

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, June 10, 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 2:18 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 May 6, 2014. 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

Mayor Edwin Lee addressed the Board of Supervisors for up to five minutes. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

140151 [Administrative Code - Local Hire and Prevailing Wages for Construction Projects on City-Owned Property Pursuant to California Law]

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

Ordinance amending the Administrative Code to provide that the City's Local Hiring Policy apply to construction projects on property owned by the City and payment of Prevailing Wages pursuant to California law.

Ordinance No. 085-14

FINALLY PASSED

140383 [Administrative Code - Prevailing Wage for Special Event or Trade Show Work on City Property]**Sponsors: Wiener; Chiu and Cohen**

Ordinance amending the Administrative Code to require that prevailing wages be paid for work involving the on-site installation, set-up, assembly, and dismantling of temporary exhibits, displays, booths, modular systems, signage, drapery, specialty furniture, floor coverings, and decorative materials in connection with trade shows, conventions, expositions, and other special events on City property.

Ordinance No. 090-14**FINALLY PASSED****Recommendations of the Rules Committee****140315 [Settlement of Claim - American Airlines, Inc. - Assumption of Lease Obligations and Allocation of Relocation Reimbursement Credits]**

Ordinance authorizing the settlement of the bankruptcy claim filed by the City and County of San Francisco against American Airlines, Inc., and its affiliated entities in In re: American Airlines, Inc., et al., Case No. 11-15463 SHS, United States Bankruptcy Court for the Southern District of New York, pursuant to a Cure Stipulation; the Cure Stipulation resolves the claim filed by the City and provides for American's assumption of its leases, permits, and related agreement related to American's operations at San Francisco International Airport; under the Cure Stipulation, the Airport will apply certain credits owed by Airport related to American's interim relocation from Terminal 3 Boarding Area E to Terminal 2 Boarding Area D to the amounts owed by American under its leases, permits, and related obligations; further, the Airport will apply the remaining amount of the relocation related credits to American's future obligations; the Cure Stipulation further provides for American's assumption of an agreement related to environmental clean-up and monitoring costs at the Airport. (City Attorney)

Ordinance No. 086-14**FINALLY PASSED****140368 [Settlement of Lawsuit - Jacqueline Ortega - \$221,175]**

Ordinance authorizing settlement of the lawsuit filed by Jacqueline Ortega against the City and County of San Francisco for \$221,175; the lawsuit was filed on November 15, 2012, San Francisco Superior Court, Case No. CGC-12-526188; entitled Jacqueline Ortega, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 087-14**FINALLY PASSED****140369 [Settlement of Lawsuit - Patricia MacDonald - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia MacDonald against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 16, 2010, in San Francisco Superior Court, Case No. CGC-10-501646; entitled Patricia MacDonald v. City and County of San Francisco, et al.

Ordinance No. 088-14**FINALLY PASSED**

140370 [Settlement of Lawsuit - Iva Johnson - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Iva Johnson against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 2, 2012, in San Francisco Superior Court, Case No. CGC-12-520470; entitled Iva Johnson v. City and County of San Francisco.

Ordinance No. 089-14

FINALLY PASSED

140402 [Settlement of Lawsuit - Jon Gatto - \$26,000]

Ordinance authorizing settlement of the lawsuit filed by Jon Gatto against the City and County of San Francisco for \$26,000; the lawsuit was filed on December 10, 2012, in San Francisco Superior Court, Case No. CGC-12-518200; entitled Jon Gatto v. City and County of San Francisco. (City Attorney)

Ordinance No. 091-14

FINALLY PASSED

140403 [Settlement of Lawsuit - Jameson Ashley - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Jameson Ashley against the City and County of San Francisco for \$150,000; the lawsuit was filed on January 26, 2012, in the United States District Court for the Northern District of California, Case No. C-12-0045-JST; entitled Jameson Ashley v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 092-14

