

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, April 16, 2013 - 2:00 PM**

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

**Regular Meeting**

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DAVID CHIU, PRESIDENT

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

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

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

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Breed, moved to approve the Board Meeting Minutes of March 12, 2013. The motion carried by the following vote:

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

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Sub-Committee

#### 130221 [Payment of Reward to Doe One - \$250,000]

**Sponsor: Mayor**

Ordinance authorizing payment of a \$250,000 reward to Doe One for supplying information leading to the arrest and conviction of the perpetrator who murdered Willie Allen.

(Fiscal Impact)

**Ordinance No. 072-13**

**FINALLY PASSED**

**130085 [Administrative Code - Establishing San Francisco City Hall Preservation Fund]****Sponsor: Farrell**

Ordinance amending the Administrative Code, by adding Section 10.100-289, to establish a San Francisco City Hall Preservation Fund to receive donations and to authorize expenditures for the purpose of promoting the 100th anniversary of San Francisco City Hall, including promotional events, community outreach activities, preservation, maintenance, repair, improvements, and similar post-anniversary endeavors.

**Ordinance No. 070-13****FINALLY PASSED****Recommendation of the Budget and Finance Committee****130283 [Appropriation - Surplus Revenues, Expenditures, City Reserve for State Revenue Loss, and General Fund Reserve of \$44,857,000 Supporting Shortfalls - FY2012-2013]****Sponsor: Mayor**

Ordinance appropriating \$37,467,454 in the Department of Public Health, including \$3,092,849 of General Fund Reserves, \$8,410,605 of the City Reserves for State Revenue Loss, and \$2,600,000 from Community Mental Health Services; surplus hospital revenues of \$6,504,000 in General Hospital, \$12,560,000 of Laguna Honda Hospital Revenues, and \$4,300,000 of Laguna Honda Hospital Reserve for Debt Service (Senate Bill 1128) revenues are recognized, as well as expenditure reductions of \$7,389,546 and additional expenditures of \$34,520,000 at San Francisco General Hospital, and \$10,337,000 at Laguna Honda Hospital.  
(Fiscal Impact)

**Ordinance No. 067-13****FINALLY PASSED****Recommendations of the Government Audit and Oversight Committee****121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]****Sponsors: Mayor; Chiu**

Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

**Ordinance No. 069-13****FINALLY PASSED**

**130183 [Accept and Expend Grant - FY2012 Second Chance Act Juvenile Offender Reentry Program and Amendment to the Annual Salary Ordinance, FY2012-2013 - \$461,166]****Sponsor: Breed**

Ordinance authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of \$461,166 from the Office of Justice Programs for the United States Department of Justice for funding under the FY2012 Second Chance Act Juvenile Offender Reentry Program (Second Chance grant award); and amending Ordinance No. 165-12 (Annual Salary Ordinance, FY2012-2013 and FY2013-2014) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.4 FTE) at JPD.

(Fiscal Impact)

**Ordinance No. 071-13**

**FINALLY PASSED**

**Recommendation of the Land Use and Economic Development Committee****120474 [Planning, Administrative Codes - Transfer of Development Rights]****Sponsor: Chiu**

Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

**Ordinance No. 068-13**

**FINALLY PASSED**

**Recommendations of the Rules Committee****130071 [Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - \$95,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for \$95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**130167 [Settlement of Lawsuit - Jane Martin, et al. - \$1,748,840.74]**

Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for \$1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**130278 [Settlement of Lawsuit - Dadario v. CCSF - \$72,500]**

Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for \$72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**130279 [Settlement of Lawsuit - Willis v. CCSF, et al. - \$210,000]**

Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**130220 [Settlement of Claim - Roman Carrasco - \$42,000]**

Resolution approving the settlement of the unlitigated claim filed by Roman Carrasco against the City and County of San Francisco for \$42,000; claim was filed on August 1, 2012. (City Attorney's Office)

**Resolution No. 114-13**

**ADOPTED**

**130171 [Appointments, Pedestrian Safety Advisory Committee - Robin Brasso and Sonja Kos]**

Motion appointing Robin Brasso and Sonja Kos, terms ending March 28, 2015, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)

**Motion No. M13-054**

**APPROVED**

**130282 [Appointment, Graffiti Advisory Board - Jonathan Goldberg]**

Motion appointing Jonathan Goldberg, term ending April 10, 2015, to the Graffiti Advisory Board. (Clerk of the Board)

**Motion No. M13-055**

**APPROVED**

**The foregoing items were acted upon by the following vote:**

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

**Severed from the Consent Agenda**

*Supervisor Chiu requested that File No. 130301 be severed so that it may be considered separately.*

