

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, January 31, 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

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 3

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 2:17 p.m. On the call of the roll, Supervisor Olague was noted absent. There was a quorum.

Supervisor Olague was noted present at 2:18 p.m..

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

111208 [Administrative Code - Public Guardian/Public Administrator Gift Fund]

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-190 to create a Public Guardian/Public Administrator Gift Fund to support the operations of the Public Guardian's Office, including needs assessment and conservatorship services for vulnerable persons who are unable to manage their basic personal or financial needs. (Human Services Department)
(Fiscal Impact)

Ordinance No. 015-12

FINALLY PASSED

111333 [Appropriating \$192,000,000 of Earthquake Safety and Emergency Response General Obligation Bonds to the Department of Public Works in FY2011-2012] Sponsors: Mayor; Chiu, Chu and Cohen

Ordinance appropriating \$192,000,000 of the 2012A Series Earthquake Safety and Emergency Response General Obligation Bond proceeds to the Department of Public Works in FY2011-2012 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the bonds.

Ordinance No. 021-12

FINALLY PASSED

111335 [Appropriating \$76,500,000 of Road Repaving and Street Safety General Obligation Bonds to the Department of Public Works and the Municipal Transportation Agency in FY2011-2012]**Sponsors: Mayor; Wiener and Chu**

Ordinance appropriating \$76,500,000 of the 2012C Series Road Repaving and Street Safety General Obligation Bond proceeds including \$71,587,375 to the Department of Public Works and \$4,912,625 to the Municipal Transportation Agency for street resurfacing, sidewalk, curb ramp, street structure improvements, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority for FY2011-2012 and placing these funds on Controller's Reserve pending the sale of the bonds.

Ordinance No. 016-12**FINALLY PASSED****Recommendations of the City Operations and Neighborhood Services Committee****111134 [Liquor License - 440 Mission Street]**

Resolution determining that the issuance of a Type 40 on-sale beer license to Mark E. Rennie for Bar Downtown, LLC., dba Craft, located at 440 Mission Street (District 6), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 027-12**ADOPTED****111260 [Liquor License - 701 Mission Street]**

Resolution determining that the issuance of a Type 64 Special On-Sale General Theater liquor license, to Jeanette Carvajal for the Yerba Buena Center for the Arts, located at 701 Mission Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 028-12**ADOPTED****Recommendation of the Government Audit and Oversight Committee****111067 [Administrative Code - Updating Job Classifications and Bargaining Units]**

Ordinance amending the San Francisco Administrative Code Sections 16.200 through 16.222 to reflect changes in job classifications. (Human Resources Department)

Ordinance No. 017-12**FINALLY PASSED**

Recommendation of the Land Use and Economic Development Committee**111285 [Changing the Official Sidewalk Width - Portion of Mason Street]****Sponsor: Chiu**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width of Mason Street starting at the southwest corner of the intersection of Mason Street and Washington Street and continuing south 29.52 feet; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

Ordinance No. 018-12

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

111301 [Settlement of Case - George and Vickie Bourdouris and Capital Insurance Group - \$67,205.32]

Resolution approving the proposed settlement of the case of George and Vickie Bourdouris and Capital Insurance Group vs. the City and County of San Francisco for \$67,205.32, Unlitigated Claim No. 11-00689. (City Attorney)

Resolution No. 030-12

ADOPTED

111303 [Settlement of Unlitigated Claim - M/T Dubai Star/South Harmony Shipping - City to Receive \$65,000]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against M/T Dubai Star/South Harmony Shipping, Inc. for \$65,000; claim was presented by the City on July 28, 2010. (City Attorney)

Resolution No. 029-12

ADOPTED

111376 [Settlement of Unlitigated Claim - Anita Scott - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by Anita Scott against the City and County of San Francisco for \$200,000; claim was filed on September 23, 2011. (City Attorney)

Resolution No. 031-12

ADOPTED

111377 [Settlement of Unlitigated Claim - Claire Himmel - \$60,000]

