

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, February 7, 2012 - 2:00 PM

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

Regular Meeting

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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

#### Committee Membership

#### Meeting Days

**Budget and Finance Committee**

Supervisors Chu, Avalos, Kim

Wednesday

1:00 PM

**City and School District Select Committee**

Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza

2nd and 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 Farrell, Elsbernd, Chiu

2nd and 4th Thursday

1:00 PM

**Land Use and Economic Development Committee**

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

**Public Safety Committee**

Supervisors Avalos, Olague, Mar

1st and 3rd Thursday

10:30 AM

**Rules Committee**

Supervisors Kim, Farrell, Campos

1st and 3rd Thursday

1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Volume 107 Number 4**

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

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:12 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.*

### **Supervisor Campos Excused from Voting**

Supervisor Avalos, seconded by Supervisor Mar, moved that Supervisor Campos be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Campos

## **AGENDA CHANGES**

*There were none.*

## **COMMUNICATIONS**

*There were none.*

## **CONSENT AGENDA**

### **Recommendations of the Budget and Finance Committee**

**120018 [Re-Appropriating \$1,574,127 of General Fund Reserves for State Revenue Loss to Support HIV/AIDS Programs at the Department of Public Health, FY2011-2012]**

**Sponsors: Mayor; Wiener, Campos and Olague**

Ordinance re-appropriating \$1,574,127 of General Fund reserves for State revenue loss to backfill federal funding reductions to HIV/AIDS programs at the Department of Public Health in FY2011-2012.

(Fiscal Impact)

**Ordinance No. 032-12**

**FINALLY PASSED**

**120019 [Accept and Expend Grant - Legal Educational Advocacy Program and Amendment to the Annual Salary Ordinance, FY2011-2012 - \$231,147]****Sponsor: Campos**

Ordinance authorizing the San Francisco Public Defender's Office to retroactively accept and expend a grant in the amount of \$231,147 from the Correction Standards Authority for the purpose of establishing a Legal Educational Advocacy Program; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one Class 8177 Trial Attorney grant-funded position (0.50 FTE) at the San Francisco Public Defender's Office.

**Ordinance No. 024-12****FINALLY PASSED****Recommendation of the Land Use and Economic Development Committee****111078 [Planning Code and Zoning Map Amendments - India Basin Industrial Park]****Sponsor: Cohen**

Ordinance: 1) amending the San Francisco Planning Code Section 249.42 to allow outpatient medical care clinics; 2) amending the San Francisco Planning Code Zoning Map Sheet 8 SU to add parcels in Assessor's Block No. 5211, Lot Nos. 29 through 54 to the India Basin Special Use District, and remove the parcel in Assessor's Block No. 5211, Lot No. 28 from the Design and Development Special Use District and add it to the India Basin Special Use District; and 3) making environmental findings and findings of consistency with general plan.

**Ordinance No. 026-12****FINALLY PASSED****Recommendations of the Rules Committee****111298 [Settlement of Lawsuit - Mary Jenn - \$72,500]**

Ordinance authorizing settlement of the lawsuit filed by Mary Jenn against the City and County of San Francisco for \$72,500; the lawsuit was filed on November 12, 2010, in San Francisco County Superior Court, Case No. CGC-10-505363; entitled Mary Jenn v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 030-12****FINALLY PASSED****111299 [Settlement of Lawsuit - DeWolf Realty Company, Inc. - \$91,000]**

Ordinance authorizing settlement of the lawsuit filed by DeWolf Realty Company, Inc., Gordon Pederson, and Chubb Custom Insurance Company against the City and County of San Francisco for \$91,000; the lawsuit was filed on July 19, 2010, in San Francisco Superior Court, Case No. CGC-10-501664; entitled DeWolf Realty Company, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 031-12****FINALLY PASSED**

**111369 [Settlement of Lawsuit - Linda Iacovetta - \$210,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for \$210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 029-12**

**FINALLY PASSED**

**111370 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive \$1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]**

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

**Ordinance No. 027-12**

**FINALLY PASSED**

**111372 [Settlement of Lawsuit - City to Receive \$3,170,000 for Sale of Parcel in San Mateo County]**

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for \$3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

**Ordinance No. 028-12**

**FINALLY PASSED**

**111373 [Settlement of Lawsuit - City to Pay \$238,000 for Subsurface Easement in Alameda County]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

**Ordinance No. 025-12**

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

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

Excused: 1 - Campos

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the City Operations and Neighborhood Services Committee

#### **101055 [Environment Code - Checkout Bags and Checkout Bag Charge]**

**Sponsors: Olague; Avalos and Campos**

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, if they provide a customer with a checkout bag; 3) setting an operative date of October 1, 2012; and 4) making environmental findings.

