

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, September 18, 2012 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Chu, Avalos, Kim	Wednesday 11:00 AM
City and School District Select Committee Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza	4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Elsbernd, Chu, Olague	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors 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

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 2:09 p.m. On the call of the roll all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Ethics Commission, dated September 18, 2012, transmitting their full record of the Commission's hearings and a report setting forth their findings of fact and recommendation to the Board on the matter of charges of official misconduct filed by Mayor Edwin Lee against Sheriff Ross Mirkarimi. The Board has 30 days after the receipt of the record from the Ethics Commission to act, with the 30th day being October 17, 2012.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

120824 [Accept and Expend Grant - San Francisco Parks Alliance - \$625,017.53]

Sponsor: Farrell

Resolution authorizing the Recreation and Park Department to accept and expend a grant of \$625,017.53 from the San Francisco Parks Alliance to support the renovation of the children's play area at Lafayette Park.

Resolution No. 337-12

ADOPTED

120827 [Accept and Expend Grant - South Murphy Windmill Project, Phase 1C - \$513,000]

Sponsor: Mar

Resolution authorizing the Recreation and Parks Department to retroactively accept and expend a grant in the amount of \$513,000 from the San Francisco Parks Alliance for the South Murphy Windmill Project, Phase 1C.

Resolution No. 339-12

ADOPTED

Recommendations of the Rules Committee**120836 [Settlement of Lawsuit - Saeed Ibrahim - \$35,000.00]**

Ordinance authorizing settlement of the lawsuit filed by Saeed Ibrahim against the City and County of San Francisco for \$35,000.00; the lawsuit was filed on February 17, 2011, in U.S. District Court, Case No. CV 11-1695-RS; entitled Saeed Ibrahim v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

120837 [Settlement of Lawsuit - Lepakshi Nadh Jilakara - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Lepakshi Nadh Jilakara against the City and County of San Francisco for \$40,000; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510513; entitled Lepakshi Nadh Jilakara, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

120845 [Settlement of Lawsuit - Brian Navarro - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Brian Navarro against the City and County of San Francisco for \$225,000; the lawsuit was filed on March 1, 2011, in Brian Navarro vs. City and County of San Francisco, Case No. CGC-11-508644; entitled Brian Navarro, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

PASSED, ON FIRST READING

120846 [Settlement of Lawsuit - Fred Broussard - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Fred Broussard against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 4, 2010, in the United States District Court for the Northern District of California, Case No. CV10-4997 WHA; entitled Fred Broussard, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

120853 [Settlement of Lawsuit - Raymond Quinn - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Raymond Quinn against the City and County of San Francisco for \$75,000; the lawsuit was filed on February 16, 2012, in US District Court, Case No. CV-12-0766 DMR; entitled Raymond Quinn v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

120855 [Settlement of Lawsuit - Yim Bing Kwong - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Yim Bing Kwong against the City and County of San Francisco for \$60,000; the lawsuit was filed on October 27, 2010, in the United States District Court for the Northern District of California, Case No. C-10-4860, entitled Yim Bing Kwong v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

120856 [Settlement of Lawsuit - James Wilson - \$77,072.75]

Ordinance authorizing settlement of the lawsuit filed by James Wilson, against the City and County of San Francisco for \$77,072.75; the lawsuit was filed on February 20, 2007, in United States District Court, Case No. C-07-01016 PJH; entitled James Wilson, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

120838 [Settlement of Claim - Adam Holm - \$34,154.27]

Resolution approving the settlement of the unlitigated claim filed by Adam Holm against the City and County of San Francisco for \$34,154.27; claim was filed on April 30, 2012. (City Attorney)

Resolution No. 341-12

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

From the Government Audit and Oversight Committee Without Recommendation

120671 [Police Code - Secondhand Dealer and Antique Dealer Permit Requirements]

Sponsor: Wiener

Ordinance amending the San Francisco Police Code by: 1) repealing Sections 850, 851, 852, 1276, 1279.2, 1280, 1280.1, and 1281 to eliminate certain requirements for Secondhand and Antique Dealers; and 2) amending Sections 1279, 1279.1, and 1282 to modify the Secondhand Dealer permit requirement; and 3) amending Section 2.26 to set the permit application fee for a Secondhand Dealer permit at \$200.

