

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 1, 2013 - 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, 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

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

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

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

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Neighborhood Services and Safety Committee

130767 [Comprehensive Bicycle Theft Prevention and Recovery Policy]

Sponsors: Mar; Breed, Campos and Chiu

Resolution urging for the creation of a comprehensive bicycle theft prevention and recovery policy for the Municipal Transportation Agency to develop and quickly implement short and medium term strategies to greatly expand bicycle parking in San Francisco; and for the Police Department to standardize best practices and implement a voluntary bicycle registration program.

Resolution No. 344-13

ADOPTED

Recommendations of the Rules Committee**130581 [Appointment Process - Road Commissioner]****Sponsor: Mayor**

Ordinance declaring that future appointments done by the City and County of San Francisco for Road Commissioner shall be enacted by Resolution.

PASSED, ON FIRST READING

130582 [Appointment, Road Commissioner - Mohammed Nuru]**Sponsor: Mayor**

Ordinance appointing Mohammed Nuru, Director of the Department of Public Works, as Road Commissioner for the City and County of San Francisco; repealing Ordinance No. 160-10.

PASSED, ON FIRST READING

130696 [Settlement of Lawsuit - Jessica Orozco - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Jessica Orozco against the City and County of San Francisco for \$50,000; the lawsuit was filed on March 13, 2012, in San Francisco Superior Court, Case No. CGC-12-519124; entitled Jessica Orozco v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130697 [Settlement of Lawsuit - Andrew Melomet - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Andrew Melomet against the City and County of San Francisco for \$40,000; the lawsuit was filed on February 2, 2012, in California Superior Court, San Francisco Branch, Case No. CGC-12-518471, entitled Andrew Melomet v. City and County of San Francisco Human Services Agency; said lawsuit was removed to United States District Court for the Northern District of California, Case No. C 12-03101 EDL. (City Attorney's Office)

PASSED, ON FIRST READING

130757 [Settlement of Lawsuit - Joseph P. CuvIELLO, Deniz Bolbol, and Alex Felsinger - \$180,000]

Ordinance authorizing settlement of the lawsuit filed by Joseph P. CuvIELLO, Deniz Bolbol, and Alex Felsinger against the City and County of San Francisco for \$180,000 in the United States District Court for the Northern District of California, Case No. CV-12-3034-EMC; entitled CuvIELLO et al. v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130758 [Settlement of Lawsuit - Ana Pichardo - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Ana Pichardo against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 9, 2012, in United States District Court, Case No. C12-4042; entitled Ana Pichardo v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130759 [Settlement of Lawsuit - Bank of America N.A. - \$975,000]

Ordinance authorizing settlement of the lawsuit filed by Bank of America N.A. against the City and County of San Francisco for \$975,000; the lawsuit was filed on September 9, 2010, in San Francisco Superior Court, Case No. CGC-10-503389; entitled Bank of America N.A. v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130803 [Settlement of Lawsuit - Lloyd O'Neil - \$185,000]

Ordinance authorizing the settlement of the lawsuit filed by Lloyd O'Neil against the City and County of San Francisco for \$185,000; the lawsuit was filed on September 29, 2011, in San Francisco Superior Court, Case No. CGC 11-514739; entitled Lloyd O'Neil v. City and County Of San Francisco. (City Attorney's Office)

PASSED, ON FIRST READING

130854 [Settlement of Lawsuit - Erik Russell - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Erik Russell against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 24, 2012, in United States District Court, Northern District of California, Case No. 12-CV-00929 JCS; entitled Erik Russell, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

130855 [Settlement of Lawsuit - E. Lynn Schoenmann - \$160,000]

Ordinance authorizing settlement of the lawsuit filed by E. Lynn Schoenmann against the City and County of San Francisco for \$160,000; the lawsuit was filed on December 10, 2012, in Bankruptcy Court, Case No. 12-32146-HLB; Adv. Proc. No. 12-03170; entitled E. Lynn Schoenmann, Trustee, et al., v. City and County of San Francisco. (City Attorney's Office)

PASSED, ON FIRST READING

130731 [Settlement of Claim - Jeanine Dubois - \$45,000]