(Economic Impact)

*Privilege of the floor was granted to Melanie Nutter, Director, Department of Environment, who provided an overview and responded to questions raised throughout the discussion.*

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

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

Excused: 1 - Campos

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

Excused: 1 - Campos

### Recommendation of the Land Use and Economic Development Committee

#### **111248 [Regulations for Jane Warner and Harvey Milk Plazas]**

**Sponsor: Wiener**

Ordinance: 1) approving regulations for Jane Warner Plaza at the intersection of Castro and 17th Streets and Harvey Milk Plaza adjacent to the intersection of Castro and Market Streets; and 2) authorizing official acts in connection with the regulations.

**Ordinance No. 022-12**

**FINALLY PASSED by the following vote:**

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

Noes: 4 - Avalos, Kim, Mar, Olague

Excused: 1 - Campos

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**120045 [Revising Findings - Contract Approval for Design and Construction of New Fire Station - 935 Folsom Street]**

**Sponsor: Kim**

Ordinance amending Ordinance No. 218-10 to revise the findings supporting the waiver of Chapter 6 of the Administrative Code for a Conditional Land Disposition and Acquisition Agreement between the City and the San Francisco Museum of Modern Art for the design and construction of the new fire station to be located at 935 Folsom Street, San Francisco, California.

(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

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

Excused: 1 - Campos

**120050 [Administrative Code - Health Service System Plans and Contribution Rates]**

**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1, Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

**PASSED ON FIRST READING by the following vote:**

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

Excused: 1 - Campos

**120051 [Establishing Monthly Contribution Amount to the Health Service Trust Fund]**

**Sponsor: Chu**

Resolution establishing the monthly contribution amount to the Health Service Trust Fund.

**Resolution No. 044-12**

**ADOPTED by the following vote:**

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

Excused: 1 - Campos

**120002 [Accept and Expend Gift - Mayor's Fund for the Homeless]**

Resolution accepting bequest by the late Leila Boroughs, authorizing its expenditure by the Mayor's fund for the homeless for the purpose of assisting San Francisco's homeless and extending appreciation to Ms. Boroughs for her gift. (Human Services Department)

**Resolution No. 043-12**

**ADOPTED by the following vote:**

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

Excused: 1 - Campos

**From the Budget and Finance Committee Without Recommendation**

*Supervisor Elsbernd was noted absent at 2:48 p.m. and noted present at 2:55 p.m.*

**120022 [Agreement - Motorola - Bay Area Regional Interoperable Communications Systems]**

**Sponsors: Mayor; Farrell and Chu**

Resolution approving site access and use agreement with Motorola for the San Francisco sites to be used for the Bay Area 700 MHz public safety broadband spectrum to be managed and operated by the Bay Area Regional Interoperable Communications Systems for a term of 12 years; and making findings, including environmental findings.  
(Fiscal Impact)

*Supervisors Farrell and Chu requested to be added as co-sponsors.*

*Privilege of the floor was granted to Anne Kronenberg, Director, Department of Emergency Management, and Jon Walton, Director, Department of Technology, who provided an overview and responded to questions raised throughout the discussion.*

**Resolution No. 038-12**

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague, Wiener

Noes: 1 - Kim

Excused: 1 - Campos

**Recommendations of the Land Use and Economic Development Committee****111281 [Sidewalk Width Changes - Establishing a Streamlined Process for Certain Changes]**

**Sponsors: Mayor; Wiener**

Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of the Public Works Department to approve certain changes to official sidewalk widths, as specified herein, that would streamline reviews and approvals for such changes and ensure consistency with the General Plan; 2) establishing fees for processing administrative sidewalk width changes; 3) adopting environmental findings; and 4) authorizing official acts in connection with this Ordinance.