Ordinance No. 196-12

FINALLY PASSED by the following vote:

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

Recommendations of the Budget and Finance Committee**120689 [Administrative Code - Aviation Support Services/Airport Leases]**

Ordinance amending the San Francisco Administrative Code Section 2A.173 to authorize the Airport Commission to enter into leases with entities providing aviation support services without competitive bidding for a term not to exceed 10 years. (Airport Commission)
(Fiscal Impact)

Ordinance No. 197-12

FINALLY PASSED by the following vote:

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

120770 [Waiver of Temporary Street Space Occupancy Fee for the Ocean Avenue Festival]

Sponsor: Avalos

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy as part of the Ocean Avenue Arts and Culture Festival on September 15, 2012.

Ordinance No. 198-12

FINALLY PASSED by the following vote:

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

120820 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2012-2013]

Sponsor: Mayor

Ordinance providing revenue and levying property taxes at a combined rate of \$1.1691 on each \$100.00 valuation of taxable property for the City and County of San Francisco, San Francisco Unified School District, San Francisco Community College District, Bay Area Rapid Transit District, and Bay Area Air Quality Management District, and establishing pass-through rate of \$0.0810 per \$100.00 of assessed value for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2013.
(Fiscal Impact)

Ordinance No. 199-12

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

120631 [Business and Tax Regulations, Police, and Planning Codes - Parking Tax Simplification for Residential Properties]

Sponsor: Wiener

Ordinance: 1) amending the San Francisco Business and Tax Regulations Code by adding Section 609 to establish Parking Tax Simplification for Residential Properties to relieve residential property owners and managers renting five or fewer parking spaces in Parking Stations physically attached to or otherwise associated with the building from the requirement to: (a) obtain a certificate of authority, (b) make monthly tax prepayments, (c) obtain a parking tax bond, and (d) providing amnesty from parking taxes, interest, penalties and fees owed for tax periods ending before April 1, 2011; 2) amending the Business and Tax Regulations Code Section 2219.7 to exempt property owners and managers registered pursuant to Section 609 from the requirement to pay the Revenue Control Equipment compliance fee; 3) amending the Planning Code Section 204.5 to allow as an accessory use up to five dwelling unit parking spaces to be leased to persons living off-site anywhere in the City; 4) making conforming changes to the Planning Code Section 150(d); 5) amending the Police Code Section 1215 to eliminate the requirement to hold a commercial parking permit for property owners and managers registered pursuant to Section 609 of the Business and Tax Regulations Code; and 6) making environmental findings and findings of consistency with the general plan.

Supervisor Olague, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED to October 2, 2012. Supervisor Olague withdrew the motion.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Olague

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

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

Supervisor Wiener, seconded by Supervisor Chu, moved that Ordinance be AMENDED on Page 2, Line 16, by adding 'by' after 'herby amended'; on Page 3, Lines 10-13, by replacing 'earlier than 24 months prior to the effective date of the Ordinance' with 'for tax periods ending before April 1, 2011'; on Page 5, Line 19, by deleting 'taxes for failure to report and remit'; and on Page 6, Line 5, by adding 'of' after 'under the provisions'. The motion to Amend carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 1 - Olague

111371 [Administrative Code - CleanPowerSF Funds and Appropriating \$19,500,000 of Available Fund Balance to Support Required Reserves and Creating Special Funds for the CleanPowerSF Program at the Public Utilities Commission]

Sponsor: Campos

Ordinance appropriating \$19,500,000 of Hetch Hetchy fund balance at the Public Utilities Commission to support CleanPowerSF Community Choice Aggregation program consistent with the contractual requirements and budgetary authorizations as approved by the San Francisco Public Utilities Commission and the Board of Supervisors, placing the \$6,000,000 appropriated for CleanPowerSF sustainability services on Budget and Finance Committee Reserve pending detailed appropriation plans for those sustainability services, and adding Administrative Code Sections 10.100.372 and 10.100.373 to establish the CleanPowerSF Customer Fund and the CleanPowerSF Reserve Fund. (Public Utilities Commission)
(Fiscal Impact)

Privilege of the floor was granted to Ed Harrington, General Manager, San Francisco Public Utilities Commission; Theresa Mueller and Jon Givner (City Attorney's Office); who responded to questions raised throughout the discussion regarding File Nos. 111340 and 111371.

