

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, January 10, 2012 - 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, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER**

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Chu, Avalos, Kim

Wednesday

1:00 PM

City and School District Select Committee

Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Norton

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Elsbernd, Chu, Olague

2nd and 4th Monday

10:00 AM

Government Audit and Oversight Committee

Supervisors Farrell, Elsbernd, Chiu

2nd and 4th Thursday

1:00 PM

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

Public Safety Committee

Supervisors Avalos, Olague, Mar

1st and 3rd Thursday

10:30 AM

Rules Committee

Supervisors Kim, Farrell, Campos

1st and 3rd Thursday

1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Volume 107 Number 1

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Kim, moved to approve the Board Meeting Minutes of November 15, 2011, and November 22, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 110966 which would amend the San Francisco Park Code relating to a long term management agreement with National Park Service for Sharp Park. Due to the Winter Recess and cancelled meeting of January 3, 2012, this matter is being communicated and agendaized at this Regular Meeting of January 10, 2012.

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

111365 [Formal Policy Discussions - January 10, 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 District's 1, 3, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. As a result of the economic downturn, many of our City's commercial corridors are struggling with both vacant storefronts as well as the loss of long-standing community businesses. In District 1, we are working with the Office of Economic and Workforce Development to save the Balboa Theater from going under. The Balboa Theater is an important anchor business in the Richmond and one of the few remaining independent theaters in San Francisco. Small businesses are the biggest job producers in our City; I believe that helping them stay afloat should be one of our highest priorities. Can you articulate specific plans or programs that your administration intends to implement in the coming year that will help our small business sector? (Supervisor Mar, District 1)

2. In the wake of the California Supreme Court decision abolishing Redevelopment, which has been a crucial funding source for affordable housing, what is your vision for creating much needed affordable housing in San Francisco? Specifically, will you support an affordable housing bond or some other dedicated source of funding? Will you streamline and consolidate the multiple agencies involved in affordable housing - including the Mayor's Office of Housing, the Housing Authority, along with functions from the soon-to-be-dismantled Redevelopment Agency? What direction should we take regarding our inclusionary housing requirements, which create some affordable housing when market rate housing is built? (Supervisor Chiu, District 3)

3. Given both the increased costs projected to complete the high speed rail system and the increased uncertainty regarding the sources of revenue for the project, what are the City's plans to ensure that the terminus at the Transbay Terminal remains a world-class project as originally envisioned with the extension of high speed rail into downtown San Francisco? (Supervisor Elsbernd, District 7)

4. I appreciate the budget policy priorities and guiding principles that you created together with community based organizations for the FY2011-2012 budget process. Will you abide by these principles when deciding how to close the projected general fund deficit of \$262.7 million in the FY2012-2013 budget, and if so, can you explain how you will put these principles into practice? (Supervisor Campos, District 9)

5. While I am pleased that the San Francisco Municipal Transportation Agency is finally moving to extend the MUNI 14 Mission bus line to Daly City - a project I initiated in 2009. I am concerned that a major piece has yet to be addressed. In order to make this extension a resource that San Francisco residents can actually take advantage of, they must be able to use their Fast Passes/Clipper Cards at Daly City BART in the same manner and cost as they would be able to at a San Francisco station. Otherwise, this service is set up to fail before it even begins. What support can I expect from your office to make this a priority so that we, as a City, can demonstrate our commitment to equal access to services to our residents living in the southern most part of San Francisco? (Supervisor Avalos, District 11)

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

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

111246 [Administrative Code - Health Service System Contracting Authority; Employee Benefit Cafeteria Plan]

Sponsor: Chu

Ordinance amending the San Francisco Administrative Code Sections 16.900 through 16.905 and 21.02 to update provisions regarding: 1) the San Francisco Health Service System's contracting authority; and 2) the City's Employee Benefit Cafeteria Plan.

