

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 16, 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

Budget and Finance Committee Supervisors Chu, Avalos, Kim	Wednesday 11:00 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

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 2:05 p.m. On the call of the roll, Supervisor Mar was noted absent.

Supervisor Mar was noted present at 2:06 p.m.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

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

121000 [Formal Policy Discussions - October 16, 2012]

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

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

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

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

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

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

120803 [Urging Relocation and Broadcasting of the Housing Authority Meetings]

Sponsors: Olague; Campos, Chiu, Kim and Mar

Resolution urging the Commission of the Housing Authority of the City and County of San Francisco to hold its meetings at City Hall and broadcast them for greater public access.

Resolution No. 378-12

ADOPTED

Recommendation of the Rules Committee

120929 [Settlement of Lawsuit - City and County of San Francisco - \$95,000]

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

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

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

Sponsor: Elsbernd

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

Ordinance No. 220-12

FINALLY PASSED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

120463 [General Plan - 2012 Community Safety Element Update]

Sponsor: Wiener

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

Ordinance No. 218-12

FINALLY PASSED by the following vote:

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

120464 [Planning Code - Threshold for Application of Inclusionary Affordable Housing Program]

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

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

Ordinance No. 219-12

FINALLY PASSED by the following vote:

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

120523 [Planning Code - Transit Impact Development Fee Increase and Updates]

Sponsors: Mayor; Wiener and Olague

Ordinance amending the San Francisco Planning Code, Article 4, by revising and making technical corrections to specified definitions in Section 401 relating to the Transit Impact Development Fee (TIDF), amending Sections 402, 408, 411 through 411.5, 411.7, 411.8, and adding a new Section 411.9 to increase TIDF rates, revise exemptions and credits, and clarify TIDF implementation and collection, and making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Ordinance be CONTINUED ON FIRST READING to November 20, 2012. The motion carried by the following vote:

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

Recommendation of the Public Safety Committee

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)

Ordinance No. 217-12

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

120854 [Settlement of Lawsuit - Brock Rasmussen - \$175,000]

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

Ordinance No. 221-12

FINALLY PASSED by the following vote:

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

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

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

Sponsor: Elsbernd

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

Privilege of the floor was granted to Kerstin Magary (MTA) who responded to questions raised throughout the discussion.

Resolution No. 365-12

ADOPTED by the following vote:

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Noes: 3 - Avalos, Campos, Olague

Recommendations of the Budget and Finance Committee

120905 [Accept and Expend Grant - Twin Peaks Trail System Improvements - \$131,041]

Sponsor: Elsbernd

Resolution authorizing the Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant in the amount of \$131,041 from the California Department of Parks and Recreation for the Twin Peaks Trail System Improvements.

Resolution No. 366-12

ADOPTED by the following vote:

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

120906 [Approval of Amendment to the Construction Management Services Agreement for the Laguna Honda Hospital Replacement Program - \$16,805,733]

Sponsor: Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the construction management services agreement with Cooper Pugeda Management, Inc. for the Laguna Honda Hospital Replacement Program from \$16,694,421 to \$16,805,733.
(Fiscal Impact)

Resolution No. 367-12

ADOPTED by the following vote:

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

120907 [Accept and Expend Grant - South of Market Alleyways Improvement Project - \$1,381,000]

Sponsor: Kim

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

Resolution No. 368-12

ADOPTED by the following vote:

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

120909 [Contract Approval - Complete Coach Works - 80 Neoplan Diesel Buses Rehabilitation - Not to Exceed \$19,105,885.60]

Sponsor: Wiener

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

Resolution No. 369-12

ADOPTED by the following vote:

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

120910 [Approval of the Comprehensive HIV Prevention Programs Application - \$9,523,313]**Sponsor: Wiener**

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

Resolution No. 370-12**ADOPTED by the following vote:**

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

120934 [Ratification of Prior Action - Lease Option at 555-575 Polk Street]**Sponsor: Kim**

Resolution ratifying an option for the lease of 9,000 square feet at 555-575 Polk Street with Mattison Family Trust.

