



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, October 16, 2012 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Avalos, Kim

City and School District Select Committee
Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza

City Operations and Neighborhood Services Committee
Supervisors Elsbernd, Chu, Olague

Government Audit and Oversight Committee
Supervisors Farrell, Elsbernd, Chiu

Land Use and Economic Development Committee
Supervisors Mar, Cohen, Wiener

Public Safety Committee
Supervisors Avalos, Olague, Mar

Rules Committee
Supervisors Kim, Farrell, Campos

Meeting Days

Wednesday
11:00 AM

4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Thursday
10:30 AM

1st and 3rd Thursday
1:30 PM

Agenda Item Information

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

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. Meetings are broadcast live on KPOO 89.5 FM. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

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

(This item will be read at the Board Meeting on the second Tuesday of each month, unless rescheduled by the Mayor and the Board President. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's Agenda as an action item.)

By supermajority vote of the Board of Supervisors (8 votes), the Board may, by oral motion, allow an eligible District Supervisor to ask a question that was not previously posed if the question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that were not anticipated prior to the posting of this agenda. Public comment for this item will take place during general public comment.)

1. [121000](#) [Formal Policy Discussions - October 16, 2012]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing Districts 1, 3, and 9. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. I recently introduced legislation that will address the relative lack of access to fresh food in some of our neighborhoods, including the Outer Richmond, where many seniors do not have enough stores that can provide for their nutritional needs. The Healthy Food Retailer Incentives Program will coordinate the critically needed efforts of the Office of Economic and Workforce Development and the Department of Public Health that are already underway. These pilot programs in the Tenderloin and the Bayview are helping convenience and corner stores move away from a reliance on alcohol and tobacco products to be able to provide fresh produce and other healthy foods to those neighborhoods that need healthy options the most. My legislation will help to sustain and expand these efforts. I would like to know if you will support this effort and commit to helping us fund the OEWD staff position that will coordinate our new Fresh Food Retailer Incentives Program? (Supervisor Mar, District 1)

2. San Francisco is facing a \$4 billion retiree health care liability. What is your Administration doing to address this challenge? (Supervisor Chiu, District 3)

3. I believe that I am not alone among my colleagues on the Board of Supervisors when I respectfully submit that Mayoral Question Time is not as useful as it could be. I would appreciate the opportunity to engage with you about important policy issues facing my district and the City, but I do not believe that the current structure of Question Time allows for the kind of meaningful dialogue some of us would like to see. Would you support restructuring Mayoral Question Time in order to allow members of the Board of Supervisors to ask follow-up questions and engage in a dialogue with you about the critical issues facing our city and residents? (Supervisor Campos, District 9)

Attachments: [Board packet 101612](#)

[Board Packet 101612](#)

Question: Shall this Hearing be HEARD AND FILED?

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

Items 2 and 3

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Chiu, Chu, Wiener

2. [120803](#) **[Urging Relocation and Broadcasting of the Housing Authority Meetings]**
Sponsors: Olague; Campos, Chiu, Kim and Mar
Resolution urging the Commission of the Housing Authority of the City and County of San Francisco to hold its meetings at City Hall and broadcast them for greater public access.

Attachments: [Legislation Ver1](#)
[Comm Packet 092712](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Elsbernd, Campos

3. [120929](#) **[Settlement of Lawsuit - City and County of San Francisco - \$95,000]**
Ordinance authorizing settlement of a lawsuit for breach of contract, declaratory judgment and permanent injunction filed by the City and County of San Francisco against Geary Courtyard Associates, ERP Operating Limited Partnership and Equity Residential, for \$95,000; the lawsuit entitled City and County of San Francisco v. Geary Courtyard Associates, et al., Case No. CGC 12-520504, filed May 4, 2012, in San Francisco Superior Court. (City Attorney)

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Elsbernd, Chu, Olague

4. **120818** **[Administrative Code - Repealing Provisions Extending the Expiration Date of the 2003 Minority Business Enterprise/Women Business Enterprise/Local Business Enterprise Ordinance]**

Sponsor: Elsbernd

Ordinance amending the San Francisco Administrative Code by: 1) repealing Section 12D.A.22 and amending Section 14B.18 to repeal provisions extending expiration of Chapter 12D.A in the event the injunction in Coral Construction, Inc., v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed; and 2) amending a cross-reference to Section 14B.18 in Section 14B.13(D)(5).

