personal services contract to Verbij.

**II. Rec/Park Staff Memo re: Golden Gate Park Murphy Windmill – Award of Personal Services Contract**

As you are aware, the supporting memo for the Verbij matter [Rec/Park staff, 10/7/2010] documents threats made by Verbij to refuse to perform future services for the City, and to physically withhold City owned property, absent payment of approximately \$200,000. The amount reflects monies owed Verbij, it is claimed, for work completed on the Murphy windmill project. As staff further clearly documented, Bloemendal Construction ("Bloemendal") owes the debt, and the City is in no way responsible for the payment. Despite that fact, and contrary to City guidelines, staff urged payment of Verbij and cited the need for continuing services from Verbij on the project, and the inability of either Verbij or the City to effectively pursue payment from Bloemendal, as reasons to approve the payment from the City to Verbij.

**III. Basis for request of release of closed-door session transcript**

From the memo and the sequence of events at the meeting, it is obvious that the Commission entered closed-door session to discuss possible litigation against Bloemendal. The Commission clearly reviewed the legal status and assets of Bloemendal (as referenced in the supporting memo) and determined that Bloemendal's bankruptcy filing, and lack of assets, eliminated any possibility of litigation or recovery of money on behalf of Verbij.

It is abundantly clear that the entry into closed door session was inappropriate and contrary to the Administrative Code. See Section 67.10. The Commission has the right to enter into closed door to discuss pending litigation, but *only* "when discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in that litigation." No argument can be made that a simple review of Bloemendal's bankruptcy status, or of assets held, would do so. The statute of limitations expired shortly after Bloemendal entered Chapter 7 bankruptcy, without the City having filed a claim against the corporation.<sup>2</sup> That the Commission met in closed-door session simply to reaffirm this fact is irrelevant.

As you know, Section 67.8.1 of the Administrative Code also unambiguously requires recordings of closed sessions, wherein the justification for the closed session is due to "anticipated litigation," be released to the public "as soon as the controversy leading to anticipated litigation is settled or concluded." The decision to approve payment to Verbij constitutes removal of the controversy, i.e., Verbij refusal to do further work or return City property. Thus, those recordings must be released.

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<sup>2</sup> Section 67.8.1(a) of the Administrative Code provides that recordings of closed sessions, wherein the justification for the closed session is due to "anticipated litigation," shall be released to the public: "UPON EXPIRATION of the statute of limitations for the anticipated litigation if no litigation is filed."

San Francisco Recreation and Park Commission  
November 17, 2010  
Page 3

Still further, the Chair's comment upon taking up the Verbij matter (see above), and the Commission decision not to hear the Verbij matter in public session, clearly indicate that the Commission discussed, deliberated and decided the Verbij matter in its entirety, all within the closed-door session. The Commission's failure to limit closed-door discussion to the anticipated litigation also violates the Administrative Code.

The harm done to the public record is compounded by the lack of discussion or deliberation of the Verbij matter within public session. That record is now unacceptably deficient, as the entire discussion and deliberation is hidden within the closed-door transcript. As such, the public cannot evaluate the Commission's deliberation of other aspects of the Verbij matter.

For each of these reasons, the Administrative Code of the City of San Francisco requires that the discussion contained within the closed door session of the October 7, 2010 meeting be made publicly available. We respectfully request that you do so immediately. Thank you for your prompt attention to the above.

Very truly yours,



Rod Divelbiss

MILMX 9.2

cc: Client



Mayor Gavin Newsom  
Philip A. Ginsburg, General Manager

12/7/2010

Mr. Rod Divelbiss  
235 Pine Street, Suite 1300  
San Francisco, CA 94104

Re: Request for Recreation and Park Commission Closed Session Transcript and Audio/Video Recording from October 7, 2010

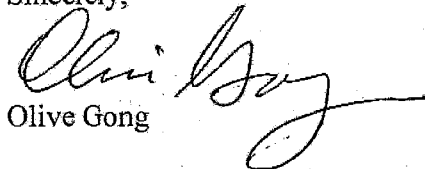
Dear Mr. Divelbiss,

This is in response to your letter of November 17, 2010, received by our office on November 19, 2010, for the recording of the Recreation and Park Commission's closed session at its October 7, 2010, meeting. We regret to inform you that the Department does not have the recording you seek. When the Commission secretary was transcribing the minutes for the October 7 meeting, she discovered that the system did not record the closed session portion of the meeting. We do not know whether system malfunction or operator error caused this lapse. The closed session lasted fifteen minutes, and as noted on the agenda, was a discussion only item to confer with legal counsel on potential anticipated litigation.

While your letter explains your assumptions as to why you think the closed session was not justified, we are not able to respond to the substance of your assertions without disclosing the communications that took place in the closed session. The attorney-client privilege protects these communications. The Department declines to waive the privilege..

If the recording had malfunctioned in open session, we would prepare a transcript from the Commission secretary's notes. In this instance, however, even if the recording existed, we would decline to produce it based on the attorney client privilege, California Government Code Section 6254(k) and California Evidence Code Section 954.

