

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, June 18, 2013 - 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, LONDON BREED, DAVID CAMPOS, MALIA COHEN,  
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

<b>Budget and Finance Committee</b> Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
<b>Budget and Finance Sub-Committee</b> Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
<b>City and School District Select Committee</b> Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
<b>Government Audit and Oversight Committee</b> Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
<b>Land Use and Economic Development Committee</b> Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
<b>Neighborhood Services and Safety Committee</b> Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
<b>Rules Committee</b> Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Special Board Meeting Minutes of March 27, 2013, April 24, 2013, and May 8, 2013, and the Board Meeting Minutes of May 14, 2013. The motion carried by the following vote:

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

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

**130483 [Appropriation - Water Revenue Bonds for the Public Utilities Commission Calaveras Dam Project - \$55,064,799; and Re-Appropriation - Water System Improvement Projects - \$77,271,24 - FY2012-2013]**

**Sponsor: Mayor**

Ordinance appropriating \$55,064,799 of proceeds from San Francisco Public Utilities Commission (SFPUC) Water Revenue Bonds to fund the Water System Improvement Program (WSIP) Calaveras Dam Project and re-appropriating \$77,271,241 of WSIP Project appropriations to various WSIP Projects consistent with the revised April 2013 WSIP Program Budget adopted by the SFPUC.

(Fiscal Impact)

**Ordinance No. 113-13**

**FINALLY PASSED**

**Recommendations of the Land Use and Economic Development Committee****130251 [Public Works Code - Public Improvements as Gifts]****Sponsors: Wiener; Yee**

Ordinance amending the Public Works Code, by adding Section 791, to allow the Director of the Department of Public Works, subject to specified requirements, to accept certain public improvements as public gifts and dedicate such improvements to public use; and making environmental findings.

**Ordinance No. 114-13****FINALLY PASSED****130252 [Administrative Code - Street Design Review Committee]****Sponsors: Wiener; Yee**

Ordinance amending the Administrative Code to establish a Street Design Review Committee.

**Ordinance No. 115-13****FINALLY PASSED****130253 [Fire Code - Fire Apparatus Access Roads]****Sponsors: Wiener; Yee**

Ordinance amending the Fire Code, Chapter 5, Section 503.4, to clarify what does not constitute an obstruction of a Fire Apparatus Access Road.

**Ordinance No. 116-13****FINALLY PASSED****Recommendations of the Rules Committee****130360 [Settlement of Claim - Bank of San Francisco - \$32,246]**

Resolution approving the proposed settlement of claim filed by Bank of San Francisco against the City and County of San Francisco for \$32,246; claim was filed on July 17, 2012, bearing claim number 13-00117. (City Attorney's Office)

**Resolution No. 207-13****ADOPTED****130361 [Settlement of Claim - Stanford Group Company - \$63,292.52]**

Resolution approving the proposed settlement of claim filed by Stanford Group Company against the City and County of San Francisco for \$63,292.52; claim was filed on July 25, 2012, bearing claim number 13-00190. (City Attorney's Office)

**Resolution No. 208-13****ADOPTED**

**130451 [Settlement of Claim - Magdaleno Rios - \$50,000]**

Resolution approving the settlement of the unlitigated claim filed by Magdaleno Rios against the City and County of San Francisco for \$50,000; claim was filed on February 8, 2013. (City Attorney's Office)

**Resolution No. 209-13**

**ADOPTED**

**130452 [Settlement of Claim - Sharon Prieto - \$40,000]**

Resolution approving the proposed settlement of claim by Sharon Prieto against the City and County of San Francisco for \$40,000; claim was filed on June 11, 2012, bearing Claim No. 12-02916. (City Attorney's Office)

**Resolution No. 210-13**

**ADOPTED**

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**130365 [De-Appropriation and Re-Appropriation - Operating Budget Amendment of \$5,096,000 and Capital Improvement Projects of \$42,178,878 for Public Utilities Commission - FY2013-2014]**

**Sponsor: Mayor**

Ordinance amending the adopted FY2013-2014 Appropriation Ordinance and other adopted biennial capital appropriation ordinances for the Public Utilities Commission, including \$3,100,000 in de-appropriation and re-appropriation for the Hetch Hetchy Enterprise operating budget; de-appropriating \$16,414,070 and re-appropriating \$7,513,665 in capital projects in the Hetch Hetchy Capital Improvement Program projects; de-appropriating and re-appropriating \$1,996,000 in the Water Enterprise operating budget; de-appropriating \$70,955,900 and re-appropriating \$55,169,000 in the in the Water Enterprise Capital Improvement Program projects; and de-appropriating \$56,370,059 and re-appropriating \$38,878,486 in the Wastewater Enterprise Capital Improvement Program.

