

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 7, 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	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 11:00 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 2:12 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Cohen, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of September 2, 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.

CONSENT AGENDA

Recommendations of the Rules Committee

140845 [Settlement of Lawsuit - Earl Brown Sr., Helen Brown, and the Estate of Earl Brown Jr. - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Earl Brown Sr., Helen Brown, and the Estate of Earl Brown Jr., against the City and County of San Francisco for \$175,000; the lawsuit was filed on May 2, 2011, in United States District Court, Case No. C11-02162 LB; entitled Earl Brown Sr., Helen Brown, and the Estate of Earl Brown Jr. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 212-14

FINALLY PASSED

140892 [Settlement of Lawsuit - Margarita Herrera - \$475,000]

Ordinance authorizing settlement of the lawsuit filed by Margarita Herrera against the City and County of San Francisco for \$475,000; the lawsuit was filed on June 5, 2013, in San Francisco Superior Court, Case No. CGC 13-531901; entitled Herrera v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 213-14

FINALLY PASSED

140904 [Settlement of Lawsuit - Justin Neisuler - \$63,000]

Ordinance authorizing settlement of the lawsuit filed by Justin Neisuler against the City and County of San Francisco for \$63,000; the lawsuit was filed on December 4, 2012, in San Francisco Superior Court, Case No. CGC-12-526598; entitled Justin Neisuler v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 214-14

FINALLY PASSED

140905 [Settlement of Lawsuit - Sean Alexander Hold - \$210,000]

Ordinance authorizing settlement of the lawsuit filed by Sean Alexander Hold against the City and County of San Francisco for \$210,000; the lawsuit was filed on December 16, 2013, in the United States District Court for the Northern District of California, Case No. C13-5814 CW; entitled Sean Alexander Hold v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 215-14

FINALLY PASSED

140906 [Settlement of Lawsuit - Eduardo Alegrett - \$285,000]

Ordinance authorizing settlement of the lawsuit filed by Eduardo Alegrett against the City and County of San Francisco for \$285,000; the lawsuit was filed on October 29, 2012, in the United States District Court for the Northern District of California, Case No. C-12-5538-MEJ; entitled Eduardo Alegrett v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 216-14

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

Severed from the Consent Agenda

Supervisor Cohen requested that File No. 140857 be severed so that it may be considered separately.

Recommendation of the Land Use and Economic Development Committee**140857 [Supporting and Encouraging the Development of a Policy to Prohibit the Transportation and Export of Hazardous Materials]**

Sponsors: Cohen; Wiener, Mar, Campos and Avalos

Resolution supporting and encouraging the Department of the Environment and the Port in developing a policy to prohibit the transportation and export of hazardous fossil fuel materials including crude oil, coal, and petroleum coke in the City and County of San Francisco.

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

Resolution No. 386-14

ADOPTED by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Land Use and Economic Development Committee****140854 [Administrative Code - Film Production Fees and Notice Requirements]**

Sponsor: Cohen

Ordinance amending the Administrative Code to add "web series" to the schedule of film production use fees and to establish notice requirements to affected residents and businesses for film productions that will result in parking or traffic obstructions lasting four consecutive hours or more.

Ordinance No. 211-14

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 Committee

140928 [Contract Amendment - AnsaldoBreda, Inc. - Light Rail Vehicle Reconditioning and Systems Rehabilitation - Not to Exceed - \$74,649,614]

Sponsor: Wiener

Resolution approving Amendment No. 2 to Contract No. APT 591.01, LRV Doors and Steps Reconditioning and Systems Rehabilitation, between the City and County of San Francisco, through the Municipal Transportation Agency, and AnsaldoBreda, Inc., to remove the doors and steps and air supply unit work from the project scope and shift the balance of the money to rehabilitate the trucks of 41 LRVs, with three options to rehabilitate the trucks of 24, 24 and 23 LRVs, respectively, if funds become available, for a total contract amount not to exceed \$74,649,614.

