BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 10, 2016 - 2:00 PM

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

Regular Meeting

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Wednesday Supervisors Farrell, Tang, Yee, Kim, Wiener 1:00 PM **Budget and Finance Sub-Committee** Wednesday 10:00 AM Supervisors Farrell, Tang, Yee 1st and 3rd Thursday **Government Audit and Oversight Committee** Supervisors Peskin, Yee, Breed 9:30 AM **Land Use and Transportation Committee** Monday Supervisors Cohen, Wiener, Peskin 1:30 PM **Public Safety and Neighborhood Services Committee** 2nd Thursday Supervisors Kim, Avalos, Campos 2:30 PM 2nd and 4th Thursday **Rules Committee** 11:00 AM Supervisors Tang, Mar, Cohen

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

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, May 10, 2016, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:04 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.

COMMUNICATIONS

There were no communications.

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of April 5, 2016, or the Special Meeting Minutes at the Budget and Finance Committee Meeting of April 6, 2016. There were no corrections.

Supervisor Mar, seconded by Supervisor Tang, moved to approve the Board Meeting Minutes of April 5, 2016, and the Special Meeting Minutes at the Budget and Finance Committee Meeting of April 6, 2016. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

President Breed recessed the meeting at 2:20 p.m. and reconvened the meeting at 2:23 p.m.

160493 [Formal Policy Discussions - May 10, 2016]

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

1. Mr. Mayor: On May 1st, after many years of struggle and delay, we finally launched CleanPowerSF. But, in order to achieve our long-term goal of creating green jobs by building out renewable energy facilities, we need to quickly expand our customer base. Have you signed up for CleanPowerSF's SuperGreen option? If not, will you pledge to sign up? Will you work with me to expand our publicity campaign for CleanPowerSF? Can you use your extensive connections to San Francisco's business community to help promote CleanPowerSF? (Supervisor Avalos, District 11)

Mayor Edwin Lee provided opening remarks to the Board of Supervisors regarding the newly announced \$17.5 million police reform package to fund comprehensive police reforms to increase public safety and build greater trust between police officers and the community.

President Breed requested that the Board of Supervisors consider prioritizing questions from the eligible odd District Supervisors, prior to hearing the original question submitted by the District 11 Supervisor, in light of the presence of sudden or unexpected incidents raising formal or time-sensitive policy questions. The request was granted without objection.

Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) to provide the four-step criteria test to allow eligible Supervisors to pose questions that could not have been anticipated prior to the deadline for appearance on the agenda, which include: 1) the question was posed after the 12:00 noon deadline on Wednesday, May 4, 2016; 2) there was a sudden or unexpected incident raising formal or time-sensitive policy questions; 3) members could not have anticipated the question prior to the deadline; and 4) the question cannot be adequately addressed at the next scheduled question time.

Supervisor Breed, seconded by Supervisor Campos, moved that a supermajority of the Board allow the eligible Board Member from District 5 to ask a question that was not posed by the deadline, due to the numerous arrests and thousands of dollars in damage as a result of a large group from protestors who gathered at City Hall. The motion carried by the following vote:

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

Noes: 3 - Farrell, Tang, Wiener

Mr. Mayor: On Friday, following the publication of today's agenda, a large group of protestors gathered at City Hall, resulting in numerous arrests and thousands of dollars of damage. This raises formal, time-sensitive policy questions. It was the latest in a series of unrest following racist and homophobic text scandals among SFPD officers, very controversial officer involved shootings, and multiple investigations into the department. The community is in pain. Protestors are demanding the removal of Chief Suhr, and I know you have said you will not do so. I respect that. But my question is: given that impasse, that disagreement, where does this end? Where do you see this situation heading? And how do we reconcile; how do we bring the City together and ensure everyone feels safe in their community? (Supervisor Breed, District 5)

Mayor Lee addressed the Board of Supervisors and discussed the above referenced question from the District 5 Supervisor.

Supervisor Mar, seconded by Supervisor Campos, moved that a supermajority of the Board allow the eligible Board Member from District 1 to ask a question that was not posed by the deadline, due to sudden and unexpected incidents related to the deep-seated bigotry within the Policy Department. The motion carried by the following vote:

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

Noes: 3 - Farrell, Tang, Wiener

Mr. Mayor: I'm really appreciative of the progress you've cited, the reforms, and the additional funding. We also received a list from the President of the Police Commission, Suzy Loftus, on a number of the items happening, but I'll just be frank and say respectfully this is not enough. I want to also state you've also talked about breakdown in trust between law enforcement and communities and it's not something that's happened overnight, its generations and decades. I have a question that's related to the Racial Justice Committee of the San Francisco Public Defenders Office. I was with our Public Defender, Jeff Adachi, along with Hillary Ronen, from Supervisor Campos' Office, and Danny Glover yesterday at San Francisco State University, as the Third World Liberation Front 2016, who also has a hunger strike going on, united in solidarity with the Frisco Five and the thousands of people that have been making demands of our City government and the Board of Supervisors and your office. I want to say that their demands to the Board of Supervisors and you are that we take action to address the ongoing and unresolved issues of racial bias and other types of bigotry by sworn officers of the San Francisco Police Department. I won't talk about the Blue Ribbon Panel because I know other colleagues will, but I will say that Tim Redmond from 48 Hills to Jonah Owen Lamb of the San Francisco Examiner have raised many of these issues as well before us, but the Public Defenders Office highlights the pattern and practice of City government tolerating racial misconduct while making public proclamations to the contrary and they reveal through the text messaging and others, there is a whole list that the Public Defenders Office gives us, including the December 2015 cell phone videos that show 26-year old Mario Woods surrounded by Police Department Officers and shot dead in a volley of gunfire by five separate Police Officers for not responding to their command to drop a knife he held in his hand. They also go on to site the killing of Latino immigrant Luis Gongora, a homeless man, who also in an encampment by Officers. The Public Defenders Office talks about dehumanization, the define it in a letter very, very carefully and academically, talking about Police Officers and the dehumanization of people not only based on race or socioeconomic status, but also immigration status, gender and other factors, as well. Lastly, they go on to say that there is much more that could be done, but Co-Chairs Demariss R. Evans and Rebecca S. Young of the Racial Justice Committee, along with a bunch of members of the Public Defenders Office, including Mark Jacobs, Kwixuan Maloof, Francisco Ugarte, Rebecca Marcus, and many others go on to make demands of the Board of Supervisors and our City government: 1) will we create an independent office of citizens' complaints with funding that is completely independent of the Police Department and the Police Commission funding and is a separate line item in the City's budget; 2) they demand that the Police Commission create a separate division of Internal Affairs devoted exclusively to addressing and rooting out bigotry, as well as institutional racism within the Police Department; and 3) that we make a formal request to the United States Department of Justice, Civil Rights Division, calling for an investigation into the Police Department for violations of the civil rights of African-Americans and Latino-Americans. These above demands are based on the history of corruption and scandal within and by the Police Department, which have established a pervasive pattern of civil rights abuse and violation based on race. They appreciate our time and attention, they ask if we would support these demands. I support these demands, will you? (Supervisor Mar, District 1)

Mayor Lee addressed the Board of Supervisors and discussed the above referenced question from the District 1 Supervisor.

