

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, April 23, 2013 - 2:00 PM

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

Regular Meeting

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DAVID CHIU, PRESIDENT

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

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

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

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

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.*

## **AGENDA CHANGES**

*There were none.*

## **APPROVAL OF MEETING MINUTES**

**Supervisor Farrell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 19, 2013. The motion carried by the following vote:**

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

## **COMMUNICATIONS**

*There were none.*

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

### **130353 [Formal Policy Discussions - April 23, 2013]**

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 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. According to the 2010 census, 35.6% of San Franciscans are foreign born and City residents speak more than 28 different languages. Our City's Language Access Ordinance has been in effect since 2009 to make sure that the various needs of this population are well served. Yet, I am aware, from feedback from community groups, that our City Departments still struggle to meet the language needs of San Francisco's diverse communities. In heavily immigrant populated Districts, like the Richmond, it is critical that our City's services have the ability to serve all of our residents equitably. I am particularly concerned that our first responders and other Tier 1 Departments be in compliance with the Ordinance and recently called for a hearing to examine this issue. I would like to know what your office is doing to ensure the requirements of the Language Access Ordinance are fully met? (Supervisor Mar, District 1)

2. Mr. Mayor, my office recently implemented San Francisco's first pilot program in participatory budgeting. As practiced in 1,500 cities around the world, including Chicago and New York City, participatory budgeting is a direct democratic process in which residents decide how to spend a portion of a public budget, which leads to better and fairer decisions, makes government more accountable and efficient, builds community in our neighborhoods, and increases public confidence in how our city works. With the partnership of the Controller's Office and community groups, my office successfully managed a process that included collecting ideas proposed by residents, winnowing implementable projects, and a week of voting at locations around District 3. This year, my hope is that we can expand our participatory budget pilot beyond the modest \$100,000 of funding available this year, which represents less than 1/70,000th of our annual budget. Will you join me to make San Francisco a participatory budgeting leader in the United States? (Supervisor Chiu, District 3)

3. A small area of the Oceanview, Merced Heights, and Ingleside (OMI) neighborhood has experienced a high level of gun violence and a rash of homicides over the past several years, mostly affecting African American men in the Broad Street corridor. In November, OMI residents and service providers held a public safety town hall meeting attended by many City departments, most of which committed to stepping up their work in the neighborhood. Earlier this year after a young African American man was shot at the Minnie and Lovie Ward Recreation Center playground, you and I spoke directly about creating a violence prevention plan specific to the OMI neighborhood and its African American community. Thank you for your attention to this matter. Please tell us the status of the plan to bring jobs and violence prevention and intervention resources to the OMI to address the crisis of gun violence. (Supervisor Avalos, District 11)

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

**HEARD AND FILED**

## CONSENT AGENDA

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

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

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

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

**Ordinance No. 073-13**

**FINALLY PASSED**

### Recommendation of the Government Audit and Oversight Committee

**130271 [Approving the 2013 Budget and Legislative Analyst Services Work Plan]**

**Sponsors: Chiu; Cohen**

Motion approving the Budget and Legislative Analyst Services work plan for 2013, which allocates hours for Calendar Year 2013; authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2013 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

**Motion No. M13-057**

**APPROVED**

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

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

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

**Ordinance No. 074-13**

**FINALLY PASSED**

### **130235 [Urging the Municipal Transportation Agency to Implement a Full-Scale Bike Sharing Program by 2014] Sponsors: Wiener; Chiu, Mar and Campos**

Resolution urging the Municipal Transportation Agency to implement a full-scale bike sharing program by 2014.

