

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, January 15, 2008 2:00 PM

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

Regular Agenda

AARON PESKIN, PRESIDENT

*MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE MCGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL*

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Peskin, Ammiano, Dufty

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Alioto-Pier, Chu

Government Audit and Oversight Committee

Supervisors Elsbernd, Alioto-Pier, Daly

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Chu

Rules Committee

Supervisors Ammiano, Elsbernd, Peskin

Meeting Days

Wednesday

1:00 PM

1st and 3rd Thursday

3:30 PM

2nd and 4th Thursdays

1:00 PM

1st and 3rd Mondays

10:00 AM

Monday

1:00 PM

2nd and 4th Monday

10:00 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 103 Number 2

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

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.

There was a quorum present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board of the Board of Supervisors informed the Board members that Edmund Jew has resigned as Supervisor and Mayor Gavin Newsom has appointed Carmen Chu as the Supervisor for District 4.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

071521 [Public Works Code - cafe tables and chairs permit fee]
Supervisors Chu, Dufty, Mirkarimi

Ordinance amending Public Works Code Sections 2.1.1 to update the cafe tables and chairs permit fee and making environmental findings.

Ordinance No. 7-08

FINALLY PASSED

Recommendation of the Rules Committee

**071565 [Extending the expiration of the legislation establishing the Back Streets Business Advisory Board to December 31, 2008]
Supervisor Maxwell**

Ordinance amending the San Francisco Administrative Code by amending Section 5.265, to retroactively extend the expiration of the legislation establishing the Back Streets Business Advisory Board to December 31, 2008.

**Ordinance No. 8-08
FINALLY PASSED**

071575 [Settlement of Lawsuit - Trustees of The J. David Gladstone Institutes, et al., v. CCSF]

Ordinance authorizing settlement of the lawsuit filed by Trustees of The J. David Gladstone Institutes against the City and County of San Francisco for the payment of \$420,000 to the City and County of San Francisco; the lawsuit was filed on February 13, 2007 in San Francisco Superior Court, Case No. 460-409; entitled Trustees of The J. David Gladstone Institutes, et al., v. City and County of San Francisco, et al; other material terms of the settlement are that the Lease will be amended to terminate The J. David Gladstone Institutes as a tenant of San Francisco General Hospital Building 40. (City Attorney)

**Ordinance No. 9-08
FINALLY PASSED**

071612 [Settlement of Eminent Domain Lawsuit Against the City and County of San Francisco]

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for \$1,088,000.00; the lawsuit was filed on June 6, 2006 in San Francisco Superior Court, Case No. CGC-06-452985; entitled Pacific Gas & Electric Company v. City and County of San Francisco; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation and the Judgment in Condemnation, contained in Board of Supervisors File No. 071612. (City Attorney)

**Ordinance No. 10-08
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

**071136 [Recreation and Park Department - Camping, Sleeping]
Mayor**

Ordinance amending San Francisco Park Code Section 3.12 to prohibit cooking, and to prohibit modification of park landscape to create a shelter; and amending Section 3.13 to prohibit sleeping in any park from 8:00 p.m. to 8:00 a.m.

(Supervisor Daly dissented in Committee.)

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Chu

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

Recommendation of the Public Safety Committee

**071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

Continued to January 29, 2008

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

061379 [Hearing - Acquisition of Property By Eminent Domain-Islais Creek MUNI Maintenance Facility]

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

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.

FILED.

Committee of the Whole Adjourn and Report Without Recommendation

061377 [To acquire property by Eminent Domain-Islais Creek MUNI Maintenance Facility] Supervisor Maxwell

Resolution authorizing acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071579 [Approval of Modification No. 1 of Lease and Operating Agreement L-99-0321 with Cathay Pacific Airways, Ltd., at San Francisco International Airport]

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Operating Agreement L-99-0321 with Cathay Pacific Airways, Ltd., for office space in the International Terminal of San Francisco International Airport. (Airport Commission)

Resolution No. 17-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071580 [Approval of Lease Agreement L-07-0255 with Singapore Airlines Cargo Pte., Ltd. at San Francisco International Airport]

Resolution approving and authorizing the execution of Lease Agreement L-07-0255 with Singapore Airlines Cargo Pte., Ltd. for cargo warehouse and office space in Building 710 on Plot 12 of San Francisco International Airport. (Airport Commission)

Resolution No. 18-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**071676 [Grant to support the Shape Up BVHP program]
Supervisor Peskin**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a two-year grant from Kaiser Permanente in the amount of \$150,000 for the project entitled "Shape Up BVHP," for the period of October 1, 2007 through September 30, 2009, which includes a subcontract with the SF Study Center for \$130,610 for the same time period.

