

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 21, 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 2:07 p.m. On the call of the roll, Supervisors Kim and Mar were noted absent. There was a quorum.

AGENDA CHANGES

There were none.

*Supervisor Mar was noted present at 2:09 p.m.
Supervisor Kim was noted present at 2:10 p.m.*

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Breed, moved to approve the Board Meeting Minutes of April 16, 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.

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

130443 [Formal Policy Discussions - May 21, 2013]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall answer the following eligible question submitted by Supervisor representing District 8. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. In many neighborhoods across the city, our sidewalks don't have the capacity to ensure safe and comfortable pedestrian flow, which squeezes pedestrians into tight areas and forces people to step onto the street. While infrastructure improvements like widening our sidewalks and creating bulb-outs can dramatically alleviate pedestrian congestion issues, these improvements are expensive and resources are limited. A less expensive solution is to improve placement of street furniture, such as surface utility boxes, news racks, bus shelters, advertising kiosks, public toilets and other fixtures on the sidewalk, which individually and in the aggregate impede pedestrian flow and restrict visibility of pedestrians at corners. With so many pieces of sidewalk furniture competing for scarce sidewalk real estate, how will you work with the various Departments that authorize placement of these items to ensure that we are doing everything we can to create safe and comfortable sidewalks along our busy streets? How will you ensure that the City is doing everything that it can to fix existing sidewalk bottlenecks and hazardous pedestrian visibility conditions and ensure that we do not create new ones? How will your Pedestrian Strategy, including the 5 miles per year program, address this problem? (Supervisor Wiener, District 8)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced question. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

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Recommendations of the Budget and Finance Committee

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.

Ordinance No. 093-13

FINALLY PASSED

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.
(Fiscal Impact)

Ordinance No. 094-13**FINALLY PASSED****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)

Ordinance No. 096-13**FINALLY PASSED****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.

Ordinance No. 095-13**FINALLY PASSED**

Recommendation of the Land Use and Economic Development Committee

130420 [Real Property Conveyance - Land Dedication - 1294-8 Shotwell Street - Inclusionary Affordable Housing]

Sponsor: Campos

Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate, consisting of approximately .27 acres improved by a 11,672 square foot commercial building for the Mayor's Office of Housing pursuant to the land dedication process permitted under Planning Code, Section 419; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

Resolution No. 153-13

ADOPTED

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

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)

Ordinance No. 097-13

FINALLY PASSED 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.

Ordinance No. 098-13**FINALLY PASSED by the following vote:**[play video](#)

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. (Fiscal Impact)

Ordinance No. 099-13**FINALLY PASSED by the following vote:**

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

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

130226 [Park Code - South of Market West Skatepark and Dog Park]

Sponsor: Kim

Ordinance amending the Park Code to designate portions of the property (Assessor's Block No. 3513, Lot Nos. 071 and 074) leased by the City and County of San Francisco from the State of California, immediately under and adjacent to the portions of the Central Freeway located between Otis and Stevenson Streets and between Valencia and Stevenson Streets and partially bounded by Duboce Avenue and referred to as "South of Market (SoMa) West Skatepark and Dog Park," as a "park" within the meaning of the Park Code and to authorize the Recreation and Park Department's Park Patrol to patrol those portions of the leased property; and making environmental findings, and findings of consistency with the General Plan.

PASSED, ON FIRST READING by the following vote:

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

130381 [Sale - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - Not to Exceed \$133,275,000]

Sponsors: Mayor; Wiener, Yee and Mar

Resolution authorizing and directing the sale of not to exceed \$133,275,000 aggregate principal amount of Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

(Fiscal Impact)

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

Resolution No. 154-13

ADOPTED by the following vote:

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

130363 [Appropriation - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - \$133,275,000 - FY2012-2013]**Sponsors: Mayor; Wiener, Yee, Chiu and Mar**

Ordinance appropriating \$133,275,000 of the Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013B, Proceeds including \$122,058,097 to the Department of Public Works and \$11,216,903 to the Municipal Transportation Agency for resurfacing, sidewalk, curb ramp, and street structure improvements, the redesign of street streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.