Sincerely,

  
Olive Gong



Sunshine Ordinance Task Force  
City Hall, Room 244

Petition #10075  
Anonymous Submission of Complaint

I am not able to attend today's meeting to discuss petition #10075. However, I respectfully request that you consider a few points of utmost importance. Please consider these in context of the petition goal: correction of the public record for Item 10 of the Oct 7 2009 meeting of the Rec/Park Commission. All discussion for that item was completely, and improperly, subsumed within the closed-door session that immediately preceded.

Rec/Park claims attorney/client privilege for the requested record. Further, the department claims that to provide reasoning or justification for this claim will, in and of itself, violate that same privilege. It clearly is not the intent of the Sunshine Ordinance to allow such circular logic. In fact, such a broadly applied argument effectively renders the Ordinance ineffective in the face of any claim of privilege. The spirit of the Ordinance, rather, requires the department to make best effort to release the records, or as much portion as is unprotected by privilege. The department may face practical difficulty or inconvenience in so doing, or in explaining their claim of privilege. Nevertheless, there is clearly room to redact and protect specific protected information within, and still satisfy the request for release to a majority extent.

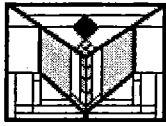
Aside from argument as to whether the department is allowed to assert privilege given the limits imposed by the City code (see my petition), the department utterly fails to address the core issue: correction of the existing public record for Item 10. The Commission, through its own error, discussed this item in its entirety within closed-door session. The Commission failed in its responsibility to limit closed-door session to the narrow legal discussion of potential litigation within.

The harm done to the public record is compounded by lack of discussion or deliberation of the item within public session. That record is now unacceptably deficient, as the entire discussion is hidden within the closed-door transcript. *The Commission has approved expenditure of more than two hundred thousand dollars of public funds with no ability for the public to scrutinize or evaluate their deliberations.* Aspects that required discussion were highlighted in the supporting staff memo: payment to a party (Verbij) that failed to file either a stop order or a claim against the Bloemendal project bond; agreement to payment in response to a threat of extortion; absolute need of Verbij as a continuing partner on the project.

Further, the public cannot evaluate the Commission's deliberation (or lack thereof) re: sufficiency of proof offered by Verbij for lack of payment; payment to Verbij as preferential treatment over subcontractors who filed stop-orders with the City; double-payment for services already completed; commitment to Verbij for work in a new contract as preferential treatment, or even proper given the threats to withhold City property; consideration that the Verbij agreement – in the form of Personal Services Contract - needs to be submitted for review by the Civil Service Commission [Civil Service Commission Memo #2007-04].

Even further, no evaluation can be made of the Commission's due diligence regarding the facts and claims made within the staff memo: that Verbij remained unaware of any procedures required of it (despite acknowledgement that staff had been in touch with Verbij since fall 2009); that Verbij remained a required party for successful completion of the project (despite acknowledgement that Verbij had completed the large majority of restoration and engineering work).

None of these important aspects relate to the possible litigation discussed within closed-door, yet the entire discussion remains undisclosed. For all of these reasons, I respectfully assert that the Administrative code of the City of San Francisco requires disclosure of the entire requested record, or as much portion as can be effected immediately without further legal interpretation.



Olive Gong/RPD/SFGOV  
02/23/2011 12:51 PM

To SOTF/SOTF/SFGOV@SFGOV  
cc  
bcc

Subject RE: #10075\_Anonymous vs Recreation & Park Department

Dear SOTF,

I am just following up with the questions that you had posed at yesterday's hearing.

- There is only one tape-the closed session tape is on the same tape as the regular session.
- The public leaves the room for the closed session.
- A request was made for public comments but there were no public comments for the item in question.

-In regards to the question about the order of the agenda items, agenda for Oct 7, 2010 Meeting at this link:

<http://sfrecrepark.org/documents/FileTree/Commission/Agendas/2010/100710Agenda.pdf>

-Minutes for Oct 7, 2010 Meeting at this link:

<http://sfrecrepark.org/CommissionMinutesAndAgendas-Archives.aspx>

Please let me know if you have any further questions,  
Thank you,  
Olive

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Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

*Reduce, Reuse, Recycle*

**RECREATION AND PARK COMMISSION**  
**“CULTIVATING THE FUTURE OF**  
**SAN FRANCISCO”**

**AGENDA**

**REGULAR MEETING OF THE**  
**RECREATION AND PARK COMMISSION**  
**THURSDAY, OCTOBER 7, 2010, 4:00 P.M.**

**CITY HALL, ROOM 416**

**RECREATION AND PARK**  
**COMMISSION**

**Mark Buell, President**  
**Tom Harrison, Vice President**  
**Gloria Bonilla**  
**David Lee**  
**Meagan Levitan**  
**Larry Martin**

**RECREATION AND PARK**  
**DEPARTMENT**

**Philip Ginsburg, General Manager**  
**Dennis Kern, Director of Operations**  
**Katie Petrucione, Director of Administration**  
**and Finance**  
**Dawn Kamalanathan, Planning and Capital**  
**Program Director**  
**Sarah Ballard, Director of Policy and**  
**Public Affairs**  
**Nicole Avril, Director of Partnerships and**  
**Resource Development**

**RECREATION AND PARK COMMISSION**  
**STANDING COMMITTEES**

**JOINT ZOO COMMITTEE**  
**Commissioner David Lee, Chair**  
**Commissioner Gloria Bonilla**

### **DISABILITY ACCESS**

Room 416 is wheelchair accessible. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets, three blocks from City Hall. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are: the 9 San Bruno, the #71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M and N. For more information about MUNI services, call 923-6142. Large print agendas are available by calling the Commission Office at 415-831-2750. Sign language interpreters are available upon request by contacting 415-831-2774 at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call 415-831-2774. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. The TDD phone number for the Recreation and Park Department is 415-554-8922.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Chris Ruston by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415-554-7724; by fax at 415 554 7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Ruston or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site: [sfgov.org/ethics](http://sfgov.org/ethics).

