

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, December 4, 2012 - 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, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Chu, Avalos, Kim	Wednesday 1:00 PM
City and School District Select Committee Supervisors Campos, Olague, Chiu, Fewer, Maufas, Commissioners Mendoza	4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Elsbernd, Chu, Olague	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Elsbernd, Wiener, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:30 PM
Public Safety Committee Supervisors Avalos, Olague, Mar	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Kim, Farrell, Avalos	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Kim was noted absent.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of October 16, 2012. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener

Absent: 1 - Kim

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

120963 [Business and Tax Regulations Code - Improvement Districts: Longer Term When Assessments Pledged to Bond, Lease, or Other Obligations; Alternative 2/3 Weighted Vote by Businesses]

Sponsor: Mayor

Ordinance amending San Francisco Business and Tax Regulations Code, Article 15 (Business Improvement Districts Procedure Code), Sections 1510 and 1511, and by adding Section 1515, to provide for a district term of up to 40 years when assessments are pledged or applied to pay any bond, financing lease (including any certificates of participation therein), or other similar obligations of the City; authorize the Board of Supervisors to require a weighted two-thirds (2/3) vote of business owners to be assessed, based on ballots cast, as an alternative or additional procedure for establishing a business improvement district and levying assessments; and clarify existing provisions and update references to state law; and making a finding that California Constitution, Article XIID, does not apply to the levy of business assessments authorized by Business and Tax Regulations Code, Article 15.

Ordinance No. 239-12

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

121029 [Environment Code - Suspending Yellow Pages Distribution Pilot Program]

Sponsors: Chiu; Elsbernd

Ordinance amending the San Francisco Environment Code by adding Section 2109 to suspend the Yellow Pages Distribution Pilot Program.

Ordinance No. 245-12

FINALLY PASSED

Recommendations of the Rules Committee

120657 [Settlement of Lawsuit - Michael Horan - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for \$250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 238-12

FINALLY PASSED

120976 [Settlement of Lawsuit - Rehab Financial Corporation - City to Receive \$164,099]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Rehab Financial Corporation, Gayle Bloomingdale, and Barbara Wood for payment to the City of \$164,099; the lawsuit was filed on March 30, 2010, and is pending in San Mateo County Superior Court, Case No. CIV506113; entitled City and County of San Francisco, et al., v. Rehab Financial Corporation, et al. (City Attorney's Office)

Ordinance No. 240-12

FINALLY PASSED

120994 [Settlement of Lawsuit - Christine McGuire - \$27,000]

Ordinance authorizing settlement of the lawsuit filed by Christine McGuire against the City and County of San Francisco for \$27,000; the lawsuit was filed on January 6, 2011, in San Francisco Superior Court, Case No. CGC-11-507062; entitled McGuire v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 241-12

FINALLY PASSED

121014 [Settlement of Lawsuit - Leslie Jones - \$197,500]

Ordinance authorizing settlement of the lawsuit filed by Leslie Jones against the City and County of San Francisco for \$197,500; the lawsuit was filed on August 5, 2010, in San Francisco Superior Court, Case No. CGC-10-502290; entitled Leslie Jones, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 243-12

FINALLY PASSED

121015 [Settlement of Lawsuit - Acquila Yeargin - \$27,500]

Ordinance authorizing settlement of the lawsuit filed by Acquila Yeargin against the City and County of San Francisco for \$27,500; the lawsuit was filed on July 7, 2010, in San Francisco Superior Court, Case No. CGC-10-501334; entitled Acquila Yeargin v. Brandon Thompson, et al. (City Attorney's Office)

Ordinance No. 244-12

FINALLY PASSED

121036 [Settlement of Lawsuit - Gilles Combrisson et al. - Not to Exceed \$320,000]

Ordinance authorizing settlement of the class action lawsuit filed by Gilles Combrisson, William Phillips, Patrick Hagemeister, and Ranell Hansen against the City and County of San Francisco for an amount not to exceed \$320,000; the lawsuit was filed on June 12, 2009, in San Francisco Superior Court, Case No. CGC-09-489400; entitled Gilles Combrisson, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

Ordinance No. 246-12

FINALLY PASSED

121106 [Settlement of Lawsuit - Pacific Rod and Gun Club]**Sponsor: Elsbernd**

Ordinance authorizing settlement of the unlawful detainer lawsuit entitled City and County of San Francisco, et al., v. Pacific Rod and Gun Club, et al., filed on September 24, 2012, in San Francisco Superior Court, Case No. CUD-12-642832, regarding City-owned property located at 520 John Muir Drive in San Francisco; material terms of the settlement agreement include City and Club executing an amended and restated month-to-month lease with improved insurance, indemnity and other provisions in favor of the City, a new 90-day termination notice requirement, and a stipulation for entry of judgment without trial to facilitate City obtaining a writ of possession following such notice period.

