

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, February 9, 2016 - 2:00 PM

**Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

LONDON BREED, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, AARON PESKIN, KATY TANG, SCOTT WIENER,
NORMAN YEE
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Tang, Yee	Wednesday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Yee, Breed	2nd and 4th Thursday 10:00 AM
Land Use and Transportation Committee Supervisors Cohen, Wiener, Peskin	Monday 1:30 PM
Public Safety and Neighborhood Services Committee Supervisors Kim, Avalos, Campos	2nd Thursday 2:30 PM
Rules Committee Supervisors Tang, Mar, Cohen	2nd and 4th Thursday 11:00 AM

Members Present: John Avalos, London Breed, David Campos, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Aaron Peskin, Katy Tang, Scott Wiener, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, February 9, 2016, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President London Breed called the meeting to order at 2:01 p.m. On the call of the roll, Supervisors Kim, Tang, and Yee were not present. There was a quorum.

COMMUNICATIONS

There were no communications.

AGENDA CHANGES

There were no agenda changes.

Supervisors Kim and Yee were noted present at 2:03 p.m.

Supervisor Tang was noted present at 2:04 p.m.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

There were no questions submitted from Supervisors representing the even districts. Mayor Edwin Lee addressed the Board of Supervisors regarding the Super Bowl 50 events, the Lunar New Year, and recognized four volunteer Deputy Marriage Commissioners, Bernice Frucht, James Illig, Valerie Walker, and Betty Peskin, for their service officiating over 48,000 marriages in the City and County of San Francisco. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

151212 [Settlement of Lawsuit - Filip Kesler 2011 Revocable Trust and Brandon Hughes - \$82,500]

Ordinance authorizing settlement of the lawsuit filed by Filip Kesler 2011 Revocable Trust and Brandon Hughes against the City and County of San Francisco for \$82,500; the lawsuit was filed on September 29, 2014, in San Francisco Superior Court, Case No. CGC-14-541914; entitled Filip Kesler 2011 Revocable Trust and Brandon Hughes v. City and County of San Francisco. (City Attorney)

Ordinance No. 015-16

FINALLY PASSED

151250 [Settlement of Lawsuits - 765 Market Street Residential Owners Association - City to Consider Pedestrian and Traffic Improvements]

Ordinance authorizing settlement of the lawsuits filed by 765 Market Street Residential Owners Association, et al., against the City and County of San Francisco; the first lawsuit was filed on August 16, 2013, in Sacramento Superior Court, Case No. 34-2013-80001609 and then transferred to San Francisco Superior Court, Case No. CPF-14-513433, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143980, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; the second lawsuit was filed on June 19, 2014, in San Francisco Superior Court, Case No. CPF-14-540094, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143983, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; material terms of said settlement include the City's commitment to initiate consideration of installing of a crosswalk at Third Street and Stevenson Street, revising signal timing and offsets on Third Street, and relocating the pedestrian signal at Third Street; and the commitment of Real Party in Interest, 706 Mission Street Co., LLC, to donate \$100,000 to the City to offset costs to fund the improvements if they are approved by the City. (City Attorney)

Ordinance No. 009-16

FINALLY PASSED

160001 [Settlement of Lawsuit - David Lloyd - \$42,500]

Ordinance authorizing settlement of the lawsuit filed by David Lloyd against the City and County of San Francisco for \$42,500; the lawsuit was filed on June 10, 2014, in San Francisco Superior Court, Case No. CGC-14-539774; entitled David Lloyd v. City and County of San Francisco, et al, removed to federal court on August 6, 2014, and re-captioned as David Lloyd v. City and County of San Francisco, et al., United States District Court, Case No. 3:14-cv-03542 JCS. (City Attorney)

Ordinance No. 018-16

FINALLY PASSED

160002 [Settlement of Lawsuit - Travis Jones - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Travis Jones against the City and County of San Francisco for \$60,000; the lawsuit was filed on February 18, 2014, in the United States District Court, Case No. CV 14-00733 NC; entitled Travis Jones v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 019-16

