

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

## MEETING MINUTES

Tuesday, July 7, 2009 2:00 PM

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

Regular Meeting

*DAVID CHIU, PRESIDENT*

*MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,  
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,  
SOPHIE MAXWELL, ROSS MIRKARIMI*

*Angela Calvillo, Clerk of the Board*

## BOARD COMMITTEES

### Committee Membership

#### **Budget and Finance Committee**

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

#### **Budget and Finance Subcommittee**

Supervisors Avalos, Mirkarimi, Chu

#### **City and School District Select Committee**

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

#### **City Operations and Neighborhood Services Committee**

Supervisors Dufty, Daly

#### **Government Audit and Oversight Committee**

Supervisors Mirkarimi, Mar, Maxwell

#### **Land Use and Economic Development Committee**

Supervisors Maxwell, Mar, Chiu

#### **Public Safety Committee**

Supervisors Campos, Mirkarimi

#### **Rules Committee**

Supervisors Daly, Chu, Campos

### Meeting Days

Wednesday  
1:30 PM

Wednesday  
11:00 AM

1st and 3rd Thursday  
3:30 PM

2nd and 4th Monday  
10:30 AM

2nd and 4th Thursday  
1:00 PM

Monday  
1:00 PM

1st and 3rd Monday  
11:00 AM

1st and 3rd Thursday  
10:00 AM

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

Volume 104 Number 25

**Members Present:** Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

090701 [Setting Patient Rates - effective July 1, 2009]  
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

Ordinance No. 153-09  
FINALLY PASSED

090702 [Emergency Medical Services Fees]  
Mayor

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

Ordinance No. 154-09  
FINALLY PASSED

090703 [Chain Restaurant Surcharge]  
Mayor

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Section 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.

Ordinance No. 155-09  
FINALLY PASSED

**090711 [Recreation and Park Department - Clubhouses and Gymnasiums Fees]  
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

**Ordinance No. 156-09  
FINALLY PASSED**

**090713 [Recreation and Park - Day Camp Fees]  
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

**Ordinance No. 157-09  
FINALLY PASSED**

**090714 [Recreation and Park - Kezar Parking Lot Fees]  
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

**Ordinance No. 158-09  
FINALLY PASSED**

**090718 [Recreation and Park Department - Japanese Tea Garden Fees]  
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

**Ordinance No. 159-09  
FINALLY PASSED**

**090720 [Recreation and Park - Conservatory of Flowers Fees]  
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

**Ordinance No. 160-09  
FINALLY PASSED**

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

090367 [Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]  
Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Ordinance No. 161-09  
FINALLY PASSED

The foregoing items were acted upon by the following vote:  
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**Recommendations of the Budget and Finance**

090627 [Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]  
Supervisors Alioto-Pier, Dufty

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.

Ordinance No. 162-09  
FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi  
Noes: 1 - Daly

**090712 [Recreation and Park Department - Aquatic Facilities Fees]**  
**Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

**Ordinance No.** 163-09

**FINALLY PASSED by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 2 - Daly, Mirkarimi

**090717 [Recreation and Park Department - Athletic Field Fees]**  
**Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

**Ordinance No.** 164-09

**FINALLY PASSED by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 2 - Daly, Mirkarimi

**090719 [Recreation and Park Department - Latch Key and Afterschool Programs Fees]**  
**Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

**Ordinance No.** 165-09

**FINALLY PASSED by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 2 - Daly, Mirkarimi

**Recommendation of the Government Audit and Oversight Committee**

**090740 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]**  
**Supervisors Mar, Maxwell, Mirkarimi, Daly**

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

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

Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Noes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

*Continued to August 4, 2009.*

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

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi  
Noes: 3 - Chu, Dufty, Elsbernd

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**090697 [Increasing Street Artist Certificate Fee]**

**Mayor**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090705 [Fees for Fire Department Services and Permits - Fire Code]**

**Mayor**

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090706 [Fees for Fire Department emergency medical services]**

**Mayor**

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090707 [Increasing and establishing certain Fire Department licensing fees]  
Mayor**

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090708 [Increasing Fire Department fees for street fairs]  
Mayor**

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090710 [Sale of combustion turbines]  
Mayor, Supervisor Mirkarimi**

