

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 13, 2014 - 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, 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

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

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 Mar, moved to approve the Board Meeting Minutes of April 8, 2014. The motion carried by the following vote:

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

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, in consultation with Jon Givner, Deputy City Attorney, communicated that pursuant to the withdrawal received from Appellants on April 30, 2014, following official noticing, Item Nos. 23-26 (File Nos. 140397-140400) are hereby TABLED BY OPERATION OF LAW. No action will be taken on these matters. There were no further communications.

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

140494 [Formal Policy Discussions - May 13, 2014]

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 Supervisor representing District 1. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Mayor Lee, San Francisco is now the city with the fastest-growing gap between rich and poor. Yet, we have not raised our minimum wage in a decade. Washington, D.C., Seattle, and Oakland, among other cities, have recently moved to raise their minimum wage. I was involved in the battle to increase our minimum wage ten years ago and remain involved in this issue now.

Some labor groups in the City have proposed to increase the city's minimum wage to \$15 an hour. I applaud this bold increase as it represents a significant enough jump to make a real difference in working peoples' lives. At the same time, I am sensitive to the concerns of small business owners and non-profits who worry about their ability to cover additional salary costs and the impact that increasing the wages of those at the bottom will have on their salary scales.

Can you share what level you are currently considering increasing the minimum wage to and how you plan on mitigating impacts on small businesses and non-profits? (Supervisor Mar, District 1)

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

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

140233 [Public Employment - Amendment to the Annual Salary Ordinance for the Human Services Agency - FYs 2013-2014 and 2014-2015]

Sponsors: Mayor; Farrell

Ordinance amending Ordinance No. 160-13 (Annual Salary Ordinance FYs 2013-2014 and 2014-2015) to reflect the addition of 53 new positions (8.85 FTEs in FY2013-14) at the Human Services Agency for implementation of additional work associated with increased State and Federal funding.

(Fiscal Impact)

Ordinance No. 070-14

FINALLY PASSED

140339 [Accept and Expend Grant - Encouraging Innovation: Field-Initiated Programs, Bureau of Justice Assistance - Amendment to the Annual Salary Ordinance - \$395,231]

Sponsor: Kim

Ordinance retroactively authorizing the San Francisco Public Defender's Office (PDR) to accept and expend a grant in the amount of \$395,231 from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to create the first local and nationally applicable checklist system to better guide attorneys through key moments in cases, ensuring competent representation and avoiding costly errors; and amending Ordinance No. 160-13 (Annual Salary Ordinance, FY2013-2014) to reflect the addition of one Class 8173 Legal Assistant grant-funded position (0.50 FTE) at the PDR for the period of October 1, 2013, through September 30, 2016.

Ordinance No. 073-14

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

131205 [Planning Code - Production, Distribution, and Repair Zoning]

Sponsors: Mayor; Cohen, Campos, Chiu, Wiener and Mar

Ordinance amending the Planning Code to address various revisions to Production, Distribution, and Repair Zoning (PDR), integrated PDR, and small enterprise workplace zoning controls to facilitate the establishment of such uses; amending the Administrative Code to delete requirements concerning reporting on integrated PDR; affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

Ordinance No. 071-14

FINALLY PASSED

Recommendations of the Rules Committee

140435 [Appointment, Bicycle Advisory Committee - Amar Puri]

Motion appointing Amar Puri, term ending November 19, 2014, to the Bicycle Advisory Committee. (Rules Committee)

Motion No. M14-080

APPROVED

140436 [Appointment, Graffiti Advisory Board - Jana Lord]

Motion appointing Jana Lord (residency requirement waived), term ending April 10, 2015, to the Graffiti Advisory Board. (Rules Committee)

Motion No. M14-081

APPROVED

140437 [Appointment, SRO Task Force - Bruce Burge]

Motion appointing Bruce Burge (residency requirement waived), term ending December 31, 2015, to the SRO Task Force. (Rules Committee)

Motion No. M14-082

APPROVED

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

140379 [Appropriation and De-Appropriation - Surplus Expenditures of \$420,993 Supporting Increased Overtime Expenditures - FY2013-2014]

Sponsor: Mayor

Ordinance appropriating \$420,993 to overtime and de-appropriating \$420,993 consisting of \$219,359 in salaries and \$201,634 in contingency savings plan in the Department of Emergency Management's Operating Budget in order to support the Department's projected increases in overtime as required per Ordinance No. 194-11 in FY2013-2014.

