

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - FINAL

Tuesday, November 22, 2011 - 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, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim

Wednesday
10:00 AM

City and School District Select Committee
Supervisors Commissioners Fewer, Maufas, Norton, Cohen, Avalos, Chu

2nd and 4th Thursday
3:30 PM

City Operations and Neighborhood Services Committee
Supervisors Elsbernd, Avalos, Mar

2nd and 4th Monday
10:00 AM

Government Audit and Oversight Committee
Supervisors Farrell, Chiu, Campos

2nd and 4th Thursday
10:00 AM

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

Monday
1:00 PM

Public Safety Committee
Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday
10:30 AM

Rules Committee
Supervisors Kim, Farrell, Elsbernd

1st and 3rd Thursday
1:30 PM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 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 Mar, moved to approve the Board Meeting Minutes of October 4, 2011, and October 18, 2011. The motion carried by the following vote:

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

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 8, 2011.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110999 [Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller) (Fiscal Impact.)

Ordinance No. 235-11

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee**110927 [Liquor License - 3821-24th Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to James Mead, for Noe Valley Wine Merchants, located at 3821-24th Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 495-11

ADOPTED

110981 [Liquor License - 290-292 - 14th Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Peter Acworth for The Armory Club, located at 290-292 - 14th Street (aka 1799 Mission Street) (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 504-11

ADOPTED

110982 [Liquor License - 251 Rhode Island Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Steve and Brooke Waterhouse for the Project One Gallery, located at 251 Rhode Island Street (District 10), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 496-11

ADOPTED

Recommendations of the Land Use and Economic Development Committee**111095 [Conveyance of Easement - Silicon Valley Power - Bay Division Pipeline Nos. 3 and 4 Crossovers Project - Santa Clara]**

Resolution 1) approving and authorizing conveyance of a perpetual, nonexclusive easement to Silicon Valley Power, a division of the City of Santa Clara, at no charge, for the installation, construction, operation, inspection, maintenance, repair, and replacement of electrical facilities, including underground cable, a transformer and a meter in City's real property at the Guadalupe River site off Lick Mill Boulevard in the City of Santa Clara, to provide electrical power required for the Bay Division Pipeline Nos. 3 and 4 Crossovers Project No. CUW38001; 2) adopting findings under the California Environmental Quality Act; 3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 4) authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

Resolution No. 503-11

ADOPTED

111113 [Accept and Expend Gift - Balboa Park Improvement Project - Valued Up to \$2,500,000]**Sponsors: Mayor; Avalos**

Resolution accepting and expending a gift valued up to \$2,500,000 from The Trust for Public Land to the Recreation and Park Department for the Balboa Park Improvement Project.

Resolution No. 497-11**ADOPTED****Recommendation of the Public Safety Committee****110993 [Police Code - Commercial Parking Permits]**

Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

Ordinance No. 234-11**FINALLY PASSED****Recommendation of the Rules Committee****110904 [Administrative Code - References to the Bureaus of Architecture, Engineering, and Construction Management]**

Ordinance amending the San Francisco Administrative Code Section 2A.190 to deem each reference to the "Bureau of Architecture," "Bureau of Engineering," and "Bureau of Construction Management" in the San Francisco Municipal Code to be a reference to the "Department of Public Works." (Public Works Department)

Ordinance No. 233-11**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

111030 [Administrative Code - Health Care Security Ordinance]

Sponsors: Chiu; Cohen

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years; rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

See duplicated File No. 111267.

Supervisor Cohen, seconded by Supervisor Elsbernd, DUPLICATED by the following vote:

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

Ordinance No. 232-11

FINALLY PASSED by the following vote:

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

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

111267 [Administrative Code - Health Care Security Ordinance]

Sponsors: Chiu; Cohen

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years, rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

See duplicated File No. 111030.