PASSED, ON FIRST READING

121058 [Appointments, Veterans Affairs Commission - M. Lee Burnette, John Gallagher, and Michael Maffei]

Motion appointing M. Lee Burnette, John Gallagher, and Michael Maffei, terms ending January 31, 2016, to the Veterans Affairs Commission. (Clerk of the Board)

Motion No. M12-136

APPROVED

121101 [Appointment, Bicycle Advisory Committee - Timothy Doherty]

Motion appointing Timothy Doherty, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Motion No. M12-137

APPROVED

121103 [Appointments, Shelter Monitoring Committee - Julia D'Antonia, Jennie Parrilla, Nicholas Kimura, Andrew Mendes, and Isaac Langford]

Motion appointing Julia D'Antonia, Jennie Parrilla, Nicholas Kimura, Andrew Mendes, and Isaac Langford, terms ending November 23, 2014, to the Shelter Monitoring Committee. (Clerk of the Board)

Motion No. M12-138

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener

Absent: 1 - Kim

Supervisor Kim was noted present at 2:14 p.m.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

120997 [Appropriating \$1,412,000 for San Francisco Unified School District - FY2012-2013]

Sponsors: Kim; Campos, Mar, Avalos and Olague

Ordinance appropriating \$2,705,000 of State Reserves for the San Francisco Unified School District for FY2012-2013.

(Fiscal Impact)

(Supervisor Chu dissented in Committee.)

Privilege of the floor was granted to Ben Rosenfield, Controller, Kate Howard, Mayor's Budget and Policy Office Director, and Jason Elliott, Legislative Affairs Director, who responded to questions raised throughout the discussion.

Supervisor Kim, seconded by Supervisor Mar, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener
Ordinance appropriating \$843,000 of State Reserves and \$1,412,000 from School District Set-Aside funds for the San Francisco Unified School District for FY2012-2013.
(Fiscal Impact)

Supervisor Chu moved to divide the question relating to appropriating funds totaling \$2,255,000 rather than \$2,705,000 for the district. The question PASSED as divided by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Chu moved to divide the question relating to appropriating State revenue funds of \$843,000 rather than \$1,293,000 for the district. The question PASSED as divided by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Wiener moved to duplicate the file to separate the State revenue from the School District set-aside funds. Supervisor Wiener withdrew this motion.

Supervisor Wiener moved to divide the question relating to separating out appropriation of State revenue funds of \$843,000. The question PASSED as divided by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague

Noes: 4 - Chu, Elsbernd, Farrell, Wiener

PASSED ON FIRST READING AS AMENDED AND DIVIDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Recommendation of the City Operations and Neighborhood Services Committee

120984 [Police Code - Prohibiting Public Nudity]

Sponsor: Wiener

Ordinance amending the San Francisco Police Code by adding Section 154 to prohibit nudity on public streets, sidewalks, street medians, parklets, plazas, and public rights-of-way, and on public transit vehicles, stations, platforms, and stops, except as part of permitted parades, fairs, and festivals.

FINALLY PASSED by the following vote:

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 4 - Avalos, Campos, Mar, Olague

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Ordinance No. 234-12

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Noes: 5 - Avalos, Campos, Kim, Mar, Olague

Recommendations of the Land Use and Economic Development Committee

120191 [Building Code - Definition of Efficiency Unit]

Sponsor: Wiener

Ordinance amending the San Francisco Building Code Section 1208.4 to reduce the square footage requirement for Efficiency Dwelling Units in new structures or buildings pursuant to Section 17958.1 of the California Health and Safety Code; and making environmental findings.