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

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

130382 [Sale - Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B - Not to Exceed \$31,905,000]**Sponsors: Mayor; Chiu**

Resolution authorizing and directing the sale of not to exceed \$31,905,000 aggregate principal amount of Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of said bonds; approving the Form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

Resolution No. 155-13

ADOPTED by the following vote:

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

130368 [Appropriation - Earthquake Safety and Emergency Response General Obligation Bonds, 2011, Series 2013B - \$31,905,000 - FY2012-2013]**Sponsors: Mayor; Chiu**

Ordinance appropriating \$31,905,000 of the Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B, Proceeds to the Department of Public Works in FY2012-2013 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster; and placing these funds on Controller's Reserve pending the sale of the bonds.

PASSED, ON FIRST READING by the following vote:

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

130380 [Issuance - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed \$195,000,000]**Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar**

Resolution providing for the issuance of not to exceed \$195,000,000 aggregate principal amount of Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

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

Resolution No. 156-13**ADOPTED by the following vote:**

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

130377 [Sale - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed \$74,030,000]**Sponsors: Mayor; Farrell, Wiener, Avalos, Kim, Chiu and Mar**

Resolution authorizing and directing the sale of not to exceed \$74,030,000 aggregate principal amount of City and County of San Francisco Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive Sale; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement Relating to the Sale of Said Bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

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

Resolution No. 157-13**ADOPTED by the following vote:**

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

130371 [Appropriation and De-Appropriation - Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A - \$74,030,000 - FY2012-2013]**Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar**

Ordinance appropriating \$74,030,000 of the Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A, Proceeds including \$55,156,304 to the Recreation and Parks Department and \$18,873,696 to the Port for the renovation, repair, and construction of parks and open spaces (Proposition B) in FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.

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

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

130335 [Airport Lease Amendment - Gotham Enterprises, LLC - Minimum Annual Guarantee \$37,353]

Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0193 between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of \$37,353, for the term of September 29, 2003, through February 23, 2017. (Airport Commission)

Resolution No. 158-13

ADOPTED by the following vote:

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

130378 [Lease - Data Center Space - 3101 Gold Center Drive, Rancho Cordova, California - Initial Term of Two Years - Base Annual Rental Rate of \$130,473.84]

Sponsors: Mayor; Chiu

Resolution authorizing the use of space and communication services within an existing data center located at 3101 Gold Center Drive, Rancho Cordova, California, from the State of California Technology Agency, Office of Technology Services, through an Agreement; and authorizing certain amendments and extensions to said Agreement as warranted for an initial term of two years with a base annual rental rent of \$130,473.84.

Resolution No. 159-13

ADOPTED by the following vote:

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

130384 [Airspace Lease - State of California - Property along Duboce Street, between Otis Street and Stevenson Street - SoMa West Skatepark - Initial Term of Twenty Years - Initial Monthly Base Rent \$10,000]

Sponsor: Kim

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 071, and located along Duboce Street between Otis Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and an initial monthly rent of \$10,000; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.
(Fiscal Impact)

Resolution No. 160-13

ADOPTED by the following vote:

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

130385 [Airspace Lease - State of California - Property under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street - SoMa West Dog Park - Initial Term of Twenty Years - Total Base Rent \$2,335,343]

Sponsor: Kim

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 074, and located under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and a total base rent of \$2,335,343; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and eight priority policies; and authorizing other actions in furtherance of this Resolution.

Resolution No. 161-13

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

130318 [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]

Sponsor: Cohen

Ordinance amending the Transportation Code, Division I, Section 4.4, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the \$1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2013, through May 31, 2023, and making environmental findings.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

130070 [Planning Code - Duboce Park Historic District]

Sponsors: Wiener; Campos

Ordinance amending the Planning Code, by adding a new Appendix N to Article 10, Preservation of Historical, Architectural, and Aesthetic Landmarks, to create the Duboce Park Historic District; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

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

PASSED, ON FIRST READING by the following vote:

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

130182 [Police, Administrative Codes - Entertainment-Related Permits]**Sponsor: Wiener**

Ordinance amending the Police Code to clarify permit requirements and procedures, as well as to expand suspension, citation, and enforcement provisions regarding Entertainment Commission permits, including Place of Entertainment Permits, Limited Live Performance Permits, Temporary Place of Entertainment Permits, Temporary Limited Live Performance Permits, Extended-Hours Premises Permits, and Temporary Extended-Hours Premises Permits, and noise limits and standards; amending the Administrative Code to clarify fee setting and reporting procedures; and making environmental findings.