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to September 25, 2012. The motion FAILED by the following vote:

Ayes: 4 - Chu, Elsbernd, Farrell, Wiener

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

Supervisor Kim, seconded by Supervisor Mar, moved that this Ordinance be AMENDED on Page 3, Lines 1-4, by adding the following subsection (b) 'Incentives for Energy Conservation and Efficiency services and GoSolarSF incentives funded with the \$4,000,000 appropriation shall be offered first to low-income CleanPowerSF customers'. The motion carried by the following vote:

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

Supervisor Chu, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED on Page 4, Lines 1-4, to add 'The SFPUC will recommend the inclusion in the CleanPowerSF rates a component to begin recovering the reserves required for this program within the contract period so that customers of CleanPowerSF will bear the cost of the program'. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Wiener

Noes: 3 - Avalos, Kim, Olague

Supervisor Farrell moved to DIVIDE the question relating to '\$6,000,000 appropriated for GoSolarSF for CCA Customers, CCA-Owned Generation and Energy Conservation & Efficiency for CCA Customers (CleanPowerSF sustainability services) are hereby placed on Budget and Finance Committee Reserve pending detailed appropriation plans for CleanPowerSF sustainability services' located on Page 4, Lines 1 through 4. The question PASSED AS DIVIDED by the following vote:

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

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

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

111340 [Contract - Shell Energy North America and Approval of the CleanPowerSF Program Including Local Sustainability Services]**Sponsor: Campos**

Resolution authorizing the Public Utilities Commission, subject to conditions, to launch the CleanPowerSF program, approving local sustainability services for CleanPowerSF customers, and authorizing the General Manager of the Public Utilities Commission to execute a contract with Shell Energy North America for a term of up to five years for services required to launch the CleanPowerSF program; and delegating authority to non-materially amend or modify the contract. (Supervisor Chu dissented in Committee)
(Fiscal Impact)

Privilege of the floor was granted to Ed Harrington, General Manager, San Francisco Public Utilities Commission; Theresa Mueller and Jon Givner (City Attorney's Office); who responded to questions raised throughout the discussion regarding File Nos. 111340 and 111371.

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to September 25, 2012. The motion FAILED by the following vote:

Ayes: 4 - Chu, Elsbernd, Farrell, Wiener

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

Supervisor Kim, seconded by Supervisor Mar, moved that this Resolution be AMENDED on Page 9, Line 10, by adding a new Section 4 concerning 'Low Income Customers and Clean Power SF Program Accessibility'; on Page 18, Line 1, by adding two resolved clauses related to priority to low income CleanPowerSF customers, undertaking an aggressive outreach campaign, urging the SFPUC to minimize barriers to participation for low income residents; on Page 1, Page 17, Lines 6 and 7, to replace 'That the Board of Supervisors supports an appropriate rate discount for low income CleanPowerSF customers' with 'That the Board of Supervisors strongly urges the SFPUC to provide an appropriate rate discount for low income CleanPowerSF customers and to incorporate into all CleanPowerSF rates a component for a hardship fund to support additional discounts for low income customers that require additional financial assistance to participate in the program'; on Page 17, Line 8, by adding 'FURTHER RESOLVED, That the Board of Supervisors strongly urges the SFPUC to eliminate the CleanPowerSF departure charge for a Clean PowerSF residential customer returning to PG&E services for at least a 6 month period, and after that time period, to set the charge at no more than a de minimis amount of five dollars'; and adding 'FURTHER RESOLVED, That, pursuant to its authority under Charter Section 8B125, the Board will consider rejecting rates that do not reflect the policies described in this resolution to address the needs of low-income and monolingual communities'. The motion carried by the following vote:

