

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 27, 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, Cohen, Wiener

Wednesday

1:00 PM

Budget and Finance Sub-Committee

Supervisors Chu, Avalos, Kim

Wednesday

10:00 AM

City and School District Select Committee

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

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.

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 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on March 21, 2012, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 15.105, suspending Sheriff Ross Mirkarimi from the Office of Sheriff, filing of written charges of official misconduct, and seeking his removal from office.

CONSENT AGENDA

There were no items.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

120049 [Appropriating \$1,000,000 for the Small Business Revolving Loan Fund Program - Office of Economic and Workforce Development]

Sponsors: Mayor; Chiu, Wiener, Olague, Farrell, Kim and Cohen

Ordinance appropriating \$1,000,000 of General Fund prior year fund balance for the Small Business Revolving Loan Fund Program in the Office of Economic and Workforce Development for FY2011-2012 and placing \$500,000 on Budget and Finance Committee Reserve pending an update on the program.
(Fiscal Impact)

FINALLY PASSED by the following vote:

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

Recommendation of the Public Safety Committee

120046 [Administrative Code - Establish Policy Regarding Participation in Federal Counterterrorism Activities]

Sponsors: Kim; Avalos, Campos, Chiu, Olague and Mar

Ordinance amending the San Francisco Administrative Code by adding Section 2A.84 to: 1) set City policy regarding participation in Federal counterterrorism activities; and 2) set parameters for Police Department participation in the activities of the Federal Bureau of Investigation's Joint Terrorism Task Force and other counterterrorism activities.

Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to April 3, 2012. The motion carried by the following vote:

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

NEW BUSINESS

Supervisor Avalos was noted absent at 2:37 p.m. and noted present at 2:45 p.m.

Supervisor Olague was noted absent at 3:06 p.m. and noted present at 3:14 p.m.

Supervisor Elsbernd was noted absent at 3:58 p.m. and noted present at 4:19 p.m.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

120170 [Hearing - Amendments to the 34th America's Cup Project and Related Transactions, and Resolution of Intent to Form the Waterfront Infrastructure Financing District]

Hearing of persons interested in or objecting to amendments to the proposed Resolution approving the 34th America's Cup Project and related transactions, and the proposed Resolution of Intent to Form the Waterfront Infrastructure Financing District. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the amendments of the proposed Resolution approving the 34th America's Cup Project and related transactions, and the proposed Resolution of Intent to Form the Waterfront Infrastructure Financing District as referenced in File Nos. 120127 and 120128. Mike Martin (Mayor's Office of Economic and Workforce Development) and Brad Benson (Port) provided an overview of the amendments and responded to questions raised throughout the discussion. Male Speaker; Lloyd Purcell; Henry; David Fazio; Male Speaker; Eric Eversrly; Kimball Livingston; Dave Hill; Patric Kim; Veronica Sanchez; Martha Krupp; John Cisneros; John Husson; Ed Worley; Andrea Tobor; Valerie Santori; Fernanda Castello; Ace Washington; Carl Acne; Walter Paulson; Rakesh Modi; Female Speaker; Josh Swarzy; Eddy Hon; Andrew Watters; Norman Pearce; Catherine Hooper; Peter Stoneberg; Andrew Wood; Gary Hanes; Julie Smith; spoke in support to the amendments and the proposed project. Mr. Martin responded to questions raised throughout the discussion and further discussed the amendments. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

From the Budget and Finance Committee Without Recommendation

120127 [Approving the 34th America's Cup Project and Related Transactions]

Sponsor: Mayor

Resolution adopting California Environmental Quality Act Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the 34th America's Cup events and approving the America's Cup project; waiving certain termination rights by the City under the 34th America's Cup Host and Venue Agreement (Host Agreement); approving the Development and Disposition Agreement between the City, through its Port Commission, and the America's Cup Event Authority, LLC (Event Authority), which also amends the Host Agreement; approving a Memorandum of Agreement regarding the City's and the Event Authority's respective obligations for certain mitigation measures in the MMRP and other project-related activities; and authorizing further actions and ratifying prior actions consistent with the terms of this Resolution.

(Fiscal Impact)

(Supervisor Avalos dissented in Committee)

Supervisor Chiu indicated amendments to the accompanying contract provided by Mike Martin (OEWD) included in File No. 120127.