Supervisor Campos, seconded by Supervisor Avalos, moved that a supermajority of the Board allow the eligible Board Member from District 9 to ask a question that was not posed by the deadline, due to yesterday's release of the findings by the Blue Ribbon Panel on Transparency, Accountability, and Fairness. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Breed, Campos, Kim, Mar, Peskin, Yee

Noes: 4 - Cohen, Farrell, Tang, Wiener

Supervisor Yee, seconded by Supervisor Kim, moved that a supermajority of the Board allow the eligible Board Member from District 7 to ask a question that was not posed by the deadline, due to the Mayor's newly announced \$17.5 million reform package to fund comprehensive police reforms and violence prevention. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Breed, Campos, Kim, Mar, Peskin, Yee

Noes: 4 - Cohen, Farrell, Tang, Wiener

Supervisor Peskin, seconded by Supervisor Mar, moved that a supermajority of the Board allow the eligible Board Member from District 3 to ask a question that was not posed by the deadline, due to the unexpected circumstances that arose last Friday and also manifested in the suspension of the hunger strike. The motion carried by the following vote:

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

Noes: 3 - Farrell, Tang, Wiener

Mr. Mayor: I've spoken with our Public Defender, Jeff Adachi, as well our former Mayor Willie Brown, and they are very concerned with the current state of the escalating protests in San Francisco, and the rapidly deteriorating trust between communities of color and our SFPD, as well as the public safety issues these have posed. Both have indicated that they are willing and able to act as intermediaries and help broker a greater peace on behalf of the City. Are you willing and open to this prospect and will you reach out to take them up on their offer to assist in brokering reforms that will make our city a safer and more peaceable place?" (Supervisor Peskin, District 3)

Mayor Lee addressed the Board of Supervisors and discussed the above referenced question from the District 3 Supervisor.

Supervisor Campos, seconded by Supervisor Cohen, moved to rescind the previous vote moved by Supervisor Campos and rejected by the Board, relating to the District 9 question he requested to ask the Mayor. The motion carried by the following vote:

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

Supervisor Campos, seconded by Supervisor Cohen, moved that a supermajority of the Board allow the eligible Board Member from District 9 to ask a question that was not posed by the deadline, due to yesterday's release of the findings by the Blue Ribbon Panel on Transparency, Accountability, and Fairness. The motion carried by the following vote:

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

Noes: 3 - Farrell, Tang, Wiener

Mr. Mayor: The Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement released its preliminary findings yesterday, and it has brought to light a disturbing lack of oversight and accountability over the San Francisco Police Department, particularly with rogue officers. The findings, written by 3 prestigious judges and seven law firms, was released yesterday in the Examiner after the publication of today's agenda.

At the same time, we have seen a number of officer-involved shootings. Not one of those shootings has led to the termination of an officer. And there was a 100 percent increase in the number of fatal officer involved shootings in 2015.

We just learned from the District Attorney today that he wants to establish a "special unit to investigate all officer involved shootings." This unit would be walled off from the regular work of the District Attorney's Office and would be housed outside of the Hall of Justice to maintain independence. The unit, comprised of 16 staff, including lawyers, investigators, and paralegals would investigate and decide whether to prosecute all officer involved shootings in San Francisco. The DA has requested a budget of \$1.9 million to establish the unit.

Will you commit to funding this unit in your budget? (Supervisor Campos, District 9)

Mayor Lee addressed the Board of Supervisors and discussed the above referenced question from the District 9 Supervisor.

Supervisor Avalos, seconded by Supervisor Campos, moved that a supermajority of the Board allow the eligible Board Member from District 11 to ask a question that was not posed by the deadline, due to unexpected incidents that resulted in City Hall being occupied last week, the continued Police presence in and around City Hall since last week, and the need to deescalate the situation. The motion carried by the following vote:

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

Noes: 3 - Farrell, Tang, Wiener

Mr. Mayor: Given the recent calls for greater accountability of the San Francisco Police Department, I would like to ask the following:

Today, you announced that \$17.5 million will be invested in "comprehensive police reforms and violence prevention." This is a significant figure. How will there be a transparent, thoughtful process in how this funding is distributed? How will there be public oversight so that the chickens can guard the foxholes? Furthermore, there has been a lack of trust in how the SF Police Department collects and shares data. With this additional funding, how will you address these concerns? Will there be an independent, neutral auditing process? (Supervisor Avalos, District 11)

Mayor Lee addressed the Board of Supervisors and discussed the above referenced question from the District 11 Supervisor.

Mayor Lee further addressed the Board and discussed the original question submitted by the District 11 Supervisor. 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

160101 [Business and Tax Regulations Code - Parking Tax Exemption for Certain Parking Events on School District Property]

Sponsors: Mar; Farrell

Ordinance amending the Business and Tax Regulations Code to exempt, from the parking tax and certain other requirements, a limited number of special parking events operated by volunteer-led non-profit organizations on School District property for the benefit of San Francisco public schools and earning less than \$10,000 per event from rent; establishing Special School Parking Event Permits issued by the Tax Collector; and establishing a sunset date.