FINALLY PASSED

160003 [Settlement of Lawsuit - Leonard Lee Collins, Jr. - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Leonard Lee Collins, Jr., against the City and County of San Francisco for \$75,000; the lawsuit was filed on December 18, 2012, in United States District Court for the Northern District of California, Case No. 13-3456 MEJ; entitled Leonard Lee Collins, Jr. v. City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, Steven Koneffklatt, et. al. (City Attorney)

Ordinance No. 020-16

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee**151079 [Building Code - Definition of Vacant or Abandoned Buildings]**

Sponsor: Tang

Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement for a period not to exceed two years if it complies with all codes and does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.

Ordinance No. 014-16

FINALLY PASSED

150973 [Police Code - Storage of Firearms in Motor Vehicles]

Sponsors: Campos; Mar, Yee, Breed, Farrell, Cohen, Kim and Avalos

Ordinance amending the Police Code to prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless it is in a lock box or in the locked trunk of the motor vehicle.

Ordinance No. 013-16

FINALLY PASSED

151227 [Administrative Code - Equal Pay Advisory Board Reporting Deadlines and Sunset Date]

Sponsor: Campos

Ordinance amending the Administrative Code to revise reporting deadlines regarding equal pay reports, and extending the sunset date of the Equal Pay Advisory Board by nine months to July 2, 2018.

Ordinance No. 016-16

FINALLY PASSED

Recommendations of the Rules Committee

160055 [Reappointment, Citizen's Advisory Committee for the Central Market Street and Tenderloin Area - John Bogacki]

Motion reappointing John Bogacki, term ending August 2, 2019, to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. (Rules Committee)

Motion No. M16-012

APPROVED

160056 [Appointment, Food Security Task Force - Ryan Thayer]

Motion appointing Ryan Thayer, for an indefinite term, to the Food Security Task Force. (Rules Committee)

Motion No. M16-013

APPROVED

160057 [Appointment, San Francisco Health Authority - Joseph David Woods]

Motion appointing Joseph David Woods, term ending January 15, 2018, to the San Francisco Health Authority. (Rules Committee)

Motion No. M16-014

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Severed from the Consent Agenda

Supervisor Tang requested that File No. 151229 be severed so that it may be considered separately.

151229 [Administrative Code - Notice to Tenants in Event of Eviction]

Sponsor: Tang

Ordinance amending the Administrative Code to provide notice to tenants facing eviction regarding eligibility for City affordable housing programs.

Supervisor Tang, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 4 through 6, by striking 'and to modify vacancy control requirements applicable to certain agreements with governmental agencies', Lines 20 through 21, by adding 'for the next five years from the termination', and Page 1, Line 23, through Page 2, Line 1, by striking 'This rent limitation shall apply for the next five years from the termination where the landlord has terminated the tenancy as stated in subsections (1) or (2), and for the next three years from the termination where the landlord has terminated the tenancy as stated in subsection (3).' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

FINALLY PASSED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

160036 [Calling from Committee - Committee of the Whole - Charter Amendment (File No. 151274) - February 23, 2016]

Sponsor: Kim

Motion calling from the Rules Committee, pursuant to Board's Rules of Order 3.37, the proposed Charter Amendment (File No. 151274) authorizing the Board of Supervisors to update the inclusionary or affordable housing obligations for housing development projects and setting forth increased interim requirements, to be proposed to the voters at the June 7, 2016, election; and scheduling the Board of Supervisors to sit as a Committee of the Whole on February 23, 2016, at 3:00 p.m., to hold a public hearing to consider the proposed Charter Amendment.

Motion No. M16-015

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Recommendations of the Budget and Finance Committee

President Breed requested File Nos. 151226 and 160021 be called together.