Supervisor Chiu, seconded by Supervisor Kim, moved that this Resolution 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
Resolution adopting California Environmental Quality Act Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the 34th America's Cup events and approving the America's Cup project; waiving certain termination rights by the City under the 34th America's Cup Host and Venue Agreement (Host Agreement); approving the Lease Disposition Agreement between the City, through its Port Commission, and the America's Cup Event Authority, LLC (Event Authority), which also amends the Host Agreement; approving a Memorandum of Agreement regarding the City's and the Event Authority's respective obligations for certain mitigation measures in the MMRP and other project-related activities; and authorizing further actions and ratifying prior actions consistent with the terms of this Resolution.

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

ADOPTED AS AMENDED, after accepting the amendment of the accompanying contract, by the following vote:

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

120128 [Resolution of Intention to Form Waterfront Infrastructure Financing District]

Sponsors: Mayor; Chiu

Resolution of Intention to establish Infrastructure Financing District No. 2 for the City and County of San Francisco at the Port of San Francisco.

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

ADOPTED 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 Farrell, 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, Olague, Wiener

Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to Cindy Brandon of the SF Safe in recognition of her accomplishments and continued community support.

Supervisor Olague was noted absent at 4:39 p.m. and noted present at 4:47 p.m.

SPECIAL ORDER 4:00 P.M.

120183 [Public Hearing - Conditional Use Appeal - 1111 California Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 19, 2012, approval of a Conditional Use Authorization identified as Planning Case No. 2011.0471C, by its Motion No. 18520, pursuant to Planning Code Sections 185(e) and 303, to continue the existing non-conforming assembly and entertainment uses of the "Nob Hill Masonic Center", and to continue the existing food and beverage service uses within the center, on a property within the RM-4 (Residential Mixed, Medium Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, located at 1111 California Street, Assessor's Block No. 0253, Lot No. 020. (District 3) (Appellants: Stephen Gomez on behalf of the Nob Hill Coalition, James Wall on behalf of the Nob Hill Association, William Terrell, Elizabeth Pomada, Donna Muse, and Aldo Caccamo) (Filed February 21, 2012).

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

Supervisor Farrell, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to April 3, 2012. The motion carried by the following vote:

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

Absent: 1 - Olague

The President CONTINUED the Hearing open to April 3, 2012.

120184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion approving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 3, 2012. The motion carried by the following vote:

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

Absent: 1 - Olague

120185 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 1111 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18520, approving Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 3, 2012. The motion carried by the following vote:

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

120186 [Preparation of Findings Related to the Conditional Use Authorization - 1111 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0471C on property located at 1111 California Street. (Clerk of the Board)

Supervisor Farrell, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 3, 2012. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

120141 [Permit of Northeast-Facing Wall Sign - Total Outdoor Corporation - 1650 Mission Street]

Resolution authorizing the execution of a permit to enter and use property for installation and maintenance of a northeast-facing wall sign at 1650 Mission Street by and between the City and County of San Francisco and Total Outdoor Corporation, a Delaware Corporation, permittee. (Real Estate Department)

NOT ADOPTED by the following vote:

Ayes: 5 - Chu, Elsbernd, Kim, Mar, Olague
Noes: 6 - Avalos, Campos, Chiu, Cohen, Farrell, Wiener

Supervisor Cohen, seconded by Supervisor Mar, 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

Privilege of the floor was granted to John Updike, Acting Director of the Department of Real Estate, who responded to questions raised throughout the discussion.

NOT ADOPTED by the following vote:

Ayes: 4 - Chu, Elsbernd, Kim, Olague
Noes: 7 - Avalos, Campos, Chiu, Cohen, Farrell, Mar, Wiener

120244 [Multifamily Housing Revenue Bonds - 1180 Fourth Street Family Housing]**Sponsor: Kim**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$48,155,000 for the purpose of providing financing for the acquisition and construction of a 150-unit multifamily rental housing project known as 1180 Fourth Street Family Housing; 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.

ADOPTED 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.

Ray Hartz; expressed concerns relating to the Library Commission and open government.

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

Douglas Yepp; expressed various concerns.

Tony Bowles; spoke in support for medical cannabis.

Kevin Brown; spoke in support for medical cannabis.

Mattie Scott; expressed various concerns.

Mary Walker; expressed various concerns relating to the Sheriff Mirkarimi proceedings.

Michelle Rodriguez; spoke in support of proposed legislation relating to Assembly Bill 1831.

Karen Shane; spoke in support of proposed legislation relating to Assembly Bill 1831.

Barbara Tengeri, expressed various concerns relating to the Sheriff Mirkarimi proceedings.

