

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 14, 2013 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

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AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of April 9, 2013. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

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CONSENT AGENDA

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Recommendation of the Budget and Finance Committee

130299 [Appropriation and De-Appropriation - \$4,072,764 for Overtime - FY2012-2013]

Sponsor: Mayor

Ordinance appropriating \$4,072,764 to overtime and de-appropriating \$4,072,764 consisting of \$3,272,301 in permanent salaries and \$800,463 in fringe benefits in the Fire Department's operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.

(Fiscal Impact)

Ordinance No. 090-13

FINALLY PASSED

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Recommendation of the Budget and Finance Sub-Committee

130224 [Agreement - Pacific Gas and Electric Company - University Mound Reservoir Project - \$86,765.18]

Sponsor: Campos

Ordinance authorizing the Public Utilities Commission General Manager to enter into a long-term interconnection agreement with Pacific Gas and Electric Company to connect a small renewable energy project at University Mound Reservoir to the electric system; and waiving specific requirements of the Administrative Code and the Environment Code in the best interests of the City for an amount of \$86,765.18 with a duration of ten years and automatic renewal every year thereafter.

Ordinance No. 087-13

FINALLY PASSED

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Recommendation of the Neighborhood Services and Safety Committee

130262 [Police Code - Access to Reproductive Health Care Facilities]

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

Ordinance amending the Police Code, Article 43, Sections 4301, 4302, 4303, and 4304, to replace the existing eight-foot bubble zone around individuals entering, exiting, and seeking services at health care facilities with a fixed buffer zone around the entrances, exits, and driveways of reproductive health care facilities; and to prohibit any person from entering or remaining in that buffer zone, with certain exceptions; and making environmental findings.

Ordinance No. 088-13

FINALLY PASSED

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Recommendations of the Rules Committee

130313 [Settlement of Lawsuit - Carlos Benavides Arroliga v. CCSF, et al. - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Benavides Arroliga against the City and County of San Francisco for \$250,000; the lawsuit was filed on September 13, 2011, in San Francisco Superior Court, Case No. CGC-11-514165; entitled Carlos Benavides Arroliga, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney's Office)

Ordinance No. 091-13

FINALLY PASSED

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130314 [Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - \$80,000]

Ordinance authorizing settlement of the lawsuit by Zurich American Insurance Company, against the City and County of San Francisco for \$80,000; the lawsuit was filed on January 17, 2013, in San Francisco Superior Court, Case No. CGC-13-528071; entitled Zurich American Insurance Company v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 092-13

FINALLY PASSED

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The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

130284 [Planning, Building Codes - Fee Waiver Program - Small Business Month, May 2013]

Sponsor: Tang

Ordinance recognizing Small Business Month in May 2013; amending the Planning Code and the Building Code to retroactively waive fees for the month of May for certain façade improvements; and making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

Ordinance No. 089-13

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

130315 [Settlement of Lawsuit - CTIA - The Wireless Association]

Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees. (City Attorney's Office)

Ordinance No. 086-13

FINALLY PASSED by the following vote:

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Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
Noes: 1 - Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

130185 [Appropriation - \$656,958 of General Fund Reserve to the Public Defender for Salary Expenditures - FY2012-2013]

Sponsors: Campos; Avalos and Mar

Ordinance appropriating \$656,958 from the General Fund Reserve to the Public Defender for salary expenditures in FY2012-2013, pursuant to Charter Section 9.113, this appropriation is subject to a two-thirds affirmative vote of all members of the Board of Supervisors.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

130261 [Health Code - Retroactive Increase in Patient Rates for Certain Mental Health Services]

Sponsor: Mayor

Ordinance amending the Health Code, Section 128, to retroactively increase patient rates charged for certain mental health services.