For further information contact the Commission Office at 415-831-2750

### **WRITTEN COMMENTS**

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to:

Mark Buell, President  
Recreation and Park Commission  
McLaren Lodge, Golden Gate Park  
501 Stanyan Street  
San Francisco, CA 94117-1898  
[recpark.commission@sfgov.org](mailto:recpark.commission@sfgov.org)  
Fax Number: 415-831-2096

1. **ROLL CALL**

**COMMUNICATIONS**

**Note:** Each item on the Consent or Regular agenda may include the following documents:

- a) Legislation
- b) Budget Analyst report
- c) Legislative Analyst report
- d) Recreation and Park Department cover letter and/or report
- e) Consultant report
- f) Public correspondence
- g) Report or correspondence from other Department or Agency

These items will be available for review at McLaren Lodge, 501 Stanyan St., Commission Room. If any materials related to an item on this agenda have been distributed to the Recreation and Park Commission after distribution of the agenda packet, those materials are available for public inspection at McLaren Lodge, Commission Room, 501 Stanyan Street, San Francisco, CA during normal office hours.

The documents for each item may be found on website at:

<http://sfrecpark.org/CommissionMinutesAndAgendas.aspx>

**Note:** The Commission will hear public comment on each item on the agenda before or during consideration of that item.

2. **PRESIDENT'S REPORT (DISCUSSION ONLY)**

- a) Openings and Events
- b) Commission Administrative Matters
- c) Acknowledgements

3. **GENERAL MANAGER'S REPORT (DISCUSSION ONLY)**

- a) Financial Matters
- b) Capital Report
- c) Property Management
- d) Recreation Programs
- e) Park, Recreation and Open Space Advisory Committee Report
- f) Events
- g) Legislation

4. **GENERAL PUBLIC COMMENT - UP TO 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting.

5. **CONSENT CALENDAR (ACTION ITEM)**

A. **MINUTES**

Discussion and possible action to approve the minutes from the July 1, 2010, And August 5, 2010.

B. **GLEN CANYON HABITAT CONSERVATION FUND GRANT, TRAILS CATEGORY**

Discussion and possible action to approve a resolution to apply, accept and expend a Habitat Conservation Fund Grant for Glen Canyon Park Trail Projects.

- C. **TWIN PEAKS HABITAT CONSERVATION FUND GRANT, TRAILS CATEGORY**  
Discussion and possible action to approve a resolution to apply, accept and expend a Habitat Conservation Fund Grant for Twin Peaks Park Trail Projects.
- D. **GLEN CANYON RECREATIONAL TRAIL GRANT**  
Discussion and possible action to approve a resolution to apply, accept and expend a Recreational Trail Program Grant for Glen Canyon Park Trail Projects.

**GENERAL CALENDAR**

- 6. **MISSION DOLORES PARK – VENDOR LOCATION**  
Presentation and discussion only on the location of the Blue Bottle Mobile Food Concession in Mission Dolores Park. (DISCUSSION ONLY)
- 7. **CIVIC CENTER COMMUNITY BENEFIT DISTRICT**  
Discussion and possible action to support the inclusion of Civic Center Plaza and Civic Center Garage, property under the jurisdiction of the Recreation and Park Commission, in the proposed Civic Center Community Benefit District, at an estimated first year assessment of \$32,154.22, which may be adjusted up to 3% annually, for a period of 10 years. (ACTION ITEM)
- 8. **KEZAR PARKING LOT**  
Discussion and possible action to approve new parking lot rates for residential and commercial monthly parking. (ACTION ITEM)
- 9. **MOBILE FOOD VENDOR - GOLDEN GATE PARK – BIG REC**  
Discussion and possible action to approve the selection of Twirl and Dip Soft Serve to operate at Big Rec in Golden Gate Park. (ACTION ITEM)
- 10. **GOLDEN GATE PARK MURPHY WINDMILL**  
Discussion and possible action to approve a personal services contract with Verbij Windmill Design and Construction BV in the amount of \$206,406 [€153,188.58 Euros based on 9/27/10 exchange rate] for the renovation of the South Murphy Windmill Restoration Project. (ACTION ITEM)
- 11. **RECREATION AND PARK DEPARTMENT OUTREACH POLICY**  
Presentation and discussion only of an update on the Recreation and Park Department's Outreach Policy. (DISCUSSION ONLY)
- 12. **RECREATION AND PARK COMMISSION BYLAWS**  
Notice to amend the Recreation and Park Commission Bylaws to:1) set the regular meeting date and time of the Capital Committee for the first Wednesday of each month at 2:00 p.m. City Hall, 2) set the regular meeting date and time of the Operations Committee for the first Thursday of each month at 2:00 p.m. City Hall, 3) amend the regular date and time of the full Commission Meeting to the third Thursday of each month, 2:00 p.m. at City Hall, and 4) under "Meetings" delete the words "the front entry to McLaren Lodge, 501 Stanyan Street" and insert the words "at the meeting location". This item will be voted on at the October 21, 2010 meeting of the Commission. (INFORMATIONAL ONLY)
- 13. **GENERAL PUBLIC COMMENT - CONTINUED**  
At this time members of the public may address the Commission on items that are within the subject matter jurisdiction of the Recreation and Park Commission and that do not appear on the agenda.