Ordinance No. 003-12

FINALLY PASSED

111282 [Accept and Expend Grant - Reentry SF Program and Amendment to the Annual Salary Ordinance - \$747,818]

Sponsor: Mayor

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of \$747,818 from the United States Department of Justice to implement Reentry SF Program, a comprehensive reentry pathway for people on post-release community supervision in San Francisco, and amending Ordinance No. 0146-11 (Annual Salary Ordinance, FY2011-2012) to reflect addition of one (1) Class 1823 Senior Administrative Analyst grant-funded position (0.50 FTE) in the Adult Probation Department.
(Fiscal Impact)

Ordinance No. 004-12

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

110994 [Transportation Code - Clipper Card Regulations]

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, by adding Section 7.2.104 to regulate the use of Clipper Cards on transit vehicles or in proof of payment zones. (Municipal Transportation Agency)

Ordinance No. 005-12

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee**110845 [Zoning Map - Rezoning - 312 Connecticut Street]****Sponsor: Cohen**

Ordinance amending the San Francisco Zoning Map Sheet No. ZN08 to: 1) rezone Assessor's Block No. 4035, Lot No. 003 (312 Connecticut Street) from RH-2 to NC-2; and 2) 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.

Ordinance No. 006-12**FINALLY PASSED****111209 [Mission Bay South - Storm Water Pump Station No. 4 Public Infrastructure Improvements]**

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 007-12**FINALLY PASSED****Recommendations of the Rules Committee****111286 [Settlement of Lawsuit - Patricia Sancinito - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia Sancinito against the City and County of San Francisco and Laguna Honda Hospital for \$75,000; the lawsuit was filed on May 19, 2011, in San Francisco Superior Court, Case No. CGC-11-511076; entitled Patricia Sancinito v. City and County of San Francisco, Laguna Honda Hospital. (City Attorney)

Ordinance No. 001-12**FINALLY PASSED****111287 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - \$14,950,000]**

Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions, Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from the City to MEOC. (City Attorney)

Ordinance No. 008-12**FINALLY PASSED**

111245 [Appointment, Treasury Oversight Committee - Peter Goldstein]

Motion appointing Peter Goldstein, term ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)

Motion No. M12-001

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 111266 be severed so that it may be considered separately.

111266 [Appointments, Market and Octavia Community Advisory Committee - Krute Singa, Michael Simmons, Kenneth Wingard, Dennis Richards, and Jason Henderson]

Motion appointing Krute Singa, Michael Simmons, Kenneth Wingard, Dennis Richards, and Jason Henderson, terms ending December 16, 2012, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Krute Singa, seat 1, succeeding Marius Starkey, term expired, must be a resident renter and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2012.

Michael Simmons, seat 2, succeeding Carmela Gold, term expired, must be a resident homeowner and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2012.

Kenneth Wingard, seat 4, succeeding himself, term expired, must be a local merchant and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2012.

Dennis Richards, seat 5, succeeding himself, term expired, must be a representative of an established neighborhood group and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2012.

Jason Henderson, seat 6, succeeding himself, term expired, must be a member at large and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2012.

See File No. 120017.

DIVIDED; Supervisor Elsbernd divided consideration of Peter Cohen from File No. 111266.

APPROVED AS DIVIDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

120017 [Appointment, Market and Octavia Community Advisory Committee - Peter Cohen]

Motion appointing Peter Cohen, term ending December 16, 2012, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Cohen, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Noes: 5 - Avalos, Campos, Kim, Mar, Olague

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

110966 [Park Code - Long Term Management Agreement with the National Park Service for Sharp Park]

Sponsor: Avalos

Ordinance amending the San Francisco Park Code Section 3.20 to: 1) require the Recreation and Park Department to offer long term management agreement to the National Park Service for certain property under the jurisdiction of the Recreation and Park Commission located in San Mateo County that is within the Golden Gate National Recreation Area's legislative boundary (Sharp Park); and 2) making environmental and other findings.

