

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, February 2, 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 2, 2016, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:03 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.

COMMUNICATIONS

There were no communications.

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Supervisor Kim was noted present at 2:05 p.m.

Recommendations of the Budget and Finance Committee

150874 [Administrative Code - Prevailing Wages for Broadcast Services on City Property]

Sponsors: Wiener; Farrell

Ordinance amending the Administrative Code to require that prevailing wages be paid for broadcast services work on City property.

Ordinance No. 010-16

FINALLY PASSED

151210 [Lease Amendment - Coit Tower, LLC - Lease and Operation of Coit Tower]

Ordinance approving the amendment to the lease with Coit Tower, LLC, for the operation of Coit Tower to allow a service charge for online elevator ticket sales in addition to the general fees for elevator tickets provided in Park Code, Section 12.06, allow the sale of food and beverage from a kiosk exterior to Coit Tower on a part of a vacated street or other space designated by the Recreation and Park Department General Manager if the street is not vacated, provide an ongoing rent credit of up to \$9,500 per month for increased mural protection staffing, provide a short-term rent credit of up to \$7,000 per month on account of delay in identifying a food service premises, allow a retroactive and ongoing credit for credit card fees associated with elevator tickets purchased by visitors, and amend the lease in certain other respects; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Recreation and Park Department)
(Fiscal Impact)

Ordinance No. 012-16

FINALLY PASSED

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

151217 [Settlement of Unlitigated Claim - David Leung - \$62,290]

Resolution approving the settlement of the unlitigated claim filed by David Leung against the City and County of San Francisco for \$62,290; claim was filed on January 5, 2015. (City Attorney)

Resolution No. 039-16

ADOPTED

160004 [Settlement of Unlitigated Claim - Charles Peppers - \$110,000]

Resolution approving the settlement of the unlitigated claim filed by Charles Peppers against the City and County of San Francisco for \$110,000; claim was filed on July 17, 2013. (City Attorney)

Resolution No. 042-16

ADOPTED

160005 [Settlement of Unlitigated Claim - Linda Stonestreet - \$72,394.61]

Resolution approving the settlement of the unlitigated claim filed by Linda Stonestreet against the City and County of San Francisco for \$72,394.61; claim was filed on February 22, 2013. (City Attorney)

Resolution No. 043-16

ADOPTED

Recommendation of the Rules Committee

151105 [Administrative Code - Graffiti Advisory Board Membership]

Sponsor: Breed

Ordinance amending the Administrative Code to modify the composition of the Graffiti Advisory Board, renumber code sections, and establish a sunset date of three years from the effective date of this Ordinance.

Ordinance No. 011-16

FINALLY PASSED

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 Mar requested that File No. 150822 be severed so that it may be considered separately.

Recommendation of the Land Use and Transportation Committee

150822 [Urging the Establishment of a Local Match Commitment to the National Housing Trust Fund]

Sponsor: Mar

Resolution urging the establishment of a local match commitment to the National Housing Trust Fund, and urging Senators Barbara Boxer and Dianne Feinstein and Representative Nancy Pelosi to further support the National Housing Trust Fund with expanded sources of revenue.

Resolution No. 033-16

ADOPTED by the following vote:

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

File Nos. 1501226 and 160021 were 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)

Privilege of the floor was granted unanimously to Harlan Kelly, Jr., Director (Public Utilities Commission), John Updike, Director (Real Estate Division), Harvey Rose, Budget and Legislative Analyst (Office of the Budget and Legislative Analyst), and Juan-Carlos Wallace and John Ramsbacher (Oryx Partners LLC), who responded to questions raised throughout the discussion.

PASSED ON FIRST READING 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)

Privilege of the floor was granted unanimously to Harlan Kelly, Jr., Director (Public Utilities Commission), John Updike, Director (Real Estate Division), Harvey Rose, Budget and Legislative Analyst (Office of the Budget and Legislative Analyst), and Juan-Carlos Wallace and John Ramsbacher (Oryx Partners LLC), who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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

Noes: 3 - Avalos, Campos, Peskin

151011 [Accept and Expend Grant - Federal Emergency Management Agency - Purchase Five Ambulances - \$780,664]

Sponsor: Breed

Resolution retroactively authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$780,664 from the Federal Emergency Management Agency to purchase five ambulances, over the period of August 6, 2015, through August 5, 2016.