14. **COMMISSIONERS' MATTERS**

This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

15. **NEW BUSINESS/AGENDA SETTING (DISCUSSION ONLY)**

New Business/Agenda Setting

- HANC Recycling Center
- Clubhouse RFP
- Permits Policy
- Disc Golf
- Fay House Lease
- Portsmouth Square Garage Lease
- Resident Golf Card
- Energy Audit RFQ
- Maintenance costs for synthetic turf
- Bocce community use opportunities
- Lafayette Park
- Marina Degaussing Station RFP
- Golden Gate Park Tennis Court Proshop and Snack Bar RFP
- Lake Merced Boathouse RFP
- Food Vendors, Marina Green
- Palace of Fine Arts
- Scholarship Policy
- First Tee of San Francisco
- McLaren Park Land and Water

16. **COMMUNICATIONS**

Communications the Recreation and Park Commission received between September 1, 2010 and September 23, 2010 that do not pertain to items on the agenda.

- From numerous members of the public in regard to Sharp Park.
- From Captain Kevin Cashman, copies of Central Station Newsletter.
- From Christopher Reiger in regard to Trails Program.
- From Robert Weinstock in regard to HANC Recycling Center.
- From Anmarie Mabbut in regard to in regard to meeting minutes, Botanical Garden Society request for information and reduction of hours of operation and levels of service at numerous facilities.
- From Thom Loftus in regard to a skateboard park at Waller and Stanyan.
- From Andrea O'Leary in regard to leasing out clubhouses and Sunnyside CBD – surplus report.
- From Eugene Zooey in regard to Duboce Park.
- From Crystal Vann Wallstrom in regard to Dolores Park Food Vendor Meeting.
- From Anthony Meyers in regard to McLaren Park.
- From the Sierra Club in regard to the water treatment facility in Golden Gate Park.

17. **ADJOURNMENT**

**RECREATION AND PARK COMMISSION**  
**“CULTIVATING THE FUTURE OF**  
**SAN FRANCISCO”**

**AGENDA**

**REGULAR MEETING OF THE**  
**RECREATION AND PARK COMMISSION**  
**THURSDAY, OCTOBER 7, 2010, 4:00 P.M.**

**CITY HALL, ROOM 416**

**RECREATION AND PARK**  
**COMMISSION**

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**and Finance**  
**Dawn Kamalanathan, Planning and Capital**  
**Program Director**  
**Sarah Ballard, Director of Policy and**  
**Public Affairs**  
**Nicole Avril, Director of Partnerships and**  
**Resource Development**

**RECREATION AND PARK COMMISSION**  
**STANDING COMMITTEES**

**JOINT ZOO COMMITTEE**  
**Commissioner David Lee, Chair**  
**Commissioner Gloria Bonilla**



### **DISABILITY ACCESS**

Room 416 is wheelchair accessible. The closest accessible BART Station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets, three blocks from City Hall. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are: the 9 San Bruno, the #71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M and N. For more information about MUNI services, call 923-6142. Large print agendas are available by calling the Commission Office at 415-831-2750. Sign language interpreters are available upon request by contacting 415-831-2774 at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call 415-831-2774. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. The TDD phone number for the Recreation and Park Department is 415-554-8922.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Chris Ruston by mail to Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415-554-7724; by fax at 415 554 7854; or by email at [soff@sfgov.org](mailto:soff@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Ruston or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site: [sfgov.org/ethics](http://sfgov.org/ethics).

For further information contact the Commission Office at 415-831-2750

### **WRITTEN COMMENTS**

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to:

**Mark Buell, President**  
**Recreation and Park Commission**  
**McLaren Lodge, Golden Gate Park**  
**501 Stanyan Street**  
**San Francisco, CA 94117-1898**  
**[recpark.commission@sfgov.org](mailto:recpark.commission@sfgov.org)**  
**Fax Number: 415-831-2096**

1. **ROLL CALL**

**COMMUNICATIONS**

**Note:** Each item on the Consent or Regular agenda may include the following documents:

- a) Legislation
- b) Budget Analyst report
- c) Legislative Analyst report
- d) Recreation and Park Department cover letter and/or report
- e) Consultant report
- f) Public correspondence
- g) Report or correspondence from other Department or Agency

These items will be available for review at McLaren Lodge, 501 Stanyan St., Commission Room. If any materials related to an item on this agenda have been distributed to the Recreation and Park Commission after distribution of the agenda packet, those materials are available for public inspection at McLaren Lodge, Commission Room, 501 Stanyan Street, San Francisco, CA during normal office hours.