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 092412](#)

[Board Packet 100212](#)

[Board Packet 101612](#)

10/02/2012; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

5. [120463](#) **[General Plan - 2012 Community Safety Element Update]**

Sponsor: Wiener

Ordinance amending the San Francisco General Plan by adopting the 2012 Community Safety Element update; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b). (Planning Commission)

- Attachments:** [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Comm Packet 092412](#)
[Board Packet 100212](#)
[Board Packet 101612](#)

10/02/2012; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. [120464](#) **[Planning Code - Threshold for Application of Inclusionary Affordable Housing Program]**

Sponsors: Mayor; Chiu, Kim, Wiener, Cohen and Chu

Ordinance amending the San Francisco Planning Code Section 415.3 to: 1) provide that, as of January 15, 2013, the requirements of the Inclusionary Affordable Housing Program apply only to housing projects of 10 units or more and will no longer apply to buildings of 5 to 9 units that have not yet received a first construction document; 2) make conforming amendments to Planning Code Section 419.3 related to the Application of the UMU Affordable Housing Requirements to clarify that those requirements only apply to housing projects of 10 units or more; and 3) condition operation of the Ordinance on the adoption and implementation of the Housing Trust Fund Charter Amendment at the November 6, 2012, election; setting an operative date; and making environmental findings and findings of consistency with the General Plan.

- Attachments:** [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response PLN 071312](#)
[Response PLN 091912](#)
[Comm Packet 092412](#)
[Legislation Ver2](#)
[Leg Digest Ver2](#)
[Board Packet 100212](#)
[Board Packet 101612](#)

10/02/2012; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [120523](#) **[Planning Code - Transit Impact Development Fee Increase and Updates]**
Sponsors: Mayor; Wiener and Olague
Ordinance amending the San Francisco Planning Code, Article 4, by: 1) revising and making technical corrections to specified definitions in Section 401 relating to the Transit Impact Development Fee (TIDF); 2) amending Sections 402, 408, 411 through 411.5, 411.7, 411.8, and adding a new Section 411.9 to increase TIDF rates, revise exemptions and credits, and clarify TIDF implementation and collection; and 3) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response PLN_052512.pdf](#)
[Response SBC_071112](#)
[Response PLN_072312](#)
[Legislation Ver2](#)
[Leg Digest Ver2](#)
[Comm Packet_091012](#)
[Response SBC_091312](#)
[Board Packet_091812](#)
[Board Packet_100212](#)
[Board Packet_101612](#)

09/18/2012; CONTINUED ON FIRST READING.

10/02/2012; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Public Safety Committee

Present: Supervisors Avalos, Olague

8. [111239](#) **[Police Code - Vehicle Press Cards]**
Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6, to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards. (Municipal Transportation Agency)

Attachments: [Legislation Ver1](#)
[Comm Packet_092012](#)
[Board Packet_100212](#)
[Board Packet_101612](#)

10/02/2012; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Farrell, Campos

9. **120854** **[Settlement of Lawsuit - Brock Rasmussen - \$175,000]**
Ordinance authorizing settlement of the lawsuit filed by Brock Rasmussen against the City and County of San Francisco for \$175,000; the lawsuit was filed on January 11, 2010, in San Francisco Superior Court, Case No. CGC-10-495963; entitled Brock Rasmussen v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation Ver1](#)
[Board Packet 100212](#)
[Board Packet 101612](#)

10/02/2012; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Chu, Avalos, Kim

10. **120904** **[Real Property Lease - 2650 Bayshore Boulevard - Towed Car Operations and Other Transit Related Uses]**

Sponsor: Elsbernd

Resolution authorizing the lease of an approximate 12.72 acre property with 255,420 rentable square feet of warehouse, office and parking lot space at 2650 Bayshore Boulevard, Daly City, California, from Prologis, L.P. for a 20-year term, plus two five-year extension options, at an initial annual base rent of \$2,449,642 with annual increases, for the San Francisco Municipal Transportation Agency's towed car operations and other transit related uses.

(Fiscal Impact)

Attachments: [Legislation Ver1](#)
[Budget Analyst 100312.pdf](#)
[Comm Packet 100312](#)
[Budget Analyst 101012.pdf](#)
[Comm Packet 101012](#)
[Legislation Ver2](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Avalos, Kim

11. [120905](#) **[Accept and Expend Grant - Twin Peaks Trail System Improvements - \$131,041]**
Sponsor: Elsbernd
Resolution authorizing the Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant in the amount of \$131,041 from the California Department of Parks and Recreation for the Twin Peaks Trail System Improvements.