PASSED, ON FIRST READING by the following vote:

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

130364 [De-Appropriation and Re-Appropriation - \$71,016 to Public Utilities Commission for Overtime - FY2012-2013]**Sponsor: Mayor**

Ordinance de-appropriating \$71,016 in salaries in the Public Utilities Commission, Hetch Hetchy Department, operating budget and re-appropriating \$71,016 to overtime in the Public Utilities Commission, Hetch Hetchy Department operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

PASSED ON FIRST READING by the following vote:

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

130365 [De-Appropriation and Re-Appropriation - Operating Budget Amendment of \$5,096,000 and Capital Improvement Projects of \$42,178,878 for Public Utilities Commission - FY2013-2014]**Sponsor: Mayor**

Ordinance amending the adopted FY2013-2014 Appropriation Ordinance and other adopted biennial capital appropriation ordinances for the Public Utilities Commission, including \$3,100,000 in de-appropriation and re-appropriation for the Hetch Hetchy Enterprise operating budget; de-appropriating \$16,414,070 and re-appropriating \$7,513,665 in capital projects in the Hetch Hetchy Capital Improvement Program projects; de-appropriating and re-appropriating \$1,996,000 in the Water Enterprise operating budget; de-appropriating \$70,955,900 and re-appropriating \$55,169,000 in the in the Water Enterprise Capital Improvement Program projects; and de-appropriating \$56,370,059 and re-appropriating \$38,878,486 in the Wastewater Enterprise Capital Improvement Program.

(Fiscal Impact)

Supervisor Farrell, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to June 18, 2013. The motion carried by the following vote:

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

130366 [De-Appropriation and Re-Appropriation - \$250,000 to Public Utilities Commission for Overtime - FY2012-2013]**Sponsor: Mayor**

Ordinance de-appropriating \$250,000 in debt service in the Public Utilities Commission, Water Enterprise Department, operating budget, and re-appropriating \$250,000 to overtime in the Public Utilities Commission, Water Enterprise Department, operating budget, in order to support the department's projected increases in overtime, as required by Board of Supervisors Ordinance No. 194-11; and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

PASSED ON FIRST READING by the following vote:

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

130367 [De-Appropriation and Re-Appropriation - \$16,546,000 to Public Utilities Commission for Expenditures - FY2012-2013]**Sponsor: Mayor**

Ordinance de-appropriating \$16,546,000 in existing Wastewater Capital Improvement Program project budgets and re-appropriating the funds to Wastewater Sewer System Improvement Program budgets adopted by the Public Utilities Commission.

PASSED, ON FIRST READING by the following vote:[play video](#)

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

130273 [Accept In Kind Gift - Technical Assistance - \$250,000]

Resolution authorizing the Office of the District Attorney to retroactively accept an in kind gift of technical assistance valued at \$250,000 from the Open Society Foundation for the grant period of January 1, 2013, through June 30, 2015. (District Attorney)

Resolution No. 140-13**ADOPTED by the following vote:**[play video](#)

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

130274 [Accept Gift - Design Services and Furniture - \$26,445.43]

Resolution authorizing the Office of the District Attorney to retroactively accept a gift of design services and furniture, valued at a total of \$26,445.43 from various donors. (District Attorney) (Supervisors Mar and Avalos dissented in Committee.)

Privilege of the floor was granted to Jon Givner, Deputy City Attorney, and Cristine DeBerry (District Attorney's Office) who responded to questions raised throughout the discussion.

Supervisor Campos, seconded by Supervisor Avalos, moved that this Resolution be AMENDED to allow the acceptance contingent on the District Attorney filing a Form 801 with the Fair Political Practices Commission, and further requiring the District Attorney to file a copy of the Form 801 with the Clerk of the Board for inclusion in the official file. The motion FAILED by the following vote:

Ayes: 3 - Avalos, Campos, Mar

Noes: 8 - Breed, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee

Resolution No. 141-13**ADOPTED by the following vote:**[play video](#)

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

Noes: 1 - Avalos

Recommendations of the Budget and Finance Sub-Committee

130244 [Health, Business and Tax Regulations Code - Regulate and Establish Annual Fees - Cottage Food Operations]

Ordinance amending the Health Code, by adding Section 452.1, to establish a procedure for regulating Cottage Food Operations; amending the Business and Tax Regulations Code, by adding Section 249.1A, to establish annual fees for Cottage Food Operations; and making environmental findings. (Public Health Department)
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

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

130286 [Term Sheet Endorsement - Development of Seawall Lot 337 and Pier 48 and Finding of Fiscal Feasibility]

Sponsors: Mayor; Kim, Chiu and Wiener

Resolution finding the proposed development of Seawall Lot 337 and Pier 48, bounded by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay and adjacent to AT&T Park, fiscally feasible under Administrative Code, Chapter 29, and endorsing the Term Sheet between Seawall Lot 337 Associates, LLC and the Port Commission.