Resolution No. 035-16

ADOPTED by the following vote:

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

151012 [Accept Gift - Broderick Fire Engine - Allianz Global Corporate & Specialty North America - \$123,000]

Sponsor: Farrell

Resolution authorizing the San Francisco Fire Department to accept a gift of a Worth-Built Hand Pumped Fire Engine ("Broderick Fire Engine") from Fireman's Fund Insurance Company and Allianz Global Risks US Insurance Company, also known as Allianz Global Corporate & Specialty North America, valued at \$123,000 for use by the San Francisco Fire Department Museum.

Resolution No. 036-16

ADOPTED by the following vote:

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

151167 [Contract Amendment - Addiction, Research and Treatment, dba BAART - Behavioral Health Services - Not-to-Exceed \$51,359,308]

Resolution retroactively approving amendment number three to the Department of Public Health contract for behavioral health services with Addiction, Research and Treatment doing business as BAART to extend the contract by three years, from July 1, 2010, through June 30, 2015, to July 1, 2015, through June 30, 2018, with a corresponding increase of \$25,316,243 for a total amount not-to-exceed \$51,359,308. (Public Health Department)
(Fiscal Impact)

Resolution No. 037-16

ADOPTED by the following vote:

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

151216 [Agreement Amendment - Hellmuth, Obata & Kassabaum, Inc. - Traffic Company and Forensic Services Division Facility - Earthquake Safety and Emergency Response Bond Program - Not-to-Exceed \$11,862,305]

Resolution authorizing the Director of Public Works to execute an amendment to the Agreement between the City and County of San Francisco and Hellmuth, Obata & Kassabaum, Inc., to furnish architectural and engineering design and related other consulting services for the Traffic Company and Forensic Services Division Facility under the Earthquake Safety and Emergency Response bond program, and increasing the not-to-exceed amount from \$993,952 to \$11,862,305. (Public Works)
(Fiscal Impact)

Resolution No. 038-16

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

File Nos. 151237 and 151284 were called together.

151237 [Castro/Upper Market Community Benefit District - FY2013-2014 Annual Report to the City]

Sponsor: Wiener

Resolution receiving and approving an annual report for the Castro/Upper Market Community Benefit District for FY2013-2014, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4.

Resolution No. 040-16

ADOPTED by the following vote:

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

151284 [Ocean Avenue Community Benefit District - Annual Reports to the City - FYs 2011-2014]

Sponsor: Yee

Resolution receiving and approving annual reports for the Ocean Avenue Community Benefit District for FYs 2011-2014, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

Resolution No. 041-16

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

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.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Yee

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.

PASSED, ON FIRST READING by the following vote:

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

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.

PASSED, ON FIRST READING by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

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.

Supervisors Kim and Avalos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

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

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.

PASSED, ON FIRST READING by the following vote:

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

150904 [Liquor License Transfer - 282-2nd Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 246-B Street to 282-2nd Street (District 6), to Oussama Manna, for Soma Wines and Spirits, Inc., dba Soma Wines and Spirits, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

Resolution No. 034-16**ADOPTED 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 Avalos, seconded by Supervisor Campos, 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 guest. The motion carried by the following vote:

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

Supervisor Avalos introduced, welcomed, and presented a Proclamation to Diamond Dave Whitaker declaring February 2, 2016, as "Diamond Dave Whitaker Day" on the occasion of his 78th birthday and in recognition of his exceptional contributions to the arts, culture, social well-being, and peace in the City and County of San Francisco.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Joseph Cohen; shared concerns and experiences regarding telegraph hill.

Liam Frost; expressed his support of the Police Officers Association and in opposition to the Resolution establishing "Mario Woods Day."

Merlin; expressed his concerns regarding the current taxi drivers plight in San Francisco.

Rodney Hampton; expressed his appreciation for a park that had been blighted and is in the process of being renovated.

Nicole Ferrara; spoke in support of Item No. 31 (File No. 160079) on today's Board agenda regarding automated speed enforcement.

Male Speaker; shared certain religious concerns.

Richard William Davis; shared concerns regarding his current housing rental situation.

Sylvia Johnson; shared her various experiences with the Board.

Sala Chandler (Mother of Yalani Cinyamurindi); shared her experience as a mother whose son was murdered in a triple-homicide.

Ace Washington; shared in song certain concerns with the Board.

Tom Gilberty; shared his various experiences with the Board and how mental health issues are handled.