Supervisor Cohen, seconded by Supervisor Elsbernd, moved that this Ordinance be REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

111094 [Memorandum of Understanding Amendment - Alameda County Resource Conservation District - Not to Exceed \$775,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the first amendment to the Memorandum of Understanding with the Alameda County Resource Conservation District for an amount not to exceed \$775,000 and with a total duration of 14 years, pursuant to Charter Section 9.118. (Public Utilities Commission)
(Fiscal Impact)

Resolution No. 502-11

ADOPTED by the following vote:

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

111111 [California Constitution Appropriations Limit for FY2011-2012]

Sponsor: Chu

Resolution establishing the appropriations limit for FY2011-2012 pursuant to California Constitution Article XIII(B).

Resolution No. 493-11

ADOPTED by the following vote:

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

111152 [Airport Lease and Use Agreement - Swiss International Air Lines, Limited]

Resolution approving the terms of 2011 Airline/Airport Lease and Use Agreement L11-0182 between the City and County of San Francisco and Swiss International Air Lines, Limited, to conduct international flight operations at San Francisco International Airport. (Airport Commission)

Resolution No. 501-11

ADOPTED by the following vote:

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

111153 [Contract Extension - Voting System - Not to Exceed \$2,264,800]

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Dominion Voting Systems for an amount not to exceed \$2,264,800 and to extend the term of the contract through December 10, 2013. (Elections Department)
(Fiscal Impact)

Resolution No. 494-11

ADOPTED by the following vote:

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

111166 [Accept and Expend Grant - Health Impact Assessment for Healthy Sustainable Development - \$167,061]**Sponsors: Campos; Mar**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Centers for Disease Control and Prevention, in the amount of \$167,061, to fund the Health Impact Assessment for Healthy Sustainable Development for the period September 1, 2011, through August 31, 2012, and waiving indirect costs.

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

Resolution No. 500-11**ADOPTED by the following vote:**

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

111172 [Supporting Goals for Federal Funding - FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Programs]

Resolution supporting FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Consolidated Plan goals. (Mayor's Office of Housing)

Resolution No. 498-11**ADOPTED by the following vote:**

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

111173 [Funding Application - CalHome Program - \$1,500,000]

Resolution authorizing the Mayor's Office of Housing to: 1) submit an application to the California Department of Housing and Community Development for funding under the CalHome Program for \$1,500,000; 2) execute a standard agreement, if selected, for such funding and any amendments thereto; and 3) submit any related documents necessary to participate in the CalHome Program. (Mayor's Office of Housing)

Resolution No. 490-11**ADOPTED by the following vote:**

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

111191 [Issuance of Qualified Energy Conservation Bonds - Not to Exceed \$8,291,079]**Sponsor: Chu**

Resolution approving the issuance of not to exceed \$8,291,079 aggregate principal amount of Qualified Energy Conservation Bonds to be issued by the Public Utilities Commission of the City and County of San Francisco, acting on behalf of the City and County of San Francisco; approving the execution and delivery by the Commission of an Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, a Direct Purchase Agreement, and a Filing Agent Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.

(Fiscal Impact)

Resolution No. 488-11**ADOPTED by the following vote:**

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

111192 [Issuance of New Clean Renewable Energy Bonds - Not to Exceed \$6,600,000]**Sponsor: Chu**

Resolution approving the issuance of not to exceed \$6,600,000 aggregate principal amount of New Clean Renewable Energy Bonds to be issued by the Public Utilities Commission of the City and County of San Francisco, acting on behalf of the City and County of San Francisco (Commission); approving the execution and delivery by the Commission of an Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, a Direct Purchase Agreement, and a Filing Agent Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.

Resolution No. 489-11

ADOPTED by the following vote:

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

Recommendation of the City Operations and Neighborhood Services Committee**101055 [Environment Code - Checkout Bags and Checkout Bag Charge]****Sponsor: Mirkarimi**

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, rising to 25 cents, if they provide a customer with a checkout bag; 3) setting an operative date of July 1, 2012; and 4) making environmental findings.