151226 [Waiver of Certain Contract Requirements for Project Delivery Agreement for New Central Shops Facilities - Oryx Development I, LLC - \$55,000,000 Project Cost; Interdepartmental Property Transfers]

Sponsor: Mayor

Ordinance approving and authorizing the Director of Property of the General Services Agency's Real Estate Division ("RED") to execute a Project Delivery Agreement with Oryx Development I, LLC, a Nevada limited liability company ("Developer" or "Oryx"), for the design and construction of proposed improvements to future City owned real estate at 555 Selby Street and 1975 Galvez Avenue (Assessor's Block No. 5250, Lot No. 15, and Assessor's Block No. 5250, Lot No. 16), and tenant improvements to future City leased property at 450 Toland Street (Assessor's Block No. 5230, Lot No. 18), to create new facilities for the relocation of the City's Central Fleet Maintenance Shop ("Central Shops") from 1800 Jerrold Street (portions of Assessor's Block Nos. 5262 and 5270), with total anticipated project delivery cost of \$55,000,000 from San Francisco Public Utilities Commission ("SFPUC") Wastewater Enterprise funds; exempting the project from certain contracting requirements in Administrative Code, Chapter 6, by waiving the requirements of Administrative Code, Sections 6.61(b) and 6.61(c)(1) - (4), and approving the selection of Oryx Development I, LLC as Developer, and Developer's selection of FM&E Architecture & Design as a Subcontractor to serve as the Project Architect, and Charles Pankow Builders, Ltd. as a Subcontractor to serve as General Contractor, without competitive bidding; authorizing the jurisdictional transfer of 1800 Jerrold Street, from General Services Agency's Office of Contract Administration ("OCA") to the SFPUC Wastewater Enterprise, and the jurisdictional transfer of 555 Selby Street and 1975 Galvez Avenue, and the leasehold of 450 Toland Street, from the SFPUC to OCA, subject to the terms and conditions of the Memorandum of Understanding entered into between the RED, OCA and SFPUC; and finding the proposed transactions are in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Fiscal Impact)

Ordinance No. 008-16

FINALLY PASSED by the following vote:

Ayes: 8 - Breed, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Noes: 3 - Avalos, Campos, Peskin

160021 [Appropriation - Transfer from Wastewater Enterprise Funds to City Administrator to Implement the Central Shops Relocation Project - \$62,200,000 - FYs 2015-2016 and 2016-2017]

Sponsor: Mayor

Ordinance appropriating a \$62,200,000 transfer from Public Utilities Commission Wastewater Enterprise Funds to the City Administrator the Central Shops Relocation Project in FYs 2015-2016 and 2016-2017, and placing \$45,000,000 on Budget and Finance Committee reserve. (Fiscal Impact)

Ordinance No. 021-16

FINALLY PASSED by the following vote:

Ayes: 8 - Breed, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Noes: 3 - Avalos, Campos, Peskin

Recommendation of the Land Use and Transportation Committee

150914 [Planning Code - Affordable Housing as Principal Use]

Sponsors: Wiener; Farrell

Ordinance amending the Planning Code to provide administrative review of affordable housing, permitting it as a principal use, and not requiring a Planning Commission hearing, with certain exceptions; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and general welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Supervisor Farrell requested to be added as a co-sponsor.

Ordinance No. 007-16

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Committee

151259 [Administrative Code - City-Owned Fiber-Optic Facilities]

Sponsors: Farrell; Mar

Ordinance amending the Administrative Code to require the Department of Technology to gather information from City departments concerning City-owned fiber-optic facilities; and to require the Public Utilities Commission to consider and approve any future expansion of City-owned fiber-optic facilities.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

151278 [Agreement Amendment - AT&T Corporation - Telecommunications Services - Not to Exceed \$122,429,557]

Sponsor: Farrell

Ordinance retroactively authorizing the Department of Technology and the Department of Contract Administration to enter into the Third Amendment of an Agreement between the City and the AT&T Corporation, for the City's telecommunications services, by extending the term of the agreement for an additional five years through December 31, 2020, and increasing the total not-to-exceed amount of the agreement from \$97,953,700 to \$122,429,557.