**PASSED ON FIRST READING by the following vote:**

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

Excused: 1 - Campos



**111305 [Planning Code Amendments - Glen Park Area Plan]****Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding and amending various sections to implement the Glen Park Area Plan, bounded generally by Chenery Street to the north, Roanoke Street to the east, San Jose Avenue and Bosworth Street to the south, and Elk Street to the west; 2) creating a new Section 738.1, establishing zoning controls for the Glen Park Neighborhood Commercial Transit district; and 3) making findings, including environmental findings and findings of consistency with General Plan and with the Priority Policies of Planning Code Section 101.1. (Planning Department)

**PASSED ON FIRST READING by the following vote:**

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

Excused: 1 - Campos

**111306 [Zoning Map Amendments - Glen Park Area Plan]****Sponsor: Wiener**

Ordinance amending the City and County of San Francisco Zoning Map Sheets ZN11 and HT11 to: 1) create a new zoning district, and amend height and bulk districts within the Glen Park Area Plan, as proposed in the Glen Park Community Plan; and 2) making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

**Supervisor Wiener, seconded by Supervisor Olague, moved that this Ordinance be AMENDED on Page 2, Lines 1 and 2, by replacing 'Motion' with 'Ordinance'; Line 4 by deleting 'of said Motion'. The motion carried by the following vote:**

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

Excused: 1 - Campos

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

Excused: 1 - Campos

**111307 [General Plan Amendments - Glen Park Area Plan]**

Ordinance amending the San Francisco General Plan by adding the Glen Park Area Plan; and making findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

**PASSED ON FIRST READING by the following vote:**

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

Excused: 1 - Campos

## **Recommendations of the Rules Committee**

### **120033 [Confirming Appointment, City Administrator - Naomi Kelly]**

**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Naomi Kelly to a five-year term as City Administrator under Charter Section 3.104.

**Motion No. M12-019**

**APPROVED by the following vote:**

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

Excused: 1 - Campos

### **111330 [Charter Amendment - Consolidating Odd-Year Municipal Elections]**

**Sponsor: Wiener**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

*Supervisor Wiener, seconded by Supervisor Cohen, moved that this Charter Amendment be DUPLICATED, AMENDED, and CONTINUED AS AMENDED to February 14, 2012. The motion FAILED by the following vote:*

*Ayes: 1 - Wiener*

*Noes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague*

*Excused: 1 - Campos*

**Supervisor Wiener, seconded by Supervisor Cohen, moved that this Charter Amendment be CONTINUED to February 14, 2012. The motion carried by the following vote:**

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

Excused: 1 - Campos

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

### **Privilege of the Floor**

**Supervisor Chiu, seconded by Supervisor Wiener, 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: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Campos

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to David Kirsch of the American Heart Association in recognition of their accomplishments and continued community support regarding cardiovascular disease.*

**SPECIAL ORDER 4:00 P.M.**

*Supervisor Olague was noted absent at 5:12 p.m. and noted present at 5:30 p.m.*

**120005 [Public Hearing - Conditional Use Appeal - 601-14th Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's December 8, 2011, Conditional Use Authorization identified as Planning Case No. 2011.0198C, by its Motion No. 18503, under Planning Code Sections 209.6(b) and 303 to remove existing omni antennas and install a wireless telecommunications facility consisting of up to four panel antennas concealed in one faux chimney located on the northern portion of the roof and related equipment in the basement of a three-story publicly-used structure (Bureau of Jewish Education) as part of AT&T's Wireless Telecommunications Network within the RM-1 (Mixed, Low Density) Zoning District, and a 40-X Height and Bulk District, on property located at 601-14th Avenue, Assessor's Block No. 1630, Lot No. 001. (District 1) (Appellant: Pastor Nikolay Gusenkov on behalf of the First Slavic Baptist Church of San Francisco and subscribed by Supervisors Mar, Chiu, Campos, Avalos, and Wiener) (Filed January 9, 2012).

*The President inquired as to whether any member of the public wished to address the Board. Stephen Sherman (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Vadin "James" Heyfitch; Elise Rousseau; Vladimir; Konstantin Gusenkov; Ed Ingleman; Vladimir; Male Speaker; Male Speaker; Lara-Miya Milrod; Nikolay Gusenkov; Marie Mazinova; Florin Kerr; Bischoff Nikolay; Nikolay Shikoff; Ivan; Mihai Moscouici; Elena Mikolova; Michael Shokov; Mikai Shokov; Dylan Rousseau; David Volkar; Elena Sofia; Ian; Asili Kollgar; Alma; Rick Oliver; Gordon Oliver; Alana Santos; Eliana; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Mark Blake (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. David Watsberg; Bill Hammett; spoke in support of the project and in opposition to the appeal. Stephen Sherman (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AND FILED**

**120006 [Approving Planning Commission Decision Related to Conditional Use Authorization - 601-14th Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 18503, approving Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion FAILED by the following vote:*