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

Supervisor Chu, seconded by Supervisor Farrell, moved that this Resolution be AMENDED on Page 5 by adding 'The initial phases of Clean PowerSF will offer service only to those customers who have indicated a desire to be included in the initial marketing of the program'; and on Page 16 by adding 'The SFPUC shall not commit to buy power from Shell unless the Commission determines that a quantity of customers sufficient to ensure the financial viability of the program has indicated a desire to be included in the initial marketing of the program'. The motion FAILED by the following vote:

Ayes: 3 - Chu, Elsbernd, Farrell

Noes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener

Supervisor Chu, seconded by Supervisor Farrell, moved that this Resolution be AMENDED on Page 9 to add 'The SFPUC will recommend the inclusion in the CleanPowerSF rates a component to begin recovering the reserves required for this program within the contract period so that customers of CleanPowerSF will bear the cost of the program'. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Wiener

Noes: 3 - Avalos, Kim, Olague

(Fiscal Impact)

Resolution No. 348-12

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

120825 [Accept and Expend Grant - Harding Park Recycled Water Project - \$2,114,000]

Sponsor: Elsbernd

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a Department of Water Resources administered grant in the amount of \$2,114,000 for implementation of the Harding Park Recycled Water Project.

Resolution No. 338-12

ADOPTED by the following vote:

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

120828 [Accept and Expend Grant - High-Efficiency Toilet Installation Program - \$863,100]

Sponsor: Chu

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a Department of Water Resources administered grant in the amount of \$863,100 for the San Francisco Public Utilities Commission High-Efficiency Toilet Installation Program.

Resolution No. 340-12

ADOPTED by the following vote:

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

120885 [Real Property Lease Amendment - General Assistance Services - 1235 Mission Street]

Sponsor: Kim

Resolution establishing rent and term for second extension; and confirming second sublease extension of a Lease with the San Francisco Unified School District for real property at 1235 Mission Street for the Human Services Agency for general assistance services.

(Fiscal Impact)

Resolution No. 342-12

ADOPTED by the following vote:

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

Recommendation of the City Operations and Neighborhood Services Committee

120695 [Liquor License - 3117-16th Street]

Resolution to consider the issuance of a Type 40 license to the Roxie Theater located at 3117-16th Street (District 6), will serve the convenience and necessity of the people of the City and County of San Francisco.

Supervisor Kim, seconded by Supervisor Wiener, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE to change the conditions of the license to allow for the consumption of alcoholic beverages in both the lobby area and in the theater proper.

The motion carried by the following vote:

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

Resolution to consider the issuance of a Type 40 license to the Roxie Theater located at 3117-16th Street (District 6), will serve the 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, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

Resolution No. 336-12

ADOPTED AS AMENDED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

120353 [Planning Code - Mechanical Car Wash Facilities on 19th Avenue]

Sponsors: Olague; Chu and Elsbernd

Ordinance amending the San Francisco Planning Code by adding Section 187.2 to permit existing gasoline and service stations located on 19th Avenue to provide a mechanical car wash on the same site; making environmental findings and findings of consistency with the General Plan.

PASSED, ON FIRST READING by the following vote:

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

120523 [Planning Code - Transit Impact Development Fee Increase and Updates]

Sponsors: Mayor; Wiener and Olague

Ordinance amending the San Francisco Planning Code, Article 4, by: 1) revising and making technical corrections to specified definitions in Section 401 relating to the Transit Impact Development Fee (TIDF); 2) amending Sections 402, 408, 411 through 411.5, 411.7, 411.8, and adding a new Section 411.9 to increase TIDF rates, revise exemptions and credits, and clarify TIDF implementation and collection; and 3) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Wiener, seconded by Supervisor Olague, moved that this Ordinance be CONTINUED ON FIRST READING to October 2, 2012. The motion carried by the following vote:

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

120819 [Park Code - Petitioning, Leafleting, Picketing, and Soliciting in City Parks]

Sponsor: Wiener

Ordinance amending the San Francisco Park Code, Section 7.08, to repeal Subsection (d), which prohibits persons from petitioning, leafletting, demonstrating, or soliciting in designated areas of certain City parks while another event is in progress for which a permit has been issued by the Recreation and Park Department.