David; spoke in support for medical cannabis.

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

Charlie Pappas; spoke in support for medical cannabis.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**120290 [Apply For Caltrans Transportation Planning Grants]****Sponsor: Mayor**

Resolution authorizing the Planning Department to apply for planning grants from the California Department of Transportation (Caltrans).

ADOPTED

120293 [Urging the Mayor and City Departments to Prioritize Youth Employment During Business Negotiations]**Sponsor: Olague**

Resolution urging the Mayor and City Departments to include Youth Involvement Plans when negotiating with new businesses coming to San Francisco, in order to increase the number of employment opportunities for San Francisco's young people.

ADOPTED**120297 [Final Map 6325: 435 China Basin Street, and 420 and 480 Mission Bay Boulevard North]**

Motion approving Final Map 6325, a 329 Unit Residential and Three Unit Commercial Mixed-Use Condominium Project, located at 435 China Basin Street, and 420 and 480 Mission Bay Boulevard North; being a subdivision of Assessor's Block No. 8720, Lot No. 016, and Assessor's Block No. 3837, Lot No. 002; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M12-040**APPROVED**

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Olague

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Campos requested that File No. 120291 be severed so that it may be considered separately.

120291 [Recognizing International Day Against Homophobia and Transphobia]**Sponsors: Campos; Olague, Kim, Chiu and Avalos**

Resolution recognizing International Day Against Homophobia and Transphobia and calling upon City officials to lower the American and United Nations Flags in United Nations Plaza for a 24-hour period on May 17, 2012.

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

ADOPTED by the following vote:

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

Supervisor Elsbernd requested that File No. 120292 be severed so that it may be considered separately.

120292 [Supporting Assembly Bill 1831 - Regarding Expansion of California's "Ban the Box" Policy]

Sponsors: Olague; Campos and Avalos

Resolution supporting Assembly Bill 1831, which expands California's "Ban the Box" policy for state and public employees to city and county workers statewide.

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

Supervisor Elsbernd, seconded by Supervisor Cohen, moved that this Resolution be CONTINUED to April 3, 2012. The motion carried by the following vote:

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

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

120256 [Public Infrastructure Improvements - Mission Bay South-Sanitary Sewer Pump Station]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Sanitary Sewer Pump Station, including acquisition facilities located on and under portions of State Trust Parcel 2; 2) accepting said facilities for City maintenance and liability purposes; 3) 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; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

03/15/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

120257 [Public Infrastructure Improvements - Mission Bay South-66" Sewer Force Main Relocation]

Ordinance: 1) accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay 66" Sewer Force Main Relocation, including acquisition facilities located under portions of State Trust Parcel 8 and future Owens Street between Sixteenth Street and Mariposa Street; 2) accepting said facilities for City maintenance and liability purposes; 3) 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; 4) accepting a Department of Public Works Order; and 5) authorizing official acts in connection with this Ordinance. (Public Works Department)

03/15/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

120258 [Settlement of Lawsuit - Bigeleisen v. CCSF - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by David Bigeleisen against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507900; entitled David Bigeleisen, v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

03/16/12; RECEIVED FROM DEPARTMENT.

03/21/12; RECEIVED AND ASSIGNED to Rules Committee.

120259 [Settlement of Lawsuit - Donna Murray v. CCSF - \$245,000]

Ordinance authorizing settlement of the lawsuit filed by Donna Murray against the City and County of San Francisco for \$245,000; the lawsuit was filed on September 22, 2010, in San Francisco Superior Court, Case No. CGC-10-503853; entitled Donna Murray v. City and County of San Francisco, et al. (City Attorney)

03/16/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

120255 [Contract Amendment - War Memorial Veterans Building Seismic Upgrade and Improvements Project - Not to Exceed \$11,621,721]

Resolution authorizing the Director of Public Works to execute an amendment to the Executive Structural Engineering and Consultant Services for the War Memorial Veterans Building Seismic Upgrade and Improvements Project to increase the not-to-exceed amount from \$2,758,445 to \$11,621,721. (Public Works Department)

03/14/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

120260 [Real Property Lease - Advanced Storage Unlimited, Inc. - 600 Amador Street, Seawall Lot 344]

Resolution approving Port Commission Lease No. L-14819 with Aardvark Storage Unlimited, Inc., for paved vacant land located at 600 Amador Street within Seawall Lot 344 in the Southern Waterfront with a sixty month term and a sixty month option. (Port)

03/19/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:45 p.m.