Ordinance No. 078-16 FINALLY PASSED

160207 [Administrative Code - Local Business Enterprise Bid Discounts]

Ordinance amending the Administrative Code to allow the San Francisco Public Utilities Commission (SFPUC) Local Business Enterprises to receive Bid Discounts on eligible SFPUC Regional Project contracts, with certain restrictions. (Public Utilities Commission)

Ordinance No. 079-16 FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

151211 [Planning Code - Landmark Designation - 90-92 Second Street (aka the Bourdette Building)]

Sponsors: Kim; Peskin

Ordinance designating 90-92 Second Street (aka the Bourdette Building), Assessor's Block No. 3707, Lot No. 012, as a Landmark under Planning Code, Article 10; and making environmental findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Ordinance No. 077-16

FINALLY PASSED

160320 [Landmark Tree Designation - Norfolk Island/Cook Pine Hybrid Located at 46A Cook Street]

Sponsor: Farrell

Ordinance designating the Norfolk Island/Cook Pine hybrid (Araucaria heterophylla x A. columnaris) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as a landmark tree pursuant to Public Works Code, Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 087-16

FINALLY PASSED

Recommendations of the Rules Committee

160404 [Appointment, Commission on Aging Advisory Council - Jose Miguel Rodas]

Motion appointing Jose Miguel Rodas, term ending March 31, 2017, to the Commission on Aging Advisory Council. (Rules Committee)

Motion No. M16-058

APPROVED

160405 [Appointment, Bicycle Advisory Committee - Devon Warner]

Motion appointing Devon Warner, term ending November 19, 2016, to the Bicycle Advisory Committee. (Rules Committee)

Motion No. M16-059

APPROVED

The foregoing items were acted upon by the following vote:

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

150267 [Charter Amendment - Sixteen and Seventeen-Year-Old Voting for Municipal Elections]

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

Charter Amendment (Second Draft) to amend the Charter to authorize 16- and 17-year-olds to vote in municipal elections, at an election to be held on November 8, 2016.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Avalos, Breed, Campos, Kim, Mar, Peskin, Tang, Wiener, Yee

Noes: 2 - Cohen, Farrell

Recommendation of the Budget and Finance Committee

160357 [Appropriation - Proceeds from Short-Term Certificates of Participation - Transbay Transit Center Project - \$260,000,000 - FY2015-2016]

Sponsors: Mayor; Kim, Wiener and Campos

Ordinance appropriating \$260,000,000 of proceeds from short-term certificates of participation to general City responsibility for interim financing related to the Transbay Transit Center Project in FY2015-2016.

(Fiscal Impact.)

Ordinance No. 088-16

FINALLY PASSED by the following vote:

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

Noes: 1 - Peskin

Recommendations of the Government Audit and Oversight Committee

President Breed requested File Nos. 160242, 160243, 160244, 160306, 160307, and 160309 be called together.

160242 [Settlement of Lawsuit - Lisa Owen - \$2,250,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Owen against the City and County of San Francisco for \$2,250,000; the lawsuit was filed on July 8, 2014, in San Francisco Superior Court, Case No. CGC-14-540434; entitled Lisa Owen v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing personal injury. (City Attorney)

Ordinance No. 080-16

FINALLY PASSED by the following vote:

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

160243 [Settlement of Lawsuit - Ying Zhang and Chen Li - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Ying Zhang and Chen Li against the City and County of San Francisco for \$175,000; the lawsuit was filed on January 21, 2014, in San Francisco Superior Court, Case No. CGC-14-536903 (consolidated with CGC-13-536533); entitled Ying Zhang, et al. v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing personal injury; other materials terms of said settlement are that the Municipal Transportation Agency is to also pay \$175,000, subject to approval by the Municipal Transportation Agency Board. (City Attorney)

Ordinance No. 081-16

FINALLY PASSED by the following vote:

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

160244 [Settlement of Lawsuit - Kai Yuan and Jian Ping Yuan - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Kai Yuan and Jian Ping Yuan against the City and County of San Francisco for \$175,000; the lawsuit was filed on December 31, 2013, in San Francisco Superior Court, Case No. CGC-13-536533 (consolidated with CGC-14-536903); entitled Kai Yuan, et al. v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing death; other material terms of said settlement are that the Municipal Transportation Agency is to also pay \$175,000, subject to approval by the Municipal Transportation Agency Board, and co-defendant Gina Eunice to pay \$50,000 (insurance coverage limits). (City Attorney)

Ordinance No. 082-16

FINALLY PASSED by the following vote:

160306 [Settlement of Unlitigated Claim - Asiana Airlines - City to Receive \$3,450,000]

Ordinance authorizing settlement of an unlitigated claim by the City and County of San Francisco against Asiana Airlines for a payment of \$3,450,000 by Asiana Airlines to the City, appropriating funds from the settlement to the City Attorney's Office to pay the City's attorneys' fees and legal expenses, and allocating funds from the settlement to the Airport to pay the Airport's costs; other material terms of the settlement include payment by Asiana Airlines to the City's aviation insurer, the City's acceptance of the site cleanup performed by contractors to Asiana Airlines and approved by the San Francisco Bay Regional Water Quality Control Board, the City's agreement not to originate a lawsuit against the aircraft manufacturer, and mutual release of claims arising out of the July 6, 2013 crash of Asiana Airlines Flight 214; the City made its claim on July 16, 2013. (City Attorney)

Ordinance No. 083-16

FINALLY PASSED by the following vote:

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

160307 [Settlement of Lawsuit - Fernando Guanill - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Fernando Guanill against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 14, 2015, in the United States District Court for the Northern District of California, Case No. 15-cv-04745 LB; entitled Fernando Guanill v. Michael Robert Lewelling, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

Ordinance No. 084-16

FINALLY PASSED by the following vote:

<u>Appointment of President Pro Tempore</u>

At the request of President Breed, Supervisor Campos assumed the chair at 5:32 p.m. so the President could recuse herself from voting on File No. 160308. The President resumed the chair at 5:35 p.m.

Supervisor Breed Excused from Voting

Supervisor Breed requested to be excused from voting on File No. 160308, to avoid any appearance of impropriety even though she has been advised there is no conflict of interest.

Supervisor Avalos, seconded by Supervisor Peskin, moved that Supervisor Breed be excused from voting on File No. 160308. The motion carried by the following vote:

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

160308 [Settlement of Lawsuit - J.C.R., a Minor, By and Through His Guardian Ad Litem, Guillerma Bojorquez - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by J.C.R., a minor, by and through his guardian ad litem, Guillerma Bojorquez, against the City and County of San Francisco for \$50,000; the lawsuit was filed on August 28, 2014, in the United States District Court for the Northern District of California, Case No. 3: 14-cv-3918 NC; entitled J.C.R., a minor, by and through his guardian ad litem, Guillerma Bojorquez v. The City and County of San Francisco, et al. (City Attorney)

Ordinance No. 085-16

FINALLY PASSED by the following vote:

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

160309 [Settlement of Lawsuit - Fireman's Fund Insurance Company - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Fireman's Fund Insurance Company against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 17, 2014, in San Francisco Superior Court, Case No. CGC-14-540616; entitled Fireman's Fund Insurance Company vs. Alliance of Event Planners and Vendors, Inc., et al.; the lawsuit involves an insurance dispute. (City Attorney)

Ordinance No. 086-16

FINALLY PASSED by the following vote:

Recommendation of the Public Safety and Neighborhood Services Committee

160022 [Administrative Code - Due Process for All and Sanctuary]

Sponsors: Avalos; Campos, Kim, Mar and Peskin

Ordinance amending the Administrative Code to prohibit the use of City funds or resources to assist in the enforcement of Federal immigration law, except for individuals who have been convicted of a violent felony and held to answer for a violent felony.