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

**Resolution No. 121-13**

**ADOPTED**

## **Recommendations of the Rules Committee**

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

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

**Ordinance No. 075-13**

**FINALLY PASSED**

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

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

**Ordinance No. 076-13**

**FINALLY PASSED**

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

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

**Ordinance No. 077-13**

**FINALLY PASSED**

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

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

**Ordinance No. 078-13**

**FINALLY PASSED**

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

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

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### Recommendation of the Budget and Finance Committee

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

**Sponsor: Mayor**

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

(Fiscal Impact)

**Ordinance No. 079-13**

**FINALLY PASSED by the following vote:**

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

### NEW BUSINESS

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

**130131 [Administrative Code - Agricultural Inspection Fees]**

Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

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

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

**130132 [Administrative Code - Weights and Measures Fees]**

Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

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

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

**130133 [Administrative Code - Public Health Solid Waste Penalties Fund]**

Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)

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

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

**130187 [Annual Fundraising Drive - 2013]**

Resolution designating those agencies qualified to participate in the 2013 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

**Resolution No. 122-13**

**ADOPTED by the following vote:**

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

**130264 [Adoption of Guidelines for the Establishment and Use of an Infrastructure Financing District on Port Land]**

**Sponsors: Mayor; Kim**

Resolution adopting Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land Under the Jurisdiction of the San Francisco Port Commission. (Fiscal Impact)

*ADOPTED by the following vote:*

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

*Supervisor Kim, seconded by Supervisor Breed, moved to rescind the previous vote. The motion carried by the following vote:*

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

*Privilege of the floor was granted to Brad Benson (Port) who responded to questions raised throughout the discussion.*

*Supervisor Kim indicated amendments to the accompanying guidelines, as provided by Brad Benson (Port), included in File No. 130264.*

**Supervisor Kim, seconded by Supervisor Campos, moved that this Resolution be AMENDED, on Page 2, beginning on Line 3, by adding 'WHEREAS, This City policy for the use of Infrastructure Financing Districts on Port property is unique to the Port of San Francisco and does not establish a precedent for use of the Infrastructure Financing District Law elsewhere in the City and County; and'. The motion carried by the following vote:**

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

**Resolution No. 123-13**

**ADOPTED AS AMENDED, after accepting the amendment to the accompanying guidelines, by the following vote:**

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

**130267 [Contract Amendment - Transbay Transit Center Program Services - Not to Exceed \$5,393,677]****Sponsor: Kim**

Resolution approving the Second Amendment to Contract No. CS -159 between the Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services pursuant to Charter, Section 9.118, to increase the not to exceed amount from \$3,280,677 to \$5,393,677 for the period of July 21, 2009, through December 31, 2017.

**Resolution No. 124-13****ADOPTED by the following vote:**

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

**130303 [Urging City College of San Francisco to Preserve the Quality and Diversity of the School's Education and the City to Consider New Support]****Sponsors: Mar; Cohen and Avalos**

Resolution urging the City College of San Francisco (CCSF) Board of Trustees and administration to utilize Proposition A Funds, as outlined in the language of Proposition A, to preserve the quality and diversity of education that has served San Francisco well; and for the City to consider additional support for CCSF by evaluating the fees currently charged by the City to CCSF, the possibility of providing more in-kind services, and exploring long-term local support structures.

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

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

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

**Resolution No. 125-13****ADOPTED AS AMENDED by the following vote:**

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

**From the Budget and Finance Sub-Committee Without Recommendation****130123 [Urging the Retirement Board to Divest from Fossil Fuel Companies]****Sponsors: Avalos; Mar and Breed**

Resolution urging the Retirement Board of the Employees' Retirement System to divest from publicly traded fossil fuel companies.

**Supervisor Farrell, seconded by Supervisor Avalos, moved that this Resolution be AMENDED on Page 3, Line 23, through Page 4, Line 2, by deleting 'FURTHER RESOLVED, That the Board of Supervisors accepts that by divesting out of fossil fuel companies the Retirement Board may produce reduced investment returns as a result and the Board of Supervisors believes that divesting out of fossil fuel companies is an acceptable tradeoff for all current and retired City employees who are affected by the performance of the Retirement System; and, be it.' The motion carried by the following vote:**

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

**Supervisor Cohen, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, on Page 2, Line 3, by changing 'ordinance' to 'Resoluton.' The motion carried by the following vote:**