Resolution No. 16-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee Without Recommendation

071371 [Taxicab gate cap; ratifying previous gate fees; gate surcharge for "clean air vehicles"; taxi fleet greenhouse gas emissions]
Supervisor Alioto-Pier

Ordinance amending the San Francisco Police Code by adding Section 1137.1, to: increase the gate fee that may be charged by "full-service" taxicab companies, as defined in the ordinance, from \$91.50, as authorized by Board Resolution No. 605-06, to \$110; provide for annual adjustments to the gate fee cap and, ratify gate fees previously charged retroactive to January 1, 2003.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

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

Privilege of the Floor

Supervisor Ammiano, seconded by Supervisor Mirkarimi, 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 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Marc Huestis.

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Captain John Ehrlich, SFPD.

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to members of the San Francisco Police Department Dream Team.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Lee Ann Monferdini.

SPECIAL ORDER 3:30 P.M.**070967 [Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

*The President inquired as to whether any member of the public wished to address the Board members.
Continued to March 18, 2008*

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)**070968 [Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to March 18, 2008

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070969 [Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to March 18, 2008

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.**080010 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 652 Duncan Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007 that a project at 652 Duncan Street (Building Permit Application No. 2005.12.23.0995, Case No. 2006.0665D) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed project is a horizontal addition of two bedrooms and bathroom on a first floor and a dining room on a second floor, a vertical addition of a bedroom and bath, renovation of a kitchen and seismic improvements to a single-family dwelling, located in a RH-1 (Residential House, One-Family) District and a 40-X Height and Bulk District (Assessor's Block 6589, Lot 002J).
(Appellant: Stephen M. Williams)

(Filed December 7, 2007; companion measure to 080011, 080012, 080013; District 8.)

*The President inquired as to whether any member of the public wished to address the Board.
Continued to February 5, 2008*

Supervisor Duffy, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)**080011 [Affirming the categorical exemption issued for the 652 Duncan Street project]**

Motion affirming the determination by the Planning Department that the 652 Duncan Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 5, 2008

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080012 [Disapproving the categorical exemption issued for the 652 Duncan Street project]

Motion disapproving the determination by the Planning Department that the 652 Duncan Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 5, 2008

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080013 [Preparation of findings related to the 652 Duncan Street 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 652 Duncan Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 5, 2008

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Female speaker; expressed concern with issues relating to Falun Gong persecution

Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights

Male speaker; expressed concern with issues relating to women's rights

Male speaker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Pastor Gary Banks; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Richard Robinson; expressed concerns with issues relating to homosexuality

Mr. Webb; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Pastor Aurillus Walker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Francisco da Costa; showed support for the proposed affordable housing legislation proposed by Supervisor Daly

Male speaker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Jim Queen; showed support for the proposed affordable housing legislation proposed by Supervisor Daly

Female speaker; showed support for the proposed affordable housing legislation proposed by Supervisor Daly

Alicia Schwartz; showed support for the proposed affordable housing legislation proposed by Supervisor Daly

Female speaker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Daniel Lander; showed support for the proposed affordable housing legislation proposed by Supervisor Daly

Arnold Townsend; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell

Abdullah Megaheed; expressed concern with issues relating to the working for the City together

Supervisor Daly was noted present at 3:14 p.m.

CLOSED SESSION

080076 [Closed Session - Existing Litigation, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation, SN SANDS Corporation, DBA S & S Trucking vs. the City and County of San Francisco, San Francisco Superior Court No. 507-848.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit. (City Attorney)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The Board recessed at the hour of 3:48 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:

Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Vince Chabria, Deputy City Attorney

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Clerk

Reconvening of the Board

The Board at the hour of 4:45 p.m. reconvened.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved not to disclose its closed session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor Daly was noted absent at 3:00 p.m.

**080067 [Commending Margaret Cooch upon her retirement]
Supervisors Mirkarimi, Ammiano, Daly**

Resolution commending Margaret Cooch upon her retirement as Executive Director of Planning for Elders and honoring her life-long service to the broader communities of senior and people with disabilities.