Supervisor Avalos, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of May 24, 2016. The motion carried by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

160025 [Administrative Code - Nutritional Standards for Food and Beverages Sold in Vending Machines on City Property or Served at City Meetings and Events] Sponsors: Farrell; Mar

Ordinance amending the Administrative Code to require that prepackaged food and beverages sold in vending machines on City property meet specified nutritional standards and calorie labeling requirements; to require City departments to make best efforts to meet nutritional guidelines for food and beverages purchased with City funds and served at City events and meetings; to encourage restaurants, cafeterias, and concessions located on City property to offer healthy food options; and to require the Department of Public Health (DPH) to submit a report to the Board of Supervisors if DPH concludes that nutritional standards and guidelines should be updated.

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

PASSED ON FIRST READING by the following vote:

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

[Appropriation - Proceeds from Certificates of Participation for Animal Care and Control Renovation - \$60,500,000 - FY2015-2016]

Sponsors: Mayor; Tang and Campos

Ordinance appropriating \$60,500,000 of Certificates of Participation to the Department of Administrative Services in FY2015-2016 for the Animal Care and Control Renovation Project. (Fiscal Impact.)

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

PASSED ON FIRST READING by the following vote:

160297 [Lease Agreement - Swissport Cargo Services, L.P. - West Field Cargo Building 632 and Related Areas on Plot 9 - \$2,345,996.92]

Resolution retroactively approving Lease Agreement No. 14-0263 between Swissport Cargo Services, L.P., and the City and County of San Francisco, acting by and through its Airport Commission, for approximately 19,048 square feet of exclusive use space in West Field Cargo Building 632 and related areas on Plot 9, with an estimated minimum rent of \$2,345,996.92 for a three-year initial term to commence on April 1, 2015, and two one-year options to extend. (Airport Commission)

Resolution No. 179-16

ADOPTED by the following vote:

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

160298 [Emergency Work - Designing, Repairing, and Upgrading Security Systems for County Jail Nos. 1 and 2 - Not to Exceed \$2,967,000]

Resolution approving emergency public work by San Francisco Public Works under Administrative Code, Section 6.60, to design, repair, and upgrade the central control intercom and attendant security systems at the Sheriff's Department's County Jail Nos. 1 and 2, both located at 425-7 Street, with an amount not to exceed \$2,967,000. (Public Works) (Fiscal Impact.)

Resolution No. 180-16

ADOPTED by the following vote:

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

160324 [Cooperative Agreement - California Department of Transportation - Lombard Street Vision Zero Project]

Sponsor: Farrell

Resolution approving a cooperative agreement between the City and County of San Francisco and the State of California Department of Transportation concerning the development, review, and approval of the project initiation document for the Lombard Street Vision Zero Project, including pedestrian safety, transit improvements, and utility upgrades along Lombard Street between Francisco Street and Van Ness Avenue, and making environmental findings. (Public Works)

Resolution No. 181-16

ADOPTED by the following vote:

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

160327 [Accept and Expend Grant - Association of Bay Area Governments - Bay Area Regional Energy Network Program - \$609,258]

Sponsor: Wiener

Resolution retroactively authorizing the Department of the Environment to accept and expend grant funds from the Association of Bay Area Governments in the amount of \$609,258 to perform various activities as part of a Bay Area Regional Energy Network program, an energy efficiency program for the term of July 31, 2015, through December 31, 2016. (Environment)

Resolution No. 183-16

ADOPTED by the following vote:

Recommendations of the Land Use and Transportation Committee

[Planning Code - Permitting Accessory Massage Uses, with a Conditional Use Permit, in the North of Market Residential Special Use District]

Sponsor: Kim

Ordinance amending the Planning Code to permit accessory massage uses, with a Conditional Use permit, in the North of Market Residential Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, 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, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

160273 [Street Artist Spaces - Market Street, Drumm to Spear Streets]

Resolution approving designation of four selling spaces on the north side of Market Street, Drumm to Spear Streets, for use by street artists certified by the Arts Commission of the City and County of San Francisco; and exempting said spaces from the regulations of Police Code, Section 2405, relating to street artist display size, distance from entrances, distance from crosswalks, and distance between artists' displays. (Arts Commission)

Resolution No. 178-16

ADOPTED by the following vote:

Ayes: 11 - Ayalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Recommendations of the Public Safety and Neighborhood Services Committee

President Breed requested File Nos. 151112 and 160209 be called together.

151112 [Liquor License - 36 West Portal Avenue]

Resolution determining that the issuance of a Type 21 off-sale general license to Issa Haddad for West Portal Daily Xpress located at 36 West Portal Street (District 7), 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. (Public Safety and Neighborhood Services Committee)

Resolution No. 176-16

ADOPTED by the following vote:

160209 [Liquor License - 401 Van Ness Avenue]

Resolution determining that the issuance of a Type 64 general theatre license to the San Francisco Opera Association located at 401 Van Ness (District 5), 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. (Public Safety and Neighborhood Services Committee)

Resolution No. 177-16

ADOPTED by the following vote:

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

160326 [Lease of City Property - Poets Café LLC - Main Library at 100 Larkin Street - \$3,600 per Year]

Sponsor: Kim

Resolution authorizing the Director of Property to execute a three-year café lease to commence following Board approval between the City and County of San Francisco and Poets Café LLC, for the lease of City-owned property within the Main Library located at 100 Larkin Street, for \$3,600 per year. (Public Library)

Resolution No. 182-16

ADOPTED by the following vote:

Recommendations of the Rules Committee

150944 [Administrative Code - Establishing the Safer Schools Sexual Assault Task Force] Sponsors: Kim; Cohen, Tang and Mar

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

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

PASSED, ON FIRST READING by the following vote:

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

160359 [Administrative Code - Establishing Municipal Fines and Fees Task Force] Sponsors: Avalos; Kim, Cohen and Mar

Ordinance amending the Administrative Code to establish the Municipal Fines and Fees Task Force to advise the Board of Supervisors, the Mayor, and City departments regarding policies that reduce fines and fees for low-income City residents; and setting forth the membership and duties of the Task Force.