Attachments: [Legislation Ver1](#)
[Comm Packet 100312](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

12. [120906](#) **[Approval of Amendment to the Construction Management Services Agreement for the Laguna Honda Hospital Replacement Program - \$16,805,733]**
Sponsor: Elsbernd
Resolution authorizing the Director of Public Works to execute an amendment to the construction management services agreement with Cooper Pugeda Management, Inc. for the Laguna Honda Hospital Replacement Program from \$16,694,421 to \$16,805,733.

(Fiscal Impact)

Attachments: [Legislation Ver1](#)
[Budget Analyst 100312.pdf](#)
[Comm Packet 100312](#)
[Budget Analyst 101012.pdf](#)
[Comm Packet 101012](#)
[Legislation Ver2](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

13. [120907](#) **[Accept and Expend Grant - South of Market Alleyways Improvement Project - \$1,381,000]**

Sponsor: Kim

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of \$1,381,000 from the Metropolitan Transportation Commission for the South of Market Alleyways Improvement Project.

(Fiscal Impact)

- Attachments:** [Legislation Ver1](#)
[Budget Analyst 100312.pdf](#)
[Comm Packet 100312](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

14. [120909](#) **[Contract Approval - Complete Coach Works - 80 Neoplan Diesel Buses Rehabilitation - Not to Exceed \$19,105,885.60]**

Sponsor: Wiener

Resolution approving Contract No. CPT 631, Neoplan rehabilitation, between the City and County of San Francisco and Complete Coach Works to rebuild major systems and components on approximately 80 standard Neoplan diesel buses, in an amount not to exceed \$19,105,885.60, and for a term not to exceed six years, with expenditures limited to \$12 million pending certification of additional funding.

(Fiscal Impact)

- Attachments:** [Legislation Ver1](#)
[Budget Analyst 100312.pdf](#)
[Comm Packet 100312](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

15. [120910](#) **[Approval of the Comprehensive HIV Prevention Programs Application - \$9,523,313]**

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to submit a one-year application for calendar year 2013 to continue to receive funding for the Comprehensive HIV Prevention Programs grant from the Centers for Disease Control and Prevention, requesting \$9,523,313 in HIV prevention funding for San Francisco; from January 1, 2013, through December 31, 2013.

- Attachments:** [Legislation Ver1](#)
[Comm Packet 100312](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

16. [120934](#) **[Ratification of Prior Action - Lease Option at 555-575 Polk Street]**
Sponsor: Kim
Resolution ratifying an option for the lease of 9,000 square feet at 555-575 Polk Street with Mattison Family Trust.

Attachments: [Legislation Ver1](#)
[Comm Packet 101012](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

17. [120935](#) **[Accept and Expend Grant - Certified Unified Program Agency Electronic Reporting - \$109,492]**
Sponsor: Mar
Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$109,492 from California Environmental Protection Agency to participate in a program entitled "Certified Unified Program Agency Electronic Reporting" for the period of January 1, 2010, through March 31, 2013, waiving indirect costs.

Attachments: [Legislation Ver1](#)
[Comm Packet 101012](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

18. [120936](#) **[Accept and Expend Grant - Energy Efficiency Program - \$156,000]**
Sponsor: Mar
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$156,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to continue an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco during 2012.

Attachments: [Legislation Ver1](#)
[Comm Packet 100312](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

19. [120938](#) **[Agreement with Pacific Gas and Electric Company to Connect a Solar Power Project]**

Sponsor: Wiener

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into a long term interconnection agreement with Pacific Gas and Electric Company for a solar power project at the Alvarado Elementary School pursuant to San Francisco Charter Section 9.118(b).

Attachments: [Legislation_Ver1](#)

[Comm Packet 100312](#)

[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

20. [120968](#) **[Accept and Expend - FY2011 CalHome Grant - \$1,500,000]**

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing to accept and expend the FY2011 CalHome grant from the California Department of Housing and Community Development in a total amount of \$1,500,000 and to expend program income from associated loan repayments to assist low-income first-time homebuyers and low-income homeowners.

Attachments: [Legislation_Ver1](#)

[Comm Packet 101012](#)

[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

21. [120969](#) **[Approval of the Ryan White Act HIV/AIDS Emergency Relief Grant Program Application - \$36,118,233]**

Sponsors: Mayor; Wiener

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the Ryan White Act HIV/AIDS Emergency Relief Grant Program (Ryan White Programs, Part A) grant from the Health Resources Services Administration, requesting \$36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area for the period of March 1, 2013, through February 28, 2014.

Attachments: [Legislation_Ver1](#)

[Comm Packet 101012](#)

[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Chiu, Chu, Wiener

22. [120750](#) [Administrative Code - Retention of Progressive Payments for Public Works Construction Contracts]

Sponsors: Mayor; Chu

Ordinance amending the San Francisco Administrative Code Section 6.22(J) to reduce the amount of retention withheld from progress payments in construction contracts from ten to five percent; and to make minor clarifying corrections.