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

Resolution No. 19-08

ADOPTED

**080068 [Urging San Franciscans not to purchase eggs produced by caged hens]
Supervisor Peskin**

Resolution urging San Franciscans not to purchase eggs produced by caged hens and opposing the factory farming practice of confining egg-laying hens in battery cages.

Resolution No. 20-08

ADOPTED

**080070 [San Francisco joins with others to form the creation of California Green Cities]
Mayor**

Resolution committing San Francisco to join other California cities in an effort to promote local, regional, and national sustainability measures, called California Green Cities.

Resolution No. 21-08

ADOPTED

**080071 [Funds to support risk reduction project]
Supervisors Dufty, Ammiano**

Resolution authorizing the San Francisco Department of Public Health (DPH), HIV Research Section to enter retroactively into an agreement in the amount of \$48,444 with Public Health Foundation Enterprises (PHFE), the primary contractor, to participate in a project regarding risk reduction counseling; for the period of August 1, 2007 through July 31, 2008.

Resolution No. 22-08

ADOPTED

**080072 [Approval of a 30 day extension of Planning Commission review - Union Street Neighborhood Commercial District]
Supervisor Alioto-Pier**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full service restaurants that satisfy specific requirements and obtain conditional use authorization; and making environmental findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Resolution No. 23-08
ADOPTED

**080073 [Urging the California State University system to develop uniform hiring policies to ensure workforce diversity]
Supervisor Sandoval**

Resolution urging the California State University system to develop uniform hiring policies to ensure workforce diversity.

Resolution No. 24-08
ADOPTED

**080074 [Approval of a second 90 day extension for Planning Commission review - adoption or expenditure of neighborhood impact fees]
Supervisor Alioto-Pier**

Resolution extending by an additional 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would add Planning Code Section 320, 320.1, 320.2 and 320.3 establishing a process to permit the adoption or expenditure of neighborhood impact fees as defined in the ordinance only after the Planning Department has conducted or caused to be conducted an impact study supporting the imposition of such a fee and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Resolution No. 25-08
ADOPTED

**080069 [Concurring in January 4, 2008 Proclamation of Local Emergency]
Mayor, Supervisor Peskin**

Motion concurring in the Mayor's January 4, 2008 Proclamation of Local Emergency, and in the actions taken to meet the emergency.

Motion No. M08-4
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**080089 [Suspending Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance]
Supervisor Alioto-Pier**

Ordinance amending the San Francisco Health Code by adding Section 34.10, to suspend Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance.

1/15/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/14/2008.

**080090 [Community stabilization and PDR replacement fees and funds]
Supervisor Daly**

Draft Ordinance amending the Planning Code to add Sections 319A et seq. to create a community stabilization fund and PDR replacement fund and imposing fees on specified new developments in the Eastern Neighborhoods Area Plans, as defined herein; making a declaration of policy concerning pending residential development projects in the Eastern Neighborhoods Area Plans that are compliant with the current Planning Code; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Economic Impact

1/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2008.

**080092 [De-appropriating \$45,612 from Economic and Workforce Development and Appropriating \$45,612 for Special Events Promotion in the Entertainment Commission for Fiscal Year 2007-2008]
Supervisor Dufty**

Ordinance de-appropriating \$45,612 of Community Based Organization Services from the Department of Economic and Workforce Development, and appropriating \$45,612 for one 0923 Manager II position (0.33 FTE) for special events promotion in the Entertainment Commission for Fiscal Year 2007-2008.

1/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080093 [Zoning - Extending the interim moratorium on institutional uses in the Western SoMa]
Supervisors Peskin, Ammiano, Maxwell, Daly**

Urgency Ordinance approving an extension of interim zoning moratorium to prohibit the establishment of new institutional uses in the Western SoMa Planning Area Special Use District for an additional 22 months and 15 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

1/15/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080094 [Banning use of gas-powered leaf blowers]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Police Code by adding Section 65, to prohibit the use of gas-powered leaf blowers within the City and County.

1/15/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/14/2008.

**080095 [Requirements for off-street parking and loading]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.10 to include a car-share parking space as part of a community commercial parking garage use; and adopting findings.

1/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2008.

**080096 [Authorizing a gate fee surcharge for alternate fuel vehicles put into service as taxicabs prior to 2011; requiring that all vehicles put into service as taxicabs in 2011 and after be alternate fuel vehicles]
Supervisor Sandoval**

Ordinance amending the San Francisco Police Code by adding Section 1135.3, to authorize a graduated surcharge on the gate fee for new alternate fuel vehicles put into service as San Francisco taxicabs during the next three years, and requiring that all vehicles put into service as San Francisco taxicabs after January 1, 2011 be alternate fuel vehicles.