FINALLY PASSED

140404 [Settlement of Lawsuit - Stantec Consulting Services, Inc. - City to Receive \$15,285,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Stantec Consulting Services, Inc., and Stantec Architecture, Inc., for \$15,285,000; the lawsuit was filed on December 12, 2011, in Alameda County Superior Court, Case No. RG13679711; entitled City and County of San Francisco v. Stantec Consulting Services Inc., et al. (City Attorney)

Ordinance No. 093-14

FINALLY PASSED

140405 [Settlement of Lawsuit - Chris Escher - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Chris Escher against the City and County of San Francisco for \$40,000; the lawsuit was filed on August 14, 2012, in San Francisco Superior Court, Case No. CGC-12-523236; entitled Chris Escher v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 094-14

FINALLY PASSED

140406 [Settlement of Lawsuit - LaVaughan Butler-Moore - \$43,000]

Ordinance authorizing settlement of the lawsuit filed by LaVaughan Butler-Moore against the City and County of San Francisco for \$43,000; the lawsuit was filed on April 2, 2009, in San Francisco Superior Court, Case No. CGC-09-486869; entitled LaVaughan Butler-Moore v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 095-14

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

From the Board

140453 [Street Vacation - Quint Street Railroad Crossing Improvement Project - Quint Street, McKinnon Ave, and Newcomb Ave]

Sponsor: Cohen

Ordinance ordering the vacation of portions of Quint Street, McKinnon Avenue and Newcomb Avenue as part of the Quint Street Railroad Crossing Improvement Project; approving a quitclaim of the City's interest in the vacation areas to the Peninsula Corridor Joint Powers Board (JPB), subject to specified conditions; reserving easement rights for the benefit of the City for its utilities and the JPB; accepting a Department of Public Works Order concerning the street vacation; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Ordinance No. 096-14

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

140311 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]

Resolution approving the acquisition of 28 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program (Project); adopting findings that the Project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)
(Fiscal Impact)

Resolution No. 190-14

ADOPTED by the following vote:

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

140333 [Airport Lease Modification - Continental Airlines, Inc. - Early Termination of Lease]

Resolution approving and authorizing the execution of Modification No. 2 to Lease L10-0275 with Continental Airlines, Inc., at San Francisco International Airport to grant early termination of the Lease.

Resolution No. 191-14

ADOPTED by the following vote:

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

140334 [Contract Amendment - Bridgestone Americas Tire Operations, LLC - \$11,750,000]

Resolution authorizing the Office of Contract Administration to enter into the Sixth Amendment between the City and County of San Francisco and Bridgestone Americas Tire Operations, LLC, for the rental of bus tires, in which the amendment shall increase the contract limit from \$9,950,000 to \$11,750,000. (Office of Contract Administration)
(Fiscal Impact)

Resolution No. 192-14

ADOPTED by the following vote:

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

140376 [Professional Services Agreement - FSP PPM Management, LLC - Curbside Management Program - Not to Exceed \$16,938,693]

Resolution approving Amendment No. 2 to Professional Services Agreement, Airport Contract No. 8994, to manage and staff the Curbside Management Program between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$16,938,693 pursuant to San Francisco Charter, Section 9.118(b), for a term commencing July 1, 2014, through June 30, 2015.

Resolution No. 193-14

ADOPTED by the following vote:

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

**140450 [Real Property Lease Amendment - Spectrum Realty, L.P. - 833 Mission Street]
Sponsor: Kim**

Resolution retroactively authorizing the Municipal Transportation Agency to execute the lease amendment (Third Amendment) to the retail lease dated February 18, 2004, with Sprint Spectrum Realty, L.P., (Tenant) for 2,152 sq. ft. retail space at the Fifth and Mission/Yerba Buena Garage, located at 833 Mission Street; said amendment to extend the retail lease for an additional five years beginning June 1, 2014, and provide additional rent of \$689,049 plus provide a one five-year option that will, if exercised, provide additional rent of \$798,813.
(Fiscal Impact)

Resolution No. 194-14

ADOPTED by the following vote:

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

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 \$52,176 for FY2014-2015. (Airport Commission)

Resolution No. 195-14

ADOPTED by the following vote:

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

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)
(Fiscal Impact)

Resolution No. 196-14

ADOPTED by the following vote:

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

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.