*Ayes: 3 - Chiu, Kim, Mar*

*Noes: 7 - Avalos, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener*

*Excused: 1 - Campos*

**Motion No. M12-021**

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:**

*Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener*

*Noes: 1 - Mar*

*Excused: 1 - Campos*

**120007 [Disapproving Planning Commission Decision Related to Conditional Use Authorization - 601-14th Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 18503, approving Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion FAILED by the following vote:*

*Ayes: 3 - Chiu, Kim, Mar*

*Noes: 7 - Avalos, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener*

*Excused: 1 - Campos*

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

Noes: 1 - Mar

Excused: 1 - Campos

**120008 [Preparation of Findings Related to the Conditional Use Authorization - 601-14th Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue. (Clerk of the Board)

*Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion FAILED by the following vote:*

*Ayes: 3 - Chiu, Kim, Mar*

*Noes: 7 - Avalos, Chu, Cohen, Elsbernd, Farrell, Olague, Wiener*

*Excused: 1 - Campos*

**Supervisor Elsbernd, seconded by Supervisor Farrell, TABLED by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Olague, Wiener

Noes: 1 - Mar

Excused: 1 - Campos

## COMMITTEE REPORTS

### Recommendations of the Rules Committee

#### **120073 [Appointment, Planning Commission - Cindy Wu]**

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Cindy Wu to the Planning Commission, for the term ending July 1, 2012. (Clerk of the Board) (Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 27, 2012)

**Motion No. M12-020**

**APPROVED by the following vote:**

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

Excused: 1 - Campos

#### **120074 [Appointment, Board of Appeals - Arcelia Hurtado]**

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Arcelia Hurtado to the Board of Appeals, for the term ending July 1, 2012. (Clerk of the Board) (Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 27, 2012)

**Supervisor Cohen, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to February 14, 2012. The motion carried by the following vote:**

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

Excused: 1 - Campos

### From the Rules Committee Without Recommendation

#### **111212 [Charter Amendment - Replacing Ranked-Choice Voting with Run-Off Elections]**

**Sponsors: Farrell; Elsbernd**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 13.101, 13.101.5, 13.102, and 13.107 and Article XVII to replace ranked-choice voting with run-off elections.

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED to February 14, 2012. The motion carried by the following vote:**

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

Excused: 1 - Campos

**111329 [Charter Amendment - Consolidation of City Elections and Ranked-Choice Voting]****Sponsors: Campos; Avalos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, 13.102, 13.103.5, and Article XVII to: 1) consolidate odd-year elections for City elective offices to a single year and 2) increase voter education and clarify implementation of ranked-choice voting.

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED to February 14, 2012. The motion carried by the following vote:**

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

Excused: 1 - Campos

**111331 [Charter Amendment - Analyzing Proposed Legislation in Relation to Net Job Loss]****Sponsor: Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 2.118, to require the Board of Supervisors to wait at least 60 days before adopting an ordinance that may result in a significant net loss of jobs in San Francisco, and to refer the ordinance to the Small Business Commission and Planning Commission for analysis.

*This item was not sent as a Committee Report.*

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**PUBLIC COMMENT**

*Abdallah Megahed; expressed various concerns.*

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

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

*John; expressed various religious concerns.*

*Male Speaker; expressed various concerns relating to Treasure Island.*

*Sala; expressed various concerns relating to outpatient clinics.*

*Mark Trout; expressed various religious concerns.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****120091 [Commending the Mexican Museum for Distinction as New Affiliate of the Smithsonian Institute]****Sponsors: Campos; Avalos, Olague and Kim**

Resolution commending the Mexican Museum for its accomplishments and for welcoming the Smithsonian Institute to the City and County of San Francisco.

*Supervisor Kim requested to be added as a co-sponsor.*

**Resolution No. 041-12****ADOPTED**

**120092 [American Heart Month - February 2012]****Sponsor: Chiu**

Resolution recognizing February 2012, as American Heart Month in the City and County of San Francisco, and encouraging the improvement of cardiovascular health.

**Resolution No. 042-12****ADOPTED****120093 [Accept and Expend Grant - Green Business Tracking Tool - \$59,190]****Sponsor: Chu**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$59,190 from the California Department of Toxic Substances Control to coordinate the Green Business Tracking and Measurement Tool.

**Resolution No. 039-12****ADOPTED****120094 [Accept and Expend Grant - High Technology Crimes Unit - \$29,250]****Sponsor: Cohen**

Resolution authorizing the Department of the District Attorney to retroactively accept and expend a grant in the amount of \$29,250 through the State of California, Department of Justice, Office of the Attorney General's Privacy and Piracy Fund, for high-tech crime investigation and prosecution for the grant period of July 1, 2011, through June 30, 2012.