(Economic Impact)

Supervisor Mirkarimi, 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, Mirkarimi, Wiener

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 6, 2011. The motion carried by the following vote:

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

Recommendations of the Government Audit and Oversight Committee**111075 [Campaign and Governmental Conduct Code - Televising Ethics Commission Meetings]****Sponsors: Campos; Chiu and Mar**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.301 to require the Ethics Commission to televise its meetings on San Francisco Government Television (SFGovTV).

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

PASSED ON FIRST READING by the following vote:

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

110931 [Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Continuity Reports Reviewing the State of Prior Recommendations"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled "Continuity Reports Reviewing the State of Prior Recommendations." (Clerk of the Board)

Resolution No. 505-11

ADOPTED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee**111076 [Allowing Playground Structures in Certain Portions of Sue Bierman Park]**

Sponsors: Chiu; Mar

Ordinance amending the conditions previously placed on portions of Sue Bierman Park, authorizing the construction of playground structures, and making CEQA findings.

PASSED, ON FIRST READING by the following vote:

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

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

Supervisor Chu, seconded by Supervisor Elsbernd, moved to suspend Rule 4.29 of the Rules of Order of the Board of Supervisors to take the 3:30 p.m. Special Commendation item out of order. The motion carried without objection.

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Elsbernd, 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, Mirkarimi, Wiener

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the students of ChangeSF from Lincoln High School in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

111183 [Public Hearing - Conditional Use Appeal - 2041 Larkin Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's September 22, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2010.1083C, by its Motion No. 18448, under Planning Code Section 209.6(b) to install a wireless telecommunications service facility consisting of up to six panel antennas and related equipment in an existing church as part of AT&T's Wireless Telecommunications Network within the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District, on property located at 2041 Larkin Street, Assessor's Block No. 0572, Lot No. 003. (District 3) (Appellant: Laura Albert on behalf of the Russian Hill Community Association) (Filed October 24, 2011) (Clerk of the Board)

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 Campos, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

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

The President CONTINUED the Hearing open to December 6, 2011, at 4:00 p.m.

111184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street]

Motion approving 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 adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

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

111185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street; Approving Conditional Use With Additional Conditions]

Motion disapproving 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 adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

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

111186 [Preparation of Findings Related to the Conditional Use Authorization - 2041 Larkin Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 6, 2011, at 4:00 p.m. The motion carried by the following vote:

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

SPECIAL ORDER 4:00 P.M.**111230 [Public Hearing - Conditional Use Appeal - 199 Leland Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's October 6, 2011, Conditional Use Authorization identified as Planning Case No. 2011.0294C, by its Motion No. 18458, under Planning Code Sections 711.83, 303, and 790.80 to install a Wireless Telecommunications Facility consisting of nine new panel antennas on the rooftop and six new equipment cabinets in the garage of an existing three-story mixed used building that is approximately 30 feet tall within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, on property located at 199 Leland Avenue, Assessor's Block No. 6251, Lot No. 016. (District 10) (Appellant: Winnie Tsang on behalf of the Visitacion Valley Business Improvement Group) (Filed November 4, 2011) (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Marlene Tran (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Elena Tang; Henry Choy; Inouye Lynn; Female Speaker; Female Speaker; Nokia Choy; Female Speaker; Eric Fey; Female Speaker; Cindy Chan; Elaine Quan; Female Speaker; Jenny; Jessie; Angelo King; Lisa Lew; Inouye Ho; Yan Le; Mike; Female Speaker; Lum Foo; Female Speaker; Female Speaker; Tony; Joe Chan; Yu Gong Lum; Winnie Tsang; Laura Albert; spoke in support of the appeal. AnMarie Rodgers and Brittany Bendix (Planning Department) provided an overview of the decision of the Planning Commission. Mark Blake and Bill Hammett (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Galvin; Gene Howl; Amir Santiago; spoke in support of the project and in opposition to the appeal. Marlene Tran (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

111231 [Approving Planning Commission Decision Related to Conditional Use Authorization - 199 Leland Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18458, approving Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M11-170

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 1 - Mar

111232 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 199 Leland Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18458, approving Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 1 - Mar

111233 [Preparation of Findings Related to the Conditional Use Authorization - 199 Leland Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue. (Clerk of the Board)

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Noes: 1 - Mar

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

111215 [Lease Agreement - State of California - Rincon Hill Dog Park]

Sponsor: Kim

Resolution approving the execution of a Lease Agreement for a portion of Assessor Block No. 3766, Lot No. 011, by and between the City and County of San Francisco, and the State of California, acting by and through its Department of Transportation (Caltrans); and adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies; and authorizing other actions in furtherance of this Resolution.