(Fiscal Impact)

Resolution No. 382-14

ADOPTED by the following vote:

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

141007 [Multifamily Housing Revenue Bonds - 588 Mission Bay Boulevard North (aka, Mission Bay South Block 7 West) - Not to Exceed \$60,000,000]

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$60,000,000 for 588 Mission Bay Boulevard North (also known as, Mission Bay South Block 7 West); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$60,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein and the Application, as defined herein.

Resolution No. 387-14

ADOPTED 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

140381 [Administrative, Planning Codes - Amending Regulation of Short-Term Residential Rentals and Establishing Fee]

Sponsor: Chiu

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Privilege of the floor was granted to Jon Givner and Marlena Byrne, Deputy City Attorneys, and Rosemary Bosque (Department of Building Inspection), and Scott Sanchez (Planning Department) who responded to questions raised throughout the discussion.

Supervisor Chiu, seconded by Supervisor Wiener, moved that this Ordinance be AMENDED by making amendments relating to clerical corrections, clarifying the types of Home Owners Associations considered Interested Parties, and clarifying enforcement against Hosting Platforms, as offered by Jon Givner, Deputy City Attorney. The motion carried by the following vote:

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

Supervisor Chiu, seconded by Supervisor Breed, moved that this Ordinance be AMENDED by clarifying the private right of action in section 41A.5(d), as offered by Marlena Byrne, Deputy City Attorney. The motion carried by the following vote:

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

Supervisor Breed, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED in Section 41A.6 establishing time frame for Planning Department to inform a complainant that it has found no violation. The motion carried by the following vote:

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

Supervisor Farrell, seconded by Supervisor Wiener, moved that this Ordinance be AMENDED in Section 41A.4 by adding Owner to the definition of Interested Party and clarifying the types of Home Owners Associations considered Interested Parties. The motion carried by the following vote:

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

Supervisor Yee proposed an amendment to exclude short term rentals in RH-1 and RH-1(D) districts. The motion died due to a lack of a second.

Supervisor Yee, seconded by Supervisor Mar, moved that this Ordinance be AMENDED in Section 41A.5(g)(2) limiting short term rentals to 90 days and adding other restrictions for residential units located in RH-1(D) zoning districts. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Kim, Mar, Yee

Noes: 6 - Breed, Chiu, Cohen, Farrell, Tang, Wiener

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED in Section 41A.5 relating to date for determining adequacy of fees. The motion carried by the following vote:

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

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Supervisor Wiener, seconded by Supervisor Yee, moved that this Ordinance be AMENDED in Section 41A.5 relating to mailed notices to any directly associated Home Owner Association that has previously requested such notice in RH-1(D) zoning districts. The motion carried by the following vote:

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

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED in Section 41A.5 allowing short term rentals no more than 90 days per year. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Kim, Mar, Yee

Noes: 6 - Breed, Chiu, Cohen, Farrell, Tang, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Breed, Chiu, Cohen, Farrell, Kim, Tang, Wiener

Noes: 4 - Avalos, Campos, Mar, Yee

DUPLICATED AS AMENDED. See File No. 141036.

141036 [Administrative, Planning Codes - Amending Regulation of Short-Term Residential Rentals and Establishing Fee]

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Duplicated as Amended from File No. 140381.

Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be AMENDED in Section 41A.4 prohibiting short term rentals in legal in law units. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Kim, Mar, Yee

Noes: 6 - Breed, Chiu, Cohen, Farrell, Tang, Wiener

Supervisor Mar, seconded by Supervisor Yee, moved that this Ordinance be AMENDED relating to short term rentals in subsidized affordable units. Supervisor Mar withdrew the motion.

Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be AMENDED in Section 41A.5(d) relating to ability of certain non-profit organizations to bring civil actions regarding violations in rent controlled units. The motion carried by the following vote:

Ayes: 8 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Yee

Noes: 3 - Farrell, Tang, Wiener

Supervisor Campos, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED in Section 41A.5 making the ordinance operative only after certification by the Treasurer/Tax Collector that all Hosting Platforms have remitted all Transient Occupancy Taxes due and payable. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Kim, Mar, Yee

Noes: 6 - Breed, Chiu, Cohen, Farrell, Tang, Wiener

Supervisor Campos, seconded by Supervisor Breed, moved that this Ordinance be AMENDED in Section 41A.4(d) by prohibiting short term rentals in certain units that have been the subject of an eviction under the Ellis Act. The motion carried by the following vote:

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Wiener, Yee

Noes: 3 - Chiu, Farrell, Tang

Supervisor Breed, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED in Section 41A.5(d) relating to ability of certain non-profit organizations to bring civil actions regarding violations in certain units that have been the subject of an eviction under the Ellis Act. The motion carried by the following vote:

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

Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit's type as residential; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Supervisor Chiu, seconded by Supervisor Cohen, moved that this Ordinance be RE-REFERRED AS AMENDED to the Land Use and Economic Development Committee. The motion carried by the following vote:

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

140775 [Planning Code - Amending Definition of Residential Unit and Residential Conversion Requirements]

Sponsor: Avalos

Ordinance amending the Planning Code to amend the definition of Residential Unit and clarify the requirements for a Residential Conversion of a Residential Hotel Unit regulated under Administrative Code, Chapter 41; 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

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

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Avalos, 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 Chiu introduced, welcomed, and presented a Certificate of Honor to Monique Zmuda, Deputy Controller, in recognition of 37 years of distinction, professionalism, and dedication to the City and County of San Francisco upon her retirement. Supervisors Avalos, Tang, Farrell, Campos, Wiener, Angela Calvillo, Clerk of the Board, and Ben Rosenfield, Controller, shared in this commendation.

Privilege of the floor was granted to Monique Zmuda and Ben Rosenfield into the well for a photograph, this privilege was approved without objection.

COMMITTEE REPORTS

Recommendations of the Neighborhood Services and Safety Committee

140240 [Liquor License Transfer - 186-2nd Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 500 Precita Avenue to 186-2nd Street (District 6), to Oussama Manaa for SoMa Restaurant Group, Inc., dba Soma Eats, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 383-14

ADOPTED by the following vote:

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

140464 [Liquor License - 2200B Market Street]

Resolution determining that the issuance of a Type-42 on-sale beer and wine public premises license to Tiffny Vergara Chung for Project 22, dba Brewcade, located at 2200B Market Street (District 8), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 384-14

ADOPTED by the following vote:

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

140797 [Liquor License Transfer - 601 Van Ness Avenue]

Resolution determining that the transfer of a Type 21 off-sale general license from 4686 18th Street to 601 Van Ness Avenue (District 5), to Salma Suleyman for Opera Plaza Deli and Taqueria, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 385-14

ADOPTED by the following vote:

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

140916 [Liquor License Transfer - 1607 20th Street]

Resolution determining that the transfer of a Type 21 on-sale general license from 698 Vermont Street to 1607 20th Street (District 10), to Khaled Ghanma for All States Best Foods, will serve the public convenience or necessity of City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 381-14

ADOPTED by the following vote:

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

Recommendation of the Rules Committee**Supervisor Breed Excused from Voting**

Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Breed be excused from voting on File No.141012. The motion carried by the following vote:

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

Excused: 1 - Breed

141012 [Appointment, Committee on City Workforce Alignment - Supervisor London Breed]

Motion appointing Supervisor London Breed to the Committee on City Workforce Alignment, for an indefinite term. (Clerk of the Board)

Motion No. M14-166

APPROVED by the following vote:

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

Excused: 1 - Breed

Recommendation of the Land Use and Economic Development Committee**140952 [Administrative Code - Better Streets Policy - Including the National Association of City Transportation Officials Urban Design Guides]**

Sponsor: Wiener

Ordinance amending the Administrative Code to include the National Association of City Transportation Officials Urban Street Design Guide and Urban Bikeway Design Guide as an additional reference in City transportation planning and design projects and programs.

Supervisor Mar 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

Dale Seymour; expressed various concerns relating to the Tenderloin.

Ray Hartz (San Francisco Open Government); expressed various concerns relating to the Sunshine Ordinance, public records act, and general public comment.

Male Speaker; shared in poem certain concerns with the Board.