(Fiscal Impact)

Privilege of the floor was granted unanimously to Harvey Rose (Office of the Budget and Legislative Analyst) who responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

151145 [Adopting a Fixed Two-Year Budget - Various City Departments - FYs 2016-2017 and 2017-2018]**Sponsors: Mayor; Farrell and Tang**

Resolution adopting a fixed two-year budgetary cycle for the following various City departments: Airport; Child Support Services; Employees' Retirement System; Port; Public Library; Public Utilities Commission; defining terms; and setting deadlines.

Privilege of the floor was granted unanimously to Harvey Rose (Office of the Budget and Legislative Analyst) and Todd Rydstrom (Office of the City Controller) who responded to questions raised throughout the discussion.

Supervisor Avalos, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the Employees' Retirement System and the Public Library. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee
Resolution adopting a fixed two-year budgetary cycle for the following various City departments: Airport; Child Support Services; Port; Public Utilities Commission; defining terms; and setting deadlines.

Resolution No. 049-16**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

160027 [Accept and Expend Grant - State of California, Department of Parks and Recreation - Boating Safety and Enforcement Equipment - FY2015-2016 - \$77,000]**Sponsor: Farrell**

Resolution retroactively authorizing the San Francisco Police Department (SFPD) to accept and expend a grant in the amount of \$77,000 from the State of California, Department of Parks and Recreation, Division of Boating and Waterways, to procure equipment and gear for the SFPD Marine Unit, for the 15-year period of October 1, 2015, through September 30, 2030.

Resolution No. 052-16**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Recommendations of the Land Use and Transportation Committee**151251 [Administrative Code - Water Efficient Irrigation]****Sponsors: Wiener; Farrell**

Ordinance amending the Administrative Code by revising the applicability threshold to 500 square feet for requirements for the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

Supervisor Farrell requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

151281 [Interim Zoning Controls - Additional Design Standards for Large Projects Within the Showplace Square, Potrero Hill, and Central Waterfront Area Plans]**Sponsor: Cohen**

Resolution imposing interim controls to require that the Planning Commission consider additional design standards for projects in the Showplace Square, Potrero Hill, and Central Waterfront Area Plans receiving a Large Project Authorization; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Pursuant to Planning Code, Section 306.7(b), failure of the Board of Supervisors to act on a proposed interim control within 120 days of its initiation shall be deemed to constitute disapproval. Introduction Date: December 15, 2015.)

Resolution No. 051-16**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Recommendations of the Rules Committee**150940 [Charter Amendment - Park, Recreation and Open Space Fund]****Sponsors: Farrell; Mar, Wiener, Yee, Breed, Cohen and Avalos**

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco to require an annual baseline appropriation for the Park, Recreation and Open Space Fund based on City spending for park and recreation purposes in FY2015-2016, extend the annual set-aside and the baseline appropriation for 15 years to FY2045-2046, and modify the Recreation and Park Department's planning obligations to include equity analysis and Board of Supervisors review, at an election to be held on June 7, 2016.

Supervisor Farrell, seconded by Supervisor Mar, moved that this Charter Amendment be CONTINUED to the Board of Supervisors meeting of February 23, 2016. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

160015 [Appointment, Entertainment Commission - Laura Thomas]

Motion appointing Joaquin Castillo Arana, term ending July 1, 2017, to the Entertainment Commission. (Rules Committee)

Supervisor Kim, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking 'Joaquin Castillo Arana' and adding 'Laura Thomas.' The motion carried by the following vote:

Ayes: 7 - Avalos, Breed, Campos, Kim, Mar, Peskin, Yee

Noes: 4 - Cohen, Farrell, Tang, Wiener

Motion appointing Laura Thomas, term ending July 1, 2017, to the Entertainment Commission. (Rules Committee)

Motion No. M16-016**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

160058 [Appointment, Children and Families First Commission - Zea Malawa]

Motion appointing Zea Malawa, term ending April 29, 2018, to the Children and Families First Commission. (Rules Committee)

Motion No. M16-017

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

160059 [Appointment, Veterans Affairs Commission - Scott Joiner]

Motion appointing Scott Joiner, term ending January 31, 2019, to the Veterans Affairs Commission. (Rules Committee)