Resolution approving the settlement of the unlitigated claim filed by Jeanine Dubois against the City and County of San Francisco for \$45,000; claim was filed on June 30, 2008. (City Attorney's Office)

Resolution No. 342-13

ADOPTED

130755 [Settlement of Claim - Beth Mondry - \$175,000]

Resolution approving the proposed settlement of claim filed by Beth Mondry against the City and County of San Francisco for \$175,000; claim was filed on November 13, 2012. (City Attorney's Office)

Resolution No. 343-13

ADOPTED

130739 [Appointment, Local Homeless Coordinating Board - Deleano Seymour]

Motion appointing Deleano Seymour, term ending October 21, 2014, to the Local Homeless Coordinating Board, residency requirement waived. (Clerk of the Board)

Motion No. M13-117

APPROVED

130742 [Appointments, Food Security Task Force - Karen Gruneisen, Anne Quaintance, Teresa Olle, Bruce McKinney, Deloris McGee, Hilary Seligman, Charles Sommer, and Simon Pitchford]

Motion appointing Karen Gruneisen, Anne Quaintance, Teresa Olle, Bruce McKinney, Deloris McGee, Hilary Seligman, Charles Sommer, and Simon Pitchford, for indefinite terms, to the Food Security Task Force. (Clerk of the Board)

Motion No. M13-118

APPROVED

130859 [Appointment, Shelter Monitoring Committee - Amanda Reichmuth]

Motion appointing Amanda Reichmuth, term ending November 23, 2014, to the Shelter Monitoring Committee. (Clerk of the Board)

Motion No. M13-119

APPROVED

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

Recommendations of the Budget and Finance Committee

130784 [Business and Tax Regulations Code - Miscellaneous Changes]

Sponsor: Chiu

Ordinance amending the Business and Tax Regulations Code by, among other things: 1) (Common Administrative Provisions) requiring monthly installment payments rather than prepayments of hotel and parking taxes; eliminating the annual parking tax bond renewal requirement; providing a due date for business registration fees; excluding penalties from calculation of interest on tax determinations; adding an underreporting penalty for failure to file a return when tax liability exceeds \$5,000; changing the penalty for failure to register or update a registration, making misstatements in a registration, failure to allow inspection or production of records, and failure to file a return; 2) (Tax on Occupancy of Parking Space in Parking Stations) eliminating the prepayment Revenue Control Equipment certification; 3) (Business Registration provisions) requiring a copy of the business registration certificate rather than a business tax registration tag be displayed on company vehicles; eliminating the Tax Collector's authority to suspend a business registration certificate; 4) (Payroll Expense Tax Ordinance) providing that interest applies to unpaid penalties but not unpaid fees and interest; changing the date that businesses must file an affidavit with the Office of Economic and Workforce Development claiming the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion; and 5) (Parking Stations, Revenue Control Equipment) specifying the date the Revenue Control Equipment Compliance Fee is due.

Ordinance No. 206-13

FINALLY PASSED by the following vote:

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

130861 [Appropriation - Municipal Transportation Agency 2013 Series Revenue Bond Proceeds - Transportation Capital Projects and Equipment - \$165,000,000 - FY2013-2014]

Sponsor: Mayor

Ordinance appropriating \$165,000,000 of 2013 Series Revenue Bond proceeds to the Municipal Transportation Agency for Transit, Bicycle, Pedestrian, and Parking Garage Projects and Equipment in FY2013-2014.
(Fiscal Impact)

Ordinance No. 207-13

FINALLY PASSED 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

130781 [Administrative Code - Special Tax Financing Law]

Sponsors: Mayor; Tang and Wiener

Ordinance to amend the Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize financing by special tax districts of work deemed necessary to bring buildings or real property, including privately owned buildings or real property, into compliance with seismic safety standards or regulations, and related technical amendments; and to establish certain procedures by which the City can make changes to a special tax district.

Ordinance No. 205-13

FINALLY PASSED by the following vote:

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

Recommendation of the Neighborhood Services and Safety Committee

130764 [Administrative Code - Due Process for All Ordinance on Civil Immigration Detainers]

Sponsors: Avalos; Breed, Campos, Chiu, Cohen, Kim, Mar and Yee

Ordinance amending the Administrative Code, by adding Chapter 12I, to prohibit law enforcement officials from detaining individuals on the basis of a civil immigration detainer after they become eligible for release from custody, except for individuals who have prior conviction for a violent felony within a certain period of time, are currently being charged with a violent felony, and may pose a public safety risk.