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

**Resolution No. 126-13****ADOPTED AS AMENDED by the following vote:**

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

**Recommendation of the Government Audit and Oversight Committee****130179 [Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-Needed Contract Requirements In Order to Complete Design and Engineering of Bayview Opera House - \$1,275,000]****Sponsor: Cohen**

Ordinance waiving the as-needed contract modification not to exceed amount requirement under Administrative Code, Section 6.64, and authorizing the Director of Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot Fisch/Knapp Architects, JV by increasing the not to exceed amount by \$150,000 from \$1,125,000 to \$1,275,000 for the limited purpose of completing the design and engineering for the Bayview Opera House project for the period of September 2, 2010, through September 1, 2015.

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

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

**Recommendations of the Land Use and Economic Development Committee****120901 [Planning Code - Upper Market Zoning]****Sponsor: Wiener**

Ordinance amending Planning Code, 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; Section 703.2(b), to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; Section 733, making clerical corrections in tables; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

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

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

**120902 [Planning Code, Zoning Map - Upper Market Zoning Map]****Sponsor: Wiener**

Ordinance amending 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; change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 62-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.

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

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

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

### Privilege of the Floor

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

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

*Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Beth Rubenstein in recognition of her accomplishments and continued community support.*

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Laura Lai, Community Activist, in recognition of her accomplishments and continued community support. Supervisors Mar and Yee, Judge Steve Owyang, and Al Cheng shared in this commendation.*

## COMMITTEE REPORT

### Recommendation of the Neighborhood Services and Safety Committee

#### 130134 [Liquor License - 2379 Chestnut Street]

Resolution determining that the issuance of Type 42 on-sale beer and wine license to Ferris Ferdon for Ferdon Olive Oil, Inc., dba We Olive, located at 2379 Chestnut Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No. 127-13**

**ADOPTED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

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

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.*

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

*Dale Seymour; expressed concerns relating to job creations and Tenderloin neighborhoods.*

*Peter Warfield; expressed concerns relating to the SF Public Library, bullying, and clues.*

*Karen Lambergoon; shared in poem certain concerns with the Board.*

*Kelly Watts; expressed concerns relating to chemical toxins.*

*Jane Kennedy; spoke relating to budget town hall meetings and utility undergrounding.*

*Oscar James; expressed concerns relating to proposed advisory committee for Bayview Hunter's Point.*

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

*Tom Silmar; expressed concerns relating to corridor around 18th Street.*

*John DiDonna; shared in poem certain concerns with the Board.*

*Douglas Yepp; expressed various concerns relating to City Attorney's Office.*

*Keith Dennis; expressed concerns relating to assisted living.*

*Male Speaker; expressed various religious concerns.*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

### 130317 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

*The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.*

**Motion No. M13-058**

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

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

**CONVENED IN CLOSED SESSION**

*The Board recessed at the hour of 4:50 p.m. to convene in closed session pursuant to the above motion.*

*The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee*

**Persons in attendance:**

*Jose Cisneros, Treasurer/Tax Collector  
Ben Rosenfield, Controller  
Jon Givner, Deputy City Attorney  
Julie Van Nostern, Deputy City Attorney  
Owen Clements, Deputy City Attorney  
Peter Keith, Deputy City Attorney  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Legislative Deputy Director*

*Matter was heard in closed session, no action was taken, and the hearing was filed.*

**RECONVENING OF THE BOARD**

*The Board reconvened at the hour of 6:53 p.m.*

*The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee*

**[Elect Not to Disclose]**

*Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Farrell, seconded by Supervisor Cohen, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:**

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

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****130344 [Urging the California State Legislature to Pass Assembly Bill 900]****Sponsor: Chiu**

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

**Resolution No. 128-13**

**ADOPTED**

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

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

**Resolution No. 129-13****ADOPTED****130346 [Urging the California State Legislature to Pass Assembly Bill 336]****Sponsors: Campos; Wiener, Avalos, Mar and Yee**