Motion No. M16-018

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Supervisor Wiener, seconded by Supervisor Kim, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Supervisor Wiener introduced, welcomed, and presented a Certificate of Honor to Nicholas Opiyo in recognition of his many accomplishments as a leading human rights lawyer and efforts to achieve equality for the LGBTQ community in Uganda.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Axis of Love on the occasion of their 15th year anniversary and in recognition of their many accomplishments providing compassionate care through medical cannabis and continued community support. Supervisor Campos shared in this commendation.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Bernice Frucht, James Illig, Valerie Walker, and Betty Peskin, volunteer Deputy Marriage Commissioners with the County Clerk, in recognition of their accomplishments officiating over 48,000 weddings for the City and County of San Francisco.

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 151269, 151270, 151271, and 151272 be called together.

151269 [Public Hearing - Appeal of Categorical Exemption from Environmental Review - Proposed Commuter Shuttle Permit Program]

Hearing of persons interested in or objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act issued by the Planning Department on October 22, 2015, and approved by the San Francisco Municipal Transportation Agency on November 17, 2015, for the proposed Commuter Shuttle Permit Program. (Appellant: Rebecca L. Davis, on behalf of the Coalition for Fair, Legal and Environmental Transit, Sue Vaughan, and Robert Planthold) (Filed December 17, 2015). (Clerk of the Board)

The President opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Tom Gilbert; Erin McElroy; Ella Benhagai; Susan Vaughan; Ariana Casanova (SEIU 1021); Edward Nation; Francisco Da Costa; spoke in support of the continuance. Jaime Javier; Deepa Varma; spoke in opposition to the continuance. Silvia Johnson; shared various concerns. There were no other speakers. The President declared public comment on the continuance closed.

Supervisor Campos, seconded by Supervisor Yee, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of February 23, 2016. The motion carried by the following vote:

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Yee

Noes: 3 - Farrell, Tang, Wiener

The President CONTINUED the Hearing to February 23, 2016.

151270 [Affirming Categorical Exemption Determination - Proposed Commuter Shuttle Permit Program]

Motion affirming the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Commuter Shuttle Permit Program is categorically exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 23, 2016. The motion carried by the following vote:

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Yee

Noes: 3 - Farrell, Tang, Wiener

151271 [Reversing the Categorical Exemption Determination - Proposed Commuter Shuttle Permit Program]

Motion reversing the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Commuter Shuttle Permit Program is categorically exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 23, 2016. The motion carried by the following vote:

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Yee

Noes: 3 - Farrell, Tang, Wiener

151272 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed Commuter Shuttle Permit Program]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Commuter Shuttle Permit Program is categorically exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 23, 2016. The motion carried by the following vote:

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Yee

Noes: 3 - Farrell, Tang, Wiener

COMMITTEE REPORTS

Referred Without Recommendation from the Budget and Finance Committee

President Breed requested File Nos. 151275 and 151276 be called together.

151275 [General Obligation Bonds - Public Health and Safety - Estimated Cost of \$350,000,000]

Sponsors: Mayor; Breed

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, seismic strengthening and betterment of critical community and mental health, emergency response and safety, and homeless shelter and service facilities and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$350,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code, Section 101.1(b), and with the General Plan consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53; and waiving the time limits set forth in Administrative Code, Section 2.34.

(Economic Impact)

(Fiscal Impact)

Privilege of the floor was granted unanimously to Sam Dodge, Director (Mayor's Office of Housing Opportunity, Partnerships & Engagement), Brian Strong, Director (Capital Planning Program), and Nadia Sesay, Director (Mayor's Office of Public Finance), who responded to questions raised throughout the discussion.