Resolution approving the settlement of the unlitigated claim filed by Claire Himmel against the City and County of San Francisco for \$60,000; claim was filed on September 26, 2011. (City Attorney)

Resolution No. 032-12

ADOPTED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

111334 [Appropriating \$75,009,139 of 2008 Clean and Safe Park Bond to the Recreation and Park Department and Port Commission in FY2011-2012]

Sponsors: Mayor; Chu

Ordinance appropriating \$75,009,139 of 2008 Clean and Safe Park Bond sale proceeds to fund the improvement and construction at various recreation and park facilities, including \$61,185,271 in the Recreation and Park Department and \$10,394,975 in the Port Commission for FY2011-2012. (Fiscal Impact)

Ordinance No. 020-12

FINALLY PASSED by the following vote:

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

From the Budget and Finance Committee Without Recommendation**111332 [Appropriating \$4,442,514 of Fund Balance and Interest Earnings from the Sale of the Watermark Land and Condominiums to the Port Commission in FY2011-2012]****Sponsor: Mayor**

Ordinance appropriating \$4,442,514 consisting of \$3,709,630 in fund balance and \$732,884 in interest earnings from the sale of the Watermark Land and Condominiums to the Port Commission in FY2011-2012 to be used for the development of the Brannan Street Wharf and the Mixed-Use Cruise Terminal at Pier 27 and placing \$614,000 on Controller's Reserve pending receipt of the projected interest earnings.

(Fiscal Impact)

Ordinance No. 019-12

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee**111104 [Health Code - Regulating Commercial Dog Walkers on Park Property]****Sponsor: Wiener**

Ordinance amending the San Francisco Health Code by adding Article 39, Sections 39.01 through 39.13, to license and regulate Commercial Dog Walkers operating on park property.

Ordinance No. 023-12

FINALLY PASSED by the following vote:

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

NEW BUSINESS**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)

PASSED, ON FIRST READING by the following vote:

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

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.

PASSED, ON FIRST READING by the following vote:

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

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.
(Supervisor Mar dissented in Committee.)

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

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

Supervisor Chiu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED by deleting reference to 'Section G. Wheeled Equipment Prohibited' on Page 3, Line 24, through Page 4, Line 9. The motion carried 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 by the following vote:

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

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

Recommendations of the Rules Committee

Supervisor Mar Excused from Voting

Supervisor Campos, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 120009. The motion carried by the following vote:

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

120009 [Appointment, California State Association of Counties - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending November 28, 2012, to the California State Association of Counties. (Clerk of the Board)

Motion No. M12-016

APPROVED by the following vote:

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

120010 [Appointment, Board of Appeals - Richard Hillis]

Motion approving the Mayor's appointment of Richard Hillis to the Board of Appeals, for the term ending July 1, 2012. (Mayor)

(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 - 12/14/11.)

Motion No. M12-017

APPROVED by the following vote:

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

Supervisor Chu Excused from Voting

Supervisor Cohen, seconded by Supervisor Farrell, moved that Supervisor Chu be excused from voting on File No. 120013. The motion carried by the following vote:

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

120013 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Carmen Chu]

Motion appointing Supervisor Carmen Chu, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M12-018

APPROVED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

120063 [Hearing - Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]

Sponsor: Chiu

Hearing of persons interested in or objecting to amendments to the proposed Resolution approving CEQA Findings and Mitigation Monitoring and Reporting Program, and Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 111317. Jay Edwards (Port of San Francisco) provided an overview of the amendments to the proposed lease. Walter Paulson; expressed various concerns relating to the amendments to the proposed lease. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

Supervisor Mar, seconded by Supervisor Kim, moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

From the Budget and Finance Committee Without Recommendation

From the Board

111317 [Real Property Lease - Bauer Intelligent Transportation, Inc. - Pier 50]

Sponsor: Chiu

Resolution approving CEQA Findings and Mitigation Monitoring and Reporting Program, and Port Commission Lease No. L-15004 with Bauer Intelligent Transportation, Inc., a California Corporation, for certain real property located at Pier 50, Sheds A and C, in the City and County of San Francisco, for a term of ten years.