(Fiscal Impact)

Ordinance No. 074-14

FINALLY PASSED 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

140261 [Park, Police, Public Works Codes - Graffiti Prevention and Abatement]

Sponsors: Breed; Farrell, Wiener, Tang, Chiu and Campos

Ordinance amending the Police Code to ban convicted graffiti offenders from bringing graffiti and etching tools, etching cream, and slap tags into parks or on Municipal Transportation Agency vehicles; amending the Park Code to ban possession of graffiti and etching tools, etching cream, and slap tags in parks; amending the Public Works Code to extend the administrative process and potential administrative remedies to graffiti offenses committed on public property; amending the Public Works Code to permit the City to pursue civil remedies, including injunctive relief, civil penalties, attorney's fees, and repayment of abatement costs, against graffiti offenders; and making uncodified findings.

Ordinance No. 072-14

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

140380 [Accept and Expend Grant - Small Business Development Center Program - Amendment to the Annual Salary Ordinance - \$150,000]

Sponsor: Mayor

Ordinance retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$150,000 from the Humboldt State University Sponsored Programs Foundation to host the San Francisco Small Business Development Center for the period of February 1, 2014, through December 31, 2014; and amending Ordinance No. 160-13 (Annual Salary Ordinance, FY2013-14 and FY2014-2015) to reflect addition of one (1) Class 9775 Senior Community Development Specialist II grant-funded position (0.17 FTE) in the Office of Economic and Workforce Development.

PASSED, ON FIRST READING by the following vote:

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

131156 [Accept and Expend Grant - Creeks to Peaks Connector Trails Project - \$130,679]

Sponsor: Wiener

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant of \$130,679, for the period of July 1, 2013, through June 30, 2033, from the California Department of Parks and Recreation's Habitat Conservation Fund to support the development of the Creeks to Peaks Connector Trails Project in Twin Peaks and Glen Canyon Park.

Resolution No. 152-14

ADOPTED by the following vote:

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

140093 [Contract Amendment and Property Use License - TEGSCO, LLC - San Francisco AutoReturn Towing]

Resolution approving the first amendment to the amended and restated Towing Agreement and Property Use License for towing, storage and disposal of abandoned and illegally parked vehicles, between the San Francisco Municipal Transportation Agency and TEGSCO, LLC, dba San Francisco AutoReturn, which shall be effective retroactive to May 1, 2013, and through July 31, 2015. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 153-14

ADOPTED by the following vote:

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

140249 [Real Property Lease Renewal - Ruth Mellinger - 70 Oak Grove Street - \$37,208.33 Monthly]

Resolution authorizing the exercise of an option to extend the lease of 10,000 sq. ft. at 70 Oak Grove with Ruth Mellinger, for five years for use by the Sheriff's Department at \$37,208.33 monthly for the period of May 31, 2014 through May 30, 2019. (Real Estate Department)

Resolution No. 156-14

ADOPTED by the following vote:

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

140286 [Accept and Expend Grant - Department of Adult Probation - Probation Specialized Supervision Program - \$100,000]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Adult Probation to accept and expend a grant in the amount of \$100,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act for the period of October 1, 2013, through September 30, 2014.