- Attachments:** [Legislation_Ver1](#)
[Response_SBC_082312](#)
[Comm_Packet_092712](#)
[Board_Packet_101612](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. [120787](#) [Board Response - Civil Grand Jury Report - Surcharges and Healthy San Francisco: Healthy for Whom?]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2011-2012 Civil Grand Jury report entitled "Surcharges and Healthy San Francisco: Healthy for Whom?" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

- Attachments:** [Board Packet 101612](#)
[Response_OLSE_090712](#)
[Response_BOE_091012](#)
[Response_Mayor_091712](#)
[Response_Treasurer_091812](#)
[Response_GGRA_091812](#)
[Response_DistrictAttorney_091812](#)
[Response_CityAttorney_091912](#)
[Response_DPH_091912](#)
[Comm Packet 092712](#)
[Legislation_Ver2](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

24. [120884](#) **[Accept and Expend Grant - Self-Contained Breathing Apparatus Inventory - \$1,514,184]**

Sponsor: Farrell

Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$1,514,184 from the Federal Emergency Management Agency to upgrade and replace its self-contained breathing apparatus inventory.

(Fiscal Impact)

Attachments: [Legislation_Ver1](#)

[Budget Legislative Analyst](#)

[Comm Packet 092712](#)

[Legislation_Ver2](#)

[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

25. [120299](#) **[Administrative Code - Extending Restrictions of the Apartment Conversion Ordinance to Business-Sponsored Short Term Occupancies; Allowing Civil Actions by Certain Non-Profit Entities; Revising Enforcement Procedures]**

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Administrative Code by amending Chapter 41A to 1) extend the restrictions against converting apartment units to short-term occupancies to tenants or guests of business entities that rent such apartments; (2) allow civil actions to be brought by certain non-profit entities; (3) revise enforcement procedures; and 4) making environmental findings.

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

[Response_PLN_040212](#)

[Comm Packet 100112](#)

[Legislation_Ver2](#)

[Leg_Digest_Ver2](#)

[Board Packet 101612](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. [120774](#) **[Planning Code - Permitting a Five Feet Ground Floor Height Increase for Active Ground Floor Uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts]**

Sponsor: Wiener

Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a five feet ground floor height increase for active ground floor uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts; 2) replacing the figure in Section 263.20; 3) amending Sections 715.1 and 728.1 to make reference to this height exception; and 4) making findings including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

[Response_SBC_091212](#)

[Response_PLN_091712](#)

[Response_PLN_092712](#)

[Comm_Packet_100112](#)

[Board_Packet_101612](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. [120352](#) **[Administrative Code - Housing Preservation and Production]**

Sponsors: Olague; Kim, Campos and Mar

Ordinance amending the San Francisco Administrative Code by 1) amending the title of Chapter 10E and adding Section 10E.4 to monitor San Francisco's housing preservation and production policies and goals; and 2) making environmental finding.

(Supervisor Wiener dissented in Committee.)

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

[Response_PLN_071212](#)

[Comm_Packet_073012](#)

[Comm_Packet_091012](#)

[Comm_Packet_092412](#)

[Legislation_Ver2](#)

[Leg_Digest_2](#)

[Comm_Packet_100112](#)

[Legislation_Ver3](#)

[Leg_Digest_Ver3](#)

[Board_Packet_101612](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Campos

28. **111160** **[Business and Tax Regulations Code - Revisions to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area]**

Sponsor: Kim

Ordinance amending the San Francisco Business and Tax Regulations Code Section 906.3-1 to clarify how members of the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area shall be appointed for their initial terms.

Attachments: [Legislation Ver1](#)

[Board Packet 101612](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

29. **120858** **[Appointments, Commission of Animal Control and Welfare - Annemarie Fortier, Susana Russo, and Shari B. O'Neill]**

Motion appointing Annemarie Fortier, Susanna Russo, and Shari B. O'Neill, terms ending April 30, 2014, to the Commission of Animal Control and Welfare. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

30. **120954** **[Appointment, Graffiti Advisory Board - Paul Giusti]**

Motion appointing Paul Giusti, term ending April 10, 2013, to the Graffiti Advisory Board. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

31. **120956** **[Appointments, Immigrant Rights Commission - Vera Haile, Haregu Gaime, Teresa Chee, and Elahe Enssani]**

Motion appointing Vera Haile, Haregu Gaime, Teresa Chee, and Elahe Enssani, terms ending June 6, 2014, to the Immigrant Right Commission. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

32. [120977](#) **[Appointment, Sunshine Ordinance Task Force - Bruce Oka]**
Motion appointing Bruce Oka, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

33. [120958](#) **[Appointment, California State Association of Counties - Supervisor Eric Mar]**
Motion appointing Supervisor Eric Mar, term ending November 28, 2013, to the California State Association of Counties Board of Directors. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

34. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

35. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

Items 36 through 40

36. [120990](#) **[Reducing Greenhouse Gas Pollution Under the Clean Air Act]**
Sponsors: Chiu; Kim
Resolution in support of reducing greenhouse gas pollution under the Clean Air Act.