(Fiscal Impact)

Resolution No. 026-12

ADOPTED by the following vote:

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

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

There were none.

COMMITTEE REPORTS

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.

PASSED, ON FIRST READING by the following vote:

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

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.
Wilma Roberts; expressed various concerns relating to appointments.
Walter Paulson; shared in song certain concerns with the Board.
Peter Warfield; expressed concerns relating to the SF Public Library.
William Lee (NACA); spoke regarding an upcoming mortgage seminar.
Male Speaker; expressed various concerns relating to ranked choice voting.
John Caldera; expressed various concerns relating to homeless veterans.
Ace Washington; expressed various concerns.
Ray Hartz; expressed concerns relating to government.
Male Speaker; expressed various concerns relating to Tenderloin neighborhood.
Male Speaker; expressed various religious concerns.
Edmund Juicy; expressed various concerns.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**120052 [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) amending the Planning Code by amending Sectional Map SU08 of the Zoning Map of the City and County of San Francisco and adding Planning Code Section 249.66 to: 1) 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 2) making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Resolution No. 034-12**ADOPTED****120053 [Supporting President Barack Obama's Summer Jobs+ Plan and Recommending Similar Plan]****Sponsor: Elsbernd**

Resolution supporting President Barack Obama's Summer Jobs+ plan and recommending the development of a similar plan for youth in San Francisco.

Resolution No. 036-12**ADOPTED****120054 [Supporting the California Cancer Research Act]****Sponsor: Mar**

Resolution supporting the California Cancer Research Act.

Resolution No. 035-12**ADOPTED****120055 [Authorization to Apply for Strategic Growth Council Sustainable Communities Planning Grant]****Sponsor: Mayor**

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to implement the Strengthening Neighborhoods Program.

Resolution No. 033-12**ADOPTED**

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 120025 be severed so that it may be considered separately.

120025 [Opposing the United States Supreme Court's Decision in Citizens United and Supporting Related United States Constitutional Amendment]

Sponsors: Chiu; Cohen, Wiener, Olague, Kim, Mar, Avalos and Campos

Resolution opposing the United States Supreme Court's interpretation of the Constitution in Citizens United regarding the rights of corporations and supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections of natural persons.

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

Resolution No. 037-12

ADOPTED by the following vote:

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

Supervisor Elsbernd requested that File No. 120028 be severed so that it may be considered separately.

120028 [Urging the National Academy of Arts and Sciences Reinstate 31 Categories of Music for GRAMMY Consideration]

Sponsor: Mar

Resolution urging the reinstatement of the 31 categories of music that were eliminated by the National Academy of Arts and Sciences for GRAMMY consideration on April 6, 2011.

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion carried by the following vote:

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

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

120082 [Administrative Code - Benefit Corporation Discount]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code by adding Chapter 14C, Sections 14C.1 through 14C.3 to provide for a downward adjustment in price or upward adjustment in rating of a proposal or bid from a California Benefit Corporation for a competitively-solicited City contract.

01/31/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/1/2012.

120083 [Planning Code and Zoning Map - 9th Street Power Retail Special Use District - 555-9th Street]

Sponsor: Kim

Ordinance: 1) amending the San Francisco Planning Code by adding Section 249.66 to establish the 9th Street Power Retail Special Use District for property located at 555-9th Street (Assessor's Block No. 3781, Lot No. 003); 2) amending the San Francisco Zoning Map Sheet SU08 to show the boundaries of the 9th Street Power Retail Special Use District; and 3) 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.

01/31/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/1/2012.

120084 [Planning Code - Eating and Drinking Establishment Definitions and Controls]

Sponsors: Wiener; Olague and Chu

Ordinance deleting and amending various sections of the San Francisco Planning Code to: 1) simplify and consolidate eating and drinking establishment definitions, and subject the newly-defined uses to Section 312 notification and Formula Retail controls; and 2) 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.