The documents for each item may be found on website at:

<http://sfrecrepark.org/CommissionMinutesAndAgendas.aspx>

**Note:** The Commission will hear public comment on each item on the agenda before or during consideration of that item.

2. **PRESIDENT'S REPORT (DISCUSSION ONLY)**

- a) Openings and Events
- b) Commission Administrative Matters
- c) Acknowledgements

3. **GENERAL MANAGER'S REPORT (DISCUSSION ONLY)**

- a) Financial Matters
- b) Capital Report
- c) Property Management
- d) Recreation Programs
- e) Park, Recreation and Open Space Advisory Committee Report
- f) Events
- g) Legislation

4. **GENERAL PUBLIC COMMENT - UP TO 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting.

5. **CONSENT CALENDAR (ACTION ITEM)**

A. **MINUTES**

Discussion and possible action to approve the minutes from the July 1, 2010, And August 5, 2010.

B. **GLEN CANYON HABITAT CONSERVATION FUND GRANT, TRAILS CATEGORY**

Discussion and possible action to approve a resolution to apply, accept and expend a Habitat Conservation Fund Grant for Glen Canyon Park Trail Projects.

- C. **TWIN PEAKS HABITAT CONSERVATION FUND GRANT, TRAILS CATEGORY**  
Discussion and possible action to approve a resolution to apply, accept and expend a Habitat Conservation Fund Grant for Twin Peaks Park Trail Projects.
- D. **GLEN CANYON RECREATIONAL TRAIL GRANT**  
Discussion and possible action to approve a resolution to apply, accept and expend a Recreational Trail Program Grant for Glen Canyon Park Trail Projects.

**GENERAL CALENDAR**

- 6. **MISSION DOLORES PARK – VENDOR LOCATION**  
Presentation and discussion only on the location of the Blue Bottle Mobile Food Concession in Mission Dolores Park. (DISCUSSION ONLY)
- 7. **CIVIC CENTER COMMUNITY BENEFIT DISTRICT**  
Discussion and possible action to support the inclusion of Civic Center Plaza and Civic Center Garage, property under the jurisdiction of the Recreation and Park Commission, in the proposed Civic Center Community Benefit District, at an estimated first year assessment of \$32,154.22, which may be adjusted up to 3% annually, for a period of 10 years. (ACTION ITEM)
- 8. **KEZAR PARKING LOT**  
Discussion and possible action to approve new parking lot rates for residential and commercial monthly parking. (ACTION ITEM)
- 9. **MOBILE FOOD VENDOR - GOLDEN GATE PARK – BIG REC**  
Discussion and possible action to approve the selection of Twirl and Dip Soft Serve to operate at Big Rec in Golden Gate Park. (ACTION ITEM)
- 10. **GOLDEN GATE PARK MURPHY WINDMILL**  
Discussion and possible action to approve a personal services contract with Verbij Windmill Design and Construction BV in the amount of \$206,406 [€153,188.58 Euros based on 9/27/10 exchange rate] for the renovation of the South Murphy Windmill Restoration Project. (ACTION ITEM)
- 11. **RECREATION AND PARK DEPARTMENT OUTREACH POLICY**  
Presentation and discussion only of an update on the Recreation and Park Department's Outreach Policy. (DISCUSSION ONLY)
- 12. **RECREATION AND PARK COMMISSION BYLAWS**  
Notice to amend the Recreation and Park Commission Bylaws to:1) set the regular meeting date and time of the Capital Committee for the first Wednesday of each month at 2:00 p.m. City Hall, 2) set the regular meeting date and time of the Operations Committee for the first Thursday of each month at 2:00 p.m. City Hall, 3) amend the regular date and time of the full Commission Meeting to the third Thursday of each month, 2:00 p.m. at City Hall, and 4) under "Meetings" delete the words "the front entry to McLaren Lodge, 501 Stanyan Street" and insert the words "at the meeting location". This item will be voted on at the October 21, 2010 meeting of the Commission. (INFORMATIONAL ONLY)
- 13. **GENERAL PUBLIC COMMENT - CONTINUED**  
At this time members of the public may address the Commission on items that are within the subject matter jurisdiction of the Recreation and Park Commission and that do not appear on the agenda.

14. COMMISSIONERS' MATTERS

This item is designed to allow Commissioners to raise issues they believe the Commission should address at future meetings. There will be no discussion of these items at this time.

15. NEW BUSINESS/AGENDA SETTING (DISCUSSION ONLY)

New Business/Agenda Setting

- HANC Recycling Center
- Clubhouse RFP
- Permits Policy
- Disc Golf
- Fay House Lease
- Portsmouth Square Garage Lease
- Resident Golf Card
- Energy Audit RFQ
- Maintenance costs for synthetic turf
- Bocce community use opportunities
- Lafayette Park
- Marina Degaussing Station RFP
- Golden Gate Park Tennis Court Proshop and Snack Bar RFP
- Lake Merced Boathouse RFP
- Food Vendors, Marina Green
- Palace of Fine Arts
- Scholarship Policy
- First Tee of San Francisco
- McLaren Park Land and Water

16. COMMUNICATIONS

Communications the Recreation and Park Commission received between September 1, 2010 and September 23, 2010 that do not pertain to items on the agenda.