Ordinance No. 204-13

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

130869 [Multifamily Housing Revenue Bonds - 1751 Carroll Avenue - Not to Exceed \$30,000,000]

Sponsor: Cohen

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$30,000,000 for 1751 Carroll Avenue (Assessor's Parcel No. 5431A, Lot No. 42), San Francisco, California 94124; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$30,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Resolution No. 348-13

ADOPTED by the following vote:

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

130887 [Multifamily Housing Revenue Bonds - 1825 Mission Street (Vincentian Villa) - Not to Exceed \$15,500,000]

Sponsor: Campos

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$15,500,000 for 1825 Mission Street (Vincentian Villa); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$77,500 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$15,500,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Resolution No. 349-13

ADOPTED by the following vote:

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

130827 [Issuance of Tax-Exempt Obligation - The Hamlin School - Not to Exceed \$22,000,000]**Sponsor: Farrell**

Resolution approving, in accordance with Internal Revenue Code, Section 147(f), of the issuance of a tax-exempt revenue obligation by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$22,000,000 to refinance various capital facilities owned and operated by The Hamlin School.

Resolution No. 345-13**ADOPTED by the following vote:**

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

130865 [Memorandum of Understanding - Urban Areas Security Initiative]**Sponsor: Mayor**

Resolution approving a Memorandum of Understanding (MOU) with the Cities of Oakland and San Jose and the Counties of Alameda, Contra Costa, Marin, Monterey, San Mateo, Santa Clara, and Sonoma that provides governance structures and procedures for application, allocation, and distribution of Federal Urban Areas Security Initiative (UASI) Grant Funds to the Bay Area Urban Area, as well as for other Federal grant funds to the Bay Area Urban Area as permitted under the MOU; and continues San Francisco as the primary grantee and fiscal agent for UASI grant funds to the Bay Area Urban Area, as well as for other Federal grant funds to the Bay Area Urban Area, as permitted under the MOU for the period of December 1, 2013, through December 1, 2017.

Resolution No. 346-13**ADOPTED by the following vote:**

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

130867 [Multifamily Housing Revenue Note - Western Park Apartments - Not to Exceed \$30,000,000]**Sponsor: Breed**

Resolution authorizing the execution, sale, and delivery of a multifamily housing revenue note in an aggregate principal amount not to exceed \$30,000,000 for the purpose of providing financing for the acquisition and rehabilitation of a 182-unit affordable multifamily senior residential rental housing project known as Western Park Apartments; approving the form of and authorizing the execution of a funding loan agreement and a borrower loan agreement; providing the terms and conditions of the note and authorizing the execution and delivery thereof; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; granting general authority to City officials to take actions necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the note and the Project (as defined herein).

Resolution No. 347-13**ADOPTED by the following vote:**

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

Recommendations of the Land Use and Economic Development Committee

130765 [Health Code - Alternate Water Sources for Non-Potable Applications]

Sponsors: Chiu; Mar

Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; 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

130785 [Administrative Code - Family Friendly Workplace Ordinance]

Sponsors: Chiu; Cohen, Mar, Campos, Yee, Breed, Avalos and Kim

Ordinance amending the Administrative Code to allow San Francisco-based employees to request flexible or predictable working arrangements to assist with care giving responsibilities, subject to the employer's right to deny a request based on business reasons; prohibit adverse employment actions based on caregiver status; prohibit interference with rights or retaliation against employees for exercising rights under the Ordinance; require employers to post a notice informing employees of their rights under the Ordinance; require employers to maintain records regarding compliance with the Ordinance; authorize enforcement by the Office of Labor Standards Enforcement, including the imposition of remedies and penalties for a violation and an appeal process for an employer to an independent hearing officer; authorize waiver of the provisions of the Ordinance in a collective bargaining agreement; 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

130863 [Eliminating Official Sidewalk Width - Renovation of Glen Canyon Park - Portion of Elk Street (Between Chenery and Sussex Streets)]

Sponsor: Wiener

Ordinance amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to eliminate the official sidewalk width on a portion of the westerly side of Elk Street, between Chenery and Sussex Streets, for the renovation of Glen Canyon Park; requiring the Recreation and Park Department to address relocation, modification, or both of facilities affected by the sidewalk width change; and making environmental findings, and findings of consistency with the General Plan, and the eight 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

Recommendation of the Rules Committee

130858 [Appointment, Reentry Council - Robert Bowden]

Motion appointing Robert Bowden, term ending June 1, 2014, to the Reentry Council. (Clerk of the Board)

(Supervisor Yee dissented in Committee.)