Resolution No. 197-14

ADOPTED by the following vote:

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

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.

Resolution No. 198-14

ADOPTED by the following vote:

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

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.

Resolution No. 199-14

ADOPTED by the following vote:

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

140560 [Sublease of Real Property - San Francisco Child Abuse Prevention Center - 3450 Third Street - Initial Monthly Rent \$22,113.10]**Sponsors: Mayor; Cohen**

Resolution retroactively authorizing the sublease of real property of approximately nine years, with an effective date of April 1, 2014, for approximately 6,024 square feet of space at 3450 Third Street, with the San Francisco Child Abuse Prevention Center, a California nonprofit corporation, as sublessor, for use by the Children's Advocacy Center of San Francisco through the Human Services Agency, at the initial monthly rent of \$22,113.10 for the period from April 1, 2014, through March 31, 2015.

(Fiscal Impact)

Supervisor Breed stated for the record that in the future the Department of Real Estate needs to ensure they are working collaboratively with the Board of Supervisors in a timely manner and not retroactively on leases.

Resolution No. 200-14**ADOPTED by the following vote:**

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

Recommendation from the Government Audit and Oversight Committee**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.

Supervisor Chiu, seconded by Supervisor Breed, moved that this Ordinance 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

PASSED ON FIRST READING AS AMENDED 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

140382 [Planning Code - Designation of 1007 Market Street (aka James G. Walker Building)]

Sponsor: Kim

Ordinance amending the Planning Code to change the designation of 1007 Market Street (aka James G. Walker Building), Assessor's Block No. 3703, Lot No. 078, from Category V (Unrated) to Category III (Contributory) under Planning Code. Article 11; and making environmental findings, and findings of consistency with the General Plan, and the eight 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

140416 [Police Code - Hospitality Industry Worker Retention]

Sponsors: Kim; Cohen, Campos, Mar and Avalos

Ordinance amending the Police Code to require large hospitality industry employers to retain employees for up to 90 days upon a change in control of the hospitality establishment; and to provide judicial remedies for violation of the Ordinance.

PASSED, ON FIRST READING by the following vote:

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

Recommendation of the Neighborhood Services and Safety Committee

140317 [Administrative Code - Irrevocable Employer Health Care Expenditure Requirement]

Sponsors: Campos; Avalos, Kim, Mar, Yee and Cohen

Ordinance revising the Health Care Security Ordinance to require all health care expenditures to be made irrevocably; to clarify that the existing City public benefit program known as the Health Access Program (HAP) has two component programs, Healthy San Francisco and Medical Reimbursement Accounts; to charge the Department of Public Health with creating a plan to maximize HAP participants' enrollment in the State health insurance exchange, Covered California, by plan year 2016; and to set an operative date of October 1, 2014.

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

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

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

Ordinance revising the Health Care Security Ordinance to phase in over a three-year period requirement that all health care expenditures to be made irrevocably; to permit waiver of unused portions of certain revocable expenditures; to clarify that the existing City public benefit program known as the Health Access Program (HAP) has two component programs, Healthy San Francisco and Medical Reimbursement Accounts; to charge the Department of Public Health with creating a plan to maximize HAP participants' enrollment in the State health insurance exchange, Covered California, by plan year 2016.

PASSED ON FIRST READING AS AMENDED 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 Campos, seconded by Supervisor Chiu, 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

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Valerie Tulier, a.k.a. Mama Bear, of the Mission Beacon in recognition of her accomplishments and continued community support.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to the San Francisco Family Support Network in recognition of their accomplishments on their 10th year anniversary and continued community support.