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

*Supervisor Alioto-Pier moved to divide the question relating to "b) Concurrent with the preparation of the CTs for sale in Fiscal Year 2009-2010, authorized in this ordinance, the PUC is instructed to analyze the feasibility of local cogeneration projects. If any of these projects demonstrates initial feasibility and environmental benefit, and requires purchase from the City of a CT unit, the PUC is instructed to report to the Mayor and Board of Supervisors on what actions would allow for consideration of this project or projects" located on Page 2, Line 24, through Page 3, Line 4.*

*The question relating to "feasibility for sale in Fiscal Year 2009-2010" was passed as divided by the following vote:*

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*

*Noes: 1 - Alioto-Pier*

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090721 [Medical Examiner's Fees for Copies of Documents and Certain Services]  
Mayor**

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's Fees for Copies of Documents and Certain Services and adding fees for new services.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090722 [Public Works Code - Increasing Tree Removal Permit Fees]  
Mayor**

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from \$267 to \$607, for a permit to remove 1-3 street trees to allow for development or construction; from \$267 to \$300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from \$360 to \$808, for a permit to remove 4-9 street trees; and from \$565 to \$1,214, for a permit to remove 10 or more street trees; and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090724 [Establishing a Cigarette Litter Abatement Fee]  
Mayor**

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of \$0.20 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-70 to establish an Environment Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to allow the Director of the Department of Public Health to suspend a tobacco sales permit and impose administrative penalties for failure to pay the Cigarette Litter Abatement Fee; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090800 [Establishing Carbon Mitigation Program]  
Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions; and making environmental findings.

(Supervisor Chu dissented in Committee.)

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

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

**090817 [Public Education Enrichment Fund for FY 2009-2010 - San Francisco Children and Families  
Commission]  
Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

**Resolution No.** 280-09

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi



**090818 [Public Education Enrichment Fund for FY 2009-2010 - San Francisco Unified School District]  
Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

**Resolution No.** 281-09

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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

**090318 [Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]  
Supervisor Alioto-Pier**

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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

*There were none.*

**SPECIAL ORDER 4:00 P.M.****090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

*The President inquired as to whether any member of the public wished to address the Board members. There were none.*

*The President declared the public hearing closed.*

*Continued to August 11, 2009.*

**Supervisor Campos, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

*Continued to August 11, 2009.*

**Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

*Continued to August 11, 2009.*

**Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

- 090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]  
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

*Continued to August 11, 2009.*

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

## COMMITTEE REPORTS

- 090603 [Appointment, Historical Preservation Commission - James Buckley]  
Motion approving the Mayor's nomination for appointment of James Buckley to the Historical Preservation Commission, Seat No. 4, for a two-year term, ending date to be determined.

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090604. Transmittal date – May 18, 2009.)

**Motion No.** M09-125

**APPROVED** by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

- 090788 [Appointment, Historical Preservation Commission - Andrew Wolfram]  
Motion approving the Mayor's nomination for appointment of Andrew Wolfram to the Historical Preservation Commission, Seat No. 2, for a two-year term, ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090789. Transmittal date – June 4, 2009.)

**Motion No.** M09-124

**APPROVED** by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*James Chaffee; expressed concerns relating to the SF Public Library.*  
*Richard McRee; expressed concerns relating to San Francisco politics.*  
*Mark Blumberg; Bill Lawrence; Allen Duffy; expressed concerns relating to taxi reform.*  
*Monica; expressed concerns relating to violence on MUNI.*  
*Abdullah Megaheed; expressed various concerns.*  
*Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.*  
*John DiDonna; expressed various concerns.*  
*Anna Maria; expressed concerns relating to funding for programs for low-income residents in the Mission.*  
*Raymond Jose; expressed concerns relating to funding for HOMEY program.*  
*Eric DeSanta; Male Speaker; expressed support for Honduras and human rights.*  
*Nancy Cross; expressed concerns relating to smoking cessation and associated City policies.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

- 090863 [Support for the passing of Assembly Concurrent Resolution No. 42 (Fong; Chinese Americans in California)]  
 Supervisors Mar, Chiu, Chu, Campos

Resolution supporting Assembly Concurrent Resolution No. 42 (Fong) that recognizes the extraordinary hardships of Chinese in California as a result of systematic discriminatory practices implemented at the legislative level, which conflict with the principles upon which our country was founded.

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

Resolution No. 282-09

ADOPTED

- 090864 [Celebrating the 20th anniversary of San Francisco Animal Care & Control]  
 Supervisors Mar, Campos

Resolution celebrating the 20th anniversary of San Francisco Animal Care & Control.