Resolution No. 492-11

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Female Speaker; expressed concerns relating to sales and service retail permits.
Douglas Yep; expressed various concerns.
John Howard; expressed various concerns relating to ranked choice voting.
Tom Gilberty; expressed concerns relating to noise pollution.
David Cary; expressed various concerns relating to ranked choice voting.
Robin Crock; spoke expressing support for OccupySF.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

111251 [Opposing the Sale of Certain Rat and Mouse Poisons]

Sponsor: Cohen

Resolution urging San Francisco residents to avoid purchasing or selling certain rat and mouse poison products that have been determined by the United States Environmental Protection Agency to pose unacceptable risks to children, pets, and wildlife.

Resolution No. 506-11

ADOPTED

111252 [Supporting Expansion of Boundaries - Gulf of the Farallones and Cordell Bank National Marine Sanctuaries]

Sponsor: Mirkarimi

Resolution supporting House Resolution 192 and Senate Bill 179, which will expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.

Resolution No. 507-11

ADOPTED

111253 [Accept and Expend Grant - San Francisco Arts Commission's WritersCorps Program - \$70,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$70,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth Program for general operating support for WritersCorps, with a grant cycle of July 1, 2011, through June 30, 2012.

Resolution No. 499-11

ADOPTED

111258 [California Clerk of the Board of Supervisors Association Week - November 28 to December 2, 2011]**Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener**

Resolution honoring the California Clerk of the Board of Supervisors Association and recognizing the vital services performed by the Clerks of the Boards of Supervisors and their staff and proclaiming the week of November 28 to December 2, 2011 as California Clerk of the Board of Supervisors Association Week in the City and County of San Francisco. (Clerk of the Board)

Resolution No. 487-11**ADOPTED****The foregoing items were acted upon by the following vote:**

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File Nos. 111222 and 111249 be severed so that they may be considered separately.

111222 [Opposing the Federal "Super Committee" Farm Bill Process]**Sponsor: Mar**

Resolution urging our elected United States Senators and Representatives to oppose the inclusion of the Farm Bill in the "Super Committee" process and to support a full legislative process for the 2012 Farm Bill.

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

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

111249 [Employer Pickup - Pre-Tax Payroll Deduction Plan for Service Credit Purchases (Contribution Code 14)]**Sponsor: Elsbernd**

Resolution authorizing the City and County of San Francisco to implement pre-tax payroll deduction plan for all employees in CalPERS, pursuant to the Internal Revenue Code §414(h)(2).

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution 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, Mirkarimi, Wiener

Resolution No. 491-11**ADOPTED AS AMENDED by the following vote:**

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

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

110853 [Planning, Administrative Codes - Public Art Fee and Public Artwork Trust Fund]

Sponsors: Mayor; Chiu

Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend 1% of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that Fee to a City fund dedicated to support public art; 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half-mile of the boundary of the C-3 district to be administered and expended by the Arts Commission; and 3) 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.

07/19/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/18/2011.
12/22/11 - Fee Ad submitted for publication; 12/25/11 & 1/2/12.

08/15/11; REFERRED TO DEPARTMENT.

08/23/11; RESPONSE RECEIVED.

10/31/11; RESPONSE RECEIVED.

11/22/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

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.

09/06/11; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/6/2011.

09/28/11; TRANSFERRED to Budget and Finance Committee.

10/04/11; REFERRED TO DEPARTMENT.

10/17/11; RESPONSE RECEIVED.

11/02/11; RESPONSE RECEIVED.

11/22/11; SUBSTITUTED AND ASSIGNED to 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.