(Fiscal Impact)

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

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

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

### **120669 [Subdivision Code - Condominium Conversion Fee]**

#### **Sponsors: Chiu; Kim, Yee and Campos**

Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a condominium conversion fee applicable to certain buildings that would be permitted to convert during a seven year period, and subject to specified requirements, including lifetime leases for non-purchasing tenants; adding Section 1396.5, to suspend the annual condominium conversion lottery until 2024 and resume said lottery under specified circumstances tied to permanently affordable rental housing production; amending Section 1396, to restrict future condominium lotteries to buildings of no more than four units with a specified number of owner occupied units for three years prior to the lottery and provide an exception for certain five- and six-unit buildings to participate in the lottery; and adopting environmental findings.

(Economic Impact)

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

**Ordinance No. 117-13**

**FINALLY PASSED by the following vote:**

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

Noes: 3 - Farrell, Tang, Wiener

## **NEW BUSINESS**

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

### **130533 [Interim Proposed Budget and Interim Annual Appropriation Ordinance - FYs 2013-2014 and 2014-2015]**

#### **Sponsor: Mayor**

Interim Proposed Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of May 31, 2013, for the FYs ending June 30, 2014, and June 30, 2015.

(Fiscal Impact)

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

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

### **130534 [Interim Annual Salary Ordinance - FYs 2013-2014 and 2014-2015]**

#### **Sponsor: Mayor**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2014, and June 30, 2015, continuing, creating, or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

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

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

**130554 [Interim Treasure Island Development Authority Budget - FYs 2013-2014 and 2014-2015]****Sponsor: Mayor**

Resolution approving the Interim Budget of the Treasure Island Development Authority for FYs 2013-2014 and 2014-2015.

**Resolution No. 211-13**

**ADOPTED by the following vote:**

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

**130564 [Interim Office of Community Investment and Infrastructure Budget - FY2013-2014]****Sponsor: Mayor**

Resolution approving an Interim Budget of the Office of Community Investment and Infrastructure, operating as the Successor Agency to the San Francisco Redevelopment Agency, for FY2013-2014.

**Resolution No. 212-13**

**ADOPTED by the following vote:**

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

**130414 [Appropriation - \$1,267,985 for the San Francisco Airport Commission - FY2013-2014]****Sponsor: Mayor**

Ordinance appropriating amended estimated receipts and amended estimated expenditures of \$1,267,985 for the San Francisco Airport Commission for the fiscal year ending June 30, 2014.

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

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

**130417 [Public Employment - Amendment to the Annual Salary Ordinance, FYs 2012-2013 and 2013-2014 - San Francisco Airport Commission]****Sponsor: Mayor**

Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FYs 2012-2013 and 2013-2014) to reflect the addition of 32 positions (27.17 FTEs) in various job classes and delete 11 positions (11 FTEs) in various job classes for FY2013-2014 in the San Francisco Airport Commission.

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

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

**130416 [Appropriation - \$3,857,224 for the Port of San Francisco - FY2013-2014]****Sponsor: Mayor**

Ordinance appropriating amended estimated receipts and amended estimated expenditures of \$3,857,224 for the Port of San Francisco for the fiscal year ending June 30, 2014.

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

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

**130415 [Public Employment - Amendment to the Annual Salary Ordinance, FYs 2012-2013 and 2013-2014 - Port of San Francisco]****Sponsor: Mayor**

Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FYs 2012-2013 and 2013-2014) to reflect the addition of 7.0 positions (5.39 FTEs) in Class 9330 (3.85 FTEs, Pile Worker), 9331 (0.77 FTEs, Piledriver Engine Operator), and 9332 (.77 FTEs, Piledriver Supervisor I) in the Port of San Francisco in FY2013-2014.