Resolution No. 142-13

ADOPTED by the following vote:

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

130072 [Airport Concession Lease - Clear Channel Outdoor, Inc., dba Clear Channel Airports - \$10,000,000 Minimum Annual Guarantee]

Resolution approving the Airport Advertising Lease between Clear Channel Outdoor, Inc., dba Clear Channel Airports, acting by and through its Airport Commission, for an eight year term with a minimum annual guarantee of \$10,000,000. (Airport Commission)

Privilege of the floor was granted to Harvey Rose, Budget and Legislative Analyst, and John Martin, San Francisco International Airport Director, who responded to questions raised throughout the discussion.

Supervisor Avalos, seconded by Supervisor Kim, moved that this Resolution be CONTINUED to May 21, 2013. Supervisors Avalos and Kim withdrew the motion.

Resolution No. 138-13

ADOPTED by the following vote:

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Ayes: 9 - Breed, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Noes: 2 - Avalos, Campos

130277 [Agreement - Engineered Arresting Systems Corporation - Not to Exceed \$40,000,000]

Resolution authorizing the Office of Contract Administration and Purchaser to enter into the Agreement between the Airport Commission and Engineered Arresting Systems Corporation for the not to exceed amount of \$40,000,000 for the purchase of an Engineered Material Arresting System for the San Francisco International Airport Runway Safety Area Program. (Airport Commission)

Resolution No. 137-13

ADOPTED by the following vote:

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

130342 [Lease Amendment - Master Bike Rental Concession - ParkWide Activities, LLC] Sponsors: Breed; Mar

Resolution authorizing the execution of a first amendment to the lease between the Recreation and Park Department and ParkWide Activities, LLC, for the operation of a master bike rental concession in City parks, for the period of August 17, 2011, through August 16, 2016.

Resolution No. 143-13

ADOPTED by the following vote:

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

130343 [Accept and Expend Grant - San Francisco Covered California Initiative - \$568,800] Sponsor: Mayor

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$568,800 from the State of California to participate in a program entitled San Francisco Covered California Initiative for the period of May 1, 2013, through December 31, 2014.

Privilege of the floor was granted to Jason Elliott (Mayor's Office) indicated that we did not receive the award for additional funding to do outreach and education to individuals about how to purchase insurance on the exchange. Further indicating that the Department of Public Health and the Office of Small Business will continue to do this work in hopes that a second round of funding might be offered.

Supervisor Farrell, seconded by Supervisor Cohen, moved that this Resolution be TABLED. The motion carried by the following vote:

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

130370 [Appropriation and De-Appropriation - Equipment Lease Revenue Bonds, Series 2013A - \$2,056,612 - FY2012-2013]**Sponsor: Mayor**

Ordinance appropriating \$2,056,612 of Equipment Lease Revenue Bonds, Series 2013A, Proceeds and de-appropriating \$171,628 of equipment lease project to fund related financial costs for issuing Equipment Lease Revenue Bonds, Series 2013A, for Citywide Lease Equipment financing in FY2012-2013.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

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

130376 [Issuance - Equipment Lease Revenue Bonds, Series 2013A - Finance Corporation Equipment Program - Not to Exceed \$12,500,000]**Sponsor: Mayor**

Resolution approving the form of and authorizing execution and delivery of Equipment Lease Revenue Bonds, Series 2013A, Supplement No. 19, between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco (City), as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$12,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

Resolution No. 144-13

ADOPTED by the following vote:

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

130383 [Accept and Expend Grant - Bay Area Regional Energy Network - \$931,000]**Sponsor: Mar**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant of \$931,000 from the Association of Bay Area Governments to perform various activities as part of a Bay Area Regional Energy Network energy efficiency program for the period of January 1, 2013, through December 31, 2014.