COMMITTEE REPORTS

Recommendation of the Rules Committee

140521 [Appointments, Sunshine Ordinance Task Force - Mark Rumold, Ali Winston, Josh Wolf, Allyson Washburn, Lee Hepner, and Chris Hyland]

Motion appointing Mark Rumold, Ali Winston (residency requirement waived), Josh Wolf, Allyson Washburn, Lee Hepner, and Chris Hyland, terms ending April 27, 2016, to the Sunshine Ordinance Task Force. (Rules Committee)

Motion No. M14-092

APPROVED 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

Peter Warfield (Library User's Association); spoke expressing various concerns relating to the SF Public Library, due process, and new rules.

Male Speaker; expressed various concerns and played related audio commentary relating to toxic metals.

Male Speaker; expressed various concerns relating to cracks in streets around bus zones and associated repairs.

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

Male Speaker; expressed various religious concerns.

Christopher Dahl; expressed various concerns relating to his autobiographical sketch and homophobia.

Milo Hanke; spoke in opposition to the proposed legislation relating to existing litigation relating to Contest Promotions, LLC.

Jim Ruben; spoke in support to the proposed legislation relating to existing litigation relating to Contest Promotions, LLC.

Charles Grisham; expressed various concerns relating to construction disruption.

Thomas Picarello; expressed concerns relating to attendance during public comment.

Supervisor Farrell was noted absent at 4:23 p.m. for the remainder of the meeting.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

140661 [Closed Session - Existing Litigation - Contest Promotions, LLC - City to Receive \$375,000]

Motion that the Board of Supervisors convene in closed session on June 10, 2014, for the purpose of conferring with, or receiving advice from the City Attorney regarding existing litigation relating to the lawsuit filed on September 22, 2009, in the United States District Court for the Northern District of California, Case No. CV-09-4434 SI (MEJ); entitled Contest Promotions, LLC v. City of San Francisco, et al.; in which the City is a defendant; pursuant to California Government Code, Section 54956.9(a), and San Francisco 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. (Clerk of the Board)

During general public comment, Angela Calvillo, Clerk of the Board, inquired as to whether any member of the public wished to address the Board regarding convening in closed session. Milo Hanke; spoke in opposition to the proposed legislation relating to existing litigation relating to Contest Promotions, LLC. Jim Ruben; spoke in support to the proposed legislation relating to existing litigation relating to Contest Promotions, LLC. There were no other speakers. The President declared public comment closed.

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:25 p.m. to convene in closed session pursuant to the above motion.

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

Persons in attendance:

*Jim Emery, Deputy City Attorney
Scott Sanchez, Zoning Administrator
Dan Sider, Planning Department
Tom Lakritz, Deputy City Attorney
Jon Givner, Deputy City Attorney
Rick Caldeira, Legislative Deputy*

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

RECONVENED AS THE BOARD

The Board reconvened at the hour of 4:43 p.m.

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

Motion No. M14-093

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

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener, Yee

Absent: 1 - Farrell

Supervisor Farrell Excused for the Remainder of the Meeting

Supervisor Mar, seconded by Supervisor Cohen, moved to excuse Supervisor Farrell for the remainder of the meeting. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener, Yee
Excused: 1 - Farrell

[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 Mar, seconded by Supervisor Avalos, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener, Yee
Excused: 1 - Farrell

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

140659 [Resolution Correcting Resolution No. 168-14 - Correcting the Calle 24 (“Veinticuatro”) Latino Cultural District by Removing La Raza Park and Precita Park]

Sponsors: Mayor; Campos

Resolution correcting Resolution No. 168-14 establishing the Calle 24 (“Veinticuatro”) Latino Cultural District in San Francisco, by removing La Raza Park and Precita Park.

Resolution No. 201-14

ADOPTED

140660 [Urging the California State Legislature to Pass Assembly Bill 2372 (Ammiano and Bocanegra)]

Sponsors: Mar; Campos and Chiu

Resolution urging the California State Legislature to pass Assembly Bill 2372, introduced by Assemblymembers Ammiano and Bocanegra, that will clarify the definition of “change of ownership” in current law for commercial property to prevent cases where 100% change of ownership occurs, but reassessment is avoided.