Motion No. M13-120

APPROVED by the following vote:

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

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Yee, seconded by Supervisor Kim, moved to suspend Rule 5.36 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 Yee introduced, welcomed, and presented a Certificate of Honor to Bob and Keren Abra of District 7 in recognition of their accomplishments and continued community support.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Reverend Glenda Hope of the San Francisco Network Ministries in recognition of her accomplishments upon her retirement from public service. Supervisor Avalos shared in this commendation.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Rene Yanez and Yolanda Lopez, local artists, in recognition of their accomplishments and continued community support. Supervisors Kim, Campos, Avalos, and San Francisco Poet Laureate Alejandro Murguía shared in this commendation.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Ian Johnstone of Gunbygun.org in recognition of their accomplishments and continued community support.

Supervisors Kim and Chiu introduced, welcomed, and presented a Certificate of Honor to the Youth Program of the Chinatown Single Room Occupancy (SRO) in recognition of their accomplishments and continued community support.

SPECIAL ORDER 3:00 P.M.**130805 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 435-437 Potrero Avenue]**

Hearing of persons interested in or objecting to the Planning Commission's determination dated July 11, 2013, that the project located at 435-437 Potrero Avenue, Assessor's Block No. 3974, Lot No. 022 is exempt from environmental review under Class 1 of the California Environmental Quality Act (CEQA) Guidelines as a minor alteration to an existing facility; the proposed work involves establishment of an internet services exchange to occupy the entirety of an existing 10,000 square foot building. (District 10) (Appellant: Mica I. Ringel) (Filed August 12, 2013). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Supervisor Cohen provided an overview. Mica Ringel and Darius Contractor (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Dr. Diane Ringel; Adam Ringel; Darius Contractor; Olga Kist; Douglas Yep; Male Speaker; spoke in support of the appeal. Sarah Jones and Corey Teague (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. David Silverman and Arman Khalili (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. Mica Ringel (Appellant) provided a rebuttal and further requested the Board to approve the appeal. Supervisor Cohen made some closing remarks and noted that the Project Sponsor had indicated in discussions with appellants and neighbors that it would propose additional changes to the project including: 1) Install a diesel particulate filter; 2) Replace older mechanical equipment, including removing older rooftop fans; 3) Install screening and enclosures around new equipment; 4) Improvements to the façade of the building; and 5) Work with the adjacent neighbors to adjust the height or direction of the vents. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

130806 [Affirming the Exemption Determination - 435-437 Potrero Avenue]

Motion affirming the determination by the Planning Commission that a project located at 435-437 Potrero Avenue is exempt from environmental review.

Motion No. M13-121

Supervisor Cohen, seconded by Supervisor Kim, moved that this Motion be APPROVED. The motion carried by the following vote:

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

130807 [Reversing the Exemption Determination - 435-437 Potrero Avenue]

Motion reversing the determination by the Planning Commission that a project located at 435-437 Potrero Avenue is exempt from environmental review.

Supervisor Cohen, seconded by Supervisor Kim, moved that this Motion be TABLED. The motion carried by the following vote:

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

130808 [Preparation of Findings to Reverse the Exemption Determination - 435-437 Potrero Avenue]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Commission that a project located at 435-437 Potrero Avenue is exempt from environmental review.