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

**Resolution No. 130-13****ADOPTED****130347 [Urging the California State Legislature to Pass Assembly Bill 1266]****Sponsors: Campos; Wiener, Avalos, Kim and Mar**

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

**Resolution No. 131-13****ADOPTED****130348 [Urging the California State Legislature to Pass Assembly Bill 580]****Sponsors: Mar; Chiu and Breed**

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

**Resolution No. 132-13****ADOPTED****130349 [Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]****Sponsor: Wiener**

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

**Resolution No. 133-13****ADOPTED**

**130337 [Final Map - 7044 - 5499 California Street /208 17th Avenue and 210-212, 216 17th Avenue]**

Motion approving Final Map 7044, a two Lot Subdivision, Parcel A being a one residential unit and one commercial unit mixed-use condominium project and Parcel B being a three unit residential condominium project, located at 5499 California Street, 208 17th Avenue, and 210-212, 216 17th Avenue; being a subdivision of Assessor's Block No. 1417, Lot No. 031, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

**Motion No. M13-059**

**APPROVED**

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

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

**IMPERATIVE AGENDA**

*There were no items.*

**LEGISLATION INTRODUCED AT ROLL CALL****Introduced by a Supervisor or the Mayor****Ordinances****130363 [Appropriation - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - \$133,275,000 - FY2012-2013]**

**Sponsors: Mayor; Wiener, Yee, Chiu and Mar**

Ordinance appropriating \$133,275,000 of the Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013B, Proceeds including \$122,058,097 to the Department of Public Works and \$11,216,903 to the Municipal Transportation Agency for resurfacing, sidewalk, curb ramp, and street structure improvements, the redesign of street streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds. (Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

**130364 [De-Appropriation and Re-Appropriation - \$71,016 to Public Utilities Commission for Overtime - FY2012-2013]**

**Sponsor: Mayor**

Ordinance de-appropriating \$71,016 in salaries in the Public Utilities Commission, Hetch Hetchy Department, operating budget and re-appropriating \$71,016 to overtime in the Public Utilities Commission, Hetch Hetchy Department operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11, and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

04/23/13; ASSIGNED to Budget and Finance Committee.

**130365 [De-Appropriation and Re-Appropriation - Operating Budget Amendment of \$5,096,000 and Capital Improvement Projects of \$42,178,878 for Public Utilities Commission - FY2013-2014]**

**Sponsor: Mayor**

Ordinance amending the adopted FY2013-2014 Appropriation Ordinance and other adopted biennial capital appropriation ordinances for the Public Utilities Commission, including \$3,100,000 in de-appropriation and re-appropriation for the Hetch Hetchy Enterprise operating budget; de-appropriating \$16,414,070 and re-appropriating \$7,513,665 in capital projects in the Hetch Hetchy Capital Improvement Program projects; de-appropriating and re-appropriating \$1,996,000 in the Water Enterprise operating budget; de-appropriating \$70,995,900 and re-appropriating \$55,169,000 in the in the Water Enterprise Capital Improvement Program projects; and de-appropriating \$56,370,059 and re-appropriating \$38,878,486 in the Wastewater Enterprise Capital Improvement Program.

(Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

**130366 [De-Appropriation and Re-Appropriation - \$250,000 to Public Utilities Commission for Overtime - FY2012-2013]**

**Sponsor: Mayor**

Ordinance de-appropriating \$250,000 in debt service in the Public Utilities Commission, Water Enterprise Department, operating budget, and re-appropriating \$250,000 to overtime in the Public Utilities Commission, Water Enterprise Department, operating budget, in order to support the department's projected increases in overtime, as required by Board of Supervisors Ordinance No. 194-11; and requiring a two-thirds vote of all members of the Board of Supervisors for approval.

04/23/13; ASSIGNED to Budget and Finance Committee.

**130367 [De-Appropriation and Re-Appropriation - \$16,546,000 to Public Utilities Commission for Expenditures - FY2012-2013]**

**Sponsor: Mayor**

Ordinance de-appropriating \$16,546,000 in existing Wastewater Capital Improvement Program project budgets and re-appropriating the funds to Wastewater Sewer System Improvement Program budgets adopted by the Public Utilities Commission.