Ordinance No. 235-12

FINALLY PASSED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Noes: 2 - Avalos, Olague

120352 [Administrative Code - Housing Preservation and Production]

Sponsors: Olague; Kim, Campos and Mar

Ordinance amending the San Francisco Administrative Code by amending the title of Chapter 10E and adding Section 10E.4 to monitor San Francisco's housing preservation and production policies and goals, and making environmental findings.
(Supervisor Wiener dissented in Committee.)

Ordinance No. 237-12

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

120523 [Planning Code - Transit Impact Development Fee Increase and Updates]**Sponsors: Mayor; Wiener and Olague**

Ordinance amending the San Francisco Planning Code, Article 4, by revising and making technical corrections to specified definitions in Section 401 relating to the Transit Impact Development Fee (TIDF), amending Sections 402, 408, 411 through 411.5, 411.7, 411.8, and adding a new Section 411.9 to increase TIDF rates, revise exemptions and credits, and clarify TIDF implementation and collection, and making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Privilege of the floor was granted to Joel Ramos (MTA) who responded to questions raised throughout the discussion.

Supervisor Wiener, seconded by Supervisor Chu, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

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

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague

Noes: 2 - Chu, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

120996 [Planning Code - Efficiency Dwelling Units - Numerical Cap and Open/Common Space Requirements]**Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by adding new Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Subsection 135(d) and adding new Section 140.1 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Noes: 2 - Avalos, Olague

Supervisor Avalos, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Ordinance No. 242-12

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Recommendation of the Rules Committee

120221 [Administrative Code - Extension of Public Utilities Revenue Bond Oversight Committee]

Sponsor: Farrell

Ordinance amending the San Francisco Administrative Code, Section 5A.36 to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee to January 1, 2016.

Ordinance No. 236-12

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

NEW BUSINESS

Supervisor Cohen was noted absent at 3:59 p.m.

Recommendations of the Budget and Finance Committee

121034 [Real Property Lease - 1380 Howard Street - Community Behavioral Health Services - Department of Public Health - \$118,259.38-\$131,584.38 Monthly]

Resolution authorizing the extension of a lease of 79,950 sq. ft. of office space at 1380 Howard Street for use by the Department of Public Health's Community Behavioral Health Services Division for a term of an additional five years from January 1, 2013, through December 31, 2017, at a monthly rate of \$118,259.38 for the first six months of the extended term and then \$131,584.38 per month for the remainder of the extended term. (Real Estate Department)
(Fiscal Impact)

Resolution No. 437-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121035 [Real Property Lease - 760 Harrison Street - Cort Family Living Trust - Department of Public Health - \$25,350 Monthly]

Resolution retroactively authorizing the extension of a lease of real property at 760 Harrison Street for the Department of Public Health with the Cort Family Living Trust for a term of an additional five years from July 1, 2012, to June 30, 2017, at a monthly rate of \$25,350. (Real Estate Department)

Resolution No. 438-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121037 [Airport Lease Agreements - Cellular Service Equipment Sites - \$350,000 Plus Annual Increases]

Resolution approving the Cellular Service Equipment Sites Leases between New Cingular Wireless PCS, LLC., Nextel of California, Inc., and Sprint Spectrum Realty Company, L.P., GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, and T-Mobile West Corporation and the City and County of San Francisco, acting by and through its Airport Commission retroactive to July 1, 2009, with a term of five years, and approving Amendment No. 1 to the Cellular Service Equipment Leases with New Cingular Wireless PCS, LLC., Nextel of California, Inc., and Sprint Spectrum Realty Company, L.P., and GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, with a base annual rent of \$350,000 to be increased annually by \$25,000. (Airport Commission)

Resolution No. 439-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121045 [Term Sheet - Orton Development, Inc. - Rehabilitation of the 20th Street Historic Buildings and Finding of Fiscal Feasibility]

Sponsors: Mayor; Cohen

Resolution finding the proposed rehabilitation of the 20th Street Historic Buildings on or near 20th Street, east of Illinois Street, fiscally feasible pursuant to Administrative Code, Chapter 29, and endorsing the Term Sheet between Orton Development, Inc., and the San Francisco Port Commission.