Resolution No. 371-12**ADOPTED by the following vote:**

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

120935 [Accept and Expend Grant - Certified Unified Program Agency Electronic Reporting - \$109,492]**Sponsor: Mar**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$109,492 from California Environmental Protection Agency to participate in a program entitled "Certified Unified Program Agency Electronic Reporting" for the period of January 1, 2010, through March 31, 2013, waiving indirect costs.

Resolution No. 372-12**ADOPTED by the following vote:**

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

120936 [Accept and Expend Grant - Energy Efficiency Program - \$156,000]**Sponsor: Mar**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$156,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to continue an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco during 2012.

Resolution No. 373-12**ADOPTED by the following vote:**

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

120938 [Agreement with Pacific Gas and Electric Company to Connect a Solar Power Project]**Sponsor: Wiener**

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

Resolution No. 374-12**ADOPTED by the following vote:**

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

120968 [Accept and Expend - FY2011 CalHome Grant - \$1,500,000]**Sponsor: Mayor**

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

Resolution No. 375-12**ADOPTED by the following vote:**

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

120969 [Approval of the Ryan White Act HIV/AIDS Emergency Relief Grant Program Application - \$36,118,233]**Sponsors: Mayor; Wiener**

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

Resolution No. 376-12**ADOPTED by the following vote:**

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

Recommendations of the Government Audit and Oversight Committee**120750 [Administrative Code - Retention of Progressive Payments for Public Works Construction Contracts]****Sponsors: Mayor; Chu**

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

PASSED, ON FIRST READING by the following vote:

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

120787 [Board Response - Civil Grand Jury Report - Surcharges and Healthy San Francisco: Healthy for Whom?]

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

Resolution No. 377-12

ADOPTED by the following vote:

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

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

120884 [Accept and Expend Grant - Self-Contained Breathing Apparatus Inventory - \$1,514,184]

Sponsor: Farrell

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

Resolution No. 364-12

ADOPTED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**120299 [Administrative Code - Extending Restrictions of the Apartment Conversion Ordinance to Business-Sponsored Short Term Occupancies; Allowing Civil Actions by Certain Non-Profit Entities; Revising Enforcement Procedures]**

Sponsors: Chiu; Mar

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

PASSED, ON FIRST READING by the following vote:

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

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

Sponsor: Wiener

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

PASSED, ON FIRST READING by the following vote:

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

120352 [Administrative Code - Housing Preservation and Production]

Sponsors: Olague; Kim, Campos and Mar

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

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

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

Privilege of the floor was granted to AnMarie Rodgers (Planning Department) who responded to questions raised throughout the discussion.

Supervisor Olague, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to October 23, 2012. The motion carried by the following vote:

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

Recommendations of the Rules Committee

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

Sponsor: Kim

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

PASSED, ON FIRST READING by the following vote:

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

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

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

Motion No. M12-119

APPROVED by the following vote:

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

120954 [Appointment, Graffiti Advisory Board - Paul Giusti]

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

Motion No. M12-120

APPROVED by the following vote:

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

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

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

Motion No. M12-121

APPROVED by the following vote:

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

120977 [Appointment, Sunshine Ordinance Task Force - Bruce Oka]

Motion appointing Bruce Oka, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Motion No. M12-122

APPROVED by the following vote:

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

Supervisor Mar Excused from Voting

Supervisor Campos, seconded by Supervisor Olague, moved that Supervisor Mar be excused from voting on File No. 120958. The motion carried by the following vote:

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

Excused: 1 - Mar

120958 [Appointment, California State Association of Counties - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending November 28, 2013, to the California State Association of Counties Board of Directors. (Clerk of the Board)

Motion No. M12-123

APPROVED by the following vote:

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

Excused: 1 - Mar

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

Privilege of the Floor

Supervisor Olague, seconded by Supervisor Campos, 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 guest. The motion carried by the following vote:

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

Supervisor Olague introduced, welcomed, and presented a Certificate of Honor to Elizabeth Jones for her committed service to the Westside Courts public housing community.