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

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

**130423 [Accept and Expend Grant - 2011 Port Security Grant Program Funds for Portwide CCTV and Pier 80 Security Improvements - \$1,322,753]****Sponsors: Mayor; Cohen**

Resolution authorizing the Port to accept and expend \$1,322,753 in 2011 Port Security Grant Program funds from the U.S. Department of Homeland Security's Infrastructure Protection Program, including \$919,243 for Portwide CCTV and \$403,510 for Pier 80 security improvements, for the period of June 1, 2013, through June 30, 2013.

**Resolution No. 213-13****ADOPTED by the following vote:**

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

**130494 [Agreements - Amending State Contract Funds - Alcohol and Drug Programs - \$69,008,529]****Sponsor: Mayor**

Resolution retroactively authorizing the San Francisco Department of Public Health, Community Behavioral Services, to enter into an amended Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2014, in the amount of \$69,008,529; implementing a Contingency Assignment of Agreement from DADP to the Department of Health Care Services (DHCS) if the FY2013-2014 Budget Act is enacted to eliminate DADP and transfer the "Non Drug Medi-Cal" Program to DHCS; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the DPH County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount.

(Fiscal Impact)

**Resolution No. 214-13****ADOPTED by the following vote:**

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

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**Recommendations of the Land Use and Economic Development Committee****120125 [Planning Code - Mobile Food Facilities at Certain Institutions in Specified Districts]****Sponsor: Wiener**

Ordinance amending the Planning Code, Section 205.4, to allow mobile food facilities at certain types of institutions in RH (Residential House), RM (Residential Mixed), RED (Residential Enclave), and RTO (Residential Transit Oriented) Districts, subject to specified conditions; and making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

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

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

**120193 [Public Works Code - Mobile Food Truck Facilities Locational Requirements]****Sponsor: Wiener**

Ordinance amending the Public Works Code, Article 5.8, to address various locational and noticing requirements concerning mobile food facilities; and making environmental findings.

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

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

**121108 [Transportation Code - Selling or Distributing from a Vehicle Restrictions]****Sponsor: Wiener**

Ordinance amending the Transportation Code, Division I, Article 7 (Violations), Section 7.2.82, to prohibit any person to park a mobile food facility vehicle in either a business district or a residential area and, from that vehicle, offer food or beverages for sale unless displaying a valid permit issued by the Department of Public Works, in a format and manner approved by the Municipal Transportation Agency.

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

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

**130296 [Improvements - Mission Bay South Park P10]**

Ordinance dedicating City property, within portions of State Trust Parcel 2, known as Mission Bay Park P10, lying along Mission Bay Circle and Mission Bay Drive as open public right-of-way and naming the new park Mission Bay Park P10; accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the General Plan, priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

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

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



**130297 [Improvements - Mission Bay Drive Extension Public Infrastructure]**

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with the Mission Bay Drive Extension, including acquisition facilities on Mission Bay Drive, Mission Bay Circle, and a portion of Owens Street; accepting additional property on a portion of Owens Street; declaring City property and additional property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the General Plan, eight priority policy findings of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

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

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

**Recommendations of the Neighborhood Services and Safety Committee****130247 [Liquor License - 2342 Market Street]**

Resolution considering that the issuance of a Type 48 on-sale general public premises license to Art Rodriguez and Associates for Deviate SF, Inc., dba Beaux, located at 2342-2348 Market Street (District 8), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No. 215-13**

**ADOPTED by the following vote:**

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

**130307 [Liquor License Transfer - 1552 Polk Street]**

Resolution considering that the transfer of a Type 20 off-sale beer and wine license from 5621 Geary Boulevard to 1552 Polk Street (District 3), to Frank Slacik for Blue Fog Markets, LLC, dba the Blue Fog Market, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Resolution No. 216-13**

**ADOPTED by the following vote:**

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

**Recommendations of the Rules Committee****130503 [Approving Appointment, Entertainment Commission - Barbara Seymour Campagnoli]**

Motion approving the Mayor's nomination for appointment of Barbara Seymour Campagnoli to the Entertainment Commission, for a term ending July 1, 2014. (Clerk of the Board)

**Motion No.** M13-076

**APPROVED by the following vote:**

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

**130504 [Confirming Reappointment, Port Commission - Kimberly Brandon]**

**Sponsor:** Mayor

Motion confirming the Mayor's reappointment of Kimberly Brandon to the Port Commission, for a term ending May 1, 2017.