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

PASSED, ON FIRST READING by the following vote:

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

160406 [Appointment, Market and Octavia Community Advisory Committee - Mohammed Soriano-Bilal]

Motion appointing Mohammed Soriano-Bilal, term ending December 16, 2016, to the Market and Octavia Community Advisory Committee. (Rules Committee)

Motion No. M16-060

APPROVED by the following vote:

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

160407 [Appointments, Sunshine Ordinance Task Force - Josh Wolf, Leuwam Tesfai, Bruce Wolfe, Dave Maass, Frank Cannata, Chris Hyland, and Louise Fischer]

Motion appointing Josh Wolf, Leuwam Tesfai, David Pilpel, Dave Maass, Frank Cannata, Chris Hyland, and Louise Fischer, terms ending April 27, 2018, to the Sunshine Ordinance Task Force. (Rules Committee)

(Supervisor Mar dissented on the appointment of David Pilpel in Committee.)

Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, Line 3, and Line 17, by striking 'David Pilpel' and adding 'Bruce Wolfe'; and Line 17, by striking 'succeeding themself' and adding 'succeeding David Pilpel'. The motion carried by the following vote:

Ayes: 6 - Avalos, Breed, Campos, Kim, Mar, Peskin

Noes: 5 - Cohen, Farrell, Tang, Wiener, Yee

Motion appointing Josh Wolf, Leuwam Tesfai, Bruce Wolfe, Dave Maass, Frank Cannata, Chris Hyland, and Louise Fischer, terms ending April 27, 2018, to the Sunshine Ordinance Task Force. (Rules Committee)

(Supervisor Mar dissented on the appointment of David Pilpel in Committee.)

Supervisor Wiener requested the question be DIVIDED to consider the appointment of Bruce Wolfe to Seat 6 separately.

Motion No. M16-061

The remaining question to appoint Josh Wolf, Leuwam Tesfai, Dave Maass, Frank Cannata, Chris Hyland, and Louise Fischer was APPROVED by the following vote:

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

Motion No. M16-061

The divided question to appoint Bruce Wolfe was APPROVED by the following vote:

Ayes: 7 - Avalos, Breed, Campos, Kim, Mar, Peskin, Yee

Noes: 4 - Cohen, Farrell, Tang, Wiener

Upon approval of both the divided and remaining questions, the Motion was approved as a whole.

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

Supervisor Wiener, seconded by Supervisor Mar, 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, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Supervisor Wiener introduced, welcomed, and presented a Certificate of Honor to Gary Weiss in recognition of his retirement and his many accomplishments and continued community support. Supervisor Peskin shared in this commendation.

ASIAN PACIFIC HERITAGE MONTH

Supervisor Mar provided opening remarks. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Asian Pacific Heritage Month, their accomplishments, and their continued community support as referenced below:

Supervisor Mar recognized Irene Dea Collier (The Association of Chinese Teachers);

Supervisor Tang recognized Stella Ip (Self Help for the Elderly);

Supervisor Wiener recognized Myriam Cheng (APA Community Center);

Supervisor Avalos recognized Tiffany Ng (Chinese Progressive Association);

Supervisor Yee recognized Terry Carlson (Branch Manager, West Portal Branch Library);

Supervisor Breed recognized Lawrence Li (SF Bicycle Coalition);

Supervisor Cohen recognized Eleanore Fernandez (Public Utilities Commission);

Supervisor Farrell recognized Mel Lee (District 2, Chinatown Community Leader);

Supervisor Kim recognized Garrick Lew, deceased (Founder, Asian Law Caucus);

Supervisor Peskin recognized Rose Pak (Chinese Chamber of Commerce); and

Supervisor Campos recognized Kash Feng (Owner, Breakfast at Tiffany's).

Claudine Cheng provided closing remarks.

President Breed introduced, welcomed, and presented a Certificate of Honor to Harvey Rose (Budget and Legislative Analyst) in recognition of his 80th birthday and for his decades of tireless service to the people of the City and County of San Francisco. The entire Board of Supervisors and the Clerk of the Board shared in this commendation.

Supervisor Mar was noted absent at 6:15 p.m. and for the remainder of the meeting.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdalla Megahed; shared various concerns with the Board.

Mr. Wright; shared his concerns regarding immigration and federal enforcement.

Christopher Dahl; shared his concerns regarding air pollution and the environment.

Dafang Wang; shared concerns related to Falun Gong being rejected by the Cherry Blossom Parade.

Allen Zeng; shared concerns related to Falun Gong being rejected by the Cherry Blossom Parade. Karen Fleshman; shared concerns related to the reform of the Police Department and removal of Chief Suhr

Carlos Scholand; shared concerns related to the reform of the Police Department and removal of Chief Suhr.

Male Speaker; shared concerns related to the reform of the Police Department and removal of Chief Suhr.

Male Speaker; shared concerns related to the reform of the Police Department and removal of Chief Suhr.

Johnson Cullins; expressed concerns regarding use of bathrooms by transgender individuals. Male Speaker; shared various religious concerns.

Silvia Johnson; shared her various experiences with the Board.

Tom Gilberty; shared various concerns regarding elections and political campaigns.

Charles Pitts; shared concerns related to the reform of the Police Department and removal of Chief Suhr.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Cohen requested that File No. 160488 be severed so that it may be considered separately.

160488 [Urging Adequate State-wide Funding for Dependency Counsel]

Sponsors: Cohen; Kim, Peskin, Campos, Mar and Tang

Resolution urging the California State Legislature, the Judicial Council, and Governor Jerry Brown to adequately fund dependency counsel in the State of California, a statutory obligation of the State, to address a state-wide crisis in funding deleteriously affecting our most vulnerable families in San Francisco and the State of California, particularly families that are poor and families of color.

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

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED to the Board of Supervisors of May 17, 2016. The motion carried by the following vote:

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

Supervisor Peskin requested that File No. 160489 be severed so that it may be considered separately.

[Urging and Supporting All Efforts to Increase State Supplementary Program Payments to Meet or Exceed the Federal Poverty Level Appropriation]

Sponsors: Mar; Avalos and Yee

Resolution urging and supporting all efforts by the State Legislature and Governor to increase State Supplementary Program payments to meet or exceed the federal poverty level for elderly, blind or disabled individuals.