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

Resolution No. 202-14

ADOPTED

140583 [Committee of the Whole - Report of Assessment Costs for Sidewalk Inspection and Repair Program]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 17, 2014, at 3:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs through the Sidewalk Inspection and Repair Program ordered to be performed by said Director pursuant to Public Works Code, Sections 707 and 707.1, the costs thereof having been paid for out of a revolving fund.
(Clerk of the Board)

Motion No. M14-094

APPROVED

**140662 [Retroactive Waiver Permitting City Employees to Assist the Department of Elections with the June 3, 2014, Consolidated Statewide Primary Election]
Sponsor: Chiu**

Motion granting a retroactive waiver from the prohibition imposed by City Charter, Section 13.104.5, to permit City employees to assist the Department of Elections with the June 3, 2014, consolidated statewide primary election.

Motion No. M14-095

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Farrell

IMPERATIVE AGENDA

There were no items.

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 Amendments

131117 [Charter Amendment - Municipal Transportation Agency (MTA): Equity Analysis and Expenditure Plan, Additional Appropriation, MTA Inspector General, Limits on Future Fare Increases, Extending Free Muni for Certain Populations]

Sponsors: Avalos; Mar, Campos, Kim and Yee

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by revising Sections 8A.100, 8A.101, 8A.103, 8A.105, 8A.106, 8A.107, 8A.108, and adding 8A.116 to require the Municipal Transportation Agency (MTA) to reduce socio-economic inequities in the City's transportation system; create an Office of Inspector General to perform audits of MTA functions and operations; require a public hearing and written agreement before contracting with other City departments; require MTA and Board of Supervisors approval of an Equity Analysis Report and Expenditure Plan; annually appropriate approximately \$75,000,000 from the City's General Fund, if fiscally feasible, to fund: 1) Municipal Railway transit vehicle procurement, overhaul, repair, and maintenance or any other MTA capital project to maintain, purchase, build, replace, or improve transportation infrastructure with the ability to reallocate funds if certain conditions exist or beginning in FY2021-2022, and 2) street repairs and reconstruction; limit future transit fare increases unless certain conditions are met; and require MTA to continue the Free MUNI for Youth program and provide Free Municipal Railway transit service for low and moderate income seniors and persons with physical or mental impairments who use fare media acceptable to the MTA beginning in FY2016-2017 at an election to be held on November 3, 2015.

11/19/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Rules Committee.

11/25/13; REFERRED TO DEPARTMENT.

12/02/13; RESPONSE RECEIVED.

06/10/14; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Rules Committee.

140678 [Charter Amendment - Transportation Infrastructure Capital Appropriations and Transit Equity Strategy]

Sponsors: Wiener; Mar

Charter Amendment (First Draft) to amend the Charter to require annual appropriations to the Department of Public Works and Municipal Transportation Agency (MTA) to maintain, replace, and improve the City's transportation infrastructure in an amount commencing with \$75,000,000 for FY2016-2017 and to require the MTA Board of Directors to adopt and biennially update a Transit Equity Strategy at an election to be held on November 3, 2015.

06/10/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/10/2014.

Ordinances

120967 [Transportation, Police, Administrative, and Business and Tax Regulations Codes - Motor Vehicles for Hire]

Sponsor: Wiener

Ordinance amending the Transportation Code to clarify the Director of Transportation's authority to designate staff to enforce parking laws; grant the Municipal Transportation Agency authority to subpoena evidence and testimony relevant to enforcement of motor vehicle for hire regulations; increase the penalty for driving or operating a taxi without a permit; making it a misdemeanor to operate a taxi without a functioning taximeter; and making it a misdemeanor for an operator of a charter party carrier to refuse to produce a waybill; amending the Police Code to repeal all sections governing motor vehicles for hire; and amending the Business and Tax Regulations and Administrative Codes to repeal sections governing fees related to motor vehicle for hire permits.

09/25/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/25/2012.