PASSED, ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee**120870 [Appointments, Lesbian, Gay, Bisexual and Transgender (LGBT) Seniors Task Force]**

Motion appointing Ashley McCumber, Daniel Redman, Felicia Elizondo, Jazzie Collins, Jorge Rodriguez, Kaushik Roy, Larry Saxxon, Laurence Michael Costa, Marcy Adelman, Michelle Alcedo, Perry Lang, Scott Haitzuka, Stuart Smith, Tommi Mecca, and William Ambrunn, for indefinite terms, to the Lesbian, Gay, Bisexual and Transgender (LGBT) Seniors Task Force. (Clerk of the Board)

Motion No. M12-105

APPROVED by the following vote:

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

Supervisor Cohen Excused from Voting

Supervisor Chu, seconded by Supervisor Avalos, moved that Supervisor Cohen be EXCUSED from voting on File No. 120879. The motion to Excuse carried by the following vote:

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

Excused: 1 - Cohen

120879 [Reappointment, Peninsula Corridor Joint Powers Board - Supervisor Malia Cohen]

Motion reappointing Supervisor Malia Cohen, term ending June 30, 2014, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)

Motion No. M12-106

APPROVED by the following vote:

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

Excused: 1 - Cohen

120847 [Appointment, Sunshine Ordinance Task Force - Bruce Wolfe]

Motion appointing Bruce Wolfe, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

NOT APPROVED by the following vote:

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

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

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

Privilege of the Floor

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

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

President Chiu introduced, welcomed, and presented a Commendation of Distinguished Service to General Manager, Ed Harrington (SFPUC) upon his retirement and recognition of his service during his tenure with the City and County of San Francisco, his accomplishments, and continued community support. The entire Board of Supervisors shared in this Commendation.

SPECIAL ORDER 4:00 P.M.

120849 [Public Hearing - Tentative Parcel Map Appeal - 1101-1103 Dolores Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 9, 2012, approving a Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033. (District 8) (Appellants: Kevin Cheng and Todd Mavis) (Filed August 20, 2012). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board related to a proposed continuance. There were no speakers.

Supervisor Wiener, seconded by Supervisor Olague, moved that this Hearing be CONTINUED to October 23, 2012. The motion carried by the following vote:

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

The President CONTINUED the hearing open to October 23, 2012.

120850 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1101-1103 Dolores Street]

Motion approving decision of the Department of Public Works and approving the Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Olague, moved that this Motion be CONTINUED to October 23, 2012. The motion carried by the following vote:

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

120851 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1101-1103 Dolores Street]

Motion disapproving decision of the Department of Public Works and disapproving the Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Olague, moved that this Motion be CONTINUED to October 23, 2012. The motion carried by the following vote:

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

120852 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1101-1103 Dolores Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Olague, moved that this Motion be CONTINUED to October 23, 2012. The motion carried by the following vote:

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

SPECIAL ORDER 4:00 P.M.**120866 [Public Hearing - Conditional Use Appeal - 175 Junipero Serra Boulevard]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 26, 2012, Conditional Use Authorization identified as Planning Case No. 2012.0348C, by its Motion No. 18674, under Planning Code Sections 209.3(f) and 303 to allow a child care facility for 15 or more children (dba Alpha Kids Academy) within an RH-1(D) (Residential, One-Family, Detached) District, and a 40-X Height and Bulk District, on property located at 175 Junipero Serra Boulevard, Assessor's Block No. 3250, Lot No. 006. (District 7) (Appellant: Margaret Finley) (Filed August 24, 2012).

The President inquired as to whether any member of the public wished to address the Board related to a proposed continuance. There were no speakers.