04/23/13; ASSIGNED to Budget and Finance Committee.

**130368 [Appropriation - Earthquake Safety and Emergency Response General Obligation Bonds, 2011, Series 2013B - \$31,905,000 - FY2012-2013]**

**Sponsors: Mayor; Chiu**

Ordinance appropriating \$31,905,000 of the Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B, Proceeds to the Department of Public Works in FY2012-2013 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster; and placing these funds on Controller's Reserve pending the sale of the bonds.

04/23/13; ASSIGNED to Budget and Finance Committee.

**130369 [Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements]****Sponsor: Mayor**

Ordinance amending Building Code, Section 106A.3.2.4, and Health Code, Sections 1220 through 1237, and adding Section 1219, to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending Public Works Code, Article 20, to eliminate soil testing provisions; renumbering code sections in Health Code, Article 22A; and making environmental findings.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

**130370 [Appropriation and De-Appropriation - Equipment Lease Revenue Bonds, Series 2013A - \$2,056,612 - FY2012-2013]****Sponsor: Mayor**

Ordinance appropriating \$2,056,612 of Equipment Lease Revenue Bonds, Series 2013A, Proceeds and de-appropriating \$171,628 of equipment lease project to fund related financial costs for issuing Equipment Lease Revenue Bonds, Series 2013A, for Citywide Lease Equipment financing in FY2012-2013.

(Fiscal Impact)

04/23/13; ASSIGNED to Budget and Finance Committee.

**130371 [Appropriation and De-Appropriation - Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A - \$74,030,000 - FY2012-2013]****Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar**

Ordinance appropriating \$74,030,000 of the Clean and Safe Neighborhood Park General Obligation Bonds, 2012, Series 2013A, Proceeds including \$55,156,304 to the Recreation and Parks Department and \$18,873,696 to the Port for the renovation, repair, and construction of parks and open spaces (Proposition B) in FY2012-2013 and placing these funds on Controller's Reserve pending the sale of the bonds.

04/23/13; ASSIGNED to Budget and Finance Committee.

**130372 [Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District]****Sponsor: Cohen**

Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/23/2013.

**130373 [Administrative Code - Language Access Ordinance]****Sponsor: Chiu**

Ordinance amending the Administrative Code to add the Ethics Commission to the list of City departments required to provide enhanced language access services.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

**130374 [Campaign and Governmental Conduct Code - Lobbying Regulations]****Sponsor: Chiu**

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the list of reportable lobbying contacts; enhance lobbyist training, auditing, and record-keeping requirements; require public reports about city officials who fail to file statements of economic interest; require a public guide to local campaign finance laws; require permit consultants to register with the Ethics Commission and file regular disclosure reports; and require major developers to disclose donations to nonprofits active in the City.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

**130375 [Administrative Code - City Contracting and Grant Reform]****Sponsor: Chiu**

Ordinance amending the Administrative Code, Chapter 21, Sections 21.4 and 21.05, adding 21.43, relating to Contracts, and adding Chapter 21A, relating to Grants.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/23/2013.

**Resolutions****130376 [Issuance - Equipment Lease Revenue Bonds, Series 2013A - Finance Corporation Equipment Program - Not to Exceed \$12,500,000]****Sponsor: Mayor**

Resolution approving the form of and authorizing execution and delivery of Equipment Lease Revenue Bonds, Series 2013A, Supplement No. 19, between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco (City), as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$12,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130377 [Sale - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed \$74,030,000]**

**Sponsors: Mayor; Farrell, Wiener, Avalos, Kim, Chiu and Mar**

Resolution authorizing and directing the sale of not to exceed \$74,030,000 aggregate principal amount of City and County of San Francisco Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive Sale; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement Relating to the Sale of Said Bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130378 [Lease - Data Center Space - 3101 Gold Center Drive, Rancho Cordova, California - Initial Term of Two Years - Base Annual Rental Rate of \$130,473.84]**