Resolution No. 157-14

ADOPTED by the following vote:

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

140309 [Real Property Lease Amendment - Autodesk, Inc. - Pier 9]

Resolution approving the Port Commission's Third Amendment to Lease No. L-15169 with Autodesk, Inc., a Delaware corporation, for the lease of unimproved shed space at Pier 9 in the Northern Waterfront with a 111 month term, to commence upon Board approval through January 15, 2023. (Port)
(Fiscal Impact)

Resolution No. 158-14

ADOPTED by the following vote:

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

140374 [Lease Agreement - Federal Express Corporation - Airport Building 900 - Minimum Rent of \$6,817,955]

Resolution approving and authorizing the execution of a Lease Agreement for Cargo Building 900 and related areas on Plot 50 No. L14-0054 between Federal Express Corporation and the City and County of San Francisco, acting by and through its Airport Commission, for a minimum rent of \$6,817,955 for a term of five years commencing upon the first day of the month following full City approval but no earlier than July 1, 2014, with one option to extend the term for an additional five years. (Airport Commission)

Resolution No. 160-14

ADOPTED by the following vote:

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

140410 [Agreement - Use of Fast Pass on BART]

Resolution approving the Special Transit Fare (Fast Pass®) Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District, with a term of July 1, 2014, through June 30, 2020, and a not to exceed amount of \$74,821,040. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 161-14

ADOPTED by the following vote:

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

140448 [Transfer Agreement, Option to Ground Lease, and Ground Lease in the amount of \$4,558,269, \$0 and \$1, respectively - 1500 Page Street LLC and Mercy Housing California 57 - 1500 Page Street]

Sponsor: Breed

Resolution authorizing the execution and performance of a Transfer Agreement in the amount of \$4,558,269 which expires on June 30, 2014 between the City and County of San Francisco and 1500 Page Street, LLC, a California limited liability company, for the transfer of real property and improvements located at 1500 Page Street, San Francisco, for the development of 16 units of affordable housing for persons with developmental disabilities and one manager's unit; authorizing the execution and performance of an Option to Ground Lease in the amount of \$0 which expires on June 30, 2015 and a Ground Lease in the amount of \$1 annual base rent for so long as HUD is senior lender and 10% of fair market value at all times thereafter bearing a 75 year term and one 24 year extension between the City and County of San Francisco and Mercy Housing California 57, a California limited partnership; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Resolution No. 162-14

ADOPTED by the following vote:

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

Recommendations of the Neighborhood Services and Safety Committee**130217 [Liquor License Transfer - 1097 Howard Street]**

Resolution determining that the transfer of a Type 42 off-sale beer and wine, person-to-person and premise-to-premise, license from 1097 Howard Street, Unit 209, to 1097 Howard Street, Unit 101 (District 6), to William Marci for the San Francisco Champagne Society, LLC, will serve the public convenience and necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4. (Neighborhood Services and Safety Committee)

Resolution No. 151-14

ADOPTED by the following vote:

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

140221 [Liquor License Transfer - 256 Columbus Avenue]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 43-6th Street to 256 Columbus Avenue (District 3), to Brian Sheehy for Future Bars, Inc., 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.

Resolution No. 154-14

ADOPTED by the following vote:

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

140223 [Liquor License Transfer - 90 Natoma Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 10-16 California Street to 90 Natoma Street (District 6) to Dennis Leary for Alcyone, LLC, dba Natoma Cabana, 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. (Neighborhood Services and Safety Committee)

Resolution No. 155-14

ADOPTED by the following vote:

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

Recommendation of the Rules Committee**140226 [Various Codes - Nonsubstantive Clean-Up Ordinance]**

Ordinance amending the Administrative, Business and Tax Regulations, Campaign and Governmental Conduct, Environment, Health, Municipal Elections, Park, Police, and Subdivision Codes, to make nonsubstantive changes. (City Attorney's Office)

PASSED, ON FIRST READING by the following vote:

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

SPECIAL ORDER 3:00 P.M.**140397 [Public Hearing - Appeal of Tentative Parcel Map - 1514-1518 Waller Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated April 9, 2014, approving a Tentative Parcel Map for a 3-unit condominium conversion located at 1514-1518 Waller Street, Assessor's Block No. 1246, Lot No. 012. (District 5) (Appellants: Pete Kiehart, on behalf of himself and Frank Clare) (Filed April 17, 2014). (Clerk of the Board)

Pursuant to communication by Angela Calvillo, Clerk of the Board, noted above, no further action was taken.