**Recommendation of the Land Use and Economic Development Committee****130301 [Approval to Grant Subsurface Easement for Tiebacks in the City and County of San Francisco required for the Chinese Hospital Replacement Project – Assessor’s Parcel Number Block 192, Lot 035]**

**Sponsor: Chiu**

Resolution approving the grant of a Tieback Subsurface Easement on Assessor’s Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the Chinese Hospital Replacement Project; adopting findings that the grant of subsurface easement is consistent with the General Plan and the priority policies of Planning Code, Section 101.1, and environmental findings; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

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

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

**Resolution No. 118-13**

**ADOPTED AS AMENDED by the following vote:**

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

**REGULAR AGENDA****UNFINISHED BUSINESS****Recommendation of the Neighborhood Services and Safety Committee****130033 [Liquor License - 555 Howard Street, #102]**

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Steven Chen for SharChen Golf, Inc., dba Eagle Club Indoor Golf, located at 555 Howard Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No. 111-13**

**ADOPTED by the following vote:**

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

#### **121038 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]**

Resolution approving the acquisition of thirty Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; adopting findings that the project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

(Fiscal Impact)

**Resolution No.** 109-13

**ADOPTED by the following vote:**

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

#### **130285 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]**

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

Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.

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

**PASSED, ON FIRST READING by the following vote:**

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

#### **130287 [Issuance of Tax-Exempt Obligations - Progress Foundation - Not to Exceed \$9,000,000]**

**Sponsor:** Farrell

Resolution approving the issuance of tax-exempt obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$9,000,000 to finance and refinance various capital facilities owned by Progress Foundation.

**Resolution No.** 117-13

**ADOPTED by the following vote:**

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

## **Recommendations of the Budget and Finance Committee**

### **130275 [Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of \$4,384,994 Supporting Shortfalls - FY2012-2013]**

**Sponsor: Mayor**

Ordinance appropriating \$3,568,579 in the Sheriff's Department, including \$3,277,905 from General Reserve and \$290,674 from State Disability Claim Reimbursement in the amount of \$1,189,268 for Worker's Compensation Expense, \$3,195,726 for overtime expenditures, and \$538,690 for reduction of revenues; including revenue de-appropriation of \$538,690 for reduction of State revenues and expenditure de-appropriation of \$1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for \$3,195,726 of this request.

(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

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

### **130228 [Ten-Year Capital Expenditure Plan - FY2013-2014 through FY2022-2023]**

**Sponsors: Mayor; Chiu and Campos**

Resolution adopting the City's Ten-Year Capital Expenditure Plan for FY2013-2014 through FY2022-2023 pursuant to Administrative Code, Section 3.20.

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

**Resolution No. 115-13**

**ADOPTED by the following vote:**

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

### **130230 [5-Year Information and Communication Technology Plan - FY2013-2014 through FY2017-2018]**

**Sponsors: Mayor; Chiu and Campos**

Resolution adopting the City's 5-Year Information and Communication Technology Plan for FY2013-2014 through FY2017-2018 pursuant to Administrative Code, Section 22A.6.

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

**Resolution No. 116-13**

**ADOPTED by the following vote:**

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

## **Recommendation of the Land Use and Economic Development Committee**

### **121065 [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District] Sponsor: Chiu**

Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

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

## **From the Land Use and Economic Development Committee with a Recommendation of "Do Not Pass"**

### **120458 [General Plan - Van Ness Area Plan Amendments - California Pacific Medical Center: Cathedral Hill Campus]**

Ordinance amending the General Plan, Van Ness Area Plan, in order to facilitate the development of a high density medical center at the transit nexus of Van Ness Avenue and Geary Boulevard and reflect various elements of this use; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

**NOT PASSED ON FIRST READING by the following vote:**

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

### **120459 [General Plan Map - California Pacific Medical Center: St. Luke's Campus]**

Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to increase the height limit for the California Pacific Medical Center's St. Luke's Campus (Assessor's Parcel Block No. 6575/Lot Nos. 001, 002; Assessor's Parcel Block No. 6576/Lot No. 021, and the portion of San Jose Avenue between Cesar Chavez Street and 27th Street) to 105 feet; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 227' and 270', respectively, for the St. Luke's Replacement Hospital site and 204' and 228', respectively, for the medical office building site at the St. Luke's Campus; and adopting findings, including environmental findings, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

**NOT PASSED ON FIRST READING by the following vote:**

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

**120460 [General Plan Map - California Pacific Medical Center: Cathedral Hill Campus]**

Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to allow for development up to a height of 265 feet on the block bounded by Van Ness Avenue, Geary Boulevard, Franklin and Post Streets; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 385' and 466', respectively, for the Cathedral Hill Hospital site, and 265' and 290', respectively, for the Cathedral Hill Medical Office Building site; amending Map 1 of the Van Ness Area Plan, to designate the sites of the proposed Cathedral Hill Hospital and Medical Office Building as the Van Ness Medical Use Subdistrict; amending Map 2 of the Van Ness Area Plan to create a 265-V height/bulk district coterminous with the Hospital site; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