**Sponsors: Mayor; Chiu**

Resolution authorizing the use of space and communication services within an existing data center located at 3101 Gold Center Drive, Rancho Cordova, California, from the State of California Technology Agency, Office of Technology Services, through an Agreement; and authorizing certain amendments and extensions to said Agreement as warranted for an initial term of two years with a base annual rental rent of \$130,473.84.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130379 [Proposition J Contract - Public Utilities Commission - Certification of Specified Contracted-Out Services Previously Approved]**

**Sponsor: Mayor**

Resolution concurring with the Controller's certification that services can be performed by private contractor for a lower cost than similar work performed by City and County employees for night and weekend security services at Public Utilities Commission's offices on 525 Golden Gate Avenue.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130380 [Issuance - Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A - Not to Exceed \$195,000,000]**

**Sponsors: Mayor; Farrell, Wiener, Chiu, Avalos, Kim and Mar**

Resolution providing for the issuance of not to exceed \$195,000,000 aggregate principal amount of Clean and Safe Neighborhood Parks General Obligation Bonds, 2012, Series 2013A; authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130381 [Sale - Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C - Not to Exceed \$133,275,000]****Sponsors: Mayor; Wiener, Yee and Mar**

Resolution authorizing and directing the sale of not to exceed \$133,275,000 aggregate principal amount of Road Repaving and Street Safety General Obligation Bonds, 2011, Series 2013C; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130382 [Sale - Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B - Not to Exceed \$31,905,000]****Sponsors: Mayor; Chiu**

Resolution authorizing and directing the sale of not to exceed \$31,905,000 aggregate principal amount of Earthquake Safety and Emergency Response General Obligation Bonds, 2010, Series 2013B; prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related to said bonds; providing for the manner of sale of said bonds by competitive sale; approving the forms of official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of said bonds; Approving the Form of the Continuing Disclosure Certificate; Authorizing and approving modifications to documents; declaring the City's intent to reimburse certain expenditures; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130383 [Accept and Expend Grant - Bay Area Regional Energy Network - \$931,000]****Sponsor: Mar**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant of \$931,000 from the Association of Bay Area Governments to perform various activities as part of a Bay Area Regional Energy Network energy efficiency program for the period of January 1, 2013, through December 31, 2014.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130384 [Airspace Lease - State of California - Property along Duboce Street, between Otis Street and Stevenson Street - SoMa West Skatepark - Initial Term of Twenty Years - Initial Monthly Base Rent \$10,000]**

**Sponsor: Kim**

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 071, and located along Duboce Street between Otis Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and an initial monthly rent of \$10,000; 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.

(Fiscal Impact)

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130385 [Airspace Lease - State of California - Property under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street - SoMa West Dog Park - Initial Term of Twenty Years - Total Base Rent \$2,335,343]**

**Sponsor: Kim**

Resolution approving the execution of an airspace lease for a portion of property commonly known as Block No. 3513, Lot No. 074, and located under Highway 101 near Duboce Street, between Valencia Street and Stevenson Street, by and between the City and County of San Francisco (City), and the State of California, acting by and through its Department of Transportation, for an initial term of twenty years and a total base rent of \$2,335,343; 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.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130386 [Urging the California State Senate to Pass Senate Bill 622]**

**Sponsors: Campos; Avalos, Mar and Kim**

Resolution urging the California State Senate to pass Senate Bill 622, which would levy an excise tax of one cent (\$0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.

04/23/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130387 [Urging the United States Senate to Amend Senate Bill 744 and Pass Comprehensive Immigration Reform]**

**Sponsors: Chiu; Campos and Kim**

Resolution urging the United States Senate to amend Senate Bill 744 and pass Comprehensive Immigration Reform legislation to focus on family reunification, create a real pathway to citizenship, and be inclusive of our country's diversity.