Economic Impact

1/15/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/14/2008.

**080097 [Recreation and Park Department - Geneva Office Building Contract]
Supervisor Sandoval**

Ordinance waiving Administrative Code Sections 6.40 and 6.41 regarding the competitive procurement requirements for professional services relating to a public work project, and authorizing the Recreation and Park Department to enter into a contract for \$1.2 million with a private non-profit organization for the planning and development of the adaptive re-use of the Geneva Office Building as a space for youth and teen arts.

1/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080098 [Appropriating \$55,000,000 of Commercial Paper revenue for Terminal Improvements T2 Boarding Area D renovations at the San Francisco Airport for Fiscal Year 2007-2008]**Mayor**

Ordinance appropriating \$55,000,000 of commercial paper revenues for Renovations to the terminal two boarding area D at the San Francisco Airport for Fiscal Year 2007-2008. (Mayor)

(Fiscal Impact.)

1/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080099 [Appropriating \$34,896,162 of bond sale proceeds, interest and property rental revenues for improvements and construction of San Francisco Public Library Facilities Fiscal Year 2007-2008]**Mayor**

Ordinance appropriating \$31,065,000 of bond sale proceeds from the 2000 Branch Library Improvement Program Bond – 4th Series, \$3,679,362 in bond interest earned and \$151,800 in rent monies to fund the improvement and construction of the San Francisco Public Library Facilities for Fiscal year 2007-08. Place Controller's Reserve on \$31,065,000 of the bond sale proceeds pending sale of the bond.

1/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080100 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]**Mayor**

Ordinance amending the 2007 San Francisco Building Code by adding a new Chapter _____ to require commercial buildings to install more efficient fluorescent lighting or other lighting efficiency measures by 2009, to make findings in accordance with California Health and Safety Code Section 17958.7 7 as to the local climatic, topological and geological reasons for amending the State Building Code; amending Section 705 of the Environment Code to require City-owned facilities to comply with the same lighting efficiency measures; and to make environmental findings.

Economic Impact

1/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2008.

Resolutions**080091 [Treasure Island Affordable Housing]****Supervisor Daly**

Resolution encouraging the Treasure Island Community Development, LLC and the Treasure Island Development Authority to include 50% affordable housing in the Disposition and Development Agreement for the Former Naval Station Treasure Island.

1/15/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080101 [Western Addition Branch Library grand re-opening]
Supervisor Mirkarimi**

Resolution commemorating the grand re-opening of the Western Addition Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

1/15/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080102 [Opposing the "California Property Owners and Farmland Protection Act"]
Supervisors Sandoval, Peskin, McGoldrick, Mirkarimi, Maxwell, Daly, Duffy, Ammiano**

Resolution opposing the "California Property Owners and Farmland Protection Act" as exacerbating the housing crisis in San Francisco, undermining the City's efforts to rebuild the water delivery system, and restricting the City's ability to fight global warming and enforce sensible land use policies.

1/15/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080103 [New Ingleside Branch Library groundbreaking]
Supervisors Elsbernd, Sandoval**

Resolution recognizing the groundbreaking ceremony for the new Ingleside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

1/15/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080104 [Appointment - Urban Counties Caucus]
Supervisor Peskin**

Motion appointing Supervisor Carmen Chu, term ending December 31, 2008 to the Urban Counties Caucus.

1/15/08, RECEIVED AND ASSIGNED to Rules Committee.

**080105 [Appointment - California State Association of Counties]
Supervisor Peskin**

Motion appointing Supervisor Carmen Chu, term ending November 28, 2008, as a member to the California State Association of Counties Board of Directors.

1/15/08, RECEIVED AND ASSIGNED to Rules Committee.

**080106 [Commending Steve McAdam]
Supervisor Peskin**

Resolution commending Steve McAdam.