- From numerous members of the public in regard to Sharp Park.
- From Captain Kevin Cashman, copies of Central Station Newsletter.
- From Christopher Reiger in regard to Trails Program.
- From Robert Weinstock in regard to HANC Recycling Center.
- From Anmarie Mabbut in regard to in regard to meeting minutes, Botanical Garden Society request for information and reduction of hours of operation and levels of service at numerous facilities.
- From Thom Loftus in regard to a skateboard park at Waller and Stanyan.
- From Andrea O'Leary in regard to leasing out clubhouses and Sunnyside CBD – surplus report.
- From Eugene Zooey in regard to Duboce Park.
- From Crystal Vann Wallstrom in regard to Dolores Park Food Vendor Meeting.
- From Anthony Meyers in regard to McLaren Park.
- From the Sierra Club in regard to the water treatment facility in Golden Gate Park.

17. ADJOURNMENT



Public Release of Letter Sent to Parkmerced Resident Retention and Management Services - Failure to respond to phone and email communication within 24 hours - Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive Ahimsa Sumchai MD

to:

Board Supervisors, Mary Ratcliff, editor sfxaminer, John Diaz, Tim Redmond, Sarah Phelan, Bruce Brugman, Luke Thomas, Editor SF Weekly, Matier and Ross, Dennis Herrera, Matt Dorsey, Sean Elsbernd, David Chiu, John Avalos  
03/04/2011 02:05 PM  
Show Details

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

I am publicly releasing the information below directed to Parkmerced management in the hopes that it will benefit the quality of services rendered to new and continuing tenants in the proposed development area. There has been no response to the very serious health and safety issues that have prompted me to vacate a one bedroom garden unit I have leased since April 2009.

**AHIMSA PORTER SUMCHAI, M.D.**

---

From: asumchai@live.com  
To: hkhatr@parkmerced.com; asumchai@live.com  
Subject: Failure to respond to phone and email communication within 24 hours - Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive  
Date: Fri, 4 Mar 2011 13:58:50 -0800

To: Himanshu Khatri - Retention Advocate  
Parkmerced  
1 Varela Avenue,  
San Francisco, California  
94132

Dear Mr. Khatri,

I was surprised and disappointed that you did not respond within 24 hours acknowledging the email and phone communication regarding the legitimate issues I have raised with the Parkmerced owners and managers as documented in the email below. Frankly, I find this, at minimum, unprofessional conduct. I am certain the pure weight of the concerns I have raised deserve a response. Please be advised that I plan to vacate the one bedroom garden unit at 767 Gonzalez Drive by March 18, 2011 in keeping with the 30 notice mandate I signed with your office on Friday, February 18, 2011. Please keep the pet deposit and rental deposit as a courtesy towards my use of the apartment as domicile past the first day of March. Also be advised that I have received a legal opinion which urges me to request a formal response from Parkmerced management regarding the issues outlined below as important safety issues are raised that may impact other tenants in the complex. As such, I am offering you 24 hour notice to respond to the issues raised in my communication with you. I am most concerned about the toxic appearing material that I retrieved from my bathroom drain and it's potential lead, mercury and other toxic metal contents.

Also be aware that I will be releasing this information to the media, the San Francisco Board of Supervisors, the Planning Commission and Mayor's office in the hopes that the issues I have raised, that management has failed to adequately respond to, might benefit residents who choose to stay in the proposed development area.

**AHIMSA PORTER SUMCHAI, M.D.**

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From: asumchai@live.com  
To: hkhatr@parkmerced.com; asumchai@live.com  
Subject: Proposal for rent reduction to retain garden unit at 767 Gonzalez Drive  
Date: Thu, 3 Mar 2011 11:18:47 -0800

To: Himanshu Khatri - Retention Advocate  
Parkmerced  
1 Varela Avenue  
San Francisco, Calif. 94132

Re: 767 Gonzalez Drive  
Account # 1017022078 P3468

Dear Mr. Khatri,

My name is Dr. Ahimsa Porter Sumchai. I am a single woman, a practicing physician and fitness professional and the mother of a son with a disability that calls for residential treatment and care. I have lived in a very nice garden unit at 767 Gonzalez Drive for two years located at the southwest corner of the complex. It is slated for deconstruction under the development plan approved by Planning last month. I walk to 19th and Holloway almost every day because the 17 Parkmerced is often unpredictable. Additionally, I have two toy dogs who have been attacked by a pit bull breed located in the complex. I generated a formal complaint with your office about this dog. There are now two pit bulls, a german shephard and a Great Dane in the complex.

I am writing to ask that you advocate on my behalf to reduce my rent from \$1700+ a month. With utilities and cable this comes to about \$2000 for a one bedroom unit. A \$100 to \$200 reduction could prevent my moving from the unit by the 15th of March. I live next door to a neighbor at 1 Rivas. He lives in a two bedroom corner garden unit with an upstairs. He pays about \$1350 a month.