TABLED BY OPERATION OF LAW

140398 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1514-1518 Waller Street]

Motion approving the decision of the Department of Public Works and approving the Tentative Parcel Map for a 3-unit condominium conversion located at 1514-1518 Waller Street, Assessor's Block No. 1246, Lot No. 012; making environmental findings and findings of consistency with the City's General Plan and eight priority policies of San Francisco Planning Code, Section 101.1. (Clerk of the Board)

Pursuant to communication by Angela Calvillo, Clerk of the Board, noted above, no further action was taken.

TABLED BY OPERATION OF LAW

140399 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1514-1518 Waller Street]

Motion disapproving the decision of the Department of Public Works and disapproving the Tentative Parcel Map for a 3-unit condominium conversion located at 1514-1518 Waller Street, Assessor's Block No. 1246, Lot No. 012; making environmental findings and findings of consistency with the City's General Plan, and eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Pursuant to communication by Angela Calvillo, Clerk of the Board, noted above, no further action was taken.

TABLED BY OPERATION OF LAW

140400 [Preparation of Findings Related to the Tentative Parcel Map - 1514-1518 Waller Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 3-unit condominium conversion located at 1514-1518 Waller Street, Assessor's Block No. 1246, Lot No. 012. (Clerk of the Board)

Pursuant to communication by Angela Calvillo, Clerk of the Board, noted above, no further action was taken.

TABLED BY OPERATION OF LAW

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

140392 [Hearing - Nonprofit Rent Stabilization Program - FY2013-2014 - \$4,515,000]

Hearing to consider the release of funds placed on reserve by Ordinance No. 33-14 (File No. 140008) in the amount of \$4,515,000 for Nonprofit Rent Stabilization services in FY2013-2014. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to the release of reserve relating to funding the Nonprofit Rent Stabilization Program as referenced in Ordinance No. 33-14 (File No. 140008). Brian Cheu, Director, Mayor's Office of Community Development, and Tom DeCaigny, Executive Director, Arts Commission, provided an overview of the request for release of reserves and responded to questions raised throughout the discussion. Ed Luman (995 Market Street); Nancy Neilsen (Lutheran Social Services); Ray (Market Street Services); Mark Burns (IHSS Consortium); Brent Andrews (Positive Resource Center); Lucy Kieffer (Dance Mission); Ana DeLeon (La Raza); Ann Brudsk (Meridian Gallery); Hayden Patel; Joseph Sobrante; Matthew Shefski; Walter Paulson; Richard Kingsley (Hunter's House); Debbi Lerman (Human Services Network); Larry Juizye Edmund; spoke in support of the release of reserves. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND RELEASED

Committee of the Whole Adjourn and Report

RELEASE OF RESERVE

Supervisor Kim, seconded by Supervisor Mar, moved to release \$2,515,000 placed on Board of Supervisors' reserve for the Mayor's Office of Housing and \$2,000,000 placed on Board of Supervisors' reserve for the Arts Commission for funding the Nonprofit Rent Stabilization Program. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

140425 [Hearing - Consent to Provisions in Mission Bay South Agreements Related to Affordable Housing]

Sponsor: Kim

Hearing of persons interested in or objecting to the proposed Resolution of the Board of Supervisors acting in its capacity as the legislative body to the Successor Agency to the former Redevelopment Agency of the City and County of San Francisco approving provisions in agreements as they relate to affordable housing obligations that would effectuate the transfer of Block Nos. 33 and 34 in the Mission Bay South Plan Area to the Regents of the University of California for the future development of up to 500,000 gross square feet in the Mission Bay South Redevelopment Project Area; and making environmental findings under the California Environmental Quality Act.