NOT APPROVED OVER THE MAYOR'S VETO by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Olague

Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

From the Board

Supervisor Olague Excused from Voting

Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Olague be excused from voting on File No. 111366. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

111366 [Adopting Findings Related to the Conditional Use Authorization - 2041 Larkin Street]

Motion adopting findings supporting the Board's decision to: 1) disapprove the decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street; and 2) to approve Conditional Use Authorization on property located at 2041 Larkin Street subject to all of the conditions imposed by the Planning Commission by its Motion No. 18448, regarding Application 2010.1083C, and further subject to additional conditions imposed by the Board of Supervisors on December 6, 2011. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

Motion No. M12-002**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

Supervisor Olague Excused from Voting

Supervisor Farrell, seconded by Supervisor Avalos, moved that Supervisor Olague be excused from voting on File No. 111367. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

111367 [Adopting Findings Related to the Conditional Use Authorization - 3901 Mission Street]

Motion adopting findings supporting the Board's decision to: 1) disapprove the decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street; and 2) approve Conditional Use Authorization on property located at 3901 Mission Street subject to all of the conditions imposed by the Planning Commission by its Motion No. 18442, regarding Application No. 2011.0664C, and further subject to additional conditions imposed by the Board of Supervisors on December 13, 2011. (Clerk of the Board)

Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

Motion No. M12-003**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

Recommendations of the Land Use and Economic Development Committee**111105 [Interdepartmental Jurisdictional Transfer of Property - 341 Corbett Avenue]****Sponsor: Wiener**

Ordinance transferring jurisdiction of certain unimproved real property located at 341 Corbett Avenue (Assessor's Block No. 2659, Lot No. 059) between 19th Street and Danvers Street from the Mayor's Office of Housing to the Department of Public Works.

Ordinance No. 002-12**FINALLY PASSED by the following vote:**

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Noes: 5 - Avalos, Campos, Kim, Mar, Olague

111080 [Zoning Map - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]**Sponsor: Kim**

Ordinance amending the San Francisco Planning Code Sectional Map ZN01 of the Zoning Maps to change the use classification of 676 Howard Street (Block No. 3722, Lot No. 28) from Public (P) to Downtown-Support District (C-3-S) and a portion of 935 Folsom Street (Block No. 3753, Lot No. 140) from Mixed Use-Residential (MUR) to Public (P) as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111213 [Summary Vacation - Hunt Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]**Sponsor: Kim**

Ordinance ordering the summary vacation of Hunt Street as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111240 [General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]

Ordinance amending the San Francisco General Plan Map 2 of the Community Facilities Element as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Recommendation of the Rules Committee**111050 [Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]****Sponsors: Wiener; Farrell, Cohen and Chiu**

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

Supervisor Wiener, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-3 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111190 [Administrative, Police Codes - Prevailing Rate of Wages Under City Contracts for Specified Services]

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

Ordinance amending the San Francisco Administrative Code Sections 21C.2 through 21C.6, and adding Section 21C.7 to: 1) specify the City contracts for services that are subject to the City's prevailing rate of wage requirement (Covered Contracts); 2) consolidate consistent standards for determining and enforcing prevailing rate of wage requirements in all Covered Contracts; 3) provide an employment transition period for workers under successor contracts to all Covered Contracts; 4) provide that all work on Covered Contracts be performed by employees and not independent contractors; and 5) amend the San Francisco Police Code Section 3300C.1 to make conforming changes.

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

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Olague, Wiener

Noes: 1 - Elsbernd

111288 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause for the Design of a Runway Safety Area Engineered Material Arresting System]

Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system. (Airport Commission)
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111290 [Airport Lease Modification - United Air Lines, Inc.]

Resolution approving and authorizing the execution of Modification No. 1 of Lease L00-0464 at Plot 6 with United Air Lines, Inc., at San Francisco International Airport to: 1) extend the term; 2) reduce the demised premises; 3) modify the annual rent; 4) provide for a deferred City improvements payment to City; and 5) provide for certain terms of retroactivity relating to the rent and the deferred City improvements payment. (Airport Commission)

Resolution No. 001-12

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111308 [Real Property Lease - San Antonio Reservoir to Chevron Pipe Line Company]

Resolution: 1) authorizing the General Manager of the San Francisco Public Utilities Commission to execute a 20 year lease for an approximately 11.73 acre pipeline right-of-way near the San Antonio Reservoir in Alameda County to Chevron Pipe Line Company at an initial rent of \$12,500 per year; 2) adopting environmental findings; and 3) authorizing other actions in furtherance of this Resolution. (Real Estate Department)

Resolution No. 002-12

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111309 [Contract Amendment - Xtech - \$51,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Third Amendment between the City and County of San Francisco and Xtech (part of the technology store procurement vehicle), in which the amendment shall increase the contract limit from \$41,000,000 to \$51,000,000. (Office of Contract Administration)
(Fiscal Impact)