Resolution No. 440-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121062 [Agreement Amendment - MedImpact Healthcare Systems, Inc. - Third Party Pharmacy Administration Services at Community Pharmacies - \$17,575,376]

Resolution approving the third amendment to the agreement between the Department of Public Health and MedImpact Healthcare Systems, Inc., for third party pharmacy administration services at community pharmacies to increase the total contract amount from \$9,900,000 for the term of July 1, 2008, through June 30, 2014, by \$7,675,376 for a total contract amount of \$17,575,376 for six years. (Public Health Department)

Resolution No. 441-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121070 [Contract Amendment - New Flyer of America, Inc. - Purchase Low Floor Diesel-Hybrid Buses - Not to Exceed \$48,669,369]**Sponsor: Wiener**

Resolution approving Amendment No. 1 to Contract No. SFMTA-2013-08 with New Flyer of America, Inc., to purchase 17 additional 40-foot low floor diesel-hybrid buses through the Cooperative Purchasing Venture established by the State of Minnesota's Materials Management Division, for an additional amount of \$11,780,005 and a total contract amount of \$48,669,369.

Resolution No. 442-12**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121111 [Accept and Expend Grant - San Francisco Parks Alliance - Not to Exceed \$280,000]**Sponsor: Wiener**

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant not to exceed \$280,000 from the San Francisco Parks Alliance towards seven community projects funded with Community Opportunity Fund dollars for the period of May 1, 2012, through January 1, 2013.

Resolution No. 443-12**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

Recommendations of the City Operations and Neighborhood Services Committee**120962 [Liquor License - 748 Innes Avenue]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Mikhail Brodsky for Pectopah, LLC, located at 748 Innes Avenue (District 10), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

Resolution No. 434-12**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121002 [Liquor License Transfer - 550 Montgomery Street]

Resolution determining that the transfer of a Type 57 special on-sale general license from 2100 Market Street to 550 Montgomery Street (District 3), to Amiel Arad for Wingtip, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4.

Resolution No. 435-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121010 [Liquor License Transfer - 450 Post Street]

Resolution determining that the transfer of a Type 64 special on-sale general theater license from 533 Sutter Street to 450 Post Street (District 3), to Susi Damilano for the SF Playhouse, 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.

Resolution No. 436-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

Recommendations of the Government Audit and Oversight Committee**120844 [Board Response - Civil Grand Jury Report - Investment Policies and Practices of the San Francisco Employees' Retirement System]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2011-2012 Civil Grand Jury report entitled "Investment Policies and Practices of the San Francisco Employees' Retirement System" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

Resolution No. 447-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

**120987 [Lease - Woodhouse Marina Green, LLC - Marina Degaussing Station Restaurant]
Sponsor: Farrell**

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Woodhouse Marina Green, LLC, for the operation of a restaurant at the Marina Degaussing Station at the Marina Green with a term of ten years.
(Fiscal Impact)

Supervisor Farrell, seconded by Supervisor Campos, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

Recommendation of the Land Use and Economic Development Committee

120982 [Jack Early Commemorative Plaque - Stockton Street Adjacent to Washington Square]

Sponsor: Chiu

Ordinance commemorating the Stockton Street sidewalk adjacent to Washington Square Park under Public Works Code Sections 789 et seq., the Commemorative Street Plaque Ordinance, accepting a plaque in honor of Jack Early as a gift to the City, waiving permit and inspection fees for plaque installation, and directing official acts in furtherance of this Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

Recommendation of the Public Safety Committee

121031 [Metropolitan Transportation Commission - Strengthen Provisions of Personal Information of the Clipper Card Program]

Sponsors: Avalos; Chiu, Olague and Mar

Resolution urging the Metropolitan Transportation Commission to strengthen the privacy provisions of personal information of the Clipper Card Program.

Resolution No. 448-12

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

Recommendations of the Rules Committee

121057 [Board of Supervisors' Rules of Order Amendment]

Sponsor: Elsbernd

Motion amending the Board of Supervisors' Rules of Order, in their entirety, to correct clerical corrections, proper placement of sections, and additional updates.

Motion No. M12-139

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

121087 [Appointment, Board of Appeals - Darryl Honda]**Sponsor: Mayor**

Motion approving the Mayor's appointment of Darryl Honda to the Board of Appeals for the term ending July 1, 2016.

Motion No. M12-140

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Absent: 1 - Cohen

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations**Privilege of the Floor**

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Supervisor Mar will present Certificates of Honors to the Clement Street Merchants Association on the occasion of their 90th anniversary.