Supervisor Kim, seconded by Supervisor Breed, moved that this Hearing be CONTINUED open to May 20, 2014. The motion carried by the following vote:

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

Supervisor Campos, 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

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to a proposed continuance for File Nos. 140425 and 140426. Larry Edmund; spoke in support of affordable housing. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Kim, seconded by Supervisor Breed, moved that this Hearing be CONTINUED to May 20, 2014, as a Special Order at 3:00 p.m. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

140426 [Consent to Provisions - Regents of the University of California - Mission Bay South Agreements Related to Affordable Housing]**Sponsor: Kim**

Resolution of the Board of Supervisors acting in its capacity as the legislative body to the Successor Agency to the former Redevelopment Agency of the City and County of San Francisco approving provisions in agreements as they relate to affordable housing obligations that would effectuate the transfer of Block Nos. 33 and 34 in the Mission Bay South Plan Area to the Regents of the University of California for the future development of up to 500,000 gross square feet in the Mission Bay South Redevelopment Project Area; and making environmental findings under the California Environmental Quality Act.

Supervisor Kim, seconded by Supervisor Breed, moved that this Resolution be CONTINUED to May 20, 2014, as a Special Order at 3:00 p.m. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****140331 [Hearing - Report of Assessment Costs for Blighted Properties]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repairs of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Section 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 140332. Gretchen Rude (Department of Public Works) provided an overview of the assessments. Isaac; Male Speaker (960 Howard Street); Chris (801 Kansas Street); Aaron Chan (906 Capp Street); Female Speaker (506 Grant Avenue); Sue (1167 Harrison Street); Male Speaker (225 Mission Street); Agnes Gay; Mark Owens (952 Howard Street); Joslyn (242 Capp Street); Walter Paulson; Patricia Vaughey; Larry Edmund; Mike Isom; spoke in opposition to the proposed assessments. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

140332 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

Gretchen Rude (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment: 801 Kansas Street; 442 Taraval Street; 866 Valencia Street; 921 Grant Avenue; and 1167 Harrison Street.

Supervisor Mar, seconded by Supervisor Yee, moved to accept the amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 140332. The motion carried by the following vote:

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

Resolution No. 159-14

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

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

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

Privilege of the Floor

Supervisor Breed, seconded by Supervisor Yee, moved to suspend Rule 5.36 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

SMALL BUSINESS WEEK

Steve Adams, President, Small Business Commission, provided an overview and made some opening remarks. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Small Business Week, their accomplishments, and their continued community support as referenced below:

Supervisor Breed recognized Nicole Krasinski and Stuart Brioza (State Bird Provisions); and Supervisor Yee recognized Gary and Julia Marcaletti (San Francisco Wine Trading Company); and Supervisor Wiener recognized Joe Gallagher (Joe's Barbershop); and Supervisor Cohen recognized Oliver Lee (Visitacion Valley Pharmacy); and Supervisor Mar recognized Pete and Maggie Mulvihill (Green Apple Books); and Supervisor Farrell recognized Patricia Vaughey, on behalf of Bob Eng Tong Kor (Allstar Donuts); and

Supervisor Chiu recognized Bobby Winston (Bay Crossings); and Supervisor Tang recognized Albert Chow (Great Wall Hardware); and Supervisor Kim recognized Tess Diaz-Guzman "Mama Tess" (JT Restaurant); and Supervisor Campos recognized Diana Medina (Diju Jewelry Store and Gallery) and Supervisor Avalos recognized Sean Ingram and Andrea Ferrucci (Dark Horse Inn).

Regina Dick-Endrizzi, Director, Office of Small Businesses, shared in this commendation and provided an overview of this week's activities.