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to October 2, 2012. The motion carried by the following vote:

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

The President CONTINUED the hearing open to October 2, 2012.

120867 [Approving Planning Commission's Decision Related to the Conditional Use Authorization - 175 Junipero Serra Boulevard]

Motion approving the Planning Commission's decision, by its Motion No. 18674, approving the Conditional Use Authorization identified as Planning Case No. 2012.0348C on property located at 175 Junipero Serra Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to October 2, 2012. The motion carried by the following vote:

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

120868 [Disapproving Planning Commission's Decision Related to the Conditional Use Authorization - 175 Junipero Serra Boulevard]

Motion disapproving the Planning Commission's decision, by its Motion No. 18674, approving Conditional Use Authorization identified as Planning Case No. 2012.0348C on property located at 175 Junipero Serra Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to October 2, 2012. The motion carried by the following vote:

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

120869 [Preparation of Findings Related to the Conditional Use Authorization - 175 Junipero Serra Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2012.0348C on property located at 175 Junipero Serra Boulevard. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to October 2, 2012. The motion carried 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.

Patrick Menupshaw; expressed concerns over the suspension of Sheriff Mirkarimi and the Sunshine Ordinance Task Force.

Ray Hartz; expressed concerns relating to the SF Public Library.

Vivian Apricalli; expressed concerns relating to the suspension of Sheriff Mirkarimi.

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

Charlie Walker; expressed concerns relating to contractor jobs preferences.

Male Speaker; expressed various concerns.

Male Speaker; expressed concerns related to the suspension of Sheriff Mirkarimi.

Male Speaker; expressed various concerns.

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

Mark; expressed concerns related to various economic issues and noise pollution.

Mike Patrelis; expressed concerns related to remembering 9/11 and use of public property.

Caroline Paderone; expressed concerns related to minimum living area in units.

Teresa Imperial; expressed concerns related to minimum living area in units.

Josholine Meleno; expressed concerns related to minimum living area in units.

Paula Brown; played a video concerning homicides in San Francisco.

Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**120911 [Opening of City College of San Francisco Chinatown-North Beach Campus]****Sponsors: Chiu; Mar and Chu**

Resolution congratulating City College of San Francisco (CCSF) on the completion and opening of the Chinatown-North Beach campus and designating September 21, 2012, the CCSF Chinatown-North Beach Campus Day.

Resolution No. 346-12**ADOPTED****120912 [Donation of Surplus Fire Department Equipment to California State University Maritime Academy Program]****Sponsor: Elsbernd**

Resolution authorizing the Fire Department to donate five surplus Self Contained Breathing Apparatus to the California State University Maritime Academy.

Resolution No. 343-12**ADOPTED****120913 [It Can Wait - No Texting While Driving Pledge Day - September 19, 2012]****Sponsor: Farrell**

Resolution declaring "It Can Wait - No Texting While Driving Pledge Day" on September 19, 2012.

Resolution No. 347-12**ADOPTED****120914 [Multifamily Housing Revenue Bonds - 2175 Market Street]****Sponsor: Wiener**

Resolution of the City and County of San Francisco approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$31,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein).

Resolution No. 344-12**ADOPTED****The foregoing items were acted upon by the following vote:**

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

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

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

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

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

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

120920 [Ed Harrington Commendation of Distinguished Service]

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

Resolution commending the San Francisco Public Utilities Commission General Manager, and former City Controller, Ed Harrington, for 28 years of distinguished service to the City and County of San Francisco.

Resolution No. 345-12

ADOPTED by the following vote:

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

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinance

120928 [Summary Vacation of Public Service Easement; Approval of Sale of Easement Interest - 1407-1435 Market Street]

Sponsor: Kim

Ordinance ordering the summary vacation of public service easement and approving sale for \$77,000 of City's interest in vacated easement over property located at 1407-1435 Market Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

09/18/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**120931 [Real Property License Agreement - American Towers, LLC - 99 Moultrie]****Sponsor: Mayor**

Resolution authorizing a renewal license agreement, with retroactive effective date, for telecommunications equipment from American Towers, LLC, at 99 Moultrie for use by the Department of Technology, the Department of Emergency Management, the Police Department and the Municipal Transportation Agency.