01/31/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/1/2012.

Resolutions

120085 [Accept and Expend Grant - Agreement - Transit Oriented Development Housing Program - \$4,700,000]

Sponsors: Mayor; Kim

Resolution authorizing any designee of the Mayor from the Mayor's Office of Housing to enter into a standard agreement and disbursement agreement with the California State Department of Housing and Community Development to accept and expend \$4,700,000 of Transit Oriented Development Infrastructure Grant Program funds associated with the 1180-4th Street affordable housing project; the execution of an agreement with the Project Sponsor for disbursement of grant funds; and the execution of any related documents necessary to participate in the Transit Oriented Development Infrastructure Grant Program.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120086 [Request for Proposal - City's Cash Management Banking Services]

Sponsors: Avalos; Chiu, Mar, Campos and Cohen

Resolution supporting the City's Office of the Treasurer-Tax Collector's efforts to integrate community reinvestment measures and social responsibility language into the City's Cash Management Banking Services Request for Proposal.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120087 [Accept and Expend Grant - Kindergarten to College Program Participant Incentive Funds - \$190,000]

Sponsor: Campos

Resolution authorizing the Office of Treasurer-Tax Collector to accept and expend a grant in the amount of \$190,000 from the Earned Assets Resource Network for Kindergarten to College Program Participant Incentive Funds.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120088 [Revocable Permit - Union Sanitary District - Bay Division Pipeline Nos. 3 and 4 Seismic Upgrade Project]

Sponsor: Elsbernd

Resolution authorizing issuance of a revocable permit by the San Francisco Public Utilities Commission to Union Sanitary District for the improvements to the regional water supply system, otherwise known as Project No. CUW35302 Seismic Upgrade of Bay Division Pipeline Nos. 3 and 4 for a term in excess of ten years, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120089 [Accept and Expend Grant - San Francisco Minority AIDS Initiative - \$1,352,141]

Sponsor: Wiener

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$1,352,141 from the Substance Abuse and Mental Health Services Administration to participate in a program entitled "San Francisco Minority AIDS Initiative" for the period of September 30, 2011, through September 29, 2012, and waiving indirect costs.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120090 [Accept and Expend Grant - Centers for Disease Control and Prevention Kenya-Monitoring and Evaluation - \$256,846]**Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$256,846 from the University of California San Francisco to participate in a program entitled "Centers for Disease Control and Prevention Kenya-Monitoring and Evaluation" for the period of September 30, 2011, through September 29, 2012.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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.

01/31/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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.

01/31/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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.

01/31/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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.

01/31/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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.

01/31/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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.

01/31/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**120097 [Hearing - Annual Review and Adoption of the Board of Supervisors/Clerk of the Board Draft Budget - FY2012-2013 and FY2013-2014]**

Hearing to consider the annual review and adoption of the Draft Board of Supervisors/Clerk of the Board FY2012-2013 and FY2013-2014 Budget. (Clerk of the Board)

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120098 [Hearing - Municipal Transportation Agency Transit Priorities]**Sponsor: Elsbernd**

Hearing on the San Francisco Municipal Transportation Agency transit priorities, including funding for existing programs, and proposed projects as well as proposals for new spending, and addressing the Agency's policy on the use of one-time funds for new pilot projects given lack of funding for other important programmatic needs, such as the Transit Effectiveness Project.

01/31/12; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

120099 [Hearing - Community Choice Aggregation - CleanPowerSF Program]**Sponsor: Farrell**

Hearing to examine the proposed Community Choice Aggregation contract with Shell Energy North America, as well as the proposed \$19,500,000 appropriation to fund start-up costs for the program commonly referred to as CleanPowerSF.