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

140415 [Feasibility Study of Implementing Community Choice Aggregation by Joining Marin Clean Energy]

Sponsors: Avalos; Breed, Campos, Mar, Wiener and Yee

Ordinance electing to study the feasibility of implementing a community choice aggregation program for the benefit of electric customers in San Francisco through an agreement with Marin Clean Energy.

PASSED, ON FIRST READING by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

140319 [Public Works Code - Surface-Mounted Facility Site Permits]

Sponsors: Wiener, Breed, Chiu, Cohen, Kim and Campos

Ordinance amending the Public Works Code to establish the requirements for Surface-Mounted Facility Site Permits; to set fees for obtaining such permits; to make the provisions of the Ordinance retroactive; and making environmental findings.

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

PASSED, ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Emil Guillermo; spoke relating to the recent death of Stephen Guillermo.

Ken Johnson; spoke relating to saving Marcus' Bookstore.

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

Carol Harvey; spoke relating to contamination on Treasure Island.

Catherine Lundgren; spoke relating to displacement and safety concerns relating to Treasure Island.

Female Speaker; spoke expressing opposition to natural areas program and environmental concerns.

Edmond Juizye; expressed various concerns.

Tom Gilberty; expressed various concerns relating to noise pollution.

Sandy Aegy; spoke relating to displacement and safety concerns relating to Treasure Island.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

140489 [Building Safety Month - May 2014]

Sponsor: Chiu

Resolution declaring the month of May 2014 as Building Safety Month in the City and County of San Francisco and encouraging San Francisco residents to fully participate in Building Safety Month activities.

Resolution No. 163-14

ADOPTED

140491 [Approval of a 60 Day Extension for Planning Commission Review of an Ordinance (File No. 130788) - Planning Code - Expanding Formula Retail Controls]

Sponsor: Mar

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 130788) amending the Planning Code to expand the definition of formula retail to include businesses that have eleven or more outlets worldwide, and to include businesses 50% or more owned by formula retail businesses; to expand the applicability of formula retail controls to other types of retail uses; to expand the notification procedures for formula retail applications; to require an economic impact report as part of the formula retail conditional use application; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Resolution No. 164-14

ADOPTED

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

[Purely Commendatory Finding]

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

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

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

[Brown Act Finding]

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

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

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

140506 [Shan-Yee Poon School of Performing Arts Day - May 17, 2014]**Sponsors: Mar; Tang**

Resolution commending Shan-Yee Poon School of Performing Arts on the occasion of its 25th Anniversary and declaring May 17, 2014, as Shan-Yee Poon School of Performing Arts Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 140506. There were no speakers. The President declared public comment closed.

Resolution No. 165-14

ADOPTED by the following vote:

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

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

Charter Amendment

140507 [Charter Amendment - Retiree Health Benefits for Former Redevelopment Agency and Successor Agency Employees]

Sponsors: Cohen; Yee

Charter Amendment (First Draft) to amend the Charter, Sections A8.428 and A8.432, to provide retiree healthcare benefits to employees who transferred to the City and County of San Francisco from the Redevelopment Agency of the City and County of San Francisco or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, at an election to be held on November 4, 2014.

05/13/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2014.

Ordinances

130374 [Campaign and Governmental Conduct Code - Lobbying and Ethics Regulations]

Sponsor: Chiu

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of a lobbyist; expand the definition of an Officer of the City and County; expand the list of reportable lobbying contacts; hold employers and clients of lobbyists jointly and severally liable for violations of this Ordinance committed by the lobbyist on behalf of that employer or client; 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 quarterly 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.

05/02/13; REFERRED TO DEPARTMENT.

02/20/14; TRANSFERRED to Government Audit and Oversight Committee.

03/04/14; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

04/29/14; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

05/06/14; REFERRED TO DEPARTMENT.

05/11/14; NOTICED.