**Motion No.** M13-077

**APPROVED by the following vote:**

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

**130505 [Confirming Reappointment, Treasure Island Development Authority Board of Directors - Larry Del Carlo]**

**Sponsor:** Mayor

Motion confirming the Mayor's reappointment of Larry Del Carlo to the Treasure Island Development Authority Board of Directors, for a term ending February 26, 2017.

**Motion No.** M13-078

**APPROVED by the following vote:**

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

**130501 [Administrative Code - Assessment Appeals Boards - Modify Board No. 3 Membership and Function; Procedural Revisions]**

Ordinance amending the Administrative Code, regarding Assessment Appeals Boards, to modify the structure of Assessment Appeals Board No. 3 to provide that the members of Board No. 3 are different than the members of Board No. 1; that the function of Board No. 3 is the same as Board No. 2; provide for staggered terms of initial Board No. 3 members; remove provisions regarding Board Members not meeting current State requirements; add a public comment timing option; and making nonsubstantive clarifying revisions. (Clerk of the Board)

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

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

**Supervisor Cohen Excused from Voting**

Supervisor Mar, seconded by Supervisor Campos, moved that Supervisor Cohen be excused from voting on File No. 130519. The motion carried by the following vote:

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

**130519 [Appointment, Children and Families First Commission - Supervisor Malia Cohen]**

Motion appointing Supervisor Malia Cohen to the Children and Families First Commission, for an indefinite term. (Clerk of the Board)

**Motion No. M13-079**

**APPROVED** by the following vote:

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

**SPECIAL ORDER 2:30 P.M. - Recognition of Commendations****Privilege of the Floor**

Supervisor Chiu, seconded by Supervisor Kim, 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, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to the Asian Women's Shelter in recognition of their accomplishments and continued community support on their 25th Anniversary. Supervisors Kim and Avalos shared in this commendation.*

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### 130572 [Hearing - Report of Assessment Costs - Sidewalk and Curb Repairs]

Hearing to approve the report of costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Public Works Code, Sections 707 and 707.1, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to assessments as referenced in File No. 130515. Robert Quan (Department of Public Works) provided an overview of the assessments. Tanya Clemans (1567-42nd Avenue); Sensena (1001 Lincoln Way); Nicki Griner (167 Roosevelt Way); Eugene Chan (2050 Van Ness Avenue); Male Speaker (3814 Ulloa Street); Ben Hall (1120 Diamond Street); James Holtz (736 Kansas Street); Anna Anaya (1441 Plymouth Avenue); Andy Gregory (2344-15th Street); Dan Tam (337-339 Mississippi Street); Female Speaker; spoke objecting to the proposed assessments. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

### Committee of the Whole Adjourn and Report

#### 130515 [Report of Assessment Costs - Sidewalk and Curb Repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Public Works Code, Sections 707 and 707.1, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

*Robert Quan (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment: 1141 Plymouth Avenue; 2050 Van Ness Avenue; 1001-1005 Lincoln Way; 3814 Ulloa Street; 1932-1934 Jefferson; 1120 Diamond Street; 1567-42nd Avenue; 736 Kansas Street; 165-167 Roosevelt Way; 337-339 Mississippi Street; 2344-15th Street. The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 110216, were received without objection.*

**Resolution No. 217-13**

**ADOPTED, after accepting the amendments to the accompanying report, by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### 130580 [Hearing - Elimination and/or Reduction of Medical Services - FYs 2013-2014 and 2014-2015]