Resolution No. 003-12

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111310 [Contract Amendment - Xtech - \$60,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Fourth Amendment between the City and County of San Francisco and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from \$40,000,000 to \$60,000,000. (Office of Contract Administration)

Resolution No. 004-12

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111311 [Contract Amendment - En Pointe Technology Sales, Inc. - \$38,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Third Amendment between the City and County of San Francisco and En Pointe Technology Sales, Inc. part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from \$28,475,000 to \$38,000,000. (Office of Contract Administration)

Resolution No. 005-12

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111318 [Accept and Expend Grant - Lead Hazard Reduction Demonstration Program for FY2011-2012 - \$2,500,000 and Program Income Not to Exceed \$200,000]**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Housing to retroactively accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in the amount of \$2,500,000 and program income not to exceed \$200,000.

Resolution No. 006-12**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

From the Budget and Finance Committee Without Recommendation**111250 [Sale of City Property - Northeast Corner of Fulton and Gough Streets - Boys and Girls Clubs - \$2,500,000]****Sponsors: Cohen; Chiu, Avalos, Mar and Kim**

Resolution authorizing: 1) the sale of City property at the northeast corner of Fulton Street and Gough Street to the Boys and Girls Clubs of San Francisco for \$2,500,000 subject to a declaration of economic covenants and a project use restriction; 2) 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 of City Planning Code Section 101.1; and 3) authorizing other actions in furtherance of this Resolution.

(Fiscal Impact)

Supervisor Cohen assumed primary sponsorship for this matter.

Supervisor Olague, seconded by Supervisor Kim, moved that this Resolution be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111317 [Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]**Sponsor: Chiu**

Resolution approving Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

Supervisor Chu, seconded by Supervisor Mar, moved that this Resolution be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Recommendation of the Government Audit and Oversight Committee

110770 [Municipal Transportation Agency Overtime Appropriations]

Sponsors: Campos; Farrell

Resolution encouraging the San Francisco Municipal Transportation Agency (SFMTA) to develop a plan and the SFMTA Board to adopt a policy to address overtime overruns in FY2011-2012 and subsequent years.

Resolution No. 009-12

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Recommendations of the Rules Committee

111291 [Confirming Appointment, Entertainment Commission - Bryant Tan]

Motion confirming the Mayor's appointment of Bryant Tan to the Entertainment Commission, term ending July 1, 2015. (Mayor)

Motion No. M12-004

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111302 [Appointment, Entertainment Commission - Steven Lee]

Motion appointing Tim Eicher, term ending July 1, 2014, to the Entertainment Commission. (Clerk of the Board)

Tim Eicher, seat 2, succeeding Timothy Benetti, resigned, shall represent the interests of entertainment associations or groups, for the unexpired portion of a four-year term ending July 1, 2014.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 6 - Avalos, Chiu, Cohen, Kim, Mar, Olague

Noes: 5 - Campos, Chu, Elsbernd, Farrell, Wiener

Motion appointing Steven Lee, term ending July 1, 2014, to the Entertainment Commission. (Clerk of the Board)

Steven Lee, seat 2, succeeding Timothy Benetti, resigned, shall represent the interests of entertainment associations or groups, for the unexpired portion of a four-year term ending July 1, 2014.

Motion No. M12-006

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

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

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Farrell, 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, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Michael Funk of the Sunset Neighborhood Beacon Center in recognition of his 15 years of service to the children and families of the Sunset community and throughout the greater Bay Area upon his retirement.

SPECIAL ORDER 4:00 P.M.