Supervisor Cohen, seconded by Supervisor Kim, moved that this Motion be TABLED. The motion carried by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Peter Warfield; expressed concerns relating to perjury of the Librarian and the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Tom Gilberty; expressed various concerns relating to freedom of speech and noise pollution.
Douglas Yep; expressed various concerns.
Dale Seymour; spoke in honor of Reverend Glenda Hope.
Robert Sahai; spoke in support of proposed legislation relating to JCHESS.
Bob Hamaguchi; spoke in support of proposed legislation relating to JCHESS.
Greg Violria; spoke in support of proposed legislation relating to JCHESS.
Ryan Kimura; spoke in support of proposed legislation relating to JCHESS.
Christopher Dall; expressed various concerns.
John Osaki; spoke in support of proposed legislation relating to JCHESS.
Beverly Uptown; spoke relating to diversity needs and programs.
Yoshiro Tasaka; spoke in support of proposed legislation relating to JCHESS.
Karen Kai; spoke in support of proposed legislation relating to JCHESS.
Charlie Pappis; expressed concerns relating to medical cannabis.
Richard Hashimoto; spoke in support of proposed legislation relating to JCHESS.
Male Speaker; expressed various religious concerns.
Male Speaker; expressed concerns relating to homelessness.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130943 [City Employees' Wellness]

Sponsors: Farrell; Campos

Resolution recognizing the importance of wellness to City employees' quality of life, controlling health care costs, and providing government services to San Francisco efficiently and effectively and pledging to support a comprehensive employee wellness plan that expands on current wellness offerings.

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

Resolution No. 350-13

ADOPTED

130944 [Approval of a Nine-Month Extension for Planning Commission Review of the Definition of Formula Retail in the Upper Fillmore Street Neighborhood Commercial District (File No. 130735)]

Sponsor: Farrell

Resolution extending by nine-months the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 130735) amending the Planning Code, Section 703.3, to expand the definition of formula retail uses in the Upper Fillmore Street Neighborhood Commercial District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Resolution No. 351-13

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Breed requested that File No. 130945 be severed so that it may be considered separately.

130945 [Endorsement of the Japantown Cultural Heritage and Economic Sustainability Strategy]

Sponsors: Breed; Mar, Chiu, Campos and Cohen

Resolution endorsing the Japantown Cultural Heritage and Economic Sustainability Strategy (JCHESS).

Supervisors Mar, Chiu, Campos, and Cohen requested to be added as co-sponsors.

Resolution No. 352-13

ADOPTED by the following vote:

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

IMPERATIVE AGENDA

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Farrell, seconded by Supervisor Mar, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

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

[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 Farrell, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

130967 [Designation of Agents Authorized to Obtain Emergency Assistance Funding]

Sponsors: Mayor; Farrell

Resolution authorizing agents to act on behalf of the City and County of San Francisco for all matters pertaining to State and Federal Disaster Assistance Funding.

The President inquired as to whether any member of the public wished to address the Board relating to designation of agents for emergency funding as referenced in File No. 130967. There were no speakers. The President declared public comment closed.

Resolution No. 334-13

ADOPTED by the following vote:

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

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

130766 [Park Code - Hours of Operation for City Parks]

Sponsors: Wiener; Farrell

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.
(Supervisor Kim dissented in Committee)

07/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/22/2013.

07/30/13; REFERRED TO DEPARTMENT.

08/09/13; RESPONSE RECEIVED.

10/01/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130968 [Administrative, Planning Codes - Ellis Act Displaced Emergency Assistance Ordinance]

Sponsors: Chiu; Campos, Kim, Mar and Breed

Ordinance amending the Administrative and Planning Codes to provide a preference in occupying units or receiving assistance under all affordable housing programs administered or funded by the City, including all former San Francisco Redevelopment Agency affordable housing programs administered or funded by the City, to certain tenants being evicted under the Ellis Act, California Government Code, Section 7060 et seq.; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/01/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/31/2013.

130969 [Planning Code, Zoning Map - 904-22nd Street]

Sponsor: Cohen

Ordinance amending the Planning Code, Zoning Map, to re-zone the property located at 904-22nd Street (Assessor's Block No. 4106, Lot No. 015) from RH-3 (Residential, Housing, Three Family) to UMU (Urban Mixed Use); and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/01/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/31/2013.

Resolutions

130970 [Changes to Special Tax District No. 2009-1 - San Francisco Sustainable Financing]

Sponsors: Mayor; Chiu, Tang and Wiener

Resolution making changes to City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) to authorize seismic safety standard retrofits to certain privately owned buildings or real property; and directing the Clerk of the Board to publish a notice of public hearing and other matters related thereto.