Hearing to consider the budget eliminating and/or reducing medical services provided by the Department of Public Health in the City and County of San Francisco for FYs 2013-2014 and 2014-2015, pursuant to the Beilenson Act, Health and Safety Code, Section 1442.5(a). (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to elimination and/or reduction of medical services as referenced in File No. 130580. Barbara Garcia, Director, Department of Public Health, provided an overview of the proposed elimination and/or reduction of medical services and responded to questions raised throughout the discussion. Patrick Monette-Shaw; Vivian Imperiale; Michael Smithwick (Maitri); Nicki Harris; Barbara Eglian; Sorrita Wilson; Seth Lawrence; Male Speaker; Keith Burner; Stu Smith; Emil Lawrence; Dr. Eduardo Morales (Aguilas); Eugene Gordon, Jr.; Melinda Pierson; Rachel Howard (The Women's Place); Jasmine Young; Antoinette Lattimore; Karen Malanamagon; Greg Lawler; Erick Arquello (Aguilas); Andres Contreras; Lina Sheth (API Wellness Center); Jason Davi; Nathan Manuson (API Wellness Center); Stephanie Goss; David Stupletine; Ron Hernandez; Andre Robertson (API Wellness Center); Male Speaker; Juan Davina; Hermon Vetiti; Antonio Aguilar-Karayianni; Douglas Yepp; Ebony Jones; Arcelia Gomez; Anthony Castro; Brett Jameson; Reynaldo Valdez; Kaushik Roy (Shanti); Darjeh Lomeli; Peter Masiak; Gus Feldman; Lacey Johnson; Joshua Rosen (Aguilas); Aja Monet; Beth Shreley; Courtney Mulhern-Pearson; Michael Siever; William Woods; Mike Discepola; Channing Wayne; Lala Tannenbaum; Lori Thoemmes; Benjamin Menstroso; Eric; Rebecca E. White; Monroe Rochin; Stokes (Shanti); Dena Long; Jason Davi; Vincent Gallagher; Dennis Mill; Franklin Lopez (Aguilas); Dolores Garcia (Familia La Raza); Juan Rivera; Brian DeLonge; Norma Souza; Michael Lion; Mapu Treasure; Perry Lange; Ray Hartz; Tim Byrd; Debbie Lerman; Judy Freemock; Edmund Larry; Colleen Hogue; David Elliott-Lewis; Simon Hernandez; expressed concerns relating to the proposed elimination and/or reduction of medical services referenced in the Department of Public Health FYs 2013/2014 and 2014/2015 Budget. Barbara Garcia, Director, Department of Public Health, responded to questions raised throughout the discussion and further discussed the proposed eliminations and/or reductions. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors. No further action was taken.*

**HEARD AND FILED**

### Committee of the Whole Adjourn and Report

#### 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](http://www.sfbos.org/legislation_introduced).*

**PUBLIC COMMENT**

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

*Ray Hartz; expressed concerns relating to open government and retroactivity of gift acceptance.*

*(See additional information submitted on Page 408.)*

*Male Speaker; expressed various concerns.*

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

*Edmond Larry; shared in poem certain concerns with the Board.*

*Douglas Yepp; expressed various concerns relating to child pornography.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****130633 [Suspending Board Rule 3.26.1 and Amending Board Rule 3.31 Extending the Joint City and School District Committee Through March 1, 2014, and Setting Monthly Meetings]**

**Sponsor: Kim**

Motion suspending the Board of Supervisors' Rules of Order 3.26.1 to consider, without reference, an amendment to Board Rule 3.31 to extend the term of the Joint City and School District Select Committee through March 1, 2014; ordering the City and School District Select Committee meetings of the Board of Supervisors be held on the third Thursdays of each month at 3:30 p.m. in the Board of Supervisors' Chamber; and directing the Clerk of the Board to prepare the proper notices and postings.

**Motion No. M13-080**

**APPROVED**

**130574 [Committee of the Whole - Report of Assessment Costs for Inspection and/or Repairs of Blighted Properties - Accelerated Sidewalk Abatement Program Blight Abatement Fund]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 25, 2013, at 3:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repairs of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Section 80, the costs thereof having been paid for out of the Accelerated Sidewalk Abatement Program Blight Abatement Fund. (Clerk of the Board)

**Motion No. M13-081**

**APPROVED**

**130630 [Committee of the Whole - Redevelopment Plan Amendment - Mission Bay South]****Sponsor: Kim**

Motion scheduling the Board to sit as a Committee of the Whole on June 25, 2013, at 3:00 p.m., to hold a public hearing of persons interested in or objecting to the Ordinance (File No. 130458) approving an amendment to the Mission Bay South Redevelopment Plan, which modifies the land use designation for certain property to add residential as a permitted use and to increase the permitted residential density in the Plan Area, but does not increase the allocation of tax increment under a pre-existing enforceable obligation; making environmental findings under the California Environmental Quality Act; and making findings pursuant to the General Plan and Planning Code, Section 101.1(b).

**Motion No.** M13-082

**APPROVED**

The foregoing items were acted upon by the following vote:

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

**Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Kim requested that File No. 130632 be severed so that it may be considered separately.*

**130632 [Condemnation of the System of Sexual Enslavement During World War II]****Sponsors: Kim; Cohen, Chiu, Mar, Yee, Avalos and Campos**

Resolution condemning recent statements by Osaka Mayor Toru Hashimoto claiming that the system of sex slavery utilized by Japan in occupied Asian countries from the 1930s through World War II was a military necessity and that there is no proof that the sexual servitude was involuntary and coerced by Japanese authorities.