05/13/14; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

130788 [Planning Code - Expanding Formula Retail Controls]

Sponsor: Mar

Ordinance amending the Planning Code to expand the definition of formula retail to include businesses that have eleven or more outlets worldwide, and to include businesses 50% or more owned by formula retail businesses; expand the applicability of formula retail controls to other types of retail uses; expand the notification procedures for formula retail applications; require an economic impact study as part of the formula retail conditional use application; charge administrative fees to pay for staff review time of such studies; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

(5/13/14 - Supervisor Mar submitted a substitute ordinance bearing a new title.)

07/26/13; RESPONSE RECEIVED.

07/30/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

08/08/13; REFERRED TO DEPARTMENT.

08/14/13; RESPONSE RECEIVED.

10/22/13; REACTIVATED PURSUANT TO RULE 3.42 to Land Use and Economic Development Committee.

05/13/14; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

140509 [General Obligation Bond Election - Transportation and Road Improvement - \$500,000,000]**Sponsors: Mayor; Tang, Chiu, Wiener, Avalos, Kim, Breed, Farrell, Mar, Yee, Cohen and Campos**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 4, 2014, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$500,000,000 to finance the construction, acquisition, and improvement of certain transportation and transit related improvements, and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants under Administrative Code, Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such bonds; incorporating the provisions of Administrative Code, Sections 5.30-5.36; setting certain procedures and requirements for the election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and Administrative Code, Chapter 31, for the remaining portion of the bond; and finding that the proposed bond is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and with the General Plan consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53.
(Fiscal Impact)

05/13/14; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 6/12/2014.

Resolutions**140508 [General Obligation Bond Election - Transportation and Road Improvement]****Sponsors: Mayor; Tang, Chiu, Wiener, Avalos, Kim, Breed, Farrell, Mar, Yee, Cohen and Campos**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of transportation and transit related improvements, and other critical infrastructure and facilities for transportation system improvements and safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants under Administrative Code, Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such bonds; incorporating the provisions of Administrative Code, Sections 5.30-5.36; setting certain procedures and requirements for the election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, for the remaining portion of the bond; and finding that the proposed bond is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and with the General Plan consistency requirement of Charter Section 4.105, and Administrative Code, Section 2A.53.
(Fiscal Impact)

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140510 [Ten-Year Capital Expenditure Plan - FYs 2013-2014 through 2022-2023]**Sponsors: Mayor; Tang and Chiu**

Resolution amending the City's Ten-Year Capital Expenditure Plan for FYs 2013-2014 through FY2022-2023 to increase to \$500,000,000 the proposed Transportation and Road Improvement Bond.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140511 [Accept and Expend Grant - Mental Health Triage Personnel Grant - \$1,751,827]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$1,751,827 from Mental Health Services Oversight and Accountability Commission to participate in a program entitled Mental Health Triage Personnel Grant for the period of April 1, 2014, through June 30, 2014, waiving indirect costs.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140512 [Resolution of Intention - Lower Polk Community Benefit District]**Sponsor: Chiu**

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) known as the "Lower Polk Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the Management District Plan and Engineer's Report, and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; making environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

05/13/14; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

140513 [Accept and Expend Grant - Legal Educational Advocacy Program - \$230,121]**Sponsor: Campos**

Resolution retroactively authorizing the Public Defender's Office to accept and expend a grant in the amount of \$230,121 from the Board of State and Community Corrections for the purposes of implementing a Legal Educational Advocacy Program for the period of January 1, 2014, through December 31, 2014.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140514 [Accept and Expend Grant - HIV CARE Program/Single Allocation Model - \$2,663,405]**Sponsor: Wiener**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$2,663,405 from the State of California to participate in a program entitled "HIV CARE Program/Single Allocation Model" for the period of April 1, 2014, through March 31, 2015; and waiving indirect costs.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

140515 [Accept and Expend Grant - Capacity Building for High-Impact HIV Prevention, Category A - \$1,000,000]**Sponsor: Wiener**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$1,000,000 from Centers for Disease Control and Prevention to participate in a program entitled "Capacity Building for High-Impact HIV Prevention, Category A" for the period of April 1, 2014, through March 31, 2015.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

140516 [Urging the California State Legislature to Pass Legislation Increasing Minimum Automobile Liability Insurance]**Sponsor: Breed**

Resolution urging the California State Legislature to pass legislation increasing minimum automobile liability insurance.