01/31/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 120100 [Hearing - Music Industry's Role as an Economic Driver in San Francisco]**
Sponsors: Mar; Chiu
Hearing on the role that the music industry plays as an economic driver in San Francisco and what the City can do to support local artists, producers, venue owners, and festival promoters.
01/31/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 120101 [Hearing - Commercial Tour Buses and Shuttles]**
Sponsor: Olague
Hearing requesting presentations from the San Francisco Municipal Transportation Agency and San Francisco Police Department regarding impacts and suggestions to mitigate disruption of commercial tour buses and shuttles.
01/31/12; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 120102 [Hearing - San Francisco Unified School District Career Technology and Job Preparation Education Initiatives]**
Sponsors: Olague; Mar and Campos
Hearing requesting the San Francisco Unified School District and City College Board of Trustees to report on the status and progress of current career technology education and vocational programs focusing on students' job readiness.
01/31/12; RECEIVED AND ASSIGNED to City and School District Select Committee.
- 120103 [Hearing - Joint Report and Status of the City's Five-Year Financial Plan]**
Sponsor: Chu
Hearing to receive update from the Controller's Office and Mayor's Budget Office on the Joint Report and status of the City's Five-Year Financial Plan.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120104 [Hearing - Mayor's Office Budget Instructions and Plans to Close the Budget Deficit - FY2012-2013]**
Sponsor: Chu
Hearing to receive information regarding budget instructions issued to departments and plans to close the budget deficit for FY2012-2013.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120105 [Hearing - Six Month Budget Status Report]**
Sponsor: Chu
Hearing to receive update from the Controller's Office on the Six Month Budget Status Report.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120106 [Hearing - Nine Month Budget Status Report]**
Sponsor: Chu
Hearing to receive update from the Controller's Office on the Nine Month Budget Status Report.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 120107 [Hearing - Department of Public Health Budget Update for FY2012-2013 and FY2013-2014]**
Sponsor: Chu
Hearing to receive update on the Department of Public Health's budget for FY2012-2013 and FY2013-2014.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120108 [Hearing - Department on Children, Youth, and their Families and First Five Budget Update for FY2012-2013 and FY2013-2014]**
Sponsor: Chu
Hearing to receive update on Department on Children, Youth, and their Families and First Five's budget for FY2012-2013 and FY2013-2014.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120109 [Hearing - Department of Public Works Budget Update for FY2012-2013 and FY2013-2014]**
Sponsor: Chu
Hearing to receive update on Department of Public Works' budget for FY2012-2013 and FY2013-2014.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120110 [Hearing - Update on Capital Plan - FY2012-2021]**
Sponsor: Chu
Hearing to receive update on the City's Capital Plan for FY2012-2021.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120111 [Hearing - Fire Department Budget Update for FY2012-2013 and FY2013-2014]**
Sponsor: Chu
Hearing to receive update on the Fire Department's budget for FY2012-2013 and FY2013-2014.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120112 [Hearing - Police Department Budget Update for FY2012-2013 and FY2013-2014]**
Sponsor: Chu
Hearing to receive update on the Police Department's budget for FY2012-2013 and FY2013-2014.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 120113 [Hearing - Human Services Agency Budget Update for FY2012-2013 and FY2013-2014]**
Sponsor: Chu
Hearing to receive update on the Human Services Agency's budget for FY2012-2013 and FY2013-2014.
01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120114 [Hearing - Sheriff Department Budget Update for FY2012-2013 and 2013-2014]

Sponsor: Chu

Hearing to receive update on the Sheriff Department's budget for FY2013-2014.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120115 [Hearing - Recreation & Park Budget Update for FY2012-2013 and FY2013-2014]

Sponsor: Chu

Hearing to receive update on the Recreation & Park Department's budget for FY2012-2013 and FY2013-2014.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120116 [Hearing - Municipal Transportation Agency Budget Update for FY2012-2013 and FY2013-2014]

Sponsor: Chu

Hearing to receive update on the Municipal Transportation Agency's budget for FY2012-2013 and FY2013-2014.

01/31/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

The San Francisco Redevelopment Agency – Supervisors Campos and Olague

Dr. Robert Kamin – Supervisor Olague

Mrs. Susan Poff – Supervisor Olague

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:10 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.

Angela Calvillo, Clerk of the Board