Otto Duffy; shared various concerns regarding the need for affordable housing.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

160077 [Approval of an Additional 90-Day Extension for Planning Commission Review of Inclusionary Affordable Housing Program (File No. 150911)]

Sponsors: Mayor; Farrell and Tang

Resolution extending by an additional 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150911) amending the Planning Code to provide revised geographic, timing, pricing and other requirements for the off-site alternative to the Inclusionary Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing Fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed "dialing up"; revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of the Planning Code, Section 101.1.

Resolution No. 044-16

ADOPTED

160078 [Sworn Public Safety Personnel Day of Remembrance Policy]

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

Resolution declaring it a policy of the San Francisco Board of Supervisors to establish a practice of dedicating a Day of Remembrance to any sworn public safety personnel killed while in the line of duty.

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

Resolution No. 045-16

ADOPTED

160080 [Clarence B. Jones Day - January 26, 2016]**Sponsor: Mar**

Resolution commending national civil rights pioneer Clarence B. Jones on the occasion of his 85th birthday and declaring January 26, 2016, as Clarence B. Jones Day in the City and County of San Francisco.

Resolution No. 047-16

ADOPTED

160011 [Final Map 8284 - 1580 Lombard Street]

Motion approving Final Map 8284, a six residential unit Condominium Project, located at 1580 Lombard Street, being a subdivision of Assessor's Block No. 0497, Lot No. 007A; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M16-011

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 For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 160079 be severed so that it may be considered separately.

160079 [Urging California State Lawmakers to Authorize Automated Speed Enforcement in the City and County of San Francisco]

Sponsors: Mar; Yee, Kim and Avalos

Resolution urging the California State Legislature and Governor to pass legislation authorizing the use of Automated Speed Enforcement technology in the City and County of San Francisco.

Supervisors Kim and Avalos requested to be added as co-sponsors.

Resolution No. 046-16

ADOPTED by the following vote:

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

Supervisor Kim requested that File No. 160036 be severed so that it may be considered separately.

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

Sponsor: Kim

Motion 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 a 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.

Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Kim, seconded by Supervisor Peskin, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the waiver of Board Rule 3.26, and adding language to call the Charter Amendment (File No. 151274) from the Rules Committee pursuant to Board of Supervisors Rule 3.37. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Kim, Mar, Peskin, Yee

Noes: 5 - Breed, Cohen, Farrell, Tang, Wiener

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.

Supervisor Kim, seconded by Supervisor Peskin, moved that the Motion be CONTINUED AS AMENDED to the Board of Supervisors meeting of February 9, 2016.

Before the roll was called, Supervisor Wiener moved that the Motion be Tabled, which took precedence over the Motion to Continue as Amended.

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Breed, Cohen, Farrell, Tang, Wiener

Noes: 6 - Avalos, Campos, Kim, Mar, Peskin, Yee

Supervisor Kim, seconded by Supervisor Peskin, moved that this Motion be CONTINUED AS AMENDED to the Board of Supervisors meeting of February 9, 2016. The motion carried by the following vote:

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

160099 [Diamond Dave Whitaker Day - February 2, 2016]

Sponsor: Avalos

Resolution commending Diamond Dave Whitaker for his contributions to the arts, culture, social well-being, and peace, and declaring February 2, 2016, as Diamond Dave Whitaker Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to Diamond Dave Whitaker Day, as referenced in File No. 160099. Sylvia Johnson; shared various experience regarding Diamond Dave Whitaker. The President declared public comment closed.

Resolution No. 048-16

ADOPTED by the following vote:

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

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

160100 [Administrative Code - No-Fault Eviction Protections During School Year]

Sponsors: Campos; Kim, Avalos and Mar

Ordinance amending the Administrative Code to prevent certain no-fault evictions (owner move-in, condominium conversion, removal of rental unit, capital improvement, and substantial rehabilitation) during the school year if a child under 18 or a person who works at a school in San Francisco resides in the rental unit, is a tenant or has a custodial or family relationship with a tenant, and the tenant has resided in the unit for 12 months or more, provided, however, that this ordinance would not restrict the timing of evictions performed in connection with mandatory seismic retrofits pursuant to Building Code, Chapter 34B, and Administrative Code, Chapter 65A; and to remove existing exceptions for owners that apply to owner move-in evictions during the school year.

02/02/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 3/3/2016.