Resolution No. 145-13

ADOPTED by the following vote:

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

Recommendation of the Neighborhood Services and Safety Committee

130163 [Liquor License Transfer - 2545-24th Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1480 Alabama Street to 2545-24th Street (District 10), to Steven Schefsky and Jim Saxton, for Playland ABC, LLC, will serve the public convenience and necessity of the City and County and 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. (Neighborhood Services and Safety Committee)

Resolution No. 139-13

ADOPTED by the following vote:

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

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

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Privilege of the Floor

Supervisor Tang, seconded by Supervisor Yee, moved to suspend Rule 4.37 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, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SMALL BUSINESS WEEK

Monetta White, Vice President, Small Business Commission, provided an overview and made opening remarks. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Small Business Week, their accomplishments, and their continued community support as referenced below:

*Supervisor Tang recognized Rolling Out; and
Supervisor Yee recognized JoJo's Café; and
Supervisor Cohen recognized Gilberth's; and
Supervisor Farrell recognized Poetica Art and Antiques; and
Supervisor Mar recognized Arguello Market; and
Supervisor Chiu recognized 450 Sutter Pharmacy; and
Supervisor Campos recognized Heath Ceramics; and
Supervisor Avalos recognized Vali of the Dolls Hair and Nail, and Dream Teams Runway; and
Supervisor Wiener recognized Beaux, Midnight Sun, Q Bar, and The Edge; and
Supervisor Kim recognized 1:AM Gallery; and
Supervisor Breed recognized The Independent.*

Steve Adams, President, Small Business Commission, congratulated the above referenced honorees and made closing remarks.

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

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PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.

Ray Hartz; expressed concerns relating to SF Public Library and open government. (See additional information submitted on Page 305.)

Peter Warfield; expressed concerns relating to the SF Public Library.

Female Speaker; shared in poem certain concerns with the Board.

Walter Paulson; shared in song certain concerns with the Board.

Seshel Marconen; shared results of recent survey relating to public health benefits.

Male Speaker; expressed various religious concerns.

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Supervisor Mar was noted absent at 6:18 p.m. for the remainder of the meeting.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

130403 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on May 14, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation relating to the Transient Occupancy Tax in which the City is a defendant pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M13-064

Supervisor Campos, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion carried by the following vote:

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

Absent: 1 - Mar

The Board recessed at the hour of 6:39 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener, Yee

Persons in attendance:

Jose Cisneros, Treasurer/Tax Collector
Ben Rosenfield, Controller
Kate Howard, Mayor's Budget Director
Jon Givner, Deputy City Attorney
Julie Van Nostern, Deputy City Attorney
Peter Keith, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Supervisor Wiener was noted absent at 7:16 p.m. for the remainder of the meeting.
Supervisor Avalos was noted absent at 7:25 p.m. for the remainder of the meeting.

Matter was heard in closed session, no action was taken, and the hearing was filed.

RECONVENING OF THE BOARD

The Board reconvened at the hour of 7:45 p.m.

The following Supervisors were noted present: Supervisors Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Yee

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Cohen, seconded by Supervisor Yee, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 8 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Yee
Absent: 3 - Avalos, Mar, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130411 [Lyme Disease Awareness Month - May 2013]

Sponsors: Kim; Campos

Resolution declaring May 2013 as Lyme Disease Awareness Month.

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

Resolution No. 147-13

ADOPTED

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130431 [Asian Women's Shelter - 25th Anniversary]**Sponsors: Chiu; Kim and Campos**

Resolution commemorating the Asian Women's Shelter on their 25th anniversary for their distinguished service to those who have suffered from domestic violence in the City and County of San Francisco.

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

Resolution No. 148-13

ADOPTED

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130432 [San Francisco Conservation Corps - 30th Anniversary]**Sponsors: Chiu; Campos**

Resolution commemorating the San Francisco Conservation Corps on their 30th anniversary for their dedication to providing job and academic training to youth in underserved communities in the City and County of San Francisco.