11/15/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

11/22/11; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

111267 [Administrative Code - Health Care Security Ordinance]**Sponsors: Chiu; Cohen**

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years, rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

11/22/11; DUPLICATED.

11/22/11; REFERRED to Government Audit and Oversight Committee.

111274 [Administrative Code - Home Detention and Electronic Monitoring Program]**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Administrative Code Section 13.63 and adding Section 13.64 to: 1) conform with the provisions with Assembly Bill 109 regarding realignment, specifically, adding information relating to home detention; and 2) add information relating to an electronic monitoring program in lieu of bail.

11/22/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 12/22/2011.

111275 [Campaign and Governmental Conduct Code - Campaign Finance Reform Ordinance]**Sponsor: Wiener**

Ordinance amending the Campaign and Governmental Conduct Code, Campaign Finance Reform Ordinance, Article I, Chapter 1 to: 1) modify and streamline disclaimer and reporting requirements for candidates and third parties raising and spending funds in local elections; 2) require the Ethics Commission to provide public notice when thresholds are met; 3) eliminate the overall contribution limit on contributions to all candidates on the ballot in a single election; and 4) make various reporting and disclaimer requirements parallel to requirements in State law.

11/22/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/22/2011.

111277 [Campaign and Governmental Conduct Code - Certification of Supervisorial Candidates' Eligibility for Public Financing in 2012]**Sponsor: Cohen**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.142 to delay the certification of 2012 supervisorial candidates seeking public financing until the Redistricting Task Force completes its revision of supervisorial district boundaries.

11/22/11; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 12/22/2011.

111278 [Planning Code, Zoning Map - Establishing the Art and Design Educational Special Use District at 1111 Eighth Street]**Sponsor: Cohen**

Ordinance amending the San Francisco Planning Code by adding Section 249.66 and amending Section Map SU08 of the Zoning Map to: 1) establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts and provide a regulatory scheme for a potential future phased expansion of the campus; 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.

11/22/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

111281 [Sidewalk Width Changes - Establishing a Streamlined Process for Certain Changes]**Sponsors: Mayor; Wiener**

Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of the Public Works Department to approve certain changes to official sidewalk widths, as specified herein, that would streamline reviews and approvals for such changes and ensure consistency with the General Plan; 2) establishing fees for processing administrative sidewalk width changes; 3) adopting environmental findings; and 4) authorizing official acts in connection with this Ordinance.

11/22/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

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)

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions**111259 [Declaration of the November 8, 2011, Election Results]****Sponsor: Chiu**

Resolution declaring the results of the November 8, 2011, Consolidated General Election.

11/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

111268 [Recommending a Multi-Language Multiple-Offender Driving Under the Influence Program]**Sponsors: Mar; Elsbernd**

Resolution recommending the National Council on Alcoholism and Other Drug Addictions be licensed to offer a Russian language multiple-offender driving under the influence program in the City and County of San Francisco.

11/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

111269 [Supporting Policy Restricting Use of Local Funds to Respond to Civil Immigration Detainers]**Sponsors: Mar; Chiu, Campos, Kim and Avalos**

Resolution supporting adoption by the San Francisco Sheriff's Department and the San Francisco Juvenile Probation Department of a policy restricting use of local funds to respond to civil immigration detainees.

11/22/11; RECEIVED AND ASSIGNED to Public Safety Committee.

111272 [Airport Concession Lease Correction - J. Avery Enterprises]**Sponsor: Chu**

Resolution correcting Resolution No. 220-11, which approved Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises, dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission.

11/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

111273 [Accept and Expend Grant - FY2009 Buffer Zone Protection Program - \$199,820]**Sponsor: Elsbernd**

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2009 Buffer Zone Protection Program grant in the amount of \$199,820 from the U.S. Department of Homeland Security, through the California Emergency Management Agency, to fund critical infrastructure protection needs.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111276 [Multifamily Housing Revenue Bonds, Series 2011C - Natoma Family Apartments - Not to Exceed \$18,000,000]**Sponsor: Kim**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$18,000,000 for the purpose of providing financing for the acquisition and construction of a 60-unit multifamily rental housing project known as Natoma Family Apartments; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111279 [Doris Blum Day - November 9, 2011]**Sponsor: Farrell**

Resolution commending Doris Blum on her 100th Birthday and proclaiming November 9, 2011, as Doris Blum Day in the City and County of San Francisco.