04/23/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Requests for Hearing**

### **130207 [Hearing - Proposition H Expenditure Plan and Reauthorization and Children's Fund Status and Reauthorization]**

**Sponsor: Kim**

Hearing to receive updates from the Mayor's Budget Office, Controller's Office, and San Francisco Unified School District (SFUSD) on the Proposition H expenditure plan, the establishment of standardized processes for allocation of funds to SFUSD by the City, and the status of possible reauthorization of Proposition H, and an update from the Department of Children, Youth and Families on the status and possible reauthorization of the Children's Fund.

02/26/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

03/01/13; REFERRED TO DEPARTMENT.

04/23/13; SUBSTITUTED AND ASSIGNED to City and School District Select Committee.

### **130355 [Hearing - Public Utilities Commission - Budget Update - FYs 2013-2014 and 2014-2015]**

**Sponsor: Farrell**

Hearing to receive an update on the Public Utilities Commission budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### **130356 [Hearing - Port - Budget Update - FYs 2013-2014 and 2014-2015]**

**Sponsor: Farrell**

Hearing to receive an update on the Port budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### **130357 [Hearing - Municipal Transportation Agency - Budget Update - FYs 2013-2014 and 2014-2015]**

**Sponsor: Farrell**

Hearing to receive an update on the Municipal Transportation Agency budget for FYs 2013-2014 and 2014-2015.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### **130388 [Hearing - Performance Audit - Public Safety Realignment]**

**Sponsor: Cohen**

Hearing on the performance audit of the implementation of Public Safety Realignment.

04/23/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **130389 [Hearing - Participatory Budgeting]**

**Sponsor: Chiu**

Hearing on participatory budgeting.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Introduced by the President at the Request of a Department****PROPOSED ORDINANCE****130336 [Settlement of Lawsuit - Rosemary Bosque - \$49,505.70]**

Ordinance authorizing settlement of the lawsuit filed by Rosemary Bosque against the City and County of San Francisco for \$49,505.70; the lawsuit was filed on May 14, 2010 in San Francisco Superior Court, Case No. CGC-10-499909, entitled Bosque v. City and County of San Francisco. (City Attorney's Office)

04/12/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS****130324 [Airport Lease Modification - United Air Lines, Inc. - Plots 16 and 16B]**

Resolution approving the execution of Modification No.5 to Lease L73-0066 at Plots 16 and 16B with United Air Lines, Inc. at San Francisco International Airport to: increase the ground rent to \$12,040,710.00 per year; reduce the premises by 6.53 acres of land, resulting in a modified premises of approximately 124.13 acres, together with certain rights-of-way and easements; and grant a one-time option to relinquish up to thirty percent of the land comprising the Premises and equivalent land comprising the Employee Parking. (Airport Commission)  
(Fiscal Impact)

04/09/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130332 [Airport Lease and Use Agreement - China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc.]**

Resolution approving the terms of 2011 Lease and Use Agreements between China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc., respectively, and the City and County of San Francisco, acting by and through its Airport Commission, for a term ending in approximately eight years and two months. (Airport Commission)

04/09/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130333 [Airport Lease Amendments - Concessions and Stores]**

Resolution approving Amendment No. 2 to Boarding Area E Candy Kiosk Lease No. 08-0016 with Pacific Gateway Concessions, LLC; Terminal 3 Specialty Store Lease B No. 04-0167 with Marilla Chocolate Company; Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 3 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission for a term of five years. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130334 [Airport Lease Agreement - Pelican Communications, Inc.]**

Resolution approving Amendment No. 1 to Lease No. 09-0229 with Pelican Communications, Inc., to lower rent to 20% of gross revenue for the term January 1, 2010, through December 3, 2013. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**130335 [Airport Lease Amendment - Gotham Enterprises, LLC - Minimum Annual Guarantee \$37,353]**

Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0193 between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of \$37,353, for the term of September 29, 2003, through February 23, 2017. (Airport Commission)

04/11/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:57 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 June 4, 2013.*

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Angela Calvillo, Clerk of the Board