09/18/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120932 [Accept and Expend Grant - Foreclosure Crisis Relief Fund - \$399,442]**Sponsor: Avalos**

Resolution authorizing the Office of the District Attorney to retroactively accept and expend a grant in the amount of \$399,442 through the California Department of Justice for a program entitled "Foreclosure Crisis Recovery Program" for the period of July 1, 2012, through June 30, 2013.

09/18/12; RECEIVED AND ASSIGNED to Public Safety Committee.

120933 [Accept and Expend Grant - Compensation for Crime Victims - Not to Exceed \$714,138]**Sponsor: Avalos**

Resolution authorizing the Office of the District Attorney to retroactively accept and expend up to \$714,138 allocated from the California Victim Compensation and Government Claims Board for a project entitled "Joint Powers Agreement" for the period of July 1, 2012, through June 30, 2015.

09/18/12; RECEIVED AND ASSIGNED to Public Safety Committee.

120934 [Ratification of Prior Action - Lease Option at 555-575 Polk Street]**Sponsor: Kim**

Resolution ratifying an option for the lease of 9,000 square feet at 555-575 Polk Street with Mattison Family Trust.

09/18/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120935 [Accept and Expend Grant - Certified Unified Program Agency Electronic Reporting - \$109,492]**Sponsor: Mar**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$109,492 from California Environmental Protection Agency to participate in a program entitled "Certified Unified Program Agency Electronic Reporting" for the period of January 1, 2010, through March 31, 2013, waiving indirect costs.

09/18/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120936 [Accept and Expend Grant - Energy Efficiency Program - \$156,000]**Sponsor: Mar**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$156,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to continue an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco during 2012.

09/18/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120937 [Accept and Expend Grant - Glen Canyon Creekside Loop Trail Improvements - \$163,587]**Sponsor: Wiener**

Resolution authorizing the Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant in the amount of \$163,587 from the California Department of Parks and Recreation for the Glen Canyon Creekside Loop Trail Project.

09/18/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120938 [Agreement with Pacific Gas and Electric Company to Connect a Solar Power Project]**Sponsor: Wiener**

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into a long term interconnection agreement with Pacific Gas and Electric Company for a solar power project at the Alvarado Elementary School pursuant to San Francisco Charter Section 9.118(b).

09/18/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

120940 [Welcoming Daw Aung San Suu Kyi]**Sponsor: Kim**

Resolution welcoming Daw Aung San Suu Kyi to the City and County of San Francisco and Honoring our Commitment to Ongoing Human Rights Struggle in Burma.

09/18/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

120944 [Accept and Expend Grant - Criminal Restitution Compact - Not to Exceed \$85,658]**Sponsor: Avalos**

Resolution authorizing the Office of the District Attorney to retroactively accept and expend up to \$85,658 allocated from the California Victim Compensation and Government Claims Board for a project entitled "Criminal Restitution Compact" for the period of July 1, 2012, through June 30, 2013.

09/18/12; RECEIVED AND ASSIGNED to Public Safety Committee.

Motions

120939 [Revising the 2012 Budget and Legislative Analyst's Performance Audit Schedule]

Sponsor: Farrell

Motion revising the Budget and Legislative Analyst's 2012 Performance Audit Schedule to revise the priorities as follows: 1) Department of Public Health and Human Services Agency management of professional services contracts; 2) Adult Probation and Sheriff's departments implementation of Public Safety Realignment; and 3) City departments management and oversight of the former San Francisco Redevelopment Agency assets and functions.