160101 [Business and Tax Regulations Code - Parking Tax Exemption for Certain Parking Events on School District Property]

Sponsor: Mar

Ordinance amending the Business and Tax Regulations Code to exempt, from the parking tax and certain other requirements, a limited number of special parking events operated by volunteer-led non-profit organizations on School District property for the benefit of San Francisco public schools and earning less than \$10,000 per event from rent; establishing Special School Parking Event Permits issued by the Tax Collector; and establishing a sunset date.

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

160102 [Planning Code - Prohibiting Formula Retail in Polk Street Neighborhood Commercial District]

Sponsor: Peskin

Ordinance amending the Planning Code to prohibit formula retail in the Polk Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

160103 [Public Works Code - Clarifying Graffiti Prohibition and Establishing Administrative Penalties]**Sponsors: Peskin; Breed**

Ordinance amending the Public Works Code to clarify that prohibited graffiti extends to all public property, including all City assets; establish expedited notice and hearing procedures, create administrative penalties for an offending party, and renumber code sections; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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.

Resolutions**160105 [Resolution of Intent - Street Vacation - Part of Chinese Hospital Improvements - James Alley]****Sponsors: Peskin; Mar**

Resolution declaring the intention of the Board of Supervisors to order the vacation of James Alley, generally bounded by Assessor's Block No. 0192 and Jackson Street, as part of improvements to the Chinese Hospital, subject to certain conditions; and setting the hearing date for all persons interested in the proposed vacation of said public right-of-way.

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

160106 [Commemorative Street Plaque - Herbert Kosovitz - Washington Square Park]**Sponsor: Peskin**

Resolution authorizing the placement of a street plaque commemorating Herbert Kosovitz at the sidewalk of Washington Square Park, located at Union Street, in accordance with Public Works Code, Sections 789, et seq., the Commemorative Street Plaque Ordinance; and accepting the named plaque as a gift to the City and County of San Francisco from the Friends of Washington Square Park.

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

160107 [Accept and Expend Grant - Mott Foundation - Kindergarten to College - Outreach and Family Engagement - \$315,000]**Sponsors: Tang; Mar**

Resolution retroactively authorizing the Department of the Treasurer and Tax Collector to accept and expend a grant in the amount of \$315,000 from the Mott Foundation for expanding outreach and family engagement for Kindergarten to College, for the period of September 1, 2015, through August 31, 2017.

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

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.

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

Request for Hearing**160109 [Hearing - Department of Homeless Services and the City's Comprehensive Action Plan to Address Needs of Homeless Residents]****Sponsors: Cohen; Kim, Breed and Campos**

Hearing to receive an update on the City's progress in addressing the state of homelessness citywide, including but not limited to: progress in establishing the Department of Homeless Services, including project milestones, timeline, budget, staffing, and primary mission/objectives; an update on the City and San Francisco Unified School District's (SFUSD) initiative to address family homelessness; the status of the Department of Public Health's (DPH) plan to address individuals referred to General Hospital's Psychiatric Emergency Services; and data regarding the numbers of individuals on General Assistance, and criteria for accessing and removal from these benefits; and requesting DPH, the Human Services Agency, Housing Opportunity, Partnerships and Engagement (HOPE), SFUSD, and the Mayor's Office to report.

02/02/16; RECEIVED AND ASSIGNED to Land Use and Transportation 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 ORDINANCES**160060 [Settlement of Lawsuit - Yuri Simonenko - \$65,000]**

Ordinance authorizing settlement of the lawsuit filed by Yuri Simonenko against the City and County of San Francisco for \$65,000; the lawsuit was filed on January 27, 2015, in San Francisco Superior Court, Case No. CGC-15-543836; entitled Yuri Simonenko v. City and County of San Francisco. (City Attorney)

01/19/16; RECEIVED FROM DEPARTMENT.

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

160061 [Settlement of Lawsuit - Charles Mikich and Alexis Mikich - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Mikich and Alexis Mikich against the City and County of San Francisco for \$125,000; the lawsuit was filed on September 19, 2011, in the United States District Court for the Northern District of California, Case No. 11-CV-04629; entitled Charles Mikich and Alexis Mikich v. City and County of San Francisco, et al. (City Attorney)

01/19/16; RECEIVED FROM DEPARTMENT.

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

In Memoriams

Hadley Roff - Full Board

Paul Kantner - Supervisor Peskin

Irene Crescio - Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:36 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 8, 2016.

Angela Calvillo, Clerk of the Board