Resolution No. 185-16

ADOPTED by the following vote:

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

160458 [Committee of the Whole - Report of Assessment Costs for Blighted Properties - Accelerated Sidewalk Abatement Program]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 21, 2016, 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 inspection and/or repair of blighted properties 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. (Clerk of the Board)

Motion No. M16-062

APPROVED by the following vote:

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

The foregoing items were acted upon by the following vote:

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

Supervisor Cohen, seconded by Supervisor Farrell, moved to rescind the previous vote to consider each of the "For Adoption Without Committee Reference" matters separately. The motion carried by the following vote:

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

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

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

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

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

160508 [Harvey Rose Day - May 9, 2016]

Sponsors: Breed; Tang, Campos, Yee, Kim, Cohen, Farrell, Wiener, Avalos and Mar Resolution celebrating the 80th birthday of Harvey Rose, thanking Harvey for his decades of service, and designating May 9, 2016, as Harvey Rose Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to Harvey Rose Day as referenced in File No. 160508. Otto Duffy and Mr. Wright wished Harvey Rose a happy birthday. The President declared public comment closed.

Resolution No. 186-16

ADOPTED by the following vote:

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

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

160509 [Planning Code, Zoning Map - Rezoning 2070 Folsom Street] Sponsor: Campos

Ordinance amending the Planning Code by revising the Zoning Map to rezone 2070 Folsom Street, Assessor's Parcel Block No. 3571, Lot No. 031, from its current designation as Public (P) and 50-X, to Urban Mixed Use (UMU) and 85-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

05/10/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/9/2016.

160510 [Planning Code - Student Housing Exemption from Inclusionary Housing Requirements]

Sponsor: Wiener

Ordinance amending the Planning Code to change the requirement from five to two years that Student Housing be owned or leased by an educational institution to be exempt from the Inclusionary Housing Program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302, and of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

05/10/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/9/2016.

160511 [Settlement of Claims and Litigation - Landslide Damage - Casitas Avenue and Miraloma Drive - Not to Exceed \$5,000,000]

Sponsor: Yee

Ordinance authorizing the Public Utilities Commission and the City Attorney's Office to approve settlements of claims or litigation arising out of the January 25, 2016, landslide between Casitas Avenue and Miraloma Drive, for amounts exceeding \$25,000 per claim, notwithstanding Administrative Code, Sections 10.22, 10.22-1, and 10.22-2, for amounts up to \$1,000,000 and not to exceed \$5,000,000 in total, if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Government Audit and Oversight Committee.

05/10/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Resolutions

160512 [Contract Agreement - Walgreen Co. - Pharmacy Services - Not To Exceed \$19,600,000]

Sponsor: Mayor

Resolution approving a contract between the Department of Public Health and Walgreen Co., to provide pharmacy services under the federal drug discount program established by Public Health Service Act, Section 340B, for a five-year term of July 1, 2016, through June 30, 2021, in an amount not to exceed \$19,600,000. (Public Health Department) (Fiscal Impact; No Budget and Legislative Analyst Report)

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160513 [Construction Management and Oversight Services Intergovernmental Agreement - Transbay Joint Powers Authority - \$4,491,461]

Sponsor: Mayor

Resolution retroactively approving a Transbay Project Construction Management and Oversight Services Intergovernmental Agreement with the Transbay Joint Powers Authority, including anticipated compensation to the City, through the Department of Public Works, for performing such services, in the total amount of \$4,491,461 for a three-year term commencing January 4, 2016, and mutual indemnity provisions; and authorizing the Deputy Director of the Department of Public Works to execute that Agreement.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160514 [Accept and Expend Grant - State Transportation Development Act, Article 3 - Pedestrian and Bicycle Projects - \$995,524]

Sponsor: Mayor

Resolution authorizing the acceptance and expenditure of a State Transportation Development Act, Article 3, Pedestrian and Bicycle Project grant, in the amount of \$995,524 including \$497,762 for Public Works and \$497,762 for the San Francisco Municipal Transportation Agency, for a three-year period of July 1, 2016, through June 30, 2019.

05/10/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160515 [Apply for Grants - 2016 Emergency Preparedness Grants]

Sponsors: Mayor; Farrell

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco any actions necessary for the purpose of obtaining State and Federal financial assistance under various grant programs, including: the Federal Fiscal Year 2016 Urban Areas Security Initiative Grant, the Federal Fiscal Year 2016 State Homeland Security Grant Program, the 2016 Emergency Management Performance Grant, and the 2016 Local Government Oil Spill Contingency Plan Grant Program.

160516 [Multifamily Housing Revenue Bonds - Central Freeway Parcel O - 455 Fell Street - Not to Exceed \$50,000,000]

Sponsor: Breed

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "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 \$50,000,000 for 455 Fell Street; 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 \$50,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project as defined herein, and the Application as defined herein. (Mayor's Office of Housing and Community Development)

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160517 [Option to Ground Lease - 455 Fell Street - 455 Fell, L.P. - For No Cost] Sponsor: Breed

Resolution authorizing the execution and performance of an Option to Ground Lease in connection with the parcel located at 455 Fell Street (Assessor's Parcel Block No. 831, Lot No. 24) (the "Property") for no cost, and which expires on June 30, 2017, with an extension option of six months until December 31, 2017, between the City and County of San Francisco and 455 Fell, L.P., a California limited partnership; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein. (Recreation and Park Commission)

(Fiscal Impact; No Budget and Legislative Analyst Report)

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160518 [Multifamily Housing Revenue Bonds - 2060 and 2070 Folsom Street (also known as "17th and Folsom") - Not to Exceed \$140,000,000] Sponsor: Campos

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "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 \$140,000,000 for 2060 and 2070 Folsom Street; 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; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project as defined herein, and the Application as defined herein. (Mayor's Office of Housing and Community Development)

160519 [Option to Ground Lease - 2070 Folsom Street - 2060 Folsom Housing, L.P. - For No Cost]

Sponsor: Campos

Resolution authorizing the execution and performance of an Option to Ground Lease in connection with a parcel located at 2070 Folsom Street (Assessor's Parcel Block No. 3571, Lot No. 031) for no cost, and which expires on June 30, 2018, between the City and County of San Francisco and 2060 Folsom Housing, L.P., a California limited partnership; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein. (Mayor's Office of Housing and Community Development) (Fiscal Impact; No Budget and Legislative Analyst Report)