**NOT PASSED ON FIRST READING by the following vote:**

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

**Recommendations of the Neighborhood Services and Safety Committee****120961 [Liquor License - 543-2nd Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Dion Cheng and Rachel Cheng for Zaza Spa, located at 543-2nd Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No.** 108-13

**ADOPTED by the following vote:**

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

**121082 [Liquor License - 57 New Montgomery Street]**

Resolution determining that the issuance of a Type 21 off-sale general license to Mokles S. Hanna for F.M. Smokes and Wines, Inc., located at 57 New Montgomery Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No.** 110-13

**ADOPTED by the following vote:**

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

**130067 [Liquor License Transfer - 500 Laguna Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street (District 5), to Krista Avery and Manuel Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No.** 112-13

**ADOPTED by the following vote:**

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

**130069 [Liquor License - 820-26th Street]**

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Cesar Ascarrunz for Cesar's Ballroom, located at 820-26th Street (District 10), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No.** 113-13

**ADOPTED by the following vote:**

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

**Supervisor Mar Excused from Voting**

Supervisor Farrell, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 130280. The motion carried by the following vote:

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

Excused: 1 - Mar

**Recommendation of the Rules Committee****130280 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

**Motion No.** M13-056

**APPROVED by the following vote:**

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

Excused: 1 - Mar

## SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

### Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Yee, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

*Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Lisa Braden, Branch Library, of the Ocean View Library, on the occasion of National Library Week, in recognition of their accomplishments, and continued community support. Supervisor Kim shared in this commendation.*

*Supervisor Yee introduced, welcomed, and presented a Certificate of Honor to Members of the Child Care Provider Association in recognition of their accomplishments and continued community support.*

*Supervisors Farrell and Breed introduced, welcomed, and presented Certificates of Honor to the Women and Men's Basketball Teams of the Sacred Heart Cathedral Prep in recognition of their accomplishments and continued community support.*

## ROLL CALL FOR INTRODUCTIONS

*Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*

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

*Ray Hartz; expressed concerns relating to open government, public records act, and SF Public Library. (See additional information on Page 15.)*

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

*Neil Gehani; spoke in support of establishing an electrical undergrounding task force.*

*Eugene Gordon, Jr.; expressed various concerns.*

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

*Diamond Dave Whitaker; shared in poem the upcoming poems under the dome.*

*E.K. Keith; shared in poem the upcoming poems under the dome.*

*Valerie Ibarra; shared in poem the upcoming poems under the dome.*

*Virginia Barrett; shared in poem the upcoming poems under the dome.*

*Bobby Cohen; shared in poem the upcoming poems under the dome.*

*Douglas Yepp; expressed various concerns.*

*L. Elizabeth Cromwell; spoke in support of establishing an electrical undergrounding task force.*

*Male Speaker; expressed various concerns.*

*Tom Gilberty; expressed various concerns relating to noise pollution.*

*Arthur; expressed various concerns relating to district versus at large elections.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Mar requested that File No. 130320 be severed so that it may be considered separately.*

#### **130320 [The Year of the Child - 2013]**

**Sponsors: Mar; Cohen, Yee, Chiu and Campos**

Resolution declaring 2013 as "The Year of the Child" in the City and County of San Francisco.

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

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

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

**Resolution No. 119-13**

**ADOPTED AS AMENDED by the following vote:**

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

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*

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

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

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

*[Brown Act Finding]*

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

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

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

#### **130339 [Tia Margarita Restaurant Day - April 20, 2013]**

**Sponsor: Mar**

Resolution declaring April 20, 2013, as Tia Margarita Restaurant Day and recognizing its 50th anniversary in the City and County of San Francisco.

*The President inquired as to whether any member of the public wished to address the Board relating to File No. 130339. There were no speakers. The President declared public comment closed.*

**Resolution No. 120-13**

**ADOPTED by the following vote:**

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

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

### Ordinances

#### **130182 [Police, Administrative Codes - Entertainment-Related Permits]**

**Sponsor: Wiener**

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

02/26/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2013.

03/05/13; REFERRED TO DEPARTMENT.

03/08/13; RESPONSE RECEIVED.

04/16/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

#### **130340 [Park Code - Farmers' Market Permits]**

**Sponsor: Wiener**

Ordinance amending Park Code, Section 7.21, to authorize Farmers' Markets on Recreation and Park Department property to operate more than once a week, and specifying the applicable permit fee; and making environmental findings.