Supervisor Chiu, seconded by Supervisor Wiener, moved that this Ordinance be AMENDED on Page 29, beginning on Line 6, by adding '(d) Any moratorium under this Section 1070.36 shall only apply to Extended Hours Premises Permits for any premises where Entertainment is furnished or occurs upon the premises and shall not apply to any premises that serves food, beverages, or food and beverages, without Entertainment.' The motion carried by the following vote:

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****130398 [Public Hearing - Report of Assessment Costs for Blighted Properties]**

Hearing to consider objections to 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)

The President inquired as to whether any member of the public wished to address the Board. Gretchen Rud (Department of Public Works) provided an overview of the assessments. Jerome Pallack (540-9th Street); Peter Shaffer (1228 Folsom Street); Harold Nguyen (428 Grove Street); Mary Cantrell (290 Pacific Avenue); Bill (Chinatown); William Chang (934 Howard Street); Sheu Fa; (272 Capp Street); Douglas Yepp; Paul (304 Valencia Street); Ned Gavin; Robert Lo (Mission District); Ray Hartz; spoke objecting to the proposed assessments. Gretchen Rud (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

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Committee of the Whole Adjourn and Report

130399 [Report of Assessment Costs for Blighted Properties]

Resolution approving 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. (Public Works Department)

Gretchen Rud (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment:

3010-20th Street; 3226-22nd Street; 643-7th Street; 540-9th Street; 2011 Bayshore Boulevard; 1035 Bush Street; 815 Clay Street; 834 Divisadero Street; 27 Duboce Avenue; 5133 Geary Boulevard; 815-829 Grant Avenue; 960 Grant Avenue; 428 Grove Street; 855 Harrison Street; 1606 Harrison Street; 921 Howard Street; 222 Hyde Street; 250 Industrial Street; 947 Judah Street; 2117 Market Street; 1875 Mission Street; 1131 Mission Street; 2829 Mission Street; 460 Natoma Street; 1080 Post Street; 1741 Powell Street; 54 Ringold Street; 112 Russ Street; 2836 San Bruno Avenue; 304 Valencia Street.

The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 130399, were received without objection.

Resolution No. 162-13

ADOPTED, after accepting the amendments to the accompanying report, 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

[play video](#)

Privilege of the Floor

Supervisor Breed, seconded by Supervisor Kim, 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

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Asian Pacific American Heritage Month, their accomplishments, and their continued community support as referenced below:

*Supervisor Breed recognized Eugene Wing (Galileo High School); and
Supervisor Kim recognized Joyce and Alan Manalo; and
Supervisor Wiener recognized Mary Jung (Democratic County Central Committee); and
Supervisor Avalos recognized Mario de Mira; and
Supervisor Campos recognized Alan Yi; and
Supervisor Chiu recognized Eva Lee and Betty Louie (Chinatown Merchants Association); and
Supervisor Mar recognized Mark Izu; and
Supervisor Farrell recognized Emerald Yeh; and
Supervisor Cohen recognized Alesana V. Tolai; and
Supervisor Yee recognized Irene Yee-Riley; and
Supervisor Tang recognized Hai Yan Jackson (Hai Yan Jackson Chinese Dance).*

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.

[play video](#)

PUBLIC COMMENT

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

Ray Hartz; expressed concerns relating to public records requests and SF Public Library. (See additional information submitted on Page 328.)

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

Edgar Rust; expressed concerns relating to utility poles and safety.

Male Speaker; expressed various religious concerns.

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

Richard Becker; expressed concerns relating to the permit processing.

Christina Sata; expressed concerns relating to MUNI bus service.

John DiDonna; shared in poem certain concerns with the Board.

Douglas Yepp; expressed concerns relating to Santa Clara/San Francisco 49er's.

John Mburu Njoroge; expressed various concerns.

Greg Chu; shared information relating to the passing of Tony Wei King.

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FOR ADOPTION WITHOUT COMMITTEE REFERENCE

[play video](#)

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.

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

Resolution No. 163-13

ADOPTED

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.