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

[Multifamily Housing Revenue Bonds - 1601 and 1677 Mariposa Street, 485-497 Carolina Street, 395 and 420 Wisconsin Street, and 210 Arkansas Street (also known as "1601 Mariposa") - Not to Exceed \$240,000,000] Sponsor: Cohen

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "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 \$240,000,000 for 1601 and 1677 Mariposa Street, 485-497 Carolina Street, 395 and 420 Wisconsin Street, and 210 Arkansas Street; 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; authorizing and directing the execution of any documents necessary to implement this Resolution as defined herein; and ratifying and approving any action heretofore taken in connection with the Project as defined herein, and the Application as defined herein. (Mayor's Office of Housing and Community Development)

[Multifamily Housing Revenue Bonds - 909 and 921 Howard Street, 206-228 5th Street, and 414 Tehama Street (also known as "5th and Howard") - Not to Exceed \$225,000,000]

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "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 \$225,000,000 for 909 and 921 Howard Street, 206-228 5th Street, and 414 Tehama Street; 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; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project as defined herein, and the Application as defined herein. (Mayor's Office of Housing and Community Development)

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160522 [Selection of Independent Auditors - Macias, Gini & O'Connell, LLP - Not to Exceed \$9,388,686]

Sponsor: Peskin

Resolution selecting Macias, Gini & O'Connell, LLP, as independent auditors for the Controller's Office and the separately audited departments of the City, for an amount not to exceed \$9,388,686 over a four-year contract term to commence July 1, 2016, with one three-year option to renew. (Controller)

(Fiscal Impact; No Budget and Legislative Analyst Report)

05/10/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160523 [Bay Day - October 1, 2016]

Sponsor: Wiener

Resolution declaring October 1, 2016, to be Bay Day in the City and County of San Francisco. 05/10/16; RETURNED UNSIGNED.

Motion

160504 [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 28, 2016, 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 work done or caused to be done through the Sidewalk Inspection and Repair Program pursuant to the provisions of Public Works Code, Sections 707 and 707.1, the costs thereof having been paid for by the City and County out of a revolving fund. (Clerk of the Board)

05/03/16; RECEIVED FROM DEPARTMENT.

05/10/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

160524 [Hearing - Report of the Blue Ribbon Panel on Transparency, Fairness, and Accountability in Law Enforcement]

Sponsor: Avalos

Hearing on the report of the Blue Ribbon Panel on Transparency, Fairness, and Accountability in Law Enforcement; and requesting the Chief of Police to report.

05/10/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

160525 [Hearing - Use of Force and Early Intervention System Statistics and the Status of Various Reforms to the San Francisco Police Department] Sponsor: Avalos

Hearing on the San Francisco Police Department's Use of Force and Early Intervention System (EIS) statistics, and on the status of implementing various reforms to the Police Department including the Use of Force incident statistics for the past five years; the Early Intervention System statistics for the past five years, including the number of officers flagged as outliers, the number and type of interventions, an analysis of the number of "outlier" officers that supervisors have under their command, and an analysis of officers flagged by the EIS who were subsequently charged or convicted with crimes, implicated in inappropriate text messaging, or involved in officer-involved shootings; the status of officer compliance with Bureau Bulletins that require officers to maintain "time and distance" from individuals who are not a threat to any other person, and any corrective or disciplinary actions taken for officers found not to comply with these bulletins; an update on actions taken to investigate racial profiling practices in traffic stops and searches, and any corrective of disciplinary actions taken; an update on action taken to investigate why Chief Suhr presented incorrect information about Mario Woods raising a knife towards officers prior to his shooting and any corrective or disciplinary actions taken to correct this misinformation in the investigation; and requesting the Chief of Police to report.

05/10/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

160526 [Hearing - The City's Financial Position]

Sponsor: Farrell

Hearing on the City's financial position; and requesting the Mayor's Budget Director, the Budget and Legislative Analyst, and the Controller to report.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160459 [Hearing - Report of Assessment Costs for Blighted Properties - Accelerated Sidewalk Abatement Program]

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, scheduled pursuant to Motion No. M16-062, approved May 10, 2016. (Clerk of the Board)

05/10/16: RECEIVED AND ASSIGNED to Board of Supervisors.

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 RESOLUTIONS

160444 [Financing - Portsmouth Plaza Parking Corporation - Not to Exceed \$12,500,000]

Resolution authorizing a financing to be undertaken by the City of San Francisco Portsmouth Plaza Parking Corporation on behalf of the City in an amount not to exceed \$12,500,000 and approving the forms of and authorizing the execution and delivery of documents reasonably necessary for such financing; ratifying and approving any action heretofore taken in connection with the financing; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters. (Recreation and Park Commission) (Fiscal Impact; No Budget and Legislative Analyst Report)

04/27/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160445 [Lease Agreement - Andale Management Group, Inc. - Pre- and Post-Security Concessions - \$560,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0012 between Andale Management Group, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a pre-security concession with a term of seven years and three one-year options to extend, and a post-security concession with a term of ten years and two one-year options to extend, each term to commence upon Board approval, and an initial minimum annual guarantee of \$560,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160446 [Lease Agreement - High Flying Foods SFO, LLC - Post-Security Concession - \$294,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0013 between High Flying Foods SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession for a term of ten years to commence following Board approval, with two one-year options to extend, and an initial minimum annual guarantee of \$294,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

160447 [Lease Agreement - Tastes On The Fly, San Francisco, LLC - Pre- and Post-Security Concessions - \$910,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0014 between Tastes On The Fly, San Francisco, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for one pre-security concession for a term of seven years with three one-year options to extend, and two post-security concessions for a term of ten years with two one-year options to extend, each term to commence following Board approval, and an initial Minimum Annual Guarantee of \$910,000. (Airport Commission)

04/29/16: RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160448 [Lease Agreement - Mum Fresh SF, Inc. - Post-Security Concession - \$165,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0015 between Mum Fresh SF, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of ten years to commence following Board approval, with two one-year options to extend, and an initial minimum annual guarantee of \$165,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160449 [Lease Agreement - Tomokazu Japanese Cuisine (SFO), Inc. - Post-Security Concession - \$165,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0016 between Tomokazu Japanese Cuisine (SFO), Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of ten years to commence following Board approval, with two one-year options to extend, and an initial minimum annual guarantee of \$165,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160450 [Lease Agreement - SSP America, Inc. - Post-Security Concession - \$225,000 Minimum Annual Guaranteel

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0017 between SSP America, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of ten years to commence following Board approval, with two one-year options to extend, and an initial minimum annual guarantee of \$225,000. (Airport Commission)

04/29/16: RECEIVED FROM DEPARTMENT.