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

37. [120991](#) **[Support of Statewide Education Funding Initiatives]**
Sponsor: Mar
Resolution urging the Board of Supervisors to support statewide education funding initiatives to help San Francisco's public educational system.

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Resolution be ADOPTED?

38. [120978](#) **[Final Map 7086 - 248 Ocean Avenue]**
Motion approving Final Map 7086, a Five Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 248 Ocean Avenue being a subdivision of Assessors Block No. 3211, Lot No. 009 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

39. [120979](#) **[Final Map 7077 - 38 Harriet Street]**
Motion approving Final Map 7077, a 23 Unit Residential Condominium Project, located at 38 Harriet Street being a subdivision of Assessors Block No. 373, Lot No. 243 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

40. [120995](#) **[Final Map 7186 - 537-541 Natoma Street]**
Motion approving Final Map 7186, a 13 Residential Unit Condominium Project, located at 537-541 Natoma Street being a subdivision of Assessors Block No. 3726, Lot No. 047 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Attachments: [Legislation Ver1](#)
[Board Packet 101612](#)

Question: Shall this Motion be APPROVED?

41. **IMPERATIVE AGENDA**

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

LEGISLATION INTRODUCED BY THE PRESIDENT AT THE REQUEST OF A DEPARTMENT

Pursuant to Section 2.8 of the Rules of Order of the Board of Supervisors, 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 and introduced by the President.

PROPOSED ORDINANCE

120994

[Settlement of Lawsuit - Christine McGuire - \$27,000]

Ordinance authorizing settlement of the lawsuit filed by Christine McGuire against the City and County of San Francisco for \$27,000; the lawsuit was filed on January 6, 2011, in San Francisco Superior Court, Case No. CGC-11-507062, entitled McGuire v. City and County of San Francisco, et al. (City Attorney's Office)

Attachments: [Legislation Ver1](#)

10/04/2012; RECEIVED FROM DEPARTMENT.

10/16/2012; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTION

120993

[Settlement Of Unlitigated Claim - Trico Construction - \$440,000]

Resolution approving settlement of the unlitigated claim filed by Galliera, Inc., dba Trico Construction (Trico), against San Francisco for \$440,000. (City Attorney's Office)

Attachments: [Legislation Ver1](#)

10/04/2012; RECEIVED FROM DEPARTMENT.

10/16/2012; RECEIVED AND ASSIGNED to the Rules Committee.

121001

[Petitions and Communications]

Petitions and Communications received from October 1, 2012, through October 5, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 16, 2012.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From concerned citizens, regarding KPOO radio. 2 letters. (1)

From concerned citizens, regarding Sheriff Mirkarimi. 17 letters. (2)

From Allen Jones, regarding proposed nudity ban. 3 letters. File No. 120984 (3)

From the Controller, regarding annual contract report and Chapter 12 compliance (4)

From the Controller, regarding Civil Grand Jury report on the City's Arts Commission, Municipal Transportation Agency, and Employee Retirement System. (5)

From James Chaffee, regarding abuses of privatization. (6)

From Recreation and Park, regarding letter of inquiry submitted by Supervisor Avalos. (7)

From Allen Jones, regarding RV ban. (8)

From Fish and Game Commission, submitting Notice of Receipt of Petition. (9)

From concerned citizen, regarding repeal of ban on medical cannabis dispensaries. (10)

From Human Resources, submitting Administrative Code Chapters 12B and 14B Waiver Request Form. (11)

From Peter Warfield, regarding Bernal Mural. (12)

From concerned citizens, regarding plastic bag ban. 2 letters. (13)

From Paul Lanyi, regarding Hardly Strictly Blue Grass and Fleet Week. (14)

*From Civil Service Commission, regarding prevailing wage certification legislation. (15)

*(An asterisked item represents the cover sheet to document that exceeds 25 pages. The complete document is available at the Clerk's Office, Room 244, City Hall.)

ADJOURNMENT