Resolution No. 050-16

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Noes: 1 - Peskin

151276 [General Obligation Bond Election - Public Health and Safety - \$350,000,000]**Sponsors: Mayor; Breed, Farrell and Mar**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 7, 2016, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$350,000,000 to finance the construction, acquisition, improvement, seismic strengthening and betterment of critical community and mental health, emergency response and safety, and homeless shelter and service facilities and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Administrative Code, Chapter 37; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code, Chapter 31; finding that the proposed bond is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and with the General Plan, consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by Municipal Elections Code, Section 510; complying with the restrictions on the use of bond proceeds specified in California Government Code, Section 53410; incorporating the provisions regarding the Citizens' Bond Oversight Committee in Administrative Code, Sections 5.30-5.36; and waiving the time requirements specified in Administrative Code, Section 2.34.
(Fiscal Impact)

Privilege of the floor was granted unanimously to Sam Dodge, Director (Mayor's Office of Housing Opportunity, Partnerships & Engagement), Brian Strong, Director (Capital Planning Program), and Nadia Sesay, Director (Mayor's Office of Public Finance), who responded to questions raised throughout the discussion.

Supervisor Farrell requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Noes: 1 - Peskin

Recommendation of the Land Use and Transportation Committee

150494 [Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit in a C-3 District, Including Illegal Units; Permeable Surfaces and Landscaping Requirements Citywide for Building Additions and Residential Mergers]

Sponsor: Avalos

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and requiring re-issuance of unabated notices of violation to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

(Economic Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; wished the Board a Happy Chinese New Year, congratulated the City for a successful Super Bowl 50, and shared concerns regarding Egyptian President Abdel-Fattah el-Sissi.

Andrew Yip; shared his various experiences with the Board.

Christopher Dahl; shared various concerns related to the privileged elite.

Male Speaker; shared concerns regarding rent increases for senior citizens on fixed incomes.

Male Speaker; shared his concerns regarding taxi drivers current plight in San Francisco.

Vicki Gray; shared her concerns regarding the homeless "sweeps" occurring in San Francisco.

John DiDonna; shared his concerns regarding Super Bowl 50.

Michael X; shared his experience as one of the displaced street artists during the Super Bowl 50 events.

Swarz Baker; shared his concerns regarding homelessness and providing permanent shelters.

John Thomey; shared his experience as one of the displaced street artists during the Super Bowl 50 events.

Suzanne Mcorkes-Fox; expressed her support of formula retail controls to maintain the character of San Francisco neighborhoods.

Justin Flowman; expressed his support of formula retail controls to maintain the character of San Francisco neighborhoods.

Garrett; shared his concerns regarding homelessness and providing permanent shelters.

Ray Behr; expressed his support of formula retail controls to maintain the character of San Francisco neighborhoods.

Linda Pedersen; shared her experience as one of the displaced street artists during the Super Bowl 50 events.

Claire Cade; shared her experience as one of the displaced street artists during the Super Bowl 50 events.

Tad Sky; shared his experience as one of the displaced street artists during the Super Bowl 50 events.

Michael Addario; shared his experience as one of the displaced street artists during the Super Bowl 50 events.

Silvia Johnson; shared her various experiences with the Board.

Male Speaker; expressed his support of formula retail controls to maintain the character of San Francisco neighborhoods.

Marcus Campos; shared his negative experiences with the Bayview police department.

Tom Gilberty; spoke on various concerns relating to public process, Mario Woods, Chinese New Year, and Valentine's Day.

Peter Warfield; shared concerns regarding the San Francisco Public Library and newly proposed fees for lost or damaged laptops, tablets, and thumb drives.

Male Speaker; shared various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

160108 [Calling Special Election for San Francisco Bay Restoration Authority Parcel Tax - Measure AA - \$12 per Year]

Sponsors: Breed; Wiener

Resolution calling and providing for a special election on behalf of the San Francisco Bay Restoration Authority for Measure AA to impose a parcel tax of \$12 per year for 20 years, and directing the Director of Elections to conduct the special election.

Resolution No. 053-16

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

160104 [Police Code - Entertainment Commission Permit Procedures]

Sponsors: Wiener; Breed

Ordinance amending the Police Code to authorize the Director of the Entertainment Commission to waive the filing fee for Loudspeaker Permits based on certain criteria, replace a leafletting notice requirement to residents with a mailed notice requirement to neighborhood organizations for Place of Entertainment Permit applications in neighborhood-commercial or mixed residential districts; and authorize the Director of the Entertainment Commission to extend the nine-month deadline for conditional grants of Place of Entertainment Permits.