09/18/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

120941 [Committee of the Whole - Public Hearing - Successor Agency to the Former Redevelopment Agency]

Sponsor: Cohen

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on September 25, 2012, at 3:00 p.m., to hold a public hearing on the Ordinance of the Successor Agency to the former Redevelopment Agency of the City and County of San Francisco implementing the State redevelopment dissolution law known as AB X1 26 (2011) in furtherance of the recently adopted amendments to that law known as AB 1484 and of previously adopted City policies, by 1) acknowledging that AB 1484 provides that the Successor Agency is a separate legal entity from the City, with the Successor Agency holding all of the transferred assets and obligations of the former Redevelopment Agency (other than the affordable housing assets) distinct from the City, and with the Oversight Board performing specific functions set forth in the State redevelopment dissolution law; 2) officially naming the Successor Agency as the "Successor Agency to the Redevelopment Agency of the City and County of San Francisco"; 3) acknowledging that former Redevelopment Agency employees who became Successor Agency employees by operation of AB 26 and were assigned to R classifications, and who continued in those R classifications through the effective date of AB 1484, shall continue to be Successor Agency employees; 4) creating the Successor Agency Commission as the policy body of the Successor Agency and delegating to it the authority to act in place of the former Redevelopment Agency Commission to implement the surviving redevelopment projects, the replacement housing obligations and other enforceable obligations and the authority to take actions that the State redevelopment dissolution law requires or allows on behalf of the Successor Agency; 5) establishing the composition and terms of the members of the Successor Agency Commission, setting forth voting requirements and providing for the Successor Agency Commission to appoint an Executive Director of the Successor Agency; 6) authorizing the Successor Agency to retain the City Attorney as its legal counsel; 7) ratifying prior acts; and 8) authorizing and directing the Successor Agency Commission to take all appropriate steps to effectuate the purpose of this ordinance consistent with the State redevelopment dissolution law.

09/18/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

120948 [Committee of the Whole - Public Hearing - Charges of Official Misconduct Filed by Mayor Edwin Lee Against Sheriff Ross Mirkarimi]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole for a Special Meeting on October 9, 2012, at 2:00 p.m., to hear the matter related to the charges of official misconduct filed by Mayor Edwin Lee against Sheriff Ross Mirkarimi pursuant to Charter Section 15.105. (Clerk of the Board)

09/18/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

120942 [Committee of the Whole - Public Hearing - Ordinance of the Successor Agency to the Former Redevelopment Agency]

Sponsor: Cohen

Hearing on Ordinance of the Successor Agency to the former Redevelopment Agency of the City and County of San Francisco implementing the State redevelopment dissolution law known as AB X1 26 (2011) in furtherance of the recently adopted amendments to that law known as AB 1484 and of previously adopted City policies, by 1) acknowledging that AB 1484 provides that the Successor Agency is a separate legal entity from the City, with the Successor Agency holding all of the transferred assets and obligations of the former Redevelopment Agency (other than the affordable housing assets) distinct from the City, and with the Oversight Board performing specific functions set forth in the State redevelopment dissolution law; 2) officially naming the Successor Agency as the "Successor Agency to the Redevelopment Agency of the City and County of San Francisco"; 3) acknowledging that former Redevelopment Agency employees who became Successor Agency employees by operation of AB 26 and were assigned to R classifications, and who continued in those R classifications through the effective date of AB 1484, shall continue to be Successor Agency employees; 4) creating the Successor Agency Commission as the policy body of the Successor Agency and delegating to it the authority to act in place of the former Redevelopment Agency Commission to implement the surviving redevelopment projects, the replacement housing obligations and other enforceable obligations and the authority to take actions that the State redevelopment dissolution law requires or allows on behalf of the Successor Agency; 5) establishing the composition and terms of the members of the Successor Agency Commission, setting forth voting requirements and providing for the Successor Agency Commission to appoint an Executive Director of the Successor Agency; 6) authorizing the Successor Agency to retain the City Attorney as its legal counsel; 7) ratifying prior acts; and 8) authorizing and directing the Successor Agency Commission to take all appropriate steps to effectuate the purpose of this ordinance consistent with the State redevelopment dissolution law. (File No. 120898)

09/18/12; ASSIGNED to Board of Supervisors.

Introduced by the President at the Request of a Department

There were no items received by Departments.

In Memoriam

Robert Alan Price - Supervisor Olague

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:43 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 October 30, 2012.

Angela Calvillo, Clerk of the Board