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

Resolution No. 164-13

ADOPTED

The foregoing items were acted upon by the following vote:

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

IMPERATIVE AGENDA

There were no 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.

Charter Amendment

130481 [Charter Amendment - Retiree Health Care Trust Fund]

Sponsor: Farrell

Charter Amendment (First Draft) to amend Charter, Sections 12.204 and A8.432, to limit Retiree Health Care Trust Fund payments to defray participating employer retiree health care costs until employer sub-trusts are fully funded; allow for payments from an individual employer's sub-trust if that employer's retiree health care costs are greater than ten percent (10%) of the employer's total payroll costs even if that employer's sub-trust is not fully funded; permit modifications to these funding guidelines if recommended by the Controller and the City's Governmental Accounting Standards Board actuary, and approved by the Mayor, two-thirds of the Board of Supervisors, and the Retiree Health Care Trust Fund Board; and make the Controller, the City Treasurer, and the Executive Director of the San Francisco Employees' Retirement System, or their designees, members of the Retiree Health Care Trust Fund Board.

05/21/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2013.

Ordinances

130251 [Public Works Code - Public Improvements as Gifts]

Sponsors: Wiener; Yee

Ordinance amending the Public Works Code, by adding Section 791, to allow the Director of the Department of Public Works, subject to specified requirements, to accept certain public improvements as public gifts and dedicate such improvements to public use; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

03/20/13; REFERRED TO DEPARTMENT.

03/20/13; TRANSFERRED to Budget and Finance Sub-Committee.

03/25/13; RESPONSE RECEIVED.

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

05/21/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130252 [Administrative Code - Street Design Review Committee]**Sponsors: Wiener; Yee**

Ordinance amending the Administrative Code, by adding Section 98.2, to establish a Street Design Review Committee.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

03/20/13; REFERRED TO DEPARTMENT.

05/21/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130482 [Appropriation - Port Revenue Bond Proceeds, Surplus Revenues, and Expenditures of Supporting Capital Projects - \$34,722,930 - FY2012-2013]**Sponsors: Mayor; Chiu**

Ordinance appropriating \$34,722,930 consisting of \$25,265,500 of 2013 Port Revenue Bond Series A and B proceeds, \$849,680 of Interest Earnings, \$6,445,220 from 2010 Revenue Bond funded projects, \$1,689,074 from 2012 Certificates of Participation Series B funded projects and \$473,456 from Port Capital Funded projects to the Port Commission in FY2012-2013 for the development of the Cruise Terminal Project at Pier 27 and the Northern Waterfront Historic Pier Structures Repair Project.

(Fiscal Impact)

05/21/13; ASSIGNED to Budget and Finance Committee.

130486 [Planning Code - Formula Retail Use for Hayes-Gough Neighborhood Commercial Transit District]**Sponsor: Breed**

Ordinance amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Hayes-Gough Neighborhood Commercial Transit District; 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.

05/21/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

130485 [Memorandum of Understanding - San Francisco Police Officers' Association (Units P-1 & P-2A) - FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by implementing specified terms and conditions of employment for FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

05/21/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130484 [Memorandum of Understanding - San Francisco Police Officers' Association (Unit P-2B) - FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by implementing specified terms and conditions of employment for FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

05/21/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130483 [Appropriation - Water Revenue Bonds for the Public Utilities Commission Calaveras Dam Project - \$55,064,799; and Re-Appropriation - Water System Improvement Projects - \$77,271,24 - FY2012-2013]

Sponsor: Mayor

Ordinance appropriating \$55,064,799 of proceeds from San Francisco Public Utilities Commission (SFPUC) Water Revenue Bonds to fund the Water System Improvement Program (WSIP) Calaveras Dam Project and re-appropriating \$77,271,241 of WSIP Project appropriations to various WSIP Projects consistent with the revised April 2013 WSIP Program Budget adopted by the SFPUC.

(Fiscal Impact)

05/21/13; ASSIGNED to Budget and Finance Committee.