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.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.

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

Ray Hartz; expressed concerns relating to government.

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

Eugene Gordon, Jr.; expressed various concerns.

Tom Gilberty; expressed various concerns relating to noise pollution.

Douglas Yep; expressed various concerns.

Male Speaker; expressed various religious concerns.

Male Speaker; expressed various concerns.

Female Speaker; spoke in support for Senior Action Network.

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

Male Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

120990 [Reducing Greenhouse Gas Pollution Under the Clean Air Act]

Sponsors: Chiu; Kim

Resolution in support of reducing greenhouse gas pollution under the Clean Air Act.

Resolution No. 379-12

ADOPTED

120978 [Final Map 7086 - 248 Ocean Avenue]

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

Motion No. M12-124

APPROVED

120979 [Final Map 7077 - 38 Harriet Street]

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

Motion No. M12-125

APPROVED

120995 [Final Map 7186 - 537-541 Natoma Street]

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

Motion No. M12-126

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Wiener requested that File No. 120991 be severed so that it may be considered separately.

120991 [Support of Statewide Education Funding Initiatives]

Sponsor: Mar

Resolution urging the Board of Supervisors to support statewide education funding initiatives to help San Francisco's public educational system.

Supervisor Wiener, seconded by Supervisor Mar, moved that this Resolution be AMENDED on Page 2, beginning on Line 14, by adding 'FURTHER RESOLVED, That the San Francisco Board of Supervisors expresses its strong disapproval of recent attacks on Proposition 30 and requests that the supporters of Propositions 30 and 38 refrain from attacking one another.' The motion carried by the following vote:

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

Resolution No. 380-12

ADOPTED AS AMENDED 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

Pursuant to Rules of Order of the Board of Supervisors Section 2.8, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board and introduced by the President.

Introduced by a Supervisor or the Mayor

Ordinances

120901 [Planning Code - Upper Market Zoning]

Sponsor: Wiener

Ordinance amending the San Francisco Planning Code by: 1) amending Sections 721.1 and 733.1 to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; 2) amending Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; 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.

09/18/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

09/19/12; REFERRED TO DEPARTMENT.

10/16/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

120902 [Planning Code, Zoning Map - Upper Market Zoning Map Amendment]

Sponsor: Wiener

Ordinance amending the San Francisco Planning Code Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District, and to change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034 from 50-X to 65-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/18/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

09/19/12; REFERRED TO DEPARTMENT.

10/16/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]**Sponsors: Mayor; Chiu**

Ordinance amending the San Francisco 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.

(Fiscal Impact)

10/16/12; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 11/15/2012.

121018 [Housing Code - Telephone Jacks and Grab Bars]**Sponsors: Mar, Olague, Chiu, Campos, Kim and Avalos**

Ordinance amending the San Francisco Housing Code by: 1) amending Section 206 to add Section 1002 to the list of retroactive provisions; 2) amending Section 505 to require grab bars in hotel common-use water closets and bathing facilities; 3) amending Section 1002 to include as a substandard housing condition the failure to provide a usable telephone jack and telephone wiring as required by the California Civil Code; and 4) making environmental findings, legislative findings, and findings pursuant to California Health and Safety Code Section 17958.5.

10/16/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2012.

121019 [Administrative Code - California Environmental Quality Act Procedures]**Sponsor: Wiener**

Ordinance amending the San Francisco Administrative Code Chapter 31 to reflect revisions in the California Environmental Quality Act and to update and clarify certain procedures provided for in Chapter 31.

10/16/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2012.