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

Resolution No. 149-13

ADOPTED

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130433 [Urging the California State Legislature to Pass Assembly Bill 840]**Sponsor: Yee**

Resolution urging the California State Legislature to pass Assembly Bill 840 to require the Department of Motor Vehicles to have driver's license applicants sign a statement implying they are aware of the dangers caused by distracted driving.

Resolution No. 150-13

ADOPTED

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130435 [National Hispanic Hepatitis Awareness Day - May 15, 2013]**Sponsors: Campos; Avalos**

Resolution declaring May 15, 2013, as National Hispanic Hepatitis Awareness Day in the City and County of San Francisco in order to raise awareness of Hepatitis A, Hepatitis B, and Hepatitis C, and liver health overall, in the lives of San Francisco's diverse Latino and Latina residents.

Resolution No. 151-13

ADOPTED

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130436 [Urging the California State Legislature to Pass Assembly Bill 755]**Sponsors: Mar; Campos, Yee and Chiu**

Resolution urging the California State Legislature to pass Assembly Bill 755 to require all proposed new construction or refurbishment of bridges take into account plans for a suicide barrier to become eligible for any State or Federal funds apportioned by the State.

Resolution No. 152-13**ADOPTED**[play video](#)**130397 [Committee of the Whole - Report of Assessment Costs for Blighted Properties]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 21, 2013, at 3:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

Motion No. M13-065**APPROVED**[play video](#)

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Mar

Supervisor Cohen, seconded by Supervisor Breed, moved to rescind the previous vote. The motion carried by the following vote:

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

Absent: 1 - Mar

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 130386 be severed so that it may be considered separately.

130386 [Urging the California State Senate to Pass Senate Bill 622]

Sponsors: Campos; Avalos, Mar and Kim

Resolution urging the California State Senate to pass Senate Bill 622, which would levy an excise tax of one cent (\$0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.

Resolution No. 146-13

ADOPTED by the following vote:

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

Absent: 1 - Mar

IMPERATIVE AGENDA

There were none.

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

130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice Requirements]

Sponsors: Kim; Campos, Avalos and Mar

Ordinance amending Administrative Code, Chapter 31, to provide for appeals under the California Environmental Quality Act to the Board of Supervisors of environmental impact reports, negative declarations, exemption determinations, and determinations on modified projects; to clarify and update existing Chapter 31 procedures, including without limitation: to provide for the Planning Department or Planning Commission to approve all exemption determinations; to require the Planning Department to establish an electronic notification system; to expand noticing of exempt projects; to require new noticing when filing notices of exemption and notices of determination; to revise noticing of negative declarations and environmental impact reports for plans of 20 acres or more; to provide an expanded role for the Historic Preservation Commission; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

03/20/13; REFERRED TO DEPARTMENT.

04/09/13; SUBSTITUTED, AND ASSIGNED to Land Use and Economic Development Committee.

04/12/13; REFERRED TO DEPARTMENT.

04/17/13; RESPONSE RECEIVED.

04/22/13; RESPONSE RECEIVED.

04/29/13; RESPONSE RECEIVED.

05/14/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130369 [Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements]**Sponsor: Mayor**

Ordinance amending the Building and Health Codes to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending the Public Works Code to eliminate soil testing provisions; renumbering code sections in the Health Code; and making environmental findings.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

05/01/13; REFERRED TO DEPARTMENT.

05/02/13; RESPONSE RECEIVED.