10/10/12; REFERRED TO DEPARTMENT.

08/22/13; REMAIN ACTIVE.

06/10/14; REMAIN ACTIVE.

06/10/14; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

140095 [Administrative, Housing Codes - Rent Increases, Evictions, and Refusals to Rent, Based on Number of Occupants]

Sponsor: Avalos

Ordinance amending Administrative Code, Chapter 37, known as the Residential Rent Stabilization and Arbitration Ordinance, to prohibit, with certain exceptions, rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease permits such a rent increase; and to prohibit evictions based on the addition of occupants, if the landlord has unreasonably refused the tenant's written request and the total number of occupants does not exceed the maximum number per sleeping room set by the Housing Code; and amending the Housing Code to prohibit refusal to rent based on the number of persons occupying a unit, as long as the unit complies with the Housing Code's occupancy limits based on floor area.

02/04/14; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

02/19/14; REFERRED TO DEPARTMENT.

06/10/14; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

140663 [Apply for Funding - CalHome Program - \$1,500,000]

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing and Community Development to submit an application to the California Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement, if selected for such funding, and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

06/10/14; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

140679 [Administrative Code - Temporary Severance of Rental Housing Services During Mandatory Seismic Retrofit]**Sponsors: Mayor; Chiu and Wiener**

Ordinance amending Administrative Code, Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," and adding Chapter 65A "Compensation, or Substitute Housing Service, for Tenants Affected by Temporary Severance of Specified Housing Services During Mandatory Seismic Work Required by Building Code, Chapter 34B," to address temporary severance of specified housing services during mandatory seismic retrofit required by City Building Code, Chapter 34B "Mandatory Earthquake Retrofit of Wood-Frame Buildings."

06/10/14; ASSIGNED to Land Use and Economic Development Committee.

140680 [Initiative Ordinance - Business and Tax Regulations Code - Local Assessment on Vehicles Registered to a San Francisco Address]**Sponsors: Mayor; Mar, Wiener, Kim, Chiu, Cohen, Breed, Yee and Campos**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code to impose a voter-approved local assessment for general revenue purposes on San Francisco residents for the privilege of operating a vehicle or trailer coach on public highways in the City and County of San Francisco, and directing submission of the measure for voter approval at an election to be held on November 8, 2016.

06/10/14; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 7/10/2014.

Resolutions**140681 [Accept and Expend Grant - State Coastal Conservancy's Climate Ready Grant - Not to Exceed \$200,000]****Sponsor: Mayor**

Resolution authorizing the Airport Director to accept and expend a grant in an amount not to exceed \$200,000 from the California Coastal Conservancy for conducting a sea level rise vulnerability assessment of San Bruno Creek and Colma Creek just northwest of the San Francisco International Airport, and for developing sea level rise adaptation strategies, for a term of August 1, 2014, through July 31, 2015.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140682 [Apply for Funding - Municipal Transportation Commission - Active Transportation Program - Up to \$990,000]**Sponsor: Mayor**

Resolution authorizing the Department of Public Health to submit an application to the Metropolitan Transportation Commission for up to \$990,000 in the Active Transportation Program.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140683 [Accept and Expend Grant - San Francisco Bay Clinical Trials Unit - \$166,446]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$166,446 from Public Health Foundation Enterprises, Inc., to participate in a program entitled San Francisco Bay Clinical Trials Unit for the period of December 10, 2013, through November 30, 2014.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140684 [Accept and Expend Grant - Probability-Based Survey of HIV Risk Among Transmen Using a Novel Sampling Method - \$162,313]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$162,313 from the National Institutes of Health to participate in a program entitled "A Probability-Based Survey of HIV Risk Among Transmen Using a Novel Sampling Method" for the period of April 1, 2014, through March 31, 2015.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140685 [Accept and Expend Grant - Ryan White Part C Outpatient EIS Program - \$322,645]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$322,645 from the Health Resources and Services Administration to participate in a program entitled Ryan White Part C Outpatient EIS Program for the period of May 1, 2014, through April 30, 2015, and waiving indirect costs.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140686 [Accept and Expend Grant - Medical Monitoring Project - \$556,874]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$556,874 from the Centers for Disease Control and Prevention to participate in a program entitled "Medical Monitoring Project" for the period of June 1, 2014, through May 31, 2015.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions**140687 [Initiative Ordinance - Administrative Code - Minimum Wage]****Sponsors: Mayor; Kim, Chiu, Farrell, Breed, Yee, Wiener, Campos, Cohen, Tang and Mar**