10/01/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130971 [Amended and Restated Local Goals and Policies - Community Facilities Districts and Special Tax Districts]

Sponsors: Mayor; Chiu, Tang and Wiener

Resolution adopting amended and restated Local Goals and Policies to provide financial flexibility in connection with the formation of Special Tax Districts, pursuant to Administrative Code, Chapter 43, Article X.

10/01/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130972 [Accept and Expend Grant - FY2013 Lead Hazard Reduction Demonstration Grant Program - \$3,000,000]

Sponsor: Mayor

Resolution retroactively authorizing the Mayor's Office of Housing and Community Development to accept and expend a grant from the U.S. Department of Housing and Urban Development for FY2013 Lead Hazard Reduction Demonstration Program in the amount of \$3,000,000 and to expend associated program income not to exceed \$200,000 for the period of August 1, 2013, through July 31, 2016.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130973 [Application - Sheriff's Department - Construction of Adult Local Criminal Justice Facilities]

Sponsors: Mayor; Chiu

Resolution authorizing the Sheriff's Department to submit a grant application to the Board of State and Community Corrections, pursuant to California State Senate Bill 1022 (2012), for a proposed project to replace County Jail No. 3 and County Jail No. 4 and to seek funding preference for such application; declaring the availability and adequacy of \$8,900,000 in cash contribution funds for the proposed project; and conditionally approving the form and execution of associated grant financing and construction documents.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130975 [Accept and Expend Grant - FY2012 CalHome Program - \$1,500,000]

Sponsor: Farrell

Resolution authorizing the Mayor's Office of Housing and Community Development to accept and expend a grant from the California Department of Housing and Community Development for the FY2012 CalHome Program in a total amount of \$1,500,000 and to expend program income from associated loan repayments to assist low-income first-time homebuyers and low-income homeowners, to commence following Board approval, until funds are expended.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130976 [Accept and Expend Grant - FY2013 Housing Opportunities for Persons with AIDS Performance Renewal - \$1,461,622]**Sponsors: Wiener; Campos and Cohen**

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City, to accept and expend the FY2013 Housing Opportunities for Persons with AIDS Performance Renewal Grant from the U.S. Department of Housing and Urban Development in the amount of \$1,461,622 for the period of December 1, 2013, through November 30, 2016.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130977 [Contract - New Flyer of America, Inc. - Purchase of Low Floor Diesel-Hybrid Buses - Not to Exceed \$38,348,847]**Sponsors: Wiener; Mar and Breed**

Resolution approving a contract with New Flyer of America, Inc., for the purchase of 50 40-foot low floor diesel-hybrid buses, related tools, training, and spare parts, through the Cooperative Purchasing Venture established by the State of Minnesota's Materials Management Division, in an amount not to exceed \$38,348,847 and for a term not to exceed six years to commence following Board approval.

(Fiscal Impact)

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130978 [Domestic Violence Awareness Month - October 2013]**Sponsors: Chiu; Tang, Campos and Mar**

Resolution declaring October 2013 as Domestic Violence Awareness Month in the City and County of San Francisco.

10/01/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130979 [Encroachment Permit, Gift Acceptance - Hidden Garden Tiled Steps Project - 16th Avenue between Kirkham and Lawton Streets]**Sponsor: Yee**

Resolution granting revocable permission to The Hidden Garden Steps Organizing Committee to occupy a portion of the public right-of-way to install and maintain a mosaic tiled mural on the risers, and non-slip paving tiles on the treads of the existing City concrete stairway, and a garden habitat adjacent to the existing concrete City stairway, along 16th Avenue between Kirkham and Lawton Streets; accepting, as a gift to the City, said tiled steps, garden habitat, and a \$20,000 maintenance fund for the tiled steps; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/01/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests for Hearing

130772 [Hearing - Update on Bay Area Rapid Transit Labor Negotiations and the City's Preparedness for a Potential Strike]

Sponsors: Avalos; Campos, Breed and Mar

Hearing to review the status of labor negotiations at the Bay Area Rapid Transit and the prospects for a protracted strike, including the City's level of preparedness and the potential economic and environmental impacts.