130501 [Administrative Code - Assessment Appeals Boards - Modify Board No. 3 Membership and Function; Procedural Revisions]

Ordinance amending the Administrative Code, regarding Assessment Appeals Boards, to modify the structure of Assessment Appeals Board No. 3 to provide that the members of Board No. 3 are different than the members of Board No. 1; that the function of Board No. 3 is the same as Board No. 2; provide for staggered terms of initial Board No. 3 members; remove provisions regarding Board Members not meeting current State requirements; add a public comment timing option; and making nonsubstantive clarifying revisions. (Clerk of the Board)

05/21/13; ASSIGNED to Rules Committee.

Resolutions

130487 [Real Property Lease - 1145 Market Street - San Francisco Law Library - \$42,753.75 Per Month]

Sponsor: Mayor

Resolution authorizing a potential five-year lease of up to 20,000 sq. ft. at 1145 Market Street for space for the San Francisco Law Library from 1145 Market Street LP, a California limited partnership, at an initial monthly cost of \$42,753.75 for the period of July 1, 2013, through June 30, 2014.

(Fiscal Impact)

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130500 [Emergency Contract - Water and Sewer Pipelines - Vicinity of 15th Avenue and Wawona Street - Not to Exceed \$1,450,000]

Sponsor: Yee

Resolution approving an emergency public work contract for the Public Utilities Commission under Administrative Code, Section 6.60, to replace the water and sewer pipelines in the vicinity of 15th Avenue and Wawona Street with a contract amount not to exceed \$1,450,000.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130499 [Accept and Expend Grant - San Francisco Parks Alliance - Carl Larsen Park - \$225,000]

Sponsor: Tang

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant of \$225,000 from the the San Francisco Parks Alliance for the renovation of the playground

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130498 [Lafayette Park Grand Reopening]

Sponsors: Farrell; Campos

Resolution recognizing the grand reopening of the Lafayette Park and commending the Recreation and Park Department, Department of Public Works, Friends of Lafayette Park, and the entire project team, for their hard work and commitment to San Francisco's parks and its residents.

05/21/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130497 [Emergency Contract - Southeast Water Pollution Control Plant at 750 Phelps Street - Not to Exceed \$9,000,000]

Sponsor: Cohen

Resolution approving an emergency Public Works contract of the San Francisco Public Utilities Commission under Administrative Code, Section 6.60, to replace the unstable roofs on five digesters and two biosolids storage cake bins at the Southeast Water Pollution Control Plant at 750 Phelps Street with a contract amount not to exceed \$9,000,000.

(Fiscal Impact)

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130496 [Accept and Expend Grant - Legal Educational Advocacy Program - \$229,803]

Sponsor: Campos

Resolution authorizing the Public Defender's Office to retroactively accept and expend a grant in the amount of \$229,803 from the Board of State and Community Corrections for the purposes of implementing a Legal Educational Advocacy Program at the Public Defender's Office for the period of January 1, 2013, through December 31, 2013.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130495 [Term Sheet Endorsement - Forest City Development - Development of Pier 70 Waterfront Site - Fiscal Feasibility]

Sponsors: Mayor; Cohen

Resolution finding the proposed development of the Pier 70 Waterfront Site, an approximately 28-acre site located in the southeast corner of Pier 70, fiscally feasible under Administrative Code, Chapter 29, and endorsing the Term Sheet between Forest City Development California, Inc., a California corporation, and the Port Commission.

(Fiscal Impact)

05/21/13; ASSIGNED to Budget and Finance Committee.

130494 [Agreements - Amending State Contract Funds - Alcohol and Drug Programs - \$69,008,529]**Sponsor: Mayor**

Resolution retroactively authorizing the San Francisco Department of Public Health, Community Behavioral Services, to enter into an amended Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2014, in the amount of \$69,008,529; implementing a Contingency Assignment of Agreement from DADP to the Department of Health Care Services (DHCS) if the FY2013-2014 Budget Act is enacted to eliminate DADP and transfer the "Non Drug Medi-Cal" Program to DHCS; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the DPH County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130493 [Agreement - State Contract Funds - Community Behavioral Health Services - \$238,581,122]**Sponsor: Mayor**

Resolution retroactively approving an agreement between the California Department of Health Care Services and Community Behavioral Health Services, to provide specialty mental health services for the period of May 1, 2013, through April 30, 2018.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130492 [Apply for, Accept, and Expend Grant - Community Development Block Grant - FY2013-2014 - \$24,094,211]**Sponsor: Mayor**