Male Speaker; expressed various concerns relating to toxic materials in athletic fields.

Male Speaker; expressed various religious concerns.

Kate Bernier; expressed various concerns relating to spraying of pesticides.

Roberto Traina; expressed various concerns relating to spraying of pesticides.

Resident No. 1; expressed various concerns relating to harassment and retaliation for the blind community.

Resident No. 2; expressed various concerns relating to harassment and retaliation for the blind community.

Tom Gilberty; expressed various concerns relating to property sales and taxes.

Larry Edmund Juizye; expressed various concerns relating to housing and domestic violence.

Jackie Bryson; expressed concerns relating to non-profit meetings within the Administrative Code.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation

141028 [Closed Session - Anticipated Litigation - Establishing a Homeownership Stabilization Authority]

Sponsor: Farrell

Motion that the Board of Supervisors convene in closed session on October 7, 2014, for the purpose of conferring with or receiving advice from the City Attorney regarding anticipated litigation relating to the potential negotiation or adoption of a Joint Powers Agreement with the City of Richmond to establish a Homeownership Stabilization Authority to assist homeowners with troubled mortgages, in which the City is a potential defendant; pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(2), which permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in anticipated litigation.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Motion be AMENDED to change the date from 'October 7, 2014,' to 'October 21, 2014.' The motion carried by the following vote:

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

Motion that the Board of Supervisors convene in closed session on October 21, 2014, for the purpose of conferring with or receiving advice from the City Attorney regarding anticipated litigation relating to the potential negotiation or adoption of a Joint Powers Agreement with the City of Richmond to establish a Homeownership Stabilization Authority to assist homeowners with troubled mortgages, in which the City is a potential defendant; pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(2), which permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in anticipated litigation.

The President inquired as to whether any member of the public wished to address the Board regarding the proposed continuance to October 21, 2014. There were no speakers. The President declared public comment closed.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED AS AMENDED to October 21, 2014. The motion carried by the following vote:

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

Referred Without Recommendation from the Budget and Finance Committee

140709 [Studying a Homeownership Stabilization Authority and Other Approaches to Assist Homeowners with Troubled Mortgages]

Sponsors: Avalos; Campos, Mar and Kim

Resolution authorizing negotiation of a Joint Powers Agreement with the City of Richmond to establish a Homeownership Stabilization Authority to assist homeowners with troubled mortgages.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to October 21, 2014. The motion carried by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

141026 [Domestic Violence Awareness Month - October 2014]

Sponsors: Chiu; Tang and Mar

Resolution declaring October 2014 as Domestic Violence Awareness Month in the City and County of San Francisco.

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

Resolution No. 388-14

ADOPTED

141027 [Monique Zmuda Day - October 18, 2014]

Sponsors: Chiu; Tang and Mar

Resolution commending and honoring Monique Zmuda, Deputy Controller, for her distinguished service to the residents of the City and County of San Francisco upon the occasion of her retirement, and declaring October 18, 2014, as Monique Zmuda Day in the City and County of San Francisco.

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

Resolution No. 389-14

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

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.

Ordinances

141037 [Administrative Code - Financial Policy Regarding General Reserve Fund]

Sponsors: Mayor; Chiu and Farrell

Ordinance amending the Administrative Code to revise the binding financial policy under Charter, Section 9.120, regarding a general reserve and required funding levels, and to update provisions regarding the Rainy Day Reserve Fund.

(Fiscal Impact; No Budget and Legislative Analyst Report)

10/07/14; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2014.

141038 [Administrative Code - Legacy Business Registry, Rebate Program, and Establishing Fees]

Sponsors: Campos; Farrell

Ordinance amending the Administrative Code to direct the Small Business Commission to establish a Legacy Business Registry, authorize an administrative fee for the Registry not to exceed \$50, and, for the next five years, provide a rebate to Qualified Legacy Businesses that purchase the real property from which they operate and to Qualified Landlords that purchase the real property from which Legacy Businesses operate if the purchaser extends the term of the Legacy Business's lease by at least ten years, in an amount equal to the transfer tax levied on the purchase.