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Joe Moore in honor of his act of heroism with a recent fire in District 7. Fire Chief Joanne Hayes-White shared in this commendation.

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to the Guardian Angela in recognition of their accomplishments and continued community support. Supervisor Olague shared in this commendation.

COMMITTEE REPORT**121066 [Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]****Sponsor: Olague**

Ordinance amending San Francisco Administrative Code, Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance), Section 37.9, to add new Subsection 37.9(l), providing for hearings at the Rent Board on tenant allegations of landlord harassment constituting a wrongful endeavor to recover possession of the tenant's unit.

This item was not sent as a Committee Report.

Supervisor Cohen was noted present at 4:07 p.m.

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

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

Ray Hartz; expressed concerns relating to government.

Peter Warfield; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various concerns.

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

Eugene Gordon, Jr.; expressed various concerns.

Male Speaker; expressed various religious concerns.

Kati; expressed concerns relating to rebroadcast on KPOO.

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

Michael Douglas; expressed concerns relating to education.

Colleen Fernald; expressed concerns relating to political abuse of power.

Male Speaker; expressed various concerns.

Douglas Yepp; expressed various concerns.

Female Speaker; spoke regarding domestic violence.

Amberly Cross; spoke regarding domestic violence.

Mary BeKeever; spoke regarding domestic violence.

Male Speaker; expressed concerns relating to SFMTA Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

121129 [Approval of a 90-Day Extension for Planning Commission Review of Rezoning of 1111 Eighth Street (File No. 111278)]

Sponsor: Cohen

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 111278) that would amend the San Francisco Planning Code, Sectional Map SU08 of the Zoning Map; adding San Francisco Planning Code, Section 249.66 to establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts and provide a regulatory scheme for a potential future phased expansion of the campus; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

Resolution No. 444-12

ADOPTED

121131 [National Park Service - Cease Efforts to Locate Alcatraz Ferry Service at Fort Mason Piers]**Sponsors: Farrell; Chiu**

Resolution urging the National Park Service to abandon plans to locate Alcatraz Ferry Service at Fort Mason Piers and to focus their efforts on working with the Port of San Francisco to continue service at the Port.

Resolution No. 449-12**ADOPTED****121135 [Approval of a 90-Day Extension for Planning Commission Review of Upper Market Zoning (File No. 120901)]****Sponsor: Wiener**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120901) amending the San Francisco Planning Code, Sections 721.1 and 733.1 to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; amending Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; and making environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Resolution No. 445-12**ADOPTED****121136 [Approval of a 90-Day Extension for Planning Commission Review of Upper Market Zoning Map Amendment (File No. 120902)]****Sponsor: Wiener**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120902) amending the San Francisco Planning Code, Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District, and to change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034 from 50-X to 65-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Resolution No. 446-12**ADOPTED****121153 [Declaration of Election Results of the November 6, 2012, Consolidated General Election]****Sponsor: Chiu**

Resolution declaring the results of the November 6, 2012, Consolidated General Election.

Resolution No. 433-12**ADOPTED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

121162 [Planning Code - Inclusionary Affordable Housing Program, Updates, and Clarifications]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Section 401, and provisions of the Inclusionary Affordable Housing Ordinance, Sections 415 et seq., to update and clarify provisions of the Inclusionary Affordable Housing Program by providing a cap on rent increases; clarifying the timing of off-site developments; requiring rental units that convert to ownership to sell at less than the price for ownership units under certain circumstance; establishing pricing for affordable Single Room Occupancy units; changing the status of projects using California Debt Limit Allocation Committee tax exempt bonds so that such projects are subject to the Program, but that units may qualify as on or off-site units under certain circumstances; allowing income levels of qualifying households to exceed those specified in certain situations; authorizing the Mayor's Office of Housing to charge a monitoring fee to verify occupancy of affordable units; making technical clarifications and corrections; and making environmental findings and findings of consistency with the General Plan.

(Economic Impact)

12/04/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/3/2013.

121163 [Accept and Expend Grant - TechSF-Workforce Innovation Partnership and Amendment to the Annual Salary Ordinance - \$3,000,000]

Sponsor: Mayor

Ordinance authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$3,000,000 from the Department of Labor for the TechSF-Workforce Innovation Partnership, and amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to reflect addition of one (1) Class 9775 Senior Community Development Specialist II grant-funded position (0.77 FTE) in the Office of Economic and Workforce Development and one (1) Class 1053 IS Business Analyst - Senior grant-funded position (0.77 FTE) in the Department of Technology.