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

Resolution No. 283-09

ADOPTED

- 090865 [Denouncing the coup de etat in Honduras and urging the Honduran government and the international community to support democratic, transparent elections that respect human rights, national sovereignty and democracy]  
 Supervisors Campos, Avalos, Daly, Mar, Maxwell, Mirkarimi, Dufty

Resolution denouncing the coup de etat against the duly elected President of Honduras and urging the Honduran government and international community to support democratic elections that respect human rights, national sovereignty, and economic sustainability that leads to conditions of peace and democracy.

Resolution No. 285-09

ADOPTED

**090777 [Final Map - 30-36 Guerrero Street; 1927 Market Street]**

Motion approving Final Map 4747, a three Residential Unit and one Commercial Unit Mixed-Use Condominium Project, also being a Subdivision of that real property, located at 30 – 36 Guerrero Street, 1927 Market Street being a subdivision of Lots 002 and 005 in Assessors Block No. 3501 and adopting findings pursuant to the General Plan and City Planning Code Section 101. (Public Works Department)

(DPW Order 178,223; District 8.)

**Motion No.** M09-123

**APPROVED**

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

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Absent: 1 - Maxwell

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*

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

**Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

*[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 Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090885 [Urging all San Francisco Giants fans to vote for Pablo Sandoval to represent the Giants and San Francisco at the 2009 Major League Baseball All-Star Game]**

**Supervisors Avalos, Dufty, Alioto-Pier, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution to encourage San Francisco Giants fans to vote for Pablo Sandoval as an All-Star.

*The entire Board requested to be added as co-sponsors.*

**Resolution No.** 284-09

**ADOPTED by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

#### Ordinances

**090886 [Water Revenue Bond Issuance]  
Supervisor Avalos**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

7/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090889 [Regulations for Mortgage Modification Consultants]  
Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu**

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

7/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/7/2009.

#### Resolutions

**090885 [Urging all San Francisco Giants fans to vote for Pablo Sandoval to represent the Giants and San Francisco at the 2009 Major League Baseball All-Star Game]  
Supervisors Avalos, Dufty, Alioto-Pier, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution to encourage San Francisco Giants fans to vote for Pablo Sandoval as an All-Star.

7/7/09, ADOPTED. The entire Board requested to be added as co-sponsors.

**090887 [Water Revenue Bonds Issuance]  
Supervisor Avalos**

Resolution approving the issuance of not to exceed \$1,120,185,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith, and related matters.

(Fiscal Impact.)

7/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090888 [Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]  
Supervisor Dufty**

Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street.

7/7/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090890 [Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]  
Supervisor Alioto-Pier**

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090891 [Accept and Expend State Grant - Office of the Public Defender - \$100,583]  
Supervisor Campos**

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of \$100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090892 [Mortgage Revenue Bonds]  
Supervisors Daly, Mirkarimi, Campos**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$75,000,000 for the 220 Golden Gate Avenue Development (as such project is defined herein); 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 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 \$75,000,000; 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).

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090893 [Accept and Expend Federal Funds - Department of the Environment - \$60,000]  
Supervisors Mar, Campos**

Resolution authorizing the Department of the Environment to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program in the amount of \$60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090894 [Apply for funds from the Clean Water State Revolving Fund for the Newcomb Avenue Streetscape Project]  
Supervisor Maxwell**

Resolution authorizing the San Francisco Planning Department to apply for funds from the State of California Clean Water State Revolving Fund for streetscape, traffic calming, and green stormwater improvements along the 1700 Block of Newcomb Avenue.

7/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



**Introduced by the President at the Request of Departments****PROPOSED ORDINANCES****090845 [Settlement of Lawsuit - Yao Tondo - \$140,000]**

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for \$140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney).

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

**090846 [Settlement of Lawsuit - Mai Tai Investors L.P., et al. - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

**090847 [Settlement of Lawsuit - Tony Nguyen, dba MicroLan - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS****090848 [Emergency contract to repair Fireboat Pier 22 1/2]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to repair Fireboat Pier 22 1/2. (Public Works Department)

(Fiscal Impact.)