1/15/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080107 [Supporting an application for federal funding to evaluate the use of Maglev in San Francisco]
Supervisor Alioto-Pier**

Resolution supporting an application for federal funding to evaluate the use of Maglev in San Francisco.
1/15/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080112 [National Wear Red Day - February 1, 2008]
Supervisor Peskin**

Resolution declaring February 1, 2008 as National Wear Red Day in San Francisco.
1/15/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

**080087 [Establishing a Full Service Post Office in the Tenderloin Neighborhood]
Supervisor Daly**

Hearing to discuss the benefits and process for establishing a full service post office at Hyde Street and Golden Gate Avenue. On the corner of northwest corner of Hyde Street and Golden Gate Avenue sits a general delivery post office. What would the process be for converting this station into a full service station? What would the impacts of a full service post office on the neighborhood in terms of enhanced safety, small business development and overall neighborhood feel?
1/15/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080088 [DPH Report on Drug-Resistant USA300 Strain of Staph Infection]
Supervisors Dufty, Ammiano, Maxwell, Alioto-Pier**

Hearing on the growing incidence of infection by a drug-resistant strain of the staphylococcus bacteria called "USA300." Report from Department of Public Health and San Francisco General Hospital on current epidemiology of the strain, as well as any plans to incorporate this information into San Francisco's prevention and treatment modules targeted to gay men and/or others.
1/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080108 [Solar Energy Incentive Program]
Mayor**

Hearing to consider the proposed initiative Ordinance to be submitted by the Mayor to the voters at the June 3, 2008 election entitled "Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator".
1/15/08, RECEIVED AND ASSIGNED to Rules Committee.

**080109 [Prohibition on accepting campaign contributions from contractors doing business with the City]
Mayor**

Hearing to consider the proposed initiative ordinance to be submitted by the Mayor to the voters at the June 3, 2008 election entitled "Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct Code by amending section 1.126 to prohibit elected officials and their controlled committees from soliciting or accepting contributions from certain City contractors".

1/15/08, RECEIVED AND ASSIGNED to Rules Committee.

080110 [Prohibition on making, soliciting or accepting campaign contributions from persons with conditional use or California Environmental Quality Act appeals at the Board of Supervisors for projects worth \$10 million or more]

Mayor

Hearing to consider the proposed initiative ordinance to be submitted by the Mayor to the voters at the June 3, 2008 election entitled "Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct Code by adding section 1.127 to prohibit making, soliciting or accepting contributions to members of the Board of Supervisors, candidates for the Board of Supervisors, and their controlled committees from any party with a conditional use or California Environmental Quality Act appeal pending at the Board of Supervisors and for six months following the conclusion of the appeal if the cost of the project is \$10 million or more".

1/15/08, RECEIVED AND ASSIGNED to Rules Committee.

**080111 [Incentives for Family-sized Affordable Housing Units]
Supervisors Dufty, Maxwell, Mirkarimi, Peskin**

Hearing to consider the proposed initiative ordinance to be submitted by four or more Supervisors to the voters at the June 3, 2008 election entitled "Ordinance amending the Residential Inclusionary Affordable Housing Program, including Planning Code Section 315.9 to allow for density bonuses to project applicants who develop on-site, affordable family-sized units as defined herein as part of their inclusionary housing requirements; and the addition of Planning Code Section 315.10 regarding severability".

1/15/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

080054 [Settlement of Lawsuits and Claims]

Ordinance authorizing settlement of claims made by Plaintiffs Kurt Bruneman, Tom Feledy, Narda Gillespie, Michael Hughes, Gregory Mar, Donna Meixner, Mark Osuna, Frederick Schiff, Mark Sullivan, Dennis Quinn, Donald Woolard, Michael Zurcher in a multi-party action against the City and County of San Francisco for \$1,600,000.00, and City to credit Mark Sullivan with 125.5 compensation time hours; the three lawsuits for the above-mentioned plaintiffs were all filed in the United States District Court, Northern District, Case No. C03-4345 (filed on January 16, 2003 and entitled Frederick Schiff v. City and County of San Francisco, et al.), Case No. C04-2261 (filed on June 8, 2004 and entitled Narda Gillespie, et al. v. City and County of San Francisco, et al.), Case No. C04-2262 (filed on June 8, 2004 and entitled Mark Osuna v. City and County of San Francisco, et al.). (City Attorney)

1/3/08, RECEIVED AND ASSIGNED to Rules Committee.

080055 [Settlement of Lawsuit - Teresa Yeung]

Ordinance authorizing the settlement of a lawsuit filed by Teresa Yeung, against the City and County of San Francisco for \$87,500.00; the lawsuit was filed on July 23, 2007, in San Francisco Superior Court, Case No. 07-465400, entitled Teresa Yeung v. City and County of San Francisco.