05/13/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

140517 [Urging the Department of Public Works to Present and Solicit Community Feedback on Changes to Hunters Point Shipyard and Candlestick Point Street Widths]**Sponsors: Cohen; Wiener**

Resolution urging the Department of Public Works to update and seek feedback from the Hunters Point Shipyard Citizen Advisory Committee on the proposed widening of certain streets within the Candlestick Point and Hunters Point Shipyard Phase 2 Developments prior to issuance of a Vesting Tentative Subdivision Map.

05/13/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

140518 [Urging the Establishment of a 30-Day Home Delivered Meals Waitlist Policy]**Sponsor: Mar**

Resolution urging the Department of Aging and Adult Services to establish a 30-day home delivered meals waitlist policy, and in an emergency, within two to five days.

05/13/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

140519 [Approval of a 55-Day Extension for Planning Commission Review of an Ordinance (File No. 140036) Excluding Affordable Housing Units from Density Calculations Under Certain Conditions]**Sponsor: Wiener**

Resolution extending by 55 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 140036) amending the Planning Code to exclude Affordable Housing Units as defined from density calculations for projects that provide at least 20% of their units as Affordable Units and amending density calculations under certain scenarios; adopting findings, including environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

05/13/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced at the Request of a Department

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

PROPOSED RESOLUTIONS

140456 [Boarding Area C Coffee Shop Lease - Green Beans Coffee Osteria - SFO Group - Annual Rent of \$52,176 - FY2014-2015]

Resolution approving the Boarding Area C Coffee Shop Lease between Green Beans Coffee Osteria - SFO Group and the City and County of San Francisco, acting by and through its Airport Commission, for a ten year term with annual rent of \$52,896 for FY2014-2015. (Airport Commission)

04/28/14; RECEIVED FROM DEPARTMENT.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

140462 [Contract - Guardsmark, LLC - Security Services - \$19,785,392]

Resolution retroactively approving the new contract modification between the City and County of San Francisco and Guardsmark, LLC, to provide security services for the Human Services Agency, for the period of February 1, 2014, through January 31, 2018, for a total amount including the three option years in the amount of \$19,785,392. (Human Services Agency)
(Fiscal Impact)

05/02/14; RECEIVED FROM DEPARTMENT.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

140473 [Emergency Contract - KONE, Inc. - Elevator Repairs at 170 Otis Street - \$415,099]

Resolution concurring with the Human Services Commission's declaration to enter into an emergency contract with KONE, Inc., and the Human Services Agency to provide emergency elevator overhaul and upgrade for the three elevators located at 170 Otis Street, a city owned building, in the amount of \$415,099. (Human Services Agency)

05/02/14; RECEIVED FROM DEPARTMENT.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

140474 [Contract Approval - Thales Transport & Security, Inc. - Advanced Train Control System for San Francisco Municipal Transportation Agency Central Subway Project - \$21,363,292]

Resolution authorizing the San Francisco Municipal Transportation Agency to execute Advanced Train Control System Contract with Thales Transport & Security, Inc., for design and construction of Advanced Train Control System for the Central Subway Project for amount not to exceed \$21,363,292 for a 1,700 day term, to commence upon Board approval. (Municipal Transportation Agency)

05/05/14; RECEIVED FROM DEPARTMENT.

05/13/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

In Memoriam

Mrs. Marva Brooks - Supervisors Breed and Cohen

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:51 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 17, 2014.

Angela Calvillo, Clerk of the Board