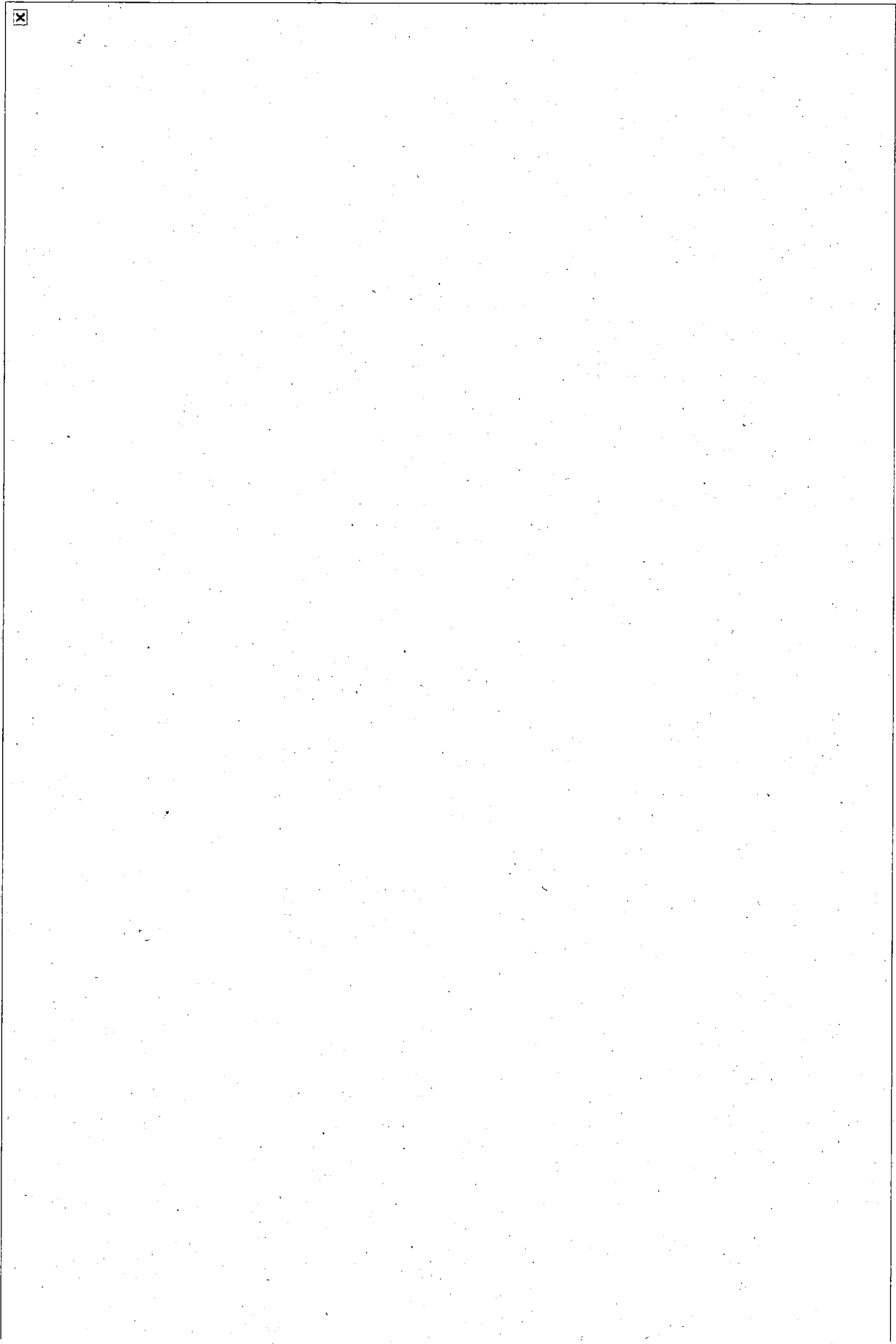
Maintenance has been at my unit about six times this year. In January the kitchen sink literally erupted and overflowed very quickly flooding my kitchen and destroying three of the wooden cabinet drawers. I called maintenance and was put on hold with classical music. I was going to call 911 but finally got a maintenance response. It took a week and two more calls to get the drawers replaced but the bottom third drawer was never responded to.

On February 18th, the bathroom sink clogged as I was trying to get out of the house for a medical appointment. I used a plunger and a huge amount of toxic looking sludge that was black and metallic came out. It alarmed me. I called the plumber out of personal safety concerns. He arrived in a timely manner. I had unclogged the drain. He reassured me and left the unit but lost my key. He came back and I was forced to get out of the bath tub. He informed me the locks had to be immediately changed. I insisted it be done the next day. I received a call while dripping wet and naked from a woman in maintenance stating the keys had to be changed. I was late for work because a worker arrived to change the locks. It was 9pm before I found the replacement key at the Arballo courtesy patrol office. The woman promised me she would leave her cell number and get the key to me. She never called.

I would like to continue to live at 767 Gonzalez for at least another year but cannot continue to pay \$2000 a month total for a one bedroom that, while esthetic, quiet and safe, is poorly accessed by taxi and public transit and has been the source of continued suboptimal maintenance and dog safety issues.