1/3/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**080051 [Emergency contract to design and install permanent high voltage electrical distribution system at San Francisco General Hospital]**

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60, to install a new, permanent high voltage electrical distribution system at San Francisco General Hospital. (Public Works Department)

(Fiscal Impact.)

1/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080052 [Airport Lease and Operating Agreement]

Resolution approving the exercise of the second of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

(Fiscal Impact.)

1/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080053 [Airport Concession Lease]

Resolution approving the Boarding Area "F" Candy Store and Kiosks Lease between Pacific Gateway Concessions, LLC., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

1/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080056 [Approving a modified term in excess of ten years for Consultant Contract ENEN99000032-01 with TRC-Imbsen & Associates, for services related to the Fourth Street Bridge]

Resolution approving a modified term in excess of ten years for Consultant Contract ENEN99000032-01 with TRC-Imbsen for design professional services related to the Fourth Street Bridge Seismic Retrofit and Rehabilitation project, under Charter Section 9.118(b). (Public Works Department)

1/3/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting that the Department of Parking and Traffic report on the status of removing graffiti from parking signs and poles at the following locations:

-Baker between Geary and California

-Sutter between Divisadero and Lyon

-Sutter between Fillmore and Steiner

-Scott between California and Bush

-Bush between Divisadero and Gough

-Pine between Gough and Divisadero

-Pierce between Post and Bush

-Wilmont between Steiner and Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting that the Department of Parking and Traffic report on the status of removing graffiti from the following DPT/MTA property:

Signs

"One-Way" sign at the northeast corner of Wilmont and Steiner

Parking Meters

Between Bush and Divisadero

Pedestrian Crossing Signal

All corners of Bush and Broderick

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing the graffiti from mailboxes and garbage cans at the following locations:

Mailboxes

Northeast corner of Waller and Divisadero

Northeast corner of Divisadero and O'Farrell

Southeast corner of Sutter and Divisadero

Northeast corner of Broderick and Bush

Northwest corner of Fillmore and Sutter

Garbage Cans:

Northeast corner of Baker and Sutter

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the public property located at the following locations:

Emergency Boxes

Southeast corner of Divisadero and Eddy

Southeast corner of Bush and Broderick

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the utility poles at the following locations:

Metal

Northeast corner of Sutter and Steiner

All poles on Steiner between Pierce and Bush

All poles on Divisadero between Page and Haight

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:

-600 Divisadero

-2401 Post

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes at the following locations:

-Intersection of Steiner and Bush (east crosswalk)

-Intersection of Geary and Divisadero (more on the north side of intersection)

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from newstands at the following locations:

Guardian

Southwest corner of Geary and Divisadero

SF Daily

Southeast corner of Divisadero and Bush

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:

Light Switch Boxes

Southeast corner of Divisadero and Turk

Northeast corner of Baker and Post

Phone Switch Boxes

Northeast corner of Broderick and Post

Southeast corner of Broderick and Bush

1750 Bush

Northeast corner of Bush and Broderick

From: Supervisor Ammiano

To: Director, Mayor's Office of Criminal Justice

To: Director, Mayor's Budget Office

To: Chief, San Francisco Police Department

Requesting/Inquiring: Though it may not be the best formula, the City allocates crime-fighting resources based on body counts. The Mission's homicide rate increased in 2007 over 2006, and in the first 2 weeks of 2008, there have been multiple murders and many more people have been hospitalized with gunshot and stab wounds.

I want confirmation from the administration that significantly increased resources will be brought to bear in the Mission to combat the violence that is taking the lives of our young men and women, and generally wreaking havoc in our community. The current wave of violence is more than demonstrative of the need.

I want to know what the status of installing shot-spotter technology in the Mission is, and I want a date certain timeline for the deployment and utilization of this technology.

Additionally, I want to know how the administration will increase resources for violence prevention in what seems to be a lean budget year.

Given that violence has been and is still on the rise in the Mission, what has the City's law enforcement community identified as the shortcomings of our current violence/crime prevention model, and to what degree is the City looking to our municipalities who have had greater success?

When can the Supervisors of the City's districts most affected by violence have a full accounting of what in our

current approach is broken, and how the City will go about fixing it?

In Memoriams

Terrell Rogers - Entire Board

Jacob Herrera - Supervisor Ammiano

Brian McElhatton - Supervisor Daly

Deputy Ernest Smith - Supervisor Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:46 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 February 5, 2008.



Angela Calvillo
Clerk of the Board