Supervisor Olague Excused from Voting

Supervisor Campos, seconded by Supervisor Kim, moved that Supervisor Olague be excused from voting on File Nos. 111293, 111294, 111295, and 111296. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

111293 [Public Hearing - Appeal of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated November 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case Nos. 2009.0291E and 2010.0275E by its Motion No. 18484, for a proposed expansion of the San Francisco Museum of Modern Art (SFMOMA), relocation of Fire Station No. 1, and Housing Project. (District 6) (Appellant: Christine W. Griffith on behalf of the KSSF Enterprises, Ltd., owner of the W Hotel San Francisco) (Filed November 30, 2011). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Christine Griffith (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Walter Paulson; Female Speaker; spoke in support of the appeal. Michael Jacinto (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Steven Vettel and Neal Benezra (Project Sponsors) provided an overview of the project. Lisa Hanazio; Fire Chief Joanne Hayes-White; Mike Theriot; Manny Flores; spoke in support of the project and in opposition to the appeal. Christine Griffith (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

111294 [Affirming Certification of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Absent: 1 - Cohen

Excused: 1 - Olague

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

Motion No. M12-007

Supervisor Kim, seconded by Supervisor Campos, APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

111295 [Reversing Certification of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Absent: 1 - Cohen

Excused: 1 - Olague

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

Supervisor Kim, seconded by Supervisor Campos, TABLED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

111296 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Absent: 1 - Cohen

Excused: 1 - Olague

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 1 - Olague

SPECIAL ORDER 4:00 P.M.**111358 [Public Hearing - Appeal of a Final Environmental Impact Report - 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]**

Hearing of persons interested in or objecting to the Planning Commission's decision, dated December 15, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2010.0493E, for a proposed project involving America's Cup Sailing Races in the Summer/Fall of 2012 and 2013, including various waterfront venues, and a proposed project involving construction of the James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (District 3) (Appellants: Keith G. Wagner on behalf of San Francisco Tomorrow, Golden Gate Audubon Society, Waterfront Watch, and Telegraph Hill Dwellers, Filed December 19, 2011; Rebecca Evans on behalf of the San Francisco Group of the Sierra Club, Filed January 4, 2012). (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Chu, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

President CONTINUED the Hearing open to January 24, 2012.

111359 [Affirming Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111360 [Reversing Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

111361 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 34th America's Cup Project and James R. Herman Cruise Terminal and Northeast Wharf Plaza at Piers 27-29.

Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Chu, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to January 24, 2012. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

111104 [Health Code - Regulating Commercial Dog Walkers on Park Property]

Sponsor: Wiener

Ordinance amending the San Francisco Health Code by adding Article 39, Sections 39.01 through 39.13, to license and regulate Commercial Dog Walkers operating on park property.

Supervisor Chu, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Avalos, seconded by Supervisor Elsbernd, made a motion that this Ordinance be AMENDED to add language relating to 'applying federal guidelines, as available.' Supervisor Avalos withdrew his motion without objection.

Supervisor Kim, seconded by Supervisor Avalos, made a motion that this Ordinance be AMENDED to reduce the number of dogs from '8' to '7.' Supervisor Kim withdrew her motion without objection.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Motion be AMENDED to reduce the number of dogs from '8' to '7.' The motion FAILED by the following vote:

Ayes: 4 - Avalos, Chiu, Chu, Elsbernd

Noes: 7 - Campos, Cohen, Farrell, Kim, Mar, Olague, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.

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

Male Speaker; expressed various religious concerns.

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

John Caldera; expressed various concerns relating to homeless veterans.

Chris Jerdonek; expressed various concerns relating to ranked choice voting.

Male Speaker; expressed various concerns.

Douglas Yep; expressed various concerns.

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

Steve Lightfoot; expressed various concerns.

Ray Hartz; expressed concerns relating to government.

Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111347 [Accept and Expend Gift - World Cup Live 2010 at Civic Center Plaza - \$96,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend an in-kind gift, valued at \$96,000 from America Scores Bay Area to support operating costs associated with presenting World Cup Live 2010 in Civic Center Plaza.

Resolution No. 007-12**ADOPTED**

111348 [Multifamily Housing Revenue Bonds - Ridgeview Terrace - Not to Exceed \$20,000,000]

Sponsor: Cohen

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$20,000,000 for Ridgeview Terrace; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$20,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Resolution No. 008-12**ADOPTED**

111349 [San Francisco Road Runners Club Day - January 21, 2012]

Sponsor: Elsbernd

Resolution recognizing the 10th Anniversary of the founding of the San Francisco Road Runners Club and proclaiming January 21, 2012, to be "San Francisco Road Runners Club Day" in the City and County of San Francisco.