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

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

**Resolution No.** 218-13

**ADOPTED AS AMENDED by the following vote:**

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

**IMPERATIVE AGENDA**

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

### Ordinances

#### **120966 [Administrative Code - Healthy Food Retailer Incentives Program]**

**Sponsors: Mar; Kim, Cohen and Chiu**

Ordinance amending the Administrative Code, by adding Chapter 59, Sections 59.1-59.9, to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers.

09/25/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/25/2012.

10/10/12; REFERRED TO DEPARTMENT.

05/13/13; REMAIN ACTIVE.

06/18/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

#### **130586 [Administrative Code - Film Rebate Program]**

**Sponsors: Farrell; Campos**

Ordinance amending the Administrative Code to allow the Director of Property of the Department of Real Estate, in consultation with the Executive Director of the Film Commission, to lease property and sublease such property to film companies for film-related activities; to expand the production costs eligible for the Film Rebate Program to include rent payments for such property; and making environmental findings.

06/04/13; ASSIGNED to Budget and Finance Committee.

06/18/13; TRANSFERRED to Government Audit and Oversight Committee.

06/18/13; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

#### **130653 [Administrative Code - Health Service System Plans and Contribution Rates - Calendar Year 2014]**

**Sponsor: Farrell**

Ordinance amending the Administrative Code, Chapter 16, Article XV, of Part 1, Section 16.703, regarding Board approval of health service system plans and contribution rates for calendar year 2014.

(Fiscal Impact)

06/18/13; ASSIGNED to Budget and Finance Committee.



**Resolutions****130629 [Supporting the Health Service System to Establish Full Quality and Cost Transparency in the Public Interest]****Sponsors: Farrell; Chiu and Campos**

Resolution supporting the Health Service System for participating in the establishment of multi-payer databases that can be used to evaluate and improve the quality and cost of care and resolving to pass legislation to establish full quality and cost transparency in the public interest.

06/18/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**130654 [Establishing Monthly Contribution Amount - Health Service Trust Fund]****Sponsor: Farrell**

Resolution establishing monthly contribution amount to the Health Service Trust Fund. (Fiscal Impact)

06/18/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130655 [Historic Street Signs in the Excelsior District]****Sponsor: Avalos**

Resolution adding the original street names of "China," "Japan," and "India" to current street signs "Excelsior," "Avalon," and "Peru," respectively, setting guidelines for the format of these signs, and making this addition permanent in the Excelsior District.

06/18/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**130656 [Supporting the Establishment of an Urban Agriculture Program]****Sponsor: Chiu**

Resolution acknowledging receipt of the Office of the City Administrator's recommendations regarding the establishment of an Urban Agriculture Program; supporting the Recreation and Park Department as the location for the new Urban Agriculture Program to coordinate the City's urban agriculture activities; and setting reporting goals related to Urban Agriculture.

06/18/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**130657 [Accept Gifts - EcoCenter - 1455 Market Street - \$114,600]****Sponsor: Mayor**

Resolution authorizing the Department of the Environment to retroactively accept gifts with a total value of \$114,600 to build out the Department of the Environment's EcoCenter at 1455 Market Street.

06/18/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130658 [Restated Option Agreement - Sale of Surplus Real Property in Mountain View to MV Urban Village Homes, LLC - \$8,100,000]****Sponsor: Mayor**

Resolution approving a Restated Option Agreement for the sale of surplus lands under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) located in Mountain View, Santa Clara County, California near the intersection of Whisman and Tyrella Avenues, to MV Urban Village Homes, LLC, a California limited liability company (Optionee), a joint venture between KMJ Urban Communities, LLC (KMJ), and SummerHill Homes, LLC (SummerHill) in the amount of \$8,100,000, and reserving an easement to the SFPUC; authorizing the Director of Property or the SFPUC's General Manager to execute documents, make modifications, and take actions in furtherance of this Resolution; and adopting findings that the transactions contemplated by the Restated Option Agreement are consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code, Section 101.1.