12/04/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/3/2013.

121164 [Accept and Expend Grant - Office of Financial Empowerment Kindergarten to College Outreach Position and Amendment to the Annual Salary Ordinance - Up to \$80,000]**Sponsor: Mayor**

Ordinance authorizing the Office of the Treasurer-Tax Collector to accept and expend a grant in the amount of up to \$80,000 from the Earned Assets Resource Network for implementing the Office of Financial Empowerment Kindergarten to College program, and amending Ordinance 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to provide for the creation of one (1) grant-funded position in the Office of Financial Empowerment.

12/04/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/3/2013.

121165 [Public Employment - Amendment to the Annual Salary Ordinance for Department on the Status of Women and the District Attorney's Office - FY2012-2013]**Sponsors: Chiu; Cohen, Kim, Mar, Farrell, Avalos, Wiener and Campos**

Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FY2012-2013) to reflect the addition of 1 position (0.5 FTE) in the Department on the Status of Women and 11 positions (3.63 FTEs) in the District Attorney's Office.

(Fiscal Impact)

12/04/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/3/2013.

121166 [Appropriating \$631,893 for the San Francisco Department on the Status of Women and the District Attorney's Office]**Sponsors: Chiu; Cohen, Kim, Mar, Farrell, Avalos, Wiener and Campos**

Ordinance appropriating \$304,412 to the San Francisco Department on the Status of Women and \$445,588 to the District Attorney's Office for FY2012-2013.

12/04/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/3/2013.

Resolutions**121167 [Accept and Expend Grant - Code for America Labs, Inc. - \$105,000]****Sponsor: Mayor**

Resolution authorizing the San Francisco Department of Human Services to retroactively accept and expend a grant in the amount of \$105,000 from Code for America Labs, Inc., toward the cost of participating in the 2013 Code for America (CfA) Fellowship Program, which has specially selected the Department of Human Services to receive technology design services from CfA to increase access to public benefits by the City's lowest income residents.

(Fiscal Impact)

12/04/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121168 [Street Encroachment - 54 Peralta Avenue]**Sponsor: Chiu**

Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to occupy a portion of the public right-of-way to remove and reconstruct a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade, that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Assessor's Block No. 5512, Lot No. 029), conditioned upon the payment of an annual assessment fee of \$215; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

12/04/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

121169 [Contract Amendment - Aon Insurance Services West, Inc. - Central Subway Project - Not to Exceed \$8,280,000]**Sponsor: Chiu**

Resolution approving Amendment No. 2 to Contract No. CS-163-1, Insurance Brokerage Services for an Owner Controlled Insurance Program, to provide Excess Liability Insurance for the Central Subway Project with Aon Risk Insurance Services West, Inc., to obtain and bind a second tier of liability insurance for the amount not to exceed \$8,280,000.
(Fiscal Impact)

12/04/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121170 [Real Property Lease Amendment - Autodesk, Inc. - Pier 9]**Sponsors: Chiu; Kim**

Resolution approving Port Commission's Second Amendment to Lease No. L-15169 with Autodesk, Inc., a Delaware corporation for the lease of office space and unimproved shed space at Pier 9 in the Northern Waterfront with a 120 month term.

12/04/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121171 [Apply for Grants - Anti Drug Abuse Program Allocation Funds]**Sponsor: Mayor**

Resolution authorizing the Department of Children Youth and Their Families to apply for grants from the Board of State and Community Corrections.

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121172 [Commemoration of Roe V. Wade Anniversary]**Sponsors: Campos; Cohen and Mar**

Resolution commemorating the 40th anniversary of Roe v. Wade and commending the work of pro-choice advocates and service providers in the City and County of San Francisco.

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121173 [Commending Supervisor Sean R. Elsbernd]**Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Farrell, Kim, Mar, Olague and Wiener**

Resolution commending and honoring Supervisor Sean R. Elsbernd for his distinguished service as a Supervisor of the City and County of San Francisco.

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121174 [Urging the United States Congress to Fund the Special Diabetes Program - 2014-2016]**Sponsors: Cohen; Chiu and Mar**

Resolution urging the United States Congress to renew and fully fund the Special Diabetes Program for 2014 to 2016.