05/14/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130453 [Memorandum of Understanding - San Francisco Sheriffs' Managers and Supervisors Association - FY2013-2014]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2012-2014 Collective Bargaining Agreement between the City and County of San Francisco and San Francisco Sheriffs' Managers and Supervisors Association by implementing specified terms and conditions of employment for FY2013-2014.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130454 [Memorandum of Understanding - San Francisco Deputy Sheriffs' Association - FY2013-2014]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No.1 to the 2012-2014 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association, by implementing specified terms and conditions of employment for FY2013-2014.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130455 [Memorandum of Understanding - Service Employees International Union, Local 1021 - FY2013-2014]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2012-2014 Collective Bargaining Agreement between the City and County of San Francisco and the Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FY2013-2014.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130456 [Compensation for Unrepresented Employees - City and County of San Francisco - Effective July 1, 2013]**Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment, effective July 1, 2013.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130458 [Redevelopment Plan Amendment - Mission Bay South]**Sponsor: Mayor**

Ordinance approving an amendment to the Mission Bay South Redevelopment Plan, which modifies the land use designation for certain property to add residential as a permitted use and to increase the permitted residential density in the Plan Area, but does not increase the allocation of tax increment under a pre-existing enforceable obligation; making environmental findings under the California Environmental Quality Act; and making findings pursuant to the General Plan and Planning Code, Section 101.1(b).

05/14/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/13/2013.

130459 [Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District]**Sponsors: Campos; Wiener**

Ordinance amending the Planning Code, Mission Alcoholic Beverage Special Use District controls, to allow the transfer of liquor licenses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt grocery stores and certain institutional, arts, and other uses from the controls; establishing operating conditions for liquor-related uses; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/13/2013.

130460 [Administrative Code - Airport Facilities Naming Advisory Committee]**Sponsors: Campos; Wiener, Avalos, Kim, Mar, Yee and Chiu**

Ordinance amending the Administrative Code to establish the Airport Facilities Naming Advisory Committee and to establish its powers and duties.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/13/2013.

130461 [Police, Administrative Codes - Alcohol Regulation]**Sponsor: Cohen**

Ordinance amending the Police Code to prohibit possession of an open alcohol container at any premises with an off-sale license from the Alcohol Beverage Control Board, and to require some conditions before the Board of Supervisors may consider granting any licensee a letter of public convenience and necessity under California Business and Professions Code, Section 23958.4; amending the Administrative Code to impose additional reporting requirements from the Police Department to the Board of Supervisors; and making environmental findings.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Safety Committee, expires on 6/13/2013.

130462 [Business and Tax Regulations Code - Public Realm Landscaping, Improvement, and Maintenance Assessment Districts]**Sponsor: Cohen**

Ordinance amending the Business and Tax Regulations Code, by adding Article 15A "Public Realm Landscaping, Improvement and Maintenance Assessment Districts," to provide for establishment of assessment districts to finance landscaping, improvements, and maintenance of Public Realm areas (outdoor spaces open to the public), including parks, parklets, sidewalks, landscaped areas, plazas, and gardens; to authorize the purchase of real property with assessment funds, where property will be a Public Realm area and the district will provide landscaping, improvements and/or maintenance; and making environmental findings.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 6/13/2013.

130464 [Administrative Code - California Environmental Quality Act Procedures, Appeal of Exempt Project Modification]**Sponsors: Kim; Campos, Avalos, Mar and Yee**

Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the Planning Commission of a Planning Department determination that an exempt project modification does not require a new decision under the California Environmental Quality Act; and making environmental findings.

05/14/13; ASSIGNED to Land Use and Economic Development Committee.

130465 [Settlement of Claims, Litigation, and Appropriation - Water Pipeline Break - 15th Avenue and Wawona Street - Not to Exceed \$4,000,000]**Sponsors: Yee; Chiu**

Ordinance authorizing the Public Utilities Commission (SFPUC) and the City Attorney's Office to approve settlements of claims or litigation arising out of the February 27, 2013, accidental break of the SFPUC's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco for amounts exceeding \$25,000 per claim, notwithstanding Administrative Code, Section 10.22 et seq., subject to a total amount not to exceed \$4,000,000 if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Rules Committee; and appropriating \$4,000,000 from the Water Enterprise Fund Balance for such purpose.

05/14/13; ASSIGNED to Rules Committee.