06/18/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**Motion****130659 [Setting the 2013 Budget and Legislative Analyst Services Audit Plan]****Sponsor: Cohen**

Motion directing the Budget and Legislative Analyst to conduct three performance audits in 2013 and setting the priority as follows: 1) the San Francisco Fire Department's recruitment, retention, and overtime staffing; 2) the Department of Children, Youth and Their Families implementation of the Children's Fund including an evaluation of the role of the Children's Fund Citizens' Advisory Committee; and 3) the Department of Public Health's compliance with privacy and security regulations as defined by the Health Information Technology for Economic and Clinical Health (HITECH) and Health Insurance Portability and Accountability Act (HIPAA) acts; and removing from the Budget and Legislative Analyst's audit plan the management and oversight of the former San Francisco Redevelopment Agency's assets and functions, previously approved by the Board of Supervisors.

06/18/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Requests for Hearing****130526 [Hearing - Redevelopment Plan Amendment - Mission Bay South]**

Hearing of persons interested in or objecting to the Ordinance approving an amendment to the Mission Bay South Redevelopment Plan, which modifies the land use designation for certain property to add residential as a permitted use and to increase the permitted residential density in the Plan Area, but does not increase the allocation of tax increment under a pre-existing enforceable obligation; making environmental findings under the California Environmental Quality Act; and making findings pursuant to the General Plan and Planning Code, Section 101.1(b). (Clerk of the Board)

05/31/13; RECEIVED AND ASSIGNED to Board of Supervisors.

**130575 [Hearing - Report of Assessment Costs for Inspection and/or Repairs of Blighted Properties - Accelerated Sidewalk Abatement Program Blight Abatement Fund]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repairs of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Section 80, the costs thereof having been paid for out of the Accelerated Sidewalk Abatement Program Blight Abatement Fund. (Public Works Department)

06/11/13; RECEIVED AND ASSIGNED to Board of Supervisors.

**Introduced by the President at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

**PROPOSED ORDINANCES****130643 [Settlement of Lawsuit - Maria D'Agostino - \$135,000]**

Ordinance authorizing settlement of the lawsuit filed by Maria D'Agostino against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 15, 2012, in San Francisco Superior Court, Case No. CGC-12-521615; entitled Maria D'Agostino, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

06/10/13; RECEIVED FROM DEPARTMENT.

06/18/13; RECEIVED AND ASSIGNED to Rules Committee.

**130644 [Settlement of Lawsuit - Wei Vivian Cui - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by Wei Vivian Cui against the City and County of San Francisco for \$30,000; the lawsuit was filed on November 3, 2011, in San Francisco County Superior Court, Case No. CGC-11-515654; entitled Wei Vivian Cui v. City and County of San Francisco, et al. (City Attorney's Office)

06/10/13; RECEIVED FROM DEPARTMENT.

06/18/13; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTION

### **130645 [Lease Amendment - Real Property at 720 Sacramento Street - Ridgeway Apartments, Inc. - \$26,980 Monthly]**

Resolution authorizing the second lease amendment for approximately 9,250 square feet of space at 720 Sacramento Street, San Francisco, with Ridgeway Apartments, Inc., as Landlord, for use by the Department of Public Health at the monthly cost of \$26,980 for the period of July 1, 2013, through June 30, 2018. (Real Estate Department)  
(Fiscal Impact)

06/10/13; RECEIVED FROM DEPARTMENT.

06/18/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## In Memoriams

*Eric Arons - Supervisor David Chiu  
James E. Cunningham - Supervisor Scott Wiener  
Julian Rodriguez - Supervisor Scott Wiener*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:20 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 July 23, 2013.*

**ADDENDUM**

*The following information are provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.*

*Ray Hartz submitted the following additional information during Public Comment as follows: What has it been? A month, two at most, since members of this BOS raised a hue and cry about DA Gascon accepting \$26,000 of office furniture. All sorts of issues, in an hour-long discussion, especially about accepting the gift retroactively! Then last week, you approved RETROACTIVELY \$750,000 from The Friends of the SFPL! That's more than 28 times the amount accepted by the DA, and it was done with not one word of discussion. What choice did you have? Money's been spent, gifts have been given, trips have been taken, influence has been purchased, a fait accompli! At least DA Gascon reported "the gifts!" Herrera, the Library Commission, and employees of The Library have reported NONE of the gifts they accepted and you retractively approved this wholesale purchase of influence! Members of the LC lied to the public about these gifts, and you cover their tracks. How hypocritical!*