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121175 [Multifamily Housing Revenue Bonds - 5800 Third Street]**Sponsor: Cohen**

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 (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 \$26,000,000 for the property currently known as 5800 Third Street, San Francisco, California 94124; 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 \$26,000,000; 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).

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121176 [Multifamily Housing Revenue Bonds - 1100 Ocean Avenue]**Sponsor: Elsbernd**

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 (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 \$20,000,000 for 1100 Ocean Avenue, (Assessor's Parcel No. 3180- (portion of) Lot No. 1, San Francisco, California 94112); 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 bonds by the City in an aggregate principal amount not to exceed \$20,000,000; 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).

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121177 [Approval of a 30-Day Extension for Planning Commission Review of Establishing the Fillmore Street Neighborhood Commercial District (File No. 120814)]**Sponsor: Olague**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 120814) amending the San Francisco Planning Code by adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets, amending Section 151.1, a portion of Table 151.1, Section 263.20, and Section 607.1(f) to make conforming and other technical changes, amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District, and adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

121181 [Commending Supervisor Christina Olague]**Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener**

Resolution commending and honoring Supervisor Christina Olague for her commitment to public service as a Supervisor of the City and County of San Francisco.

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion**121182 [Request for Proposals - Budget and Legislative Analysts Services]**

Motion directing the Clerk of the Board to initiate a Request for Proposals process for Budget and Legislative Analyst services. (Clerk of the Board)

12/04/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**121178 [Hearing - San Francisco's Participation in the Electrification of Caltrain and High Speed Rail]****Sponsors: Cohen; Wiener**

Hearing request for an additional presentation from the Planning Department, Mayor's Office, and Municipal Transportation Agency on San Francisco's participation in the long-awaited electrification of Caltrain and the future High Speed Rail.

12/04/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

121179 [Hearing - Citizen's General Obligation Bond Oversight Committee's Annual Report - FY2011-2012]**Sponsor: Farrell**

Hearing to review the Citizen's General Obligation Bond Oversight Committee's Annual Report for FY2011-2012.

12/04/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

121180 [Hearing - Increase in Robberies: Status and Prevention Strategies]**Sponsors: Wiener; Campos**

Hearing calling on City agencies, including the Police Department and District Attorney's Office, to report about the increase in robberies on City streets and on public transit, and about what steps are being taken to prevent these crimes and will address how the theft of mobile devices, like smart phones and tablets, relates to the proliferation of these robberies.

12/04/12; RECEIVED AND ASSIGNED to Public Safety Committee.

Report**121154 [Seniority Lottery]**

Lottery to determine the seniority of the newly elected Members of the Board of Supervisors scheduled for the regularly scheduled Board Meeting of Tuesday, December 11, 2012, at 3:00 p.m., pursuant to Board Rule 6.21.

Introduced by the President at the Request of a Department**PROPOSED RESOLUTIONS****121138 [Lease Termination Agreement - Downtown Parking Corporation - 833 Mission Street]**

Resolution authorizing the termination of the lease agreement with the Downtown Parking Corporation and authorizing the Director of Transportation to execute a Lease Termination Agreement for property located at 833 Mission Street that will expire on December 31, 2012. (Municipal Transportation Agency)

11/19/12; RECEIVED FROM DEPARTMENT.

12/04/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

121139 [Lease and Use Agreement - China Airlines, Limited]

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L10-0082 with China Airlines, Limited, effective January 1, 2013, for administrative office space in the International Terminal at the San Francisco International Airport. (Airport Commission)

11/21/12; RECEIVED FROM DEPARTMENT.

12/04/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request Granted

From: Supervisor Mar

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requesting the Municipal Transportation Agency to report on the feasibility of:

- 1) Installing timed pedestrian crossing lights at 17th Avenue and Geary Blvd.*
- 2) Additional pedestrian safety improvements at 22nd Avenue and Geary Blvd.*

In Memoriams

Percy Hayter – Supervisor Cohen

Mike Nevin – Full Board

Kay G. Gulbengay – Full Board

Theresa Burke – Supervisors Chiu and Elsbernd

Philip Welsh – Supervisor Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:04 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 January 15, 2013.

Angela Calvillo, Clerk of the Board