(Fiscal Impact; No Budget and Legislative Analyst Report)

10/07/14; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2014.

Resolutions

141039 [Accept and Expend Grant - Herz Playground Improvements - A. Ruiz Construction Company and Associates, Inc. - \$117,000]

Sponsor: Cohen

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant of \$117,000 from A. Ruiz Construction Company and Associates, Inc., for improvements to the pathways at Herz Playground for the period of May 15, 2014, through May 31, 2014.

10/07/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

141040 [Accept and Expend Grant - Herz Playground Improvements - O.C. Jones and Sons, Inc. - \$248,000]

Sponsor: Cohen

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant of \$248,000 from O.C. Jones and Sons, Inc., for the renovation of the baseball diamond at Herz Playground for the period of March 26, 2014, through May 31, 2014.

10/07/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

141041 [Fisherman's Wharf, and Fisherman's Wharf Portside Community Benefit Districts - Annual Reports to the City - FYs 2009-2013]

Sponsor: Chiu

Resolution receiving and approving annual reports for the Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District for FYs 2009-2013, submitted as required by the Property and Business Improvement District Law of 1994, Section 36650 (California Streets and Highways Code, Sections 36600, et seq.), and the Districts' management contracts with the City.

10/07/14; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

141042 [San Francisco Children's Outdoor Bill of Rights - October 18, 2014]

Sponsor: Farrell

Resolution recognizing the inauguration of the San Francisco Children's Outdoor Bill of Rights, as detailed in this Resolution, on October 18, 2014.

10/07/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

141043 [Ernest "Ernie" Garduno Day - October 15, 2014]

Sponsor: Farrell

Resolution declaring October 15, 2014, as Ernest "Ernie" Garduno Day in the City and County of San Francisco.

10/07/14; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

141044 [Free and Safe Passage of Whales and Dolphins in San Francisco's Coastal Waters]**Sponsor: Wiener**

Resolution supporting the free and safe passage of whales and dolphins in San Francisco's coastal waters, San Francisco Bay, and its estuaries.

10/07/14; 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**141013 [Airport Concession Domestic Terminal Food and Beverage Lease Amendment - Emporio Rulli, Inc. - \$120,031 Minimum Annual Guarantee]**

Resolution retroactively approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0201 between Emporio Rulli, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, with a Minimum Annual Guarantee of \$120,031 for the lease term through November 18, 2018. (Airport Commission)

09/22/14; RECEIVED FROM DEPARTMENT.

10/07/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

141014 [Construction Management Services Agreement Modification - Jacobs Project Management, Co. - General Hospital Rebuild Program - Not to Exceed \$20,813,950]

Resolution authorizing the Director of Public Works to execute Modification No. 6 to a professional construction management services agreement with Jacobs Project Management, Co., for the General Hospital Rebuild Program, and increasing the contract not to exceed amount from \$16,400,000 to \$20,874,706. (Public Works)
(Fiscal Impact)

09/26/14; RECEIVED FROM DEPARTMENT.

10/07/14; RECEIVED AND ASSIGNED to Budget and Finance Committee.

141015 [Settlement of Grievance - Wah Eng - \$67,436.01]

Resolution approving settlement of the unlitigated grievance (ERD No. 02-12-2541) of Wah Eng against the City and County of San Francisco for \$67,436.01; Service Employees International Union, Local 1021, notified the City of the grievance entitled Grievance of Wah Eng on or before July 9, 2012. (City Attorney)

09/29/14; RECEIVED FROM DEPARTMENT.

10/07/14; RECEIVED AND ASSIGNED to Rules Committee.

141016 [Settlement of Claim - SF Third Street Equity Partners, LLC - \$103,232.10]

Resolution approving the settlement of the unlitigated claim filed on July 9, 2014, by SF Third Street Equity Partners, LLC, against the City and County of San Francisco for \$103,232.10. (City Attorney)

09/29/14; RECEIVED FROM DEPARTMENT.

10/07/14; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:27 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 November 18, 2014.

Angela Calvillo, Clerk of the Board