02/02/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/3/2016.

02/09/16; REFERRED TO DEPARTMENT.

02/09/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

160116 [Administrative Code - Establishing a San Francisco Super Bowl 50 Impact Fund]**Sponsors: Peskin; Kim**

Ordinance amending the Administrative Code to establish a San Francisco Super Bowl 50 Impact Fund to be used to provide financial support to small businesses specifically impacted by Super Bowl-related events.

(Fiscal Impact)

02/09/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/10/2016.

160117 [Appropriation - Funding for the Super Bowl 50 Impact Fund - \$100,000 - FY2015-2016]**Sponsors: Peskin; Kim**

Ordinance appropriating \$100,000 from the General Reserve to fund the Super Bowl 50 Impact Fund in FY2015-2016.

(Fiscal Impact)

02/09/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

Resolutions**160118 [Commuter Shuttle Permit Program Recommendations]****Sponsors: Campos; Yee, Breed, Mar, Avalos, Peskin and Kim**

Resolution urging the San Francisco Municipal Transportation Agency to adopt a new one-year Commuter Shuttle Permit Program that includes key improvements.

02/09/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

160119 [Multifamily Housing Revenue Bonds - Columbia Park Apartments - 1035 Folsom Street and 21 Columbia Square Park - Not to Exceed \$13,779,028]**Sponsor: Kim**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$13,779,028 for the purpose of providing financing for the acquisition and rehabilitation of a 50-unit multifamily residential rental housing project known as Columbia Park Apartments; approving the form of and authorizing the execution of a trust indenture providing terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters.

02/09/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160120 [Amended Ten-Year Capital Expenditure Plan-FYs 2016-2025 - Certificates of Participation - Animal Care and Control Shelter]**Sponsors: Tang; Wiener, Mar, Cohen, Farrell, Avalos, Yee, Campos, Kim and Breed**

Resolution amending the City's ten-year capital expenditure plan for FYs 2016-2025 to provide for the financing of an Animal Care and Control Shelter with the execution and delivery of Certificates of Participation or other forms of indebtedness, in accordance with the Capital Plan's General Fund Debt Program.

02/09/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160121 [Changing Special Tax District - San Francisco Sustainable Financing - Accessibility Access Financing]**Sponsor: Tang**

Resolution making changes to City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) to amend the authorized financing purposes to include accessibility access financing for persons with disabilities.

02/09/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160122 [Interim Zoning Controls - Upper Market Street Neighborhood Commercial Transit District]**Sponsors: Wiener; Breed**

Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization within the Upper Market Neighborhood Commercial Transit District for any new or expanded use of a Medical Service or Institutional and Non-Retail Sales and Services use, or the establishment or expansion of an Institutional Medical Facility (as defined) after February 9, 2016, where on-site services are provided to a targeted population at a single San Francisco location through a contract entered into with a governmental agency; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/09/16; ASSIGNED to Land Use and Transportation Committee.

160123 [Urging the University of California, San Francisco to Rehire Fired Impec Group Custodial Workers]**Sponsors: Breed; Kim, Peskin, Cohen, Wiener, Campos, Yee, Mar and Avalos**

Resolution urging the Chancellor of the University of California, San Francisco, to rectify serious breaches of workers' rights by hiring the fired Impec Group custodial workers as full-time employees.

02/09/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion**160124 [Setting the 2016 Budget and Legislative Analyst Services Audit Plan]****Sponsors: Campos; Avalos, Kim, Yee, Peskin and Mar**

Motion directing the Budget and Legislative Analyst to conduct a performance audit of the City's Real Estate Division in 2016.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Requests for Hearing**160125 [Hearing - Car Break-in Prevention Strategies]****Sponsor: Campos**

Hearing on the increase in car break-ins citywide, and car break-in trends and prevention strategies, including plans to implement successful tactics used by the Police Bureau Task Force in neighborhoods outside of District 6; and requesting the San Francisco Police Department, and the District Attorney's Office to report.