Motion ordering submitted to the voters an ordinance amending the Administrative Code to increase the minimum wage for employees in San Francisco to \$12.25 per hour on May 1, 2015, with annual increases, reaching \$15.00 per hour in 2018, followed thereafter by annual cost-of-living increases; following 2015, provide only for annual cost-of-living increases in the minimum wage for two narrow categories of employees; and include the City government and In-Home Supportive Services Public Authority as employers subject to the Minimum Wage Ordinance at an election to be held on November 4, 2014.

(Economic Impact)

06/10/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/10/2014.

140609 [Committee of the Whole - Report of Assessment Costs for Accelerated Sidewalk Abatement Program Blighted Properties]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 24, 2014, at 3:00 p.m., to hold a public hearing on a Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties through the Accelerated Sidewalk Abatement Program ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund.

06/10/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

140688 [Declaration of Policy - Supporting Use of Proposed Vehicle License Fee Increase for Transportation Infrastructure Projects]

Sponsors: Mayor; Mar, Wiener, Kim, Chiu, Cohen, Breed, Yee and Campos

Motion ordering submitted to the voters a policy declaration supporting use of proposed Vehicle License Fee increase for transportation infrastructure projects at an election to be held on November 8, 2016.

06/10/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/10/2014.

Requests for Hearing**140610 [Hearing - Report of Assessment Costs for Accelerated Sidewalk Abatement Program Blighted Properties]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties through the Accelerated Sidewalk Abatement Program ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund.

06/02/14; RECEIVED AND ASSIGNED to Board of Supervisors.

140689 [Hearing - African American Inclusion and Diversity in Travel and Hospitality]
Sponsors: Cohen; Breed and Chiu

Hearing on equity and inclusion in the hospitality and travel related industries including the recent report released by the Working Group on African American Inclusion and Diversity in Travel and Hospitality.

06/10/14; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

140690 [Hearing - Controller's Revenue Letter and Mayor's Proposed Budget - FYs 2014-2015 and 2015-2016]

Sponsor: Farrell

Hearing to consider the Controller's Revenue Letter and discussion of the Mayor's Proposed Budget for FYs 2014-2015 and 2015-2016.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

140691 [Hearing - Consumer Price Index Increases for Nonprofit Corporations]

Sponsor: Farrell

Hearing on the Mayor's letter addressing funding levels for consumer price index increases for nonprofit corporations or public entities for the coming two fiscal years.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Introduced by the President 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 ORDINANCES

140595 [Professional Services Agreement - Waiving Competitive Solicitation Requirement to Procure Specialized Environmental Services - East Harbor Marina Sediment Remediation and Facility Renovation Project - Leidos, Inc. - Not to Exceed \$2,000,000]

Ordinance waiving the competitive solicitation requirement under Administrative Code, Section 6.40, and authorizing the General Manager of the Recreation and Park Department to enter into a professional services agreement with Leidos, Inc., in an amount not to exceed \$2,000,000 for the purpose of performing specialized environmental services for the San Francisco East Harbor Marina Sediment Remediation and Facility Renovation Project to commence following Board approval. (Recreation and Park Department)
(Fiscal Impact)

05/23/14; RECEIVED FROM DEPARTMENT.

06/10/14; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 7/10/2014.

140596 [Administrative Code - Leasing of Equipment]

Ordinance amending the Administrative Code to authorize the Department of Public Health to enter into operating leases for equipment. (Public Health Department)

05/30/14; RECEIVED FROM DEPARTMENT.