04/16/13; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 5/16/2013.

### Resolutions

#### **130341 [Real Property Acquisition - Park Purposes - 3861-24th Street - \$4,242,510]**

**Sponsor: Wiener**

Resolution authorizing the acquisition of real property at 3861-24th Street, Assessor's Parcel Block No. 6509, Lot No. 040, for \$4,242,510 for park purposes, from the Noe Valley Ministry PCUSA; finding that the proposed transaction is in conformance with the City's General Plan and the priority policies of Planning Code, Section 101.1, and categorically exempt from environmental review as under the California Environmental Quality Act.

(Fiscal Impact)

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

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

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

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

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

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

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130344 [Urging the California State Legislature to Pass Assembly Bill 900]****Sponsor: Chiu**

Resolution urging the California State Legislature to pass Assembly Bill 900 to eliminate the reduction in Medi-Cal rates for distinct part nursing facilities included in the State budget for FY2011-2012.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130345 [Commendation - Laura Lai - Distinguished Service]****Sponsors: Chiu; Mar**

Resolution commending Laura Lai for her lifetime of community activism, civil rights advocacy, and documentation of Chinese American history, and declaring April 27, 2013, as Laura Lai Day in the City and County of San Francisco.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130346 [Urging the California State Legislature to Pass Assembly Bill 336]****Sponsors: Campos; Wiener, Avalos, Mar and Yee**

Resolution urging the California State Legislature to pass Assembly Bill 336, which states that possession of one or more condoms shall not be used as evidence of soliciting or engaging in prostitution in the State of California.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130347 [Urging the California State Legislature to Pass Assembly Bill 1266]****Sponsors: Campos; Wiener, Avalos, Kim and Mar**

Resolution urging the California State Legislature to pass Assembly Bill 1266, the School Success and Opportunity Act.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130348 [Urging the California State Legislature to Pass Assembly Bill 580]****Sponsors: Mar; Chiu and Breed**

Resolution urging the California State Legislature to pass Assembly Bill 580, to restore \$75 million in annual funding to the California Arts Council.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130349 [Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]****Sponsor: Wiener**

Resolution authorizing the Municipal Transportation Agency to act as the fiscal agent for \$2,380,000 in funds received by the Planning Department through Metropolitan Transportation Commission Resolution No. 4035 for the implementation of the County Priority Development Area Planning and Implementation Program.

04/16/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing****130350 [Hearing - Security Measures for Large Public Events]****Sponsor: Mar**

Hearing to receive information on security measures for large public events held in the City and County of San Francisco.

04/16/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

**130351 [Hearing - San Francisco International Airport - Budget Update - FY2013-2014 and FY2014-2015]****Sponsor: Farrell**

Hearing to receive an update on the San Francisco International Airport budget for FY2013-2014 and FY2014-2015.

04/16/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130352 [Hearing - Summer Jobs Plus Initiative and Summer School Programming]****Sponsor: Kim**

Hearing to receive information from the Mayor's Office of Employment and Workforce Development, Department of Children, Youth and Their Families, and Unified School District regarding the status of Summer Jobs Plus initiative and summer school programming for public school students.

04/16/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

**Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

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

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

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

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

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

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

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

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

04/05/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTION

### **130312 [Settlement of Claim - Kerry MacRae - \$275,000]**

Resolution approving the settlement of the unlitigated claim filed by Kerry MacRae against the City and County of San Francisco for \$275,000; claim was filed on April 27, 2012. (Public Works Department)

04/03/13; RECEIVED FROM DEPARTMENT.

04/16/13; RECEIVED AND ASSIGNED to Rules Committee.

### **In Memoriams**

*Robert Chrisman - Supervisor Cohen*

*Becky Lee - Supervisor Yee*

*Carlos Ramirez - Supervisors Mar and Campos*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:08 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 May 21, 2013.*

**ADDENDUM**

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

*Ray Hartz submitted the following additional information during Public Comment as follows: Again I am discussing a referral from the SOTF to the BOS regarding City Librarian Luis Herrera. For more than 20 months Herrera has withheld public documents in his care and custody. He has directed other City employees to participate in this unlawful action. Herrera has acted knowingly and willfully to conceal public records which he had a legal obligation to produce. Herrera wanted to conceal the fact that he and the San Francisco Public Library Commission have been lying to the public regarding their knowledge of the financial dealings between the Library and the private group know as "The Friend." At the same time, Herrera has been accepting monthly payments from "The Friends" which he has failed to report as required by law. He has for years presented dceptive information to the public regardin gtens of millions of dollars raised in the name of the citizens of San Francisco.*