Can you please do whatever you can to mediate with the owners and management any reduction in rent that would help me stay in the unit a little longer? I own a medical practice and a fitness clientele. I pay monthly rent for an office on West Portal Avenue and a studio on Judah. It can cost up to \$5000 for first of the month rent at these locations and a fall in revenues from the economic downturn has caused such a squeeze on my finances I have not been able to buy enough food to eat on several occasions.

**AHIMSA PORTER SUMCHAI, M.D.** \*



On Jan 29, 2008, at 2:47 PM, ahimsa sumchai wrote:

Can you send copies of the photos? I will use them with your permission only. I would like to write a piece on single payer health care for the SF Bayview and use some of the shots to promote Cindy's campaign.

***Dr. Ahimsa Porter Sumchai NSCA-CPT***

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Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)

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Get in touch in an instant. [Get Windows Live Messenger now.](#)

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Windows 7: It works the way you want. [Learn more.](#)





Chaffee -- Capital Planning Committee to Consider "Public Private Partnerships"

James Chaffee

to:

James Chaffee-Main

03/04/2011 02:30 PM

Show Details

Dear Friends,

The Capital Planning Committee has on its agenda for Monday, March 7, (City Hall, Room 305, 12:00 – 2:00 p.m.) a presentation on the evaluation of "Public Private Partnerships." There will also be action on the 2012-2021 Capital Plan.

You might assume that since this is the Capital Planning Committee in San Francisco that the presenters are a bunch of low-rent slime who are going to remind us how sacred private money is. Your assumptions won't be far off. The presenters, who are described on the agenda as "experts," are Alistair Sawyers and Gary Moriarty and they are both from companies for which privatization as an entrepreneurial opportunity, Parsons Brinckerhoff and gkkworks, respectively. They have reached the level of euphemism that a "Public Private Partnership" is now referred to as a P3 opportunity or a P3 market. In fact, Mr. Moriarty cites on his resume, experience which includes, "Created a new sector focused on the emerging Public Private Partnership (P3) market in North America."

Nevertheless, the explanatory documents for the presentation include a "best practices" from an organization called the Government Finance Officers Association that recommends public private partnerships be evaluated to "ensure that the venture is beneficial to the public."

One suspects that this is an attempt deflect criticism for the America's Cup which will likely be criticized as the P3 rip off from hell. Of course, the Capital Planning Committee has presentations from the industry spokesmen and no one representing the public, unless they count themselves. Presumably the aforementioned Government Finance Officers Association might want to come. Just sounds like another example of the public benefit going down the drain to me.

This is the link for the agenda.

<http://onesanfrancisco.org/cpc-meeting-mar-7-2011/>

This is the link for the best practices.

<http://onesanfrancisco.org/wp-content/uploads/PublicPrivatePartnershipsFINAL.pdf>

James Chaffee,



Mayor Gavin Newsom  
Philip A. Ginsburg, General Manager

**ADDENDUM TO  
THE RECREATION AND PARK COMMISSION  
MEETING**

**Thursday, October 7, 2010**

**4:00 p.m.**

**City Hall, Room 416**

9a. **CLOSED SESSION**

9b. **Public Comment on all matters pertaining to the closed session.**

9c. **Vote on whether to hold closed session to confer with legal counsel. (San Francisco Administrative Code section 67.10(d).) (ACTION ITEM)**

9d. **Closed session pursuant to Government Code section 54956.9(c) and San Francisco Administrative Code section 67.10(d).**

***CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (DISCUSSION ITEM)***

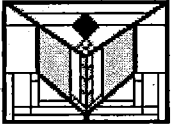
**Number of potential cases: 1**

**City and County of San Francisco as plaintiff**

9e. **Reconvene in open session:**

**A.) Possible report on action taken in closed session. (Government Code section 54957.1(a)(2) and San Francisco Administrative Code section 67.12(b)(2).) (ACTION ITEM)**

**B.) Vote to elect whether to disclose any or all discussions held in closed session (San Francisco Administrative Code section 67.12(a).) (ACTION ITEM)**



Olive Gong/SPD/SFGOV  
02/23/2011 12:51 PM

To SOTF/SOTF/SFGOV@SFGOV  
cc  
bcc  
Subject RE: #10075\_Anonymous vs Recreation & Park Department

Dear SOTF,

I am just following up with the questions that you had posed at yesterday's hearing.

- There is only one tape-the closed session tape is on the same tape as the regular session.
- The public leaves the room for the closed session.
- A request was made for public comments but there were no public comments for the item in question.

-In regards to the question about the order of the agenda items, agenda for Oct 7, 2010 Meeting at this link:

<http://sfrecrepark.org/documents/FileTree/Commission/Agendas/2010/100710Agenda.pdf>

-Minutes for Oct 7, 2010 Meeting at this link:

<http://sfrecrepark.org/CommissionMinutesAndAgendas-Archives.aspx>

Please let me know if you have any further questions,  
Thank you,  
Olive

.....  
Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
415.831-2708 direct  
415.831-2096 fax  
olive.gong@sfgov.org email

*Reduce, Reuse, Recycle*