02/09/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

160126 [Hearing - Gig Economy and Workforce in San Francisco]**Sponsor: Farrell**

Hearing on the gig economy and workforce in San Francisco; and requesting the Controller's Office Chief Economist to report.

02/09/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160127 [Hearing - Open Source Voting]**Sponsor: Wiener**

Hearing on San Francisco's efforts to fund, design, and implement an open source voting system, including budget costs and projected roll-out schedule; and requesting the Department of Elections and the Elections Commission to report.

02/09/16; RECEIVED AND ASSIGNED to Rules Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCE**160090 [Settlement of Lawsuit - Lisette Adams, Granville McCollough, and Patrick Touhy - \$1,300,000]**

Ordinance authorizing settlement of the lawsuit filed by Lisette Adams, Granville McCollough, and Patrick Touhy, acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,300,000; the lawsuit was filed on October 9, 2013, in United States District Court for the Northern District of California, Case No. 13-04689 YGR; entitled Lisette Adams and Granville McCollough vs. The City and County of San Francisco and The City and County of San Francisco Sheriff's Department. (City Attorney)

01/28/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

160091 [Industrial Lease Agreement - Tanforan Industrial Park, LLC - Bus Operator Training Courses - \$2,480,304 Initial Annual Base Rent]

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to execute an Industrial Lease Agreement with Tanforan Industrial Park, LLC, for approximately 7.3 acres of space located at 30 Tanforan Avenue, South San Francisco, to be used for SFMTA bus operator training courses for a nine and one-half year term estimated to be from October 1, 2016, through February 28, 2026, with an initial annual base rent of \$2,480,304 and annual 2% rent increases; the Lease includes a purchase option, right of first refusal, and an extension option. (Municipal Transportation Agency)
(Fiscal Impact)

02/01/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160092 [Settlement of Unlitigated Claim - John Stack - \$55,000]

Resolution approving the settlement of the unlitigated claim filed by John Stack against the City and County of San Francisco for \$55,000; claim was filed on October 20, 2015. (City Attorney)

01/28/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160093 [Settlement of Unlitigated Claim - Adam Holm - \$89,005.53]

Resolution approving the settlement of the unlitigated claim filed by Adam Holm against the City and County of San Francisco for \$89,005.53; claim was filed on July 31, 2015. (City Attorney)

01/28/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160094 [Settlement of Unlitigated Claim - Square, Inc. - \$65,557]

Resolution approving the settlement of the unlitigated claim filed by Square, Inc., against the City and County of San Francisco for \$65,557; claim was filed on March 2, 2015. (City Attorney)

01/28/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160095 [Settlement of Unlitigated Claim - Christopher Hickey - \$115,746.43]

Resolution approving the settlement of the unlitigated claim filed by Christopher Hickey against the City and County of San Francisco for \$115,746.43; claim was filed on May 27, 2015. (City Attorney)

01/28/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160096 [Settlement of Unlitigated Claim - Officers for Justice - \$121,684.40]

Resolution approving the settlement of the unlitigated claim filed by Officers for Justice against the City and County of San Francisco for \$121,684.40 in attorneys fees and costs; claim was filed on November 21, 2013. (City Attorney)

01/28/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160097 [Software License and Support Agreement Amendment - Oracle America, Inc. - Emerge Project - Maximum Expenditure of \$14,287,737]

Resolution authorizing the Controller to enter into the Tenth Amendment of a software license and support agreement with Oracle America, Inc., for perpetual software licenses and software support services for the Controller's Emerge Project, extending the contract term of November 16, 2007, through April 22, 2016, by five years through April 22, 2021, and increasing the maximum expenditure by \$4,300,892 to \$14,287,737. (Controller)
(Fiscal Impact)

02/01/16; RECEIVED FROM DEPARTMENT.

02/09/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:04 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 15, 2016.

Angela Calvillo, Clerk of the Board