160451 [Lease Agreement - Joe & The Juice SFO, LLC - Post-Security Concession - \$150,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0018 between Joe & The Juice SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of ten years to commence following Board approval, with two one-year options to extend, and an initial minimum annual guarantee of \$150,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160452 [Lease Agreement - Stix Holdings, LLC - Pre-Security Concession - \$155,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0019 between Stix Holdings, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a pre-security concession with a term of seven years to commence following Board approval, with three one-year options to extend, and an initial minimum annual guarantee of \$155,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160453 [Lease Agreement - Midfield Concession Enterprises, Inc. - Pre-Security Concession - \$125,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0020 between Midfield Concession Enterprises, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a pre-security concession with a term of seven years to commence following Board approval, with three one-year options to extend, and an initial minimum annual guarantee of \$125,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160454 [Lease Agreement - Bayport Concessions, LLC - Pre-Security Concession - \$155,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0021 between Bayport Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a pre-security concession with a term of seven years to commence following Board approval, with three one-year options to extend, and an initial minimum annual guarantee of \$155,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

160455 [Lease Agreement - Adam Light - Pre-Security Concessions - \$190,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0022 between Adam Light and the City and County of San Francisco, acting by and through its Airport Commission, for two pre-security concessions with a term of seven years to commence upon Board approval, with three one-year options to extend, and an initial minimum annual guarantee of \$190,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160456 [Lease Agreement - Host International, Inc. - Pre-Security Concessions - \$120,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0023 between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for two pre-security concessions with a term of seven years to commence with Board approval, with three one-year options to extend, and an initial minimum annual guarantee of \$120,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160457 [Lease Agreement - SSP America, Inc. - Pre-Security Concession - \$196,000 Minimum Annual Guarantee]

Resolution approving International Terminal Food and Beverage Concession Lease No. 16-0024 between SSP America, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a pre-security concession with a term of seven years to commence with Board approval, with three one-year options to extend, and an initial minimum annual guarantee of \$196,000. (Airport Commission)

04/29/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

160460 [Report of Assessment Costs for Blighted Properties - Accelerated Sidewalk Abatement Program]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered through the Accelerated Sidewalk Abatement Program 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)

05/02/16; RECEIVED FROM DEPARTMENT.

05/10/16; RECEIVED AND ASSIGNED to Board of Supervisors.

Request Granted

From: Supervisor Peskin To: Office of Small Business

Requesting/Inquiring: Supervisor Peskin inquires with the Office of Small Business regarding implementation and administration of the San Francisco Legacy Business Registry and Legacy Business Preservation Fund.

Dear Director Dick-Endrizzi of the Office of Small Business.

The Office of Small Business was not represented at the May 4, 2016 meeting of the SF Historic Preservation Commission, at which that policy body received an Informational Update on the Legacy Business Registry and Legacy Business Preservation Fund. Supervisor Peskin hereby submits the following inquiries regarding the status of the implementation and administration of San Francisco's Legacy Business Registry and the Legacy Business Preservation Fund:

- 1. Approximately how many businesses in San Francisco are potentially eligible for inclusion on the Legacy Business Registry?
- 2. How many nominations has the Office of Small Business received of businesses that are potentially eligible for inclusion on the Legacy Business Registry? Please list all businesses and sort by nominating authority.
- 3. Of the nominated businesses, how many has the Office of Small Business reached out to for assistance in completing the application?
- 4. How many Legacy Business Registry applications has the Office of Small Business received? How many of these applications have been reviewed for completeness? How many of these applications have been deemed complete? What efforts have been made by the Office of Small Business to reach out to businesses that may have submitted incomplete applications?
- 5. What kind of application does the Office of Small Business perform prior to forwarding an application to the Historic Preservation Commission?
- 6. How many applications has the Office of Small Business forwarded to the Historic Preservation Commission or Small Business Commission for review?
- 7. Has the Office of Small Business translated and made available the Legacy Business Registry Application and/or Instructions to that Application into any languages other than English? If so, please provide these forms.
- 8. When does the Office of Small Business plan to send its next batch of Legacy Business Registry Applications to the Historic Preservation Commission or Small Business Commission for review? How many applications does the Office of Small Business plan to send at that time?
- 9. Describe the role of the Office of Small Business in implementing and administering the Legacy Business Preservation Fund, specifically as it relates to the roles and functions
- performed by Planning Department Staff and the Office of Economic and Workforce Development.

 10. How does administration and implementation of the Legacy Business Registry and Legacy Business Registration Fund fit within the context the Office of Small Business' other functions?
- 11. Approximately how many total staff hours has the Office of Small Business expended in furtherance of adding businesses to the Legacy Business Registry and administering the Legacy Business Preservation Fund? To the extent possible, please itemize the time spent by type of activity (e.g., creating forms, reaching out to potentially eligible businesses, preparing for hearings before City policy bodies).
- 12. Approximately how many staff hours per week does the Office of Small Business dedicate to outreach efforts to businesses that may be eligible for inclusion on the Legacy Business Registry?

 13. Please provide an organizational chart showing the appropriate contact persons at the Office of Small Business tasked with performing outreach to potentially eligible businesses, fielding and processing applications, and other duties related to the implementation of the Legacy Business Registry and the Legacy Business Preservation Fund.
- 14. How many points of contact have you received from members of the public or representatives or agents of potentially eligible businesses regarding the Legacy Business Registry or the Legacy Business Preservation Fund, and how many of those contacts have you been able to respond to?

15. How many points of contact have you received from various City departments, staff members, or other City officials regarding the Legacy Business Registry or the Legacy Business Preservation Fund, and how many of those contacts have you been able to respond to? Please respond to these inquiries by the end of the business day on May 18, 2016, and in any event in advance of the Hearing on the implementation of the Legacy Business Registry and Historic Preservation Fund, presently scheduled at the May 19, 2016 regular meeting of the Government Audit and Oversight Committee. Please copy my staff person Lee Hepner on any correspondence relating to this inquiry, at Lee.Hepner@sfgov.org.

In Memoriams

Helen Miramontes - Supervisor Peskin Bruce H. Selby - Supervisor Yee Clarence Johnson - Supervisor Breed

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:06 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 14, 2016.

Angela Calvillo, Clerk of the Board	