**Resolution No. 040-12****ADOPTED****120095 [Accept and Expend Grant - Tuberculosis Epidemiologic Studies - \$23,538]****Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$23,538 from the California Department of Public Health, to participate in a program entitled Tuberculosis Epidemiologic Studies Task Order 1, "Improving the Diagnosis and Treatment of Latent Tuberculosis Infection" for the period of November 1, 2011, through September 28, 2012, and waiving indirect costs.

**Resolution No. 046-12****ADOPTED****120096 [Accept and Expend Grant - Longitudinal Research to Assess HIV Risk and Resilience Among Transgender Female - \$93,187]****Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$93,187 from the Public Health Foundation Enterprises, to participate in a program entitled "Longitudinal Research to Assess HIV Risk and Resilience Among Transgender Female" for the period of July 18, 2011, through May 31, 2012.

**Resolution No. 045-12****ADOPTED**

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Campos

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

#### Ordinances

**120120 [Appropriating \$706,500 of Fund Balance to the Department of Public Works - Jefferson Street Streetscape Improvement - FY2011-2012]**

**Sponsors: Mayor; Chiu**

Ordinance appropriating \$962,038 consisting of \$856,046 in fund balance and \$105,992 in State Proposition 1B Local Street and Road interest earnings to the Department of Public Works in FY2011-2012 for the design of Jefferson Street Streetscape Improvements and placing \$52,600 on Controller's Reserve pending receipt of the projected interest earnings.  
(Fiscal Impact)

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120122 [Appropriating \$3,448,350 Consisting of Fund Balance and Re-appropriating \$1,800,000 to the Port Commission in FY2011-2012]**

**Sponsors: Mayor; Chiu**

Ordinance appropriating \$5,448,350 consisting of \$3,448,350 in fund balance and \$2,000,000 in reimbursement revenue from the America's Cup Event Authority for moving shoreside power, and re-appropriating \$1,800,000 from 2010 Revenue Bond funded projects to the Port Commission in FY2011-2012 for the development of the Mixed-Use Cruise Terminal at Pier 27.

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120123 [De-appropriating \$5,700,000 of 2010 Revenue Bond Proceeds and Re-appropriating to the Pier 70 Shoreside Power Project in the Port Commission for FY2011-2012]**

**Sponsors: Mayor; Cohen**

Ordinance de-appropriating \$5,700,000 of 2010 Revenue Bond Proceeds and re-appropriating \$5,700,000 to the Pier 70 Shoreside Power Project in the Port Commission for FY2011-2012.

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.



**120124 [Agreement - BAE Systems - Shoreside Power at Drydock #2 - Pier 70 - Not to Exceed \$5,700,000]****Sponsors: Mayor; Cohen**

Ordinance authorizing the Director of the Port to execute an agreement with BAE Systems San Francisco Ship Repair to install shoreside power equipment at Drydock #2 at Pier 70 for an amount not to exceed \$5,700,000 and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120125 [Planning Code - Mobile Food Facilities at Certain Institutions in Specified Districts]****Sponsor: Wiener**

Ordinance: 1) amending the San Francisco Planning Code Section 205.4 to allow mobile food facilities at certain types of institutions in RH, RM, RED, and RTO Districts subject to specified conditions; and 2) making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

02/07/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/8/2012.

**Resolutions****111163 [Establishing a Balboa Park Station Community Advisory Committee]****Sponsor: Avalos**

Resolution establishing a Balboa Park Station Area Plan Community Advisory Committee to provide input and community oversight relating to area transportation and other public improvements.

10/25/11; RECEIVED AND ASSIGNED to Rules Committee.

11/01/11; REFERRED TO DEPARTMENT.

02/07/12; SUBSTITUTED AND ASSIGNED to Rules Committee.

**120126 [Accept and Expend Grant - Existing Commercial Buildings Energy Performance Policy Implementation - \$180,000]****Sponsor: Chiu**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$180,000 from the Kresge Foundation to implement the Existing Commercial Buildings Energy Performance Ordinance (San Francisco Environment Code Chapter 20).