Resolutions**121020 [Real Property Purchase Agreement - 1550 Evans Avenue and 330 Newhall Street - San Francisco Public Utilities Commission - \$15,000,000]****Sponsor: Cohen**

Resolution approving and authorizing an agreement for the purchase of a parcel of real estate located at 1550 Evans Avenue and 330 Newhall Street (Assessor Block No. 5203, Lot No. 035), consisting of approximately 4.68 acres improved with 50,593 square feet of office/industrial buildings for the San Francisco Public Utilities Commission, for a purchase price of \$15,000,000; adopting findings under the California Environmental Quality Act; 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 authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

(Fiscal Impact)

10/16/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121021 [Multifamily Housing Revenue Note - Candlestick Heights Apartments - 833-881 Jamestown Street - Not to Exceed \$70,000,000]**Sponsor: Cohen**

Resolution authorizing the issuance and delivery of a multifamily housing revenue note in a principal amount not to exceed \$70,000,000 for the purpose of providing financing for the acquisition and construction of a 196-unit multifamily residential rental housing project located at 833-881 Jamestown Street, known as Candlestick Heights Apartments: 1) approving the form of and authorizing the execution of a funding loan agreement; 2) approving the form of and authorizing the execution of a borrower loan agreement; 3) providing the terms and conditions of the note and authorizing the execution and delivery thereof; 4) approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; 5) authorizing the collection of certain fees; 6) approving modifications, changes, and additions to the documents; 7) granting general authority to City officials to take actions necessary to implement this Resolution; and 8) ratifying and approving any action heretofore taken in connection with the note and the project.

10/16/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121022 [Multifamily Housing Revenue Bonds - 1401-1415 Mission Street - Not to Exceed \$50,000,000]**Sponsor: Kim**

Resolution declaring its intent to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to authorize the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$50,000,000 for a 121-unit residential rental housing development to be located at 1401-1415 Mission Street; authorizing and directing the Director to request the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to CDLAC if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$50,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

10/16/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121023 [Grant Agreement - Kelly Cullen Community - 220 Golden Gate Avenue - Not to Exceed \$18,475,118]**Sponsor: Mayor**

Resolution authorizing the Director of the Mayor's Office of Housing to execute a Local Operating Subsidy Program Grant Agreement with 220 Golden Gate Master Tenant, LP, to provide operating subsidies for formerly homeless single adults at Kelly Cullen Community, 220 Golden Gate Avenue, for the period of December 1, 2012, to November 30, 2027, in an amount not to exceed \$18,475,118.

(Fiscal Impact)

10/16/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121024 [Domestic Violence Awareness Month - October 2012]**Sponsor: Mar**

Resolution ratifying that the Board of Supervisors declares the month of October 2012 as Domestic Violence Awareness Month in the City and County of San Francisco.

10/16/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion**121025 [City Employees to Assist the Department of Elections - November 6, 2012, Consolidated Primary Election]****Sponsor: Chiu**

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 6, 2012, Consolidated Primary Election.

10/16/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**121026 [Hearing - Organize and Manage City Property]****Sponsor: Chu**

Hearing request to better understand the City's efforts to organize and manage the usage of City property and to coordinate and acquire space for the City's operational needs that may include information from the Department of Real Estate, Port, San Francisco Municipal Transportation Agency, San Francisco Public Utilities Commission, and other departments.

10/16/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121027 [Hearing - Healthcare Liability - \$4,360,000,000]**Sponsors: Farrell; Wiener and Chiu**

Hearing stating that as of July 1, 2008, the liability totaled \$4,360,000,000 - representing the future cost of providing health benefits earned by City employees as of July 2008; the City's liability will continue to increase in future years absent significant changes in how we plan for and fund long-term healthcare costs, in the next few weeks the Controller's Office plans to release an updated report based on 2010 data and Supervisor Farrell has also requested the Budget and Legislative Analyst Office to prepare a report on what other municipalities are doing to address this issue in their jurisdictions, which will be the focus of this hearing.

10/16/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors Section 2.8, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board and introduced by the President.

PROPOSED ORDINANCE**120994 [Settlement of Lawsuit - Christine McGuire - \$27,000]**

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

10/04/12; RECEIVED FROM DEPARTMENT.