Resolution No. 010-12**ADOPTED**

111362 [Final Map 5954: 634 - 636 Plymouth Avenue]

Motion approving Final Map 5954, a Six Lot Subdivision Project, located at 634 - 636 Plymouth Avenue, being a subdivision of Assessors Block No. 7067, Lot No. 014; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M12-008**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Wiener requested that File No. 111352 be severed so that it may be considered separately.

111352 [Directing the Clerk of the Board of Supervisors to Work with KPOO Radio Regarding Broadcasting Board Meetings]

Sponsors: Mirkarimi; Mar

Motion directing the Clerk of the Board to work with KPOO Radio on a plan to enable the radio station to broadcast weekly San Francisco Board of Supervisors meetings and to implement the plan for such broadcasts.

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

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or the Mayor****Ordinances****111079 [Administrative Code - Additional Pre-Approval Notice for Certain City Projects]**

Sponsor: Farrell

Ordinance amending the San Francisco Administrative Code by adding Chapter 79A to expand upon the minimum notice requirements prior to approval of a City project that are mandated by the Citizens' Right-to-Know Act of 1998.

10/04/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/3/2011.

01/10/12; SUBSTITUTED AND ASSIGNED to Rules Committee.

111333 [Appropriating \$192,000,000 of Earthquake Safety and Emergency Response General Obligation Bonds to the Department of Public Works in FY2011-2012]**Sponsors: Mayor; Chiu, Chu and Cohen**

Ordinance appropriating \$192,000,000 of the 2012A Series Earthquake Safety and Emergency Response General Obligation Bond proceeds to the Department of Public Works in FY2011-2012 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.

(Fiscal Impact)

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

01/10/12; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

111334 [Appropriating \$75,009,139 of 2008 Clean and Safe Park Bond to the Recreation and Park Department and Port Commission in FY2011-2012]**Sponsor: Mayor**

Ordinance appropriating \$75,009,139 of 2008 Clean and Safe Park Bond sale proceeds to fund the improvement and construction at various recreation and park facilities, including \$61,185,271 in the Recreation and Park Department and \$10,394,975 in the Port Commission for FY2011-2012.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

01/10/12; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

120018 [Re-Appropriating \$1,574,127 of General Fund Reserves for State Revenue Loss to Support HIV/AIDS Programs at the Department of Public Health, FY2011-2012]**Sponsors: Mayor; Wiener, Campos and Olague**

Ordinance re-appropriating \$1,846,265 of General Fund reserves for State revenue loss to backfill federal funding reductions to HIV/AIDS programs at the Department of Public Health in FY2011-2012.

01/10/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120019 [Accept and Expend Grant - Legal Educational Advocacy Program and Amendment to the Annual Salary Ordinance, FY2011-2012 - \$231,147]**Sponsor: Campos**

Ordinance authorizing the San Francisco Public Defender's Office to retroactively accept and expend a grant in the amount of \$231,147 from the Correction Standards Authority for the purpose of establishing a Legal Educational Advocacy Program; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one Class 8177 Trial Attorney grant-funded position (0.50 FTE) at the San Francisco Public Defender's Office.

01/10/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

120021 [Transfer of Assets, Obligations, and Functions to the City as Successor Agency for the Redevelopment Agency Upon its Dissolution as Required by State Law]