Resolution approving the Community Development Block Grant (CDBG) Program authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 CDBG Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$16,204,214 and to expend program income and reprogrammed funds in the amount of \$6,963,291 for a combined total of \$23,167,505 for a period beginning July 1, 2013, without an expiration date.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130491 [Apply for, Accept, and Expend Grant - Housing Opportunities for Persons with AIDS Program - FY2013-2014 - \$11,179,285]**Sponsor: Mayor**

Resolution approving the Housing Opportunities for Persons with AIDS (HOPWA) Program and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 HOPWA Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$9,244,998 and to expend program income and reprogrammed funds in the amount of \$2,546,160 for the period of July 1, 2013, through June 30, 2018.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130490 [Apply for, Accept, and Expend Grant - Emergency Solutions Grants Program - FY2013-2014 - \$1,182,146]**Sponsor: Mayor**

Resolution approving the Emergency Solutions Grants Program and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 Emergency Solutions Grants Program entitlement in the amount of \$1,528,852 from the U.S. Department of Housing and Urban Development for an unspecified period starting July 1, 2013.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130489 [Apply for, Accept, and Expend Grant - HOME Program - FY2013-2014 - \$4,113,152]**Sponsor: Mayor**

Resolution approving the FY2013-2014 HOME Investment Partnership (HOME) Program and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2013-2014 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$3,763,707 and to expend program income in the amount of \$30,000 for the period of July 1, 2013, through June 30, 2018.

(Fiscal Impact)

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130488 [Issuance - Port Revenue Bonds - James R. Herman Cruise Terminal Project - Not to Exceed \$25,300,000]**Sponsors: Mayor; Chiu**

Resolution authorizing the issuance of not to exceed \$25,300,000 aggregate principal amount of Port Revenue Bonds for the purpose of financing capital improvements related to Phase II of the James R. Herman Cruise Terminal Project located at Pier 27 and for improvements to Northern Waterfront Historic Piers; authorizing the Port to cause the preparation of such documents necessary in connection with the issuance of said Port revenue bonds; stating the official intent of the Port to reimburse itself with tax-exempt bonds for expenditures made or to be made for the acquisition, construction, or improvement of the project; authorizing the Port to borrow funds on an interim basis from the City's commercial paper program; and related matters.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request for Hearing**130502 [Hearing - Budget and Legislative Analyst's Report - Socioeconomic Equity]****Sponsor: Avalos**

Hearing to consider the Budget and Legislative Analyst's report on the socioeconomic equity in the City and County of San Francisco, and how the report may be used to guide the City's budget decision making process.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance 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 RESOLUTION**130448 [Contract Amendment - Port of San Francisco - Pier 27 James R. Herman Cruise Ship Terminal and Northeast Wharf Plaza - Not to Exceed \$11,491,708]**

Resolution authorizing the Executive Director of the Port of San Francisco to execute an amendment to the contract with Kaplan, McLaughlin, and Diaz Architects, and Pfau Long Architecture, a Joint Venture, for architectural and engineering design services for the Pier 27 James R. Herman Cruise Ship Terminal and Northeast Wharf Plaza Project at Pier 27 to increase the not to exceed contract amount by \$1,541,708 from \$9,950,000 to \$11,491,708 for the period of November 10, 2009, through December 31, 2014. (Port)
(Fiscal Impact)

05/13/13; RECEIVED FROM DEPARTMENT.

05/21/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

*Mikaela Lynch - Supervisor Tang
Ed Riordan - Supervisor Yee*

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 June 25, 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: Public record requests indicate from 2008-2013, City Librarian Herrera received \$181,000 from The Friends of the San Francisco Public Library! Herrera has total discretion in spending these funds, including sums for his personal benefit. As Mr. Herrera has failed to report any of these "gifts" as required by state and local ordinances, I have to wonder whether any of these sums were reported to the IRS or the FTB? As the bulk of these funds were spent on "gifts" for the staff of the library, I also have to wonder, whether these city employees were given proper information about the potential tax liability incurred by accepting these "gifts?" Using his position as City Librarian to direct city employees to withhold public records, to make statements to mislead the public, he has now potentially placed dozens of City employees in a position of having violated both federal and state tax codes!