10/16/12; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION**120993 [Settlement of Unlitigated Claim - Trico Construction - \$440,000]**

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

10/04/12; RECEIVED FROM DEPARTMENT.

10/16/12; RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Avalos

To: Director, Office of Economic and Workforce Development

Requesting/Inquiring: Requesting the Office of Economic and Workforce Development to report on the labor and hiring practices for the work being performed as part of the Dew Tour in Civic Center Plaza between October 8th and October 24th, 2012. This information should include a list of all contractors and subcontractors being employed, their location, the percentage of work being performed by union workers, the percentage of work being performed by San Francisco residents, and verification that the work is complying with the prevailing wage provisions in the San Francisco Administrative Code.

From: Supervisor Avalos

To: Director, Recreation and Parks Department

Requesting/Inquiring: Requesting the Recreation and Parks Department to provide information on the closure of Civic Center Plaza for the Dew Tour between October 8th and October 24th, 2012, including the following:

The amount of fees the organizers are paying for the use of the Plaza, including Concession Fees and any Impact Fees to compensate for the disruption of normal park usage and the inconvenience to the public.

The Department's intended uses for these revenues.

The methodology the Department uses to calculate Impact Fees for park usage.

What steps the Department has taken to ensure that all work on the project will comply with the City's prevailing wage and promote local hiring.

What plans the Dew Tour organizers have for aiding the City's public skate parks, such as the possibility of donating the skate park they are constructing to the City.

How any damage to the Plaza's landscaping and infrastructure will be evaluated and repaired.

What the Department's strategy is for mitigating the public disruption and inconvenience of multi-day park events such as this 17-day closure and the week-long closure of Civic Center Plaza for the Dreamforce event.

From: Supervisor Avalos

To: Director, Mayor's Office of Special Events

Requesting/Inquiring: Requesting the Mayor's Office of Special Events to report on any lists of vendors for security, waste management, and other services that they recommend to event organizers, and how they ensure that these vendors comply with the City's prevailing wage and promote local hiring.

From: Supervisor Mar

To: Director, Department of Public Works

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requesting the Department of Public Works and the Municipal Transportation Agency to report on the feasibility of:

Street patching at:

Arguello and Anza

Repainting bike lane striping at:

Arguello and California, north side, both directions

Repainting crosswalks striping at:

Clement and 12th Avenue

Anza and 36th Avenue

Balboa and 32nd Avenue

Turk and Chabot

Turk and Parker

Turk and Willard north

Balboa and 23rd Avenue

Balboa and 24th Avenue
Balboa and 25th Avenue
Balboa and 39th Avenue
Balboa and 40th Avenue
Balboa and 41st Avenue
Balboa and 42nd Avenue
Geary and 34th Avenue
Geary and 33rd Avenue
Repairing or replacing trash cans at:
La Playa and Fulton, northeast
Removal of graffiti at:
Fulton and 12th Avenue, northwest corner, on utility pole
Fixing a pothole at:
Balboa between 28th Avenue and 29th Avenue, north
Repainting median striping at:
On Balboa between 30th Avenue and 32nd Avenue
On Balboa between 14th Avenue and 20th Avenue
On Balboa between 23rd Avenue and 25th Avenue
Repaving:
On Balboa between 14th Avenue and 20th Avenue
On Balboa between 23rd Avenue and 25th Avenue

From: Supervisors Mar, Cohen

To: Legislative Analyst

Requesting/Inquiring: Requesting the Legislative Analyst to analyze the following questions on Domestic Violence in the Workplace:

What relevant policies are in place in other cities?

Without such a policy, what is the potential cost to the City in lawsuits, absenteeism, productivity, and most importantly, safety?

How does the proposed policy of the Department on the Status of Women compare to the policies of other cities? In what ways is it more/less comprehensive than other policies?

In Memoriams

Eunice Holmes Cyrus – Supervisor Malia Cohen

Bernard Kern – Supervisor Carmen Chu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:31 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 December 4, 2012.

Angela Calvillo, Clerk of the Board