Sponsors: Mayor; Cohen, Kim, Olague and Chu

Resolution: 1) approving the retention by the City and County of San Francisco (the City) as successor agency to the Redevelopment Agency of the City and County of San Francisco (the Agency) of the Agency's affordable housing assets and functions upon the Agency's dissolution, including all funds in the Agency's Low and Moderate Income Housing Fund, and authorizing the Mayor's Office of Housing to manage these affordable housing assets and to exercise the housing functions that the Agency previously performed; 2) acknowledging that upon the Agency's dissolution the City as successor agency shall accept the transfer of all of the Agency's non-affordable housing assets, which shall be placed under the jurisdiction of the Director of the Department of Administrative Services unless otherwise provided for in the Charter, and that the Director shall have the authority to manage such assets and to exercise the functions that the Agency previously performed for such assets; 3) providing for the required payment and performance of enforceable obligations, the transfer and establishment of funds and accounts, and for the administration of funds and other assets, all associated with the City's exercise of its responsibilities as successor agency to the Agency under state law; 4) authorizing the new Oversight Board, which state law requires the City as successor agency to create, to oversee certain fiscal management of former Agency assets other than affordable housing assets, to exercise land use, development, and design approval authority under the enforceable obligations for the Mission Bay Redevelopment Project Area, Hunters Point Shipyard Project Area, and Zone 1 of the Bayview Hunters Point Redevelopment Project Area, and part of the Transbay Redevelopment Project Area, in place of the former Agency Commission, authorizing the Oversight Board to approve certain changes to such obligations, related documents and certain new agreements to implement those enforceable agreements, including review and approval for issuing bonds under such agreements, and authorizing the Director of the Department of Administrative Services to provide coordinated staff support to the Oversight Board, in the place of staff of the former Agency, in the exercise of these functions; 5) rescinding the designation of the Treasure Island Development Authority as a Redevelopment Agency; and 6) making findings under the California Environmental Quality Act.
(Fiscal Impact)

01/10/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120022 [Agreement - Motorola - Bay Area Regional Interoperable Communications Systems]

Sponsors: Mayor; Farrell and Chu

Resolution approving site access and use agreement with Motorola for the San Francisco sites to be used for the Bay Area 700 MHz public safety broadband spectrum to be managed and operated by the Bay Area Regional Interoperable Communications Systems for a term of 12 years; and making findings, including environmental findings.

01/10/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120024 [Financial Aid Awareness Week - January 16-22, 2012]

Sponsors: Campos; Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Resolution proclaiming January 16 through January 22, 2012, as Financial Aid Awareness Week in the City and County of San Francisco.

01/10/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

120025 [Opposing the United States Supreme Court's Decision in Citizens United and Supporting Related United States Constitutional Amendment]**Sponsors: Chiu; Cohen, Wiener, Olague, Kim, Mar, Avalos and Campos**

Resolution opposing the United States Supreme Court's interpretation of the Constitution in Citizens United regarding the rights of corporations and supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections of natural persons.

01/10/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

120026 [Accept and Expend Grant - State Boating and Safety Enforcement - \$73,000]**Sponsor: Chiu**

Resolution authorizing the Police Department to retroactively accept and expend a California State Department of Boating and Waterways grant in the amount of \$73,000 for a Boating Safety and Enforcement grant to purchase equipment for the Marine Unit.

01/10/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

120027 [Original Joe's Day - January 26, 2012]**Sponsors: Farrell; Elsbernd, Chiu, Kim, Chu and Campos**

Resolution recognizing Original Joe's as a staple of San Francisco's history and tradition and proclaiming January 26, 2012, as Original Joe's Day in the City and County of San Francisco.

01/10/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

120028 [Urging the National Academy of Arts and Sciences Reinstate 31 Categories of Music for GRAMMY Consideration]**Sponsor: Mar**

Resolution urging the reinstatement of the 31 categories of music that were eliminated by the National Academy of Arts and Sciences for GRAMMY consideration on April 6, 2011.

01/10/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions**120020 [Initiative Ordinance - Campaign & Governmental Conduct, Municipal Elections Codes - Improving Public Financing of Elections]****Sponsors: Campos; Avalos and Kim**

Motion ordering submitted to the voters an ordinance authorizing the amendment of the Campaign and Governmental Conduct Code and Municipal Elections Code to adjust expenditure ceilings in the public financing program in response to the U.S. Supreme Court ruling in Arizona Free Enterprise v. Bennett, adjust public financing deadlines and thresholds, and advance candidate filing deadlines, at an election to be held on June 5, 2012.

01/10/12; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/9/2012.

120023 [Appointments, Redevelopment Successor Agency Oversight Board - Nadia Sesay, Olson Lee, John Rahaim, and Bob Muscat]**Sponsor: Mayor**

Motion confirming the Mayor's appointments of Nadia Sesay, Olsen Lee, John Rahaim, and Bob Muscat to the Redevelopment Successor Agency Oversight Board.

01/10/12; RECEIVED AND ASSIGNED to Rules Committee.