07/23/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/01/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

130980 [Hearing - Budget and Legislative Analyst Report on the 34th America's Cup]

Sponsors: Avalos; Campos

Hearing on the Budget and Legislative Analyst Report on the 34th America's Cup reviewing the economic impact; the City's expenditures related to the event; a comparison of actual event figures to the predicted economic impact, costs, and revenues; and America's Cup Event Authority's compliance with their commitments in the Workforce Development and Local Small Business Inclusion Plan, including compliance with the City's prevailing wage, Local Hiring Program, use of union contractors, and other commitments of importance.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130981 [Hearing - Findings of the Economic Impact Report on Lesbian, Gay, Bisexual, and Transgender Large Scale Events in San Francisco]

Sponsor: Campos

Hearing request for a economic impact study from the Office of the Controller on Lesbian, Gay, Bisexual, and Transgender (LGBT) festivals, street fairs, parades, and large scale events in San Francisco; exploring small business and job creation within the industry; the economic impact of LGBT event visitors on hotel, retail, nightlife, and other tourism sectors; and the amount of taxes paid to the City and State by LGBT event organizations and businesses that serve them; and discussing the findings of the Economic Impact Report and how the City may adequately offer support through its policies and procedures.

10/01/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130982 [Hearing - Proposed Jail Replacement Project]

Sponsors: Campos; Avalos, Breed, Mar and Kim

Hearing on the proposed Jail Replacement Project to examine whether the jail construction plans are the most cost effective way to meet the short- and long-term needs of inmates with regards to safety, security, and access to social services.

10/01/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130983 [Hearing - San Francisco's 10-Year Plan to Abolish Chronic Homelessness]

Sponsors: Farrell; Campos and Avalos

Hearing to discuss and evaluate San Francisco's 10-Year Plan to Abolish Chronic Homelessness, which is due to sunset at the end of 2014.

10/01/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

130984 [Hearing - Workplace Domestic Violence Practices]**Sponsor: Mar**

Hearing on the City and County of San Francisco's workplace domestic violence practices.

10/01/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

Introduced 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

There were no items.

PROPOSED RESOLUTIONS**130902 [Master Lease Amendment - United States Navy - Treasure Island South Waterfront]**

Resolution approving the Twenty-Ninth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for a period of one year beginning on December 1, 2013, and ending on November 30, 2014. (Treasure Island Development Authority)

09/20/13; RECEIVED FROM DEPARTMENT.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130903 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

Resolution approving the Thirty-Eighth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for a period of one year beginning on December 1, 2013, and ending on November 30, 2014, and amend the leased premises. (Treasure Island Development Authority)

09/20/13; RECEIVED FROM DEPARTMENT.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130904 [Master Lease Amendment - United States Navy - Treasure Island Marina]

Resolution approving the Seventeenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for a period of one year beginning on December 1, 2013, and ending on November 30, 2014. (Treasure Island Development Authority)

09/20/13; RECEIVED FROM DEPARTMENT.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130905 **[Master Lease Amendment - United States Navy - Treasure Island Childcare]**
Resolution approving the Ninth Amendment to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for a period of one year beginning on December 1, 2013, and ending on November 30, 2014. (Treasure Island Development Authority)

09/20/13; RECEIVED FROM DEPARTMENT.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130906 **[Master Lease Amendment - United States Navy - Treasure Island Event Venues]**
Resolution approving the Twenty-Fifth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for a period of one year beginning on December 1, 2013, and ending on November 30, 2014. (Treasure Island Development Authority)

09/20/13; RECEIVED FROM DEPARTMENT.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

130907 **[Master Lease Amendment - United States Navy - Fire Fighting Training Center]**
Resolution approving the Fifth Amendment to the Treasure Island Fire Fighting Training Center Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for a period of one year beginning on December 1, 2013, and ending on November 30, 2014. (Treasure Island Development Authority)

09/20/13; RECEIVED FROM DEPARTMENT.

10/01/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

Jose Montoya - Supervisors Mar, Campos, and Avalos

Greg Miller - Supervisor Mar

Raymond Tse - Supervisor Yee

Chloe Tse - Supervisor Yee

Kin Fat Tse - Supervisor Yee

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:01 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 November 5, 2013.

Angela Calvillo, Clerk of the Board