6/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

*From: Supervisor Daly*

*To: City Attorney*

*Requesting/Inquiring: Request for legislation requiring submission of Annual Appropriation Ordinance and Annual Salary Ordinance by May 1st.*

*From: Supervisors Daly and Mirkarimi*

*To: Public Defender, Jeff Adachi*

*Requesting/Inquiring: Inquiring to the Public Defender's Office from Supervisor Chris Daly:*

- 1. What is the amount of the shortfall in the Public Defender's budget, and how will this shortfall affect your office's operations and programs? Which specific programs would you have to eliminate if the budget cut proposed by the Mayor is imposed?*
- 2. How much of the budget shortfall would affect the legal representation of indigent children? How would it affect the quality of the work that you were able to perform? Is that work required or mandated by statute?*
- 3. How much of the budget shortfall would result in additional costs to the City as a result of having to outsource cases to private attorneys? Would there be a net increase or decrease in costs of outsourcing cases to private attorneys after the City realized the savings by reducing your staff?*
- 4. Are there any programs that you could eliminate without affecting your caseloads or workloads of your public defenders? What are these programs and what functions do they perform?*
- 5. Have you considered any other alternatives other than outsourcing cases to private attorneys at an hourly rate? Are there any private law firms that might be willing to take cases that the Public Defender cannot handle on a pro bono basis?*
- 6. What is the minimum amount of funding needed to maintain the current caseload of the Public Defender's office in order to avoid the need to outsource cases to private attorneys?*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian  
Southeast corner of Fillmore and Post  
Southwest corner of Divisadero and Sutter  
9th Avenue and Judah (near bus stops)  
7th Avenue and Irving (near bus stops)  
Northwest corner of Hayes and Fillmore  
Southeast corner of Fillmore and Haight*

*San Francisco Chronicle  
Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore  
Irving and 9th Avenue  
Irving and 7th Avenue  
Southwest corner of Haight and Clayton  
Southeast corner of Haight and Masonic*

*Examiner*

*Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore*

*SF Daily*

*Northwest corner of Hayes and Gough*

*City Star*  
*Northwest corner of Hayes and Gough*  
*Southeast corner of Fillmore and Haight*

*SF Weekly*  
*Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore*

*From: Supervisor Mirkarimi*  
*To: Director, Department of Public Works*  
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*  
*Garbage Cans*  
*Southwest corner Webster and Haight*  
*Southeast corner Buena Vista East and Haight*

*Mailboxes*  
*Southwest corner Ellis and Divisadero*  
*Northwest corner Golden Gate and Divisadero*  
*Southwest corner Laguna and Haight*  
*Northeast corner Fillmore and Haight*  
*Northwest Haight and Fillmore*

*Street Wall*  
*On Hayes, across from Alamo Square, between Scott and Pierce*

*From: Supervisor Mirkarimi*  
*To: Director, Department of Public Works*  
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property locations:*

*Utility Boxes*  
*Northwest corner Octavia and Market*  
*Northwest corner Buchanan and Fell*

*Bus Shelters*  
*Southwest corner Buchanan and Haight*  
*Southeast corner Fillmore and Hermann (inside canopy)*  
*Fillmore and Haight (all 4 bus stops, graffiti and grime)*

*From: Supervisor Mirkarimi*  
*To: Director, Department of Public Works*  
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Metal Pole*  
*Southwest corner Sutter and Scott*  
*Southwest corner Fell and Buchanan*  
*Northeast corner Haight and Fillmore*  
*Southwest corner Oak and Fillmore*  
*Southwest corner Octavia and Haight*  
*Northwest corner Oak and Buchanan*  
*In front of 498 Haight*  
*In front of 112 Haight*

Wood Pole  
Northwest corner Sutter and Scott  
Northwest corner Webster and Haight

From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

- 1655 Divisadero
- 839 Divisadero
- 1389 Divisadero
- 500 Haight
- 1037 Oak
- 398 Haight
- 295 Haight
- 55 Laguna
- 303 Webster
- 1758 Fillmore
- 478 Haight
- 503 Laguna

**In Memoriams**

- Michael Joseph Jackson - Supervisors Avalos, Campos, Maxwell
- Michael Joseph Walsh - Supervisors Avalos and Dufty
- Eve Minnie Tucker - Supervisor Chiu
- Laurence D. Lynch - Supervisor Dufty
- Susan Cagann - Supervisor Dufty
- Captain William T. O'Connor - Supervisor Dufty
- Celeste Dorwin Stewart - Supervisor Dufty
- James Chorley - Supervisor Elsbernd
- Bill Ryan - Supervisor Elsbernd
- Joe Ryan - Supervisor Elsbernd
- Edythe Gillette Nance - Supervisors Maxwell and Dufty
- Francis M. DuBose - Supervisor Mirkarimi

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:08 p.m.*

*Angela Calvillo, Clerk of the Board*

*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 August 4, 2009.*



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Angela Calvillo  
Clerk of the Board