06/10/14; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 7/10/2014.

140597 [Settlement of Lawsuit - Cole Anderson - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Cole Anderson against the City and County of San Francisco for \$35,000; the lawsuit was filed on February 25, 2013, in San Francisco Superior Court, Case No. CGC-13-528964; entitled Cole Anderson, a Minor v. City and County of San Francisco. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

140598 [Settlement of Lawsuit - Sonya Knudsen - \$465,000]

Ordinance authorizing settlement of the lawsuit filed by Sonya Knudsen against the City and County of San Francisco, John Martin and Blake Summers for \$465,000; the lawsuit was filed on April 19, 2012, in United States District Court, Northern District of California, Case No. CV 12 1944 JST; entitled Sonya Knudsen v. City and County of San Francisco, San Francisco International Airport, John Martin, and Blake Summers. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

140599 [Settlement of Lawsuit - Jay Korber - \$4,072,519]

Ordinance authorizing settlement of the lawsuit filed by Jay Korber against the City and County of San Francisco for \$3,697,519; the lawsuit was filed on April 12, 2013, in San Francisco Superior Court, Case No. CGC-13-530600; entitled Jay Korber v. City and County of San Francisco, et al. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

140600 [Settlement of Lawsuit - Mark Morgan - \$238,000]

Ordinance authorizing settlement of the lawsuit filed by Mark Morgan against the City and County of San Francisco for \$238,000; the lawsuit was filed on November 2, 2011, in San Francisco Superior Court, Case No. CGC-11-515615; entitled Mark Morgan v. City and County of San Francisco, et al. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

140605 [Settlement of Lawsuit - Joseph Luebberke - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Joseph Luebberke against the City and County of San Francisco for \$100,000; the lawsuit was filed on January 21, 2011, in San Francisco Superior Court, Case No. CGC-11-507528; entitled Joseph Luebberke v. City and County of San Francisco. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

140606 [Settlement of Lawsuit - Maria Reyes Jimenez de Melendrez and Arnulfo Jimenez - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by Maria Reyes Jimenez de Melendrez and Arnulfo Jimenez against the City and County of San Francisco for \$90,000; the lawsuit was filed on September 11, 2012, in San Francisco Superior Court, Case No. CGC-12-524112; entitled Maria Reyes Melendrez De Jimenez, et al. v City and County of San Francisco. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

140607 [Settlement of Claim - Pacific Gas and Electric Company - \$112,204]

Resolution approving the settlement of the unlitigated claim filed by Pacific Gas and Electric Company against the City and County of San Francisco for \$112,204; claim was filed on May 28, 2013. (City Attorney)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Rules Committee.

140608 [Contract Amendment - URS Corporation - Engineering Support Services - \$28,500,000]

Resolution authorizing the General Manager of the Public Utilities Commission to execute amendment No. 4 to an agreement with URS Corporation, increasing the length of the agreement by up to two years, nine months, until May 24, 2019, for a total duration of fifteen years and nine months, and increasing the estimated cumulative contract amount from \$24,000,000 to \$28,500,000 for engineering support services for the Water Enterprise Water System Improvement Program-funded Agreement No. CS-716, Calaveras Dam Replacement, pursuant to Charter, Section 9.118(b). (Public Utilities Commission)
(Fiscal Impact)

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

140611 [Report of Assessment Costs for Accelerated Sidewalk Abatement Program Blighted Properties]

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

06/02/14; RECEIVED FROM DEPARTMENT.

06/10/14; RECEIVED AND ASSIGNED to Board of Supervisors.

In Memoriams

Helen M. Bodeman - Supervisor Campus

Kayson Shelton - Board President Chiu

Caroline Alain Rodman - Board President Chiu and Supervisor Cohen

Sean Moyland - Supervisors Yee, Tang, Breed, Wiener, Campos, Farrell and Cohen

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:45 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 July 15, 2014.

Angela Calvillo, Clerk of the Board