02/07/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120127 [Approving the 34th America's Cup Project and Related Transactions]****Sponsor: Mayor**

Resolution adopting California Environmental Quality Act Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the 34th America's Cup events and approving the America's Cup project; waiving certain termination rights by the City under the 34th America's Cup Host and Venue Agreement (Host Agreement); approving the Development and Disposition Agreement between the City, through its Port Commission, and the America's Cup Event Authority, LLC (Event Authority), which also amends the Host Agreement; approving a Memorandum of Agreement regarding the City's and the Event Authority's respective obligations for certain mitigation measures in the MMRP and other project-related activities; and authorizing further actions and ratifying prior actions consistent with the terms of this Resolution. (Fiscal Impact)

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120128 [Resolution of Intention to Form Waterfront Infrastructure Financing District]****Sponsor: Mayor**

Resolution of Intention to establish Infrastructure Financing District No. 2 for the City and County of San Francisco at the Port of San Francisco.

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120129 [Calling a Special Municipal Election - June 5, 2012]****Sponsor: Chiu**

Resolution calling a Special Municipal Election for June 5, 2012, and ordering consolidation of that election with the Statewide Presidential Primary Election to be held on the same date.

02/07/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**120130 [Commending the 50th Anniversary of Tony Bennett's Recording of "I Left My Heart in San Francisco"]****Sponsor: Elsbernd**

Resolution commending the 50th Anniversary of Tony Bennett's recording of "I Left My Heart in San Francisco."

02/07/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**120131 [Accept and Expend Grant - Energy Performance Benchmarking Forum - \$25,300]****Sponsor: Mar**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,300 from the Urban Sustainability Directors Network to convene a two-day forum covering adoption and implementation of energy performance benchmarking and disclosure policies.

02/07/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**120132 [Apply for, Accept, and Expend Grant - Urban Forestry Grant Program]****Sponsor: Mayor**

Resolution authorizing the Planning Department to apply for funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through Propositions 40 and 84 to conduct a Citywide tree inventory.

02/07/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Request for Hearing****120133 [Hearing - Balboa BART Station Upper Yard Housing Development]****Sponsor: Avalos**

Hearing for the Municipal Transportation Authority, Department of Public Health, Mayor's Office of Housing, San Francisco County Transportation Authority, and community stakeholders to make a presentation on the action steps identified to pursue transit-oriented development at the upper yard site.

02/07/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**Introduced by the President at the Request of a Department****PROPOSED RESOLUTIONS****120075 [Street Encroachment - Bus Stop Signs - Golden Gate Transit Bus Routes]**

Resolution: 1) granting revocable permission to Golden Gate Bridge Highway and Transportation District (Golden Gate Transit) to occupy portions of the public right-of-way to replace existing bus stop signs and install and maintain new bus stop signs at various locations along existing Golden Gate Transit bus routes; and 2) making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

01/23/12; RECEIVED FROM DEPARTMENT.

02/07/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**120076 [Airport Concession Lease - Paradies-SFO, LLC]**

Resolution approving the Terminal 3, Boarding Area F Newsstand Lease, between Paradies-SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

01/27/12; RECEIVED FROM DEPARTMENT.

02/07/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**120077 [Settlement of Claim - Carl Brogger - Not to Exceed \$240,000]**

Resolution approving proposed settlement of claim by Carl Brogger against the City and County of San Francisco for an amount not to exceed \$240,000; the claim was filed on January 20, 2012, bearing Claim No. 12-01603. (City Attorney)

01/30/12; RECEIVED FROM DEPARTMENT.

01/30/12; RECEIVED AND ASSIGNED to Rules Committee.

**120078 [Settlement of Claim - Marco Fontana - Not to Exceed \$60,000]**

Resolution approving proposed settlement of claim by Marco Fontana against the City and County of San Francisco for an amount not to exceed \$60,000; the claim was filed on December 2, 2011, bearing Claim No. 12-01249. (City Attorney)

01/30/12; RECEIVED FROM DEPARTMENT.

01/30/12; RECEIVED AND ASSIGNED to Rules Committee.

**Request Granted**

*From: Supervisor Mar*

*To: Director, Department of Public Health*

*Requesting/Inquiring: Requesting the Department of Public Health to conduct two additional measurements of RF levels at the First Slavic Baptist Church of San Francisco, located at 1300 Balboa Street, San Francisco, CA 94118, one pre-installation and one post-installation pursuant to the Conditional Use Authorization (Planning Case No. 201.0198C) for 601-14th Avenue.*

**In Memoriam**

*Solomon Kahn - Supervisor Farrell*

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 6:23 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 March 13, 2012.*

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Angela Calvillo, Clerk of the Board