Resolutions**130466 [Real Property Lease - 1145 Market Street - Health Service System - \$743,280 Annually]****Sponsor: Mayor**

Resolution authorizing a 10-year lease of 19,560 sq. ft. at 1145 Market Street for office space for the Health Service System from 1145 Market Street LP, for an initial annual rent of \$743,280.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130467 [Urging the California State Legislature to Pass Assembly Bill 241]**Sponsors: Avalos; Mar and Campos**

Resolution urging the California State Legislature and the Governor to pass Assembly Bill 241, the Domestic Worker Bill of Rights, to provide respect, protection, rights, and dignity to domestic workers and to value the work they perform caring for our children, elderly, and our families.

05/14/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130468 [Real Property Lease Amendment - PROXYdevelopment, LLC - Revised Monthly Base Rent to \$7,200]**Sponsor: Breed**

Resolution approving the execution of a lease amendment for a portion of property commonly known as Assessor's Block No. 0817, Lot No. 30 (Parcel K), by and between the City and County of San Francisco and PROXYdevelopment, LLC, for an extended term through January 31, 2021, and a revised monthly base rent of \$7,200 effective June 1, 2015.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130469 [Accept and Expend Gift - EcoCenter - \$20,000]**Sponsor: Kim**

Resolution authorizing the Department of the Environment to retroactively accept and expend a gift in the amount of \$20,000 from CH2MHill to build out the Department of the Environment's EcoCenter at 1455 Market Street for an unspecified period starting February 1, 2013.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130470 [Resolution of Intention - Renew and Expand the Central Market Community Benefit District]**Sponsor: Kim**

Resolution declaring the intention of the Board of Supervisors to renew and expand the property-based business improvement district (community benefit district) to be known as the "Central Market Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the Management District Plan, Engineer's Report, and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

05/14/13; ASSIGNED to Government Audit and Oversight Committee.

130471 [SOMA Community Stabilization Fund Program - \$300,000]**Sponsors: Kim; Campos**

Resolution authorizing the 2013 South of Market Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization Fund dollars in the amount of \$300,000.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130472 [Public Works Week - May 18-25, 2013]**Sponsors: Wiener; Tang and Campos**

Resolution commending the men and women of the Department of Public Works and declaring May 18-25, 2013, as Public Works Week in the City and County of San Francisco.

05/14/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130473 [Emergency Contract - Laguna Honda Hospital Cart Wash - Not to Exceed \$328,644]**Sponsor: Yee**

Resolution approving funding increase for an emergency public work contract under Administrative Code, Section 6.60, to repair a kitchen cart wash leak and related mold abatement at Laguna Honda Hospital in an amount not to exceed \$595,367.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request for Hearing

130474 [Hearing - Willie Brown Middle School Project Update]

Sponsor: Kim

Hearing regarding the current status of the Willie Brown Middle School Project, including architectural plan(s), design, and timeline, as well as curriculum development.

05/14/13; RECEIVED AND ASSIGNED to City and School District Select 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

130400 [Health Code - Massage Practitioners]

Ordinance amending the Health Code to exempt massage practitioners who are certified by the State of California and massage establishments that employ only state-certified massage practitioners from requirements for obtaining a permit from the Health Department; and making environmental findings. (Public Health Department)

05/02/13; RECEIVED FROM DEPARTMENT.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

130401 [Health Code - Hazardous Materials]

Ordinance amending the Health Code to require electronic applications for registration of hazardous materials and for underground storage tanks be filed through the California Environmental Reporting System, to eliminate the requirement that registration of hazardous materials plans include a program for reduction of hazardous materials, and to provide for fee adjustment; and making environmental findings. (Public Health Department)

05/02/13; RECEIVED FROM DEPARTMENT.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

130402 [Health, Business and Tax Regulations Codes - Safe Body Art]

Ordinance amending the Health Code by repealing miscellaneous sections relating to tattooing and adding Article 40 to require body art practitioners to register with the Department of Public Health (DPH) and to annually renew registration, and to require permanent and temporary body art facilities to obtain and annually renew permits with DPH; amending the Business and Tax Regulations Code by adding fees relating to body art permits and licenses; and making environmental findings. (Public Health Department)

05/02/13; RECEIVED FROM DEPARTMENT.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