111280 [Accept and Expend Grant - Pest Exclusion/Nursery Inspection - \$500]**Sponsor: Mayor**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant (Agreement #11-0220-SA) in the amount of \$500, from the California Department of Food and Agriculture to fund the program Pest Exclusion/Nursery Inspection for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

11/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

111283 [Expressing Concern Over Federal Cuts to Medicaid and Medicare Programs]**Sponsor: Cohen**

Resolution expressing concern over proposed Federal cuts to Medicaid and Medicare programs that will result in impacts to healthcare access for residents of the City and County of San Francisco.

Motions**111270 [Committee of the Whole - Hearing on the Status of Negotiations Between the Mayor's Office and California Pacific Medical Center - December 13, 2011]****Sponsor: Mar**

Motion scheduling the Board to sit as a Committee of the Whole on December 13, 2011, at 4:00 p.m., to hold a public hearing on the status of negotiations between the Mayor's Office and California Pacific Medical Center (CPMC) regarding CPMC's Long Range Development Plan.

11/22/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests for Hearing**111271 [Hearing - California Pacific Medical Center Negotiations Status Regarding Long Range Development Plan]****Sponsor: Mar**

Hearing to hear all persons interested in commenting on the status of negotiations between the Mayor's Office and California Pacific Medical Center (CPMC) regarding CPMC's long range development plan.

11/22/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

111284 [Hearing - City's Arts Programs that Serve Cultural Communities]**Sponsor: Chiu**

Hearing to review the City's arts programs that serve cultural communities.

11/22/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

111092 [Hearing - 8 Washington Development and Waterfront Upzoning]**Sponsor: Chiu**

Hearing on proposed waterfront upzoning for the 8 Washington Street development and subsequent projects.

10/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/22/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****111239 [Police Code - Vehicle Press Cards]**

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

11/14/11; RECEIVED FROM DEPARTMENT.

11/22/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 12/22/2011. MTA does not wish to have this item scheduled in Committee until further notice, per Janet Martinsen, 701-4693.

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)

11/14/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS**111241 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]**

Resolution approving the 36th Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to increase the premises by adding Building 449 located at Avenue C and 4th Street. (Treasure Island Development Authority)

11/09/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111242 [Sublease Amendment - Swords to Plowshares, Inc. - 1441 and 1443 Chinook Court]

Resolution authorizing the execution of a Second Amendment to Sublease between the Treasure Island Development Authority and Swords to Plowshares, Inc., for premises located at 1441 and 1443 Chinook Court. (Treasure Island Development Authority)

11/09/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111243 [Sublease Amendment - Haight Ashbury Free Clinics, Walden House - 1440 Chinook Court]

Resolution authorizing the execution of a Third Amendment to Sublease and Consent to Assignment between the Treasure Island Development Authority and Haight Ashbury Free Clinics, Inc., dba Haight Ashbury Free Clinics - Walden House, for premises located at 1440 Chinook Court. (Treasure Island Development Authority)

11/09/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

111244 [Settlement of Unlitigated Performance Bond Claim - Travelers Casualty and Surety Company of America - City to Receive \$250,000]

Resolution authorizing settlement of an unlitigated performance bond claim by the San Francisco Airport Commission against Travelers Casualty and Surety Company of America relating to a lease default by Mexicana Airlines. (City Attorney)

11/10/11; RECEIVED FROM DEPARTMENT.

11/22/11; RECEIVED AND ASSIGNED to Rules Committee.

In Memoriam

Amy Faye Talisman - Supervisor Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:49 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 January 10, 2012.

Angela Calvillo, Clerk of the Board