Requests for Hearing**120029 [Hearing - Needs of Lesbian, Gay, Bisexual, and Transgender Seniors and Future Steps to Address Those Needs]****Sponsors: Wiener; Campos and Olague**

Hearing to explore the needs of Lesbian, Gay, Bisexual, and Transgender (LGBT) seniors, to determine what the City is currently doing to meet those needs, and to explore additional steps needed by this growing population.

01/10/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

120030 [Hearing - Transbay Terminal]**Sponsor: Elsbernd**

Hearing on the future of the Transbay Terminal, including but not limited to discussion of the City's plans to ensure that terminal remains a world-class transit project.

01/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

120031 [Hearing - Public Housing Repairs Programs and Allocations]**Sponsors: Olague; Cohen**

Hearing and presentations from the San Francisco Housing Authority, Mayor's Office of Housing, Department of Public Works, and Department of Building Inspection to report on the status of the City's public housing repairs programs and the allocation of funds for these efforts.

01/10/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****111369 [Settlement of Lawsuit - Linda Iacovetta - \$210,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for \$210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

12/12/11; RECEIVED FROM DEPARTMENT.

12/12/11; RECEIVED AND ASSIGNED to Rules Committee.

111370 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive \$1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

111371 [Administrative Code - Appropriating \$19,500,000 of Fund Balance to Support Required Reserves and Creating Special Funds for the CleanPowerSF Program]

Ordinance appropriating \$19,500,000 of Hetch Hetchy fund balance at the Public Utilities Commission to support CleanPowerSF Community Choice Aggregation program consistent with the contractual requirements and budgetary authorizations as approved by the San Francisco Public Utilities Commission and the Board of Supervisors and adding Administrative Code Sections 10.100.372 and 10.100.373 to establish the CleanPowerSF Customer Fund and the CleanPowerSF Reserve Fund. (Public Utilities Commission)
(Fiscal Impact)

12/27/11; RECEIVED FROM DEPARTMENT.

12/27/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111372 [Settlement of Lawsuit - City to Receive \$3,170,000 for Sale of Parcel in San Mateo County]

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for \$3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

12/30/11; RECEIVED FROM DEPARTMENT.

12/30/11; RECEIVED AND ASSIGNED to Rules Committee.

111373 [Settlement of Lawsuit - City to Pay \$238,000 for Subsurface Easement in Alameda County]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

12/30/11; RECEIVED FROM DEPARTMENT.

12/30/11; RECEIVED AND ASSIGNED to Rules Committee.

**111374 [Planning Code - Creating a New Definition of Student Housing]
Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36 to create a definition of Student Housing; 2) amending Section 135(d)(2) to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3) to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR, and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307 to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312 to require notice for a change of use to Group Housing; 6) amending Section 317 to prohibit the conversion of residential units into Student Housing; 7) amending Section 401 to make conforming amendments and amend the definition of Qualified Student Housing; and 7) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

12/15/11; RECEIVED FROM DEPARTMENT.

01/10/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/9/2012.

PROPOSED RESOLUTIONS

111376 [Settlement of Unlitigated Claim - Anita Scott - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by Anita Scott against the City and County of San Francisco for \$200,000; claim was filed on September 23, 2011. (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

111377 [Settlement of Unlitigated Claim - Claire Himmel - \$60,000]

Resolution approving the settlement of the unlitigated claim filed by Claire Himmel against the City and County of San Francisco for \$60,000; claim was filed on September 26, 2011. (City Attorney)

12/23/11; RECEIVED FROM DEPARTMENT.

12/23/11; RECEIVED AND ASSIGNED to Rules Committee.

111378 [Agreement Amendment - Recology - Refuse Collection - Not to Exceed \$29,337,527]

Resolution approving the Second Amendment to the Refuse Collection Agreement between the City and County of San Francisco and and Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not to exceed amount of the agreement from \$23,537,527 to \$29,337,527 under Charter Section 9.118(b).

(Fiscal Impact)

12/13/11; RECEIVED FROM DEPARTMENT.

12/13/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

John Buchanan - Entire Board

Arnold C. Ellis - Supervisor David Campos

Lillian Frances Dana Clarke - Supervisor Sean Elsbernd

Shirley Ahern - Supervisor Sean Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:52 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 February 28, 2012.

Angela Calvillo, Clerk of the Board