PROPOSED RESOLUTIONS

130393 [Professional Services Agreement - Parsons Transportation Group, Inc., The Allen Group, LLC, and EPC Consultants, Inc. - Program Management Support Services for the Terminal 1/Boarding Area B Redevelopment Program - Not to Exceed \$32,000,000]

Resolution approving Professional Services Agreement, Airport Contract 9185.9, Program Management Support Services for the San Francisco International Airport, Terminal 1/Boarding Area B Redevelopment Program between T1 Partners, a Joint Venture of Parsons Transportation Group, Inc., The Allen Group, LLC, and EPC Consultants, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, in the not to exceed amount of \$4,453,178 for the first year of services; this is a multi-year, multi-phased program with an estimated total contract value in the not to exceed amount of \$32,000,000 pursuant to Charter, Section 9.118(b). (Airport Commission)

05/01/13; RECEIVED FROM DEPARTMENT.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130396 [Expenditure Plans - Human Services Care Fund - FYs 2013-2014 and 2014-2015]

Resolution approving the FYs 2013-2014 and 2014-2015 expenditure plans for the Human Services Care Fund. (Human Services Department)
(Fiscal Impact)

04/30/13; RECEIVED FROM DEPARTMENT.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130404 [Agreements - Specialized and Technical Services for Natural Resources and Watershed Management and Monitoring - Not to Exceed \$5,000,000 Each]

Resolution authorizing the General Manager of the Public Utilities Commission to execute Agreements with CDM Smith/ATS, a Joint Venture (CS-211A); ICF+Avila, a Joint Venture (CS-211B); Shaw Environmental and Infrastructure, Inc. (CS-211C); and URS Corporation (CS-211D) for Specialized and Technical Services for Natural Resources and Watershed Management and Monitoring, each with an agreement amount not to exceed \$5,000,000 and each with a term not to exceed 14 years pursuant to Charter, Section 9.118(b). (Public Utilities Commission)

05/06/13; RECEIVED FROM DEPARTMENT.

05/14/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Request Granted

From: Supervisors Tang and Farrell

To: Controller's Office

Requesting/Inquiring: Inquiring about the Public Defender Budget.

In June 2009, the Controller's Office released a study of the Office of the Public Defender's budget. The study included an analysis of PDR spending by operating unit, cases handled, cost per case, days from filing to disposition, number of court events, and benchmarks.

As a part of this inquiry:

- Please update the 2009 study to reflect information up through the current year regarding spending by operating unit, cases handled, cost per case, days from filing to disposition, number of court events.

More specifically:

- In the analysis of cost per case, provide update on the average cost per case of private counsel through the San Francisco Bar Association's Indigent Defense Administration (IDA) versus counsel provided by the PDR.*
- Provide update on how PDR staffing ratios compare to national caseload standards.*
- Provide update on how frequently the PDR refers cases to IDA based on staffing availability instead of a true conflict of interest.*
- Provide update on caseload comparison between misdemeanor and felony filings handled by the PDR.*

In Memoriams

Andrew Simpson - Supervisor Chiu

Nancy Faye Graham Owens - Supervisor Cohen

Shiwang Yang - Supervisors Avalos and Chiu

Carl M. Olsen - Supervisor Breed

Luigi Silvestri - Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:46 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 June 18, 2013.

ADDENDUM

The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during Public Comment as follows: City Librarian, Luis Herrera, has his own version of "don't ask, don't tell." His arrangement with The Friends of the San Francisco Public Library, works like this: He won't ask any questions about the millions of dollars they raise and expend each year in the name of the citizens of San Francisco, if they don't tell him anything about where the money goes. Despite the fact that a written agreement, called "The Framework," requires a laughably minimal level of reporting on finances, The Friends did not provide the information and Mr. Herrera did not ask for the information. At the same time, Herrera benefited both directly and indirectly from money received from The Friends. Grant Funding Request documents show a City Librarian's Discretionary Fund of \$36,000 for 2008/2009 and \$35,000 for 2009/2010. Public records requests give no indication that any of these funds have been reported to any City agency.