

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - FINAL

Tuesday, July 27, 2010 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

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

Meeting Days

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Wednesday

11:00 AM

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday

11:00 AM

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Dufty

2nd and 4th Monday

10:30 AM

Government Audit and Oversight Committee

Supervisors Mar, Chu, Daly

2nd and 4th Thursday

10:30 AM

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Monday

1:00 PM

Public Safety Committee

Supervisors Chiu, Mirkarimi, Elsbernd

1st and 3rd Monday

10:00 AM

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

1st and 3rd Thursday

10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:15 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of June 22, 2010. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100703 [Planning Code Amendments to Update Fees for Cost Recovery]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5, by amending Sections 350, 351, 352, 353, 354, 355, and 358, to increase fees 2.61%, and an additional 2.04% for all fees except those associated with small projects for cost recovery; add a new fee for Conditional Use Applications for Wireless Telecommunication Services Facilities; increase the Discretionary Review filing fee; and make other adjustments for cost recovery.

Ordinance No. 212-10

FINALLY PASSED

100724 [Update to Environmental Review Fees to Increase Fees for Cost Recovery, Establish a New Fee for Mitigation and Conditions of Approval Monitoring, and Make Other Clarifying Changes]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Articles IV and V, by amending Sections 31.22, 31.23, and 31.24, to increase all fees 2.61% which is the cost of living adjustment, and an additional 2.04% for cost recovery, further increase Categorical Exemption Class 32, Negative Declaration and Environmental Impact Report addendum fees for cost recovery, change the timing of Environmental Impact Report payments, add a new fee for mitigation and condition of approval monitoring, and for the Municipal Transportation Agency and Public Utilities Commission for Categorical Exemption Certificates, clarify phase collection payments and refund policy, and establish a processing fee for phased payments.

Ordinance No. 213-10

FINALLY PASSED

Recommendation of the Budget and Finance Sub-Committee

100882 [Waiver of Street Encroachment Permit Fee for Golden Gate, Highway, and Transportation District]

Sponsor: Elsbernd

Ordinance waiving the street encroachment permit processing fee in Public Works Code Section 2.1.1(j) for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

Ordinance No. 216-10

FINALLY PASSED

Recommendation of the Rules Committee

100856 [Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - \$48,500]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton, and Micha Bitton against the City and County of San Francisco for \$48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 214-10

FINALLY PASSED

100857 [Settlement of Attorney's Fees/Costs for Claim in Lawsuit - A.N.S.W.E.R. Coalition - \$90,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for \$90,000; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

Ordinance No. 215-10

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 Committee

100701 [Proposed Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]

Sponsor: Mayor

Proposed Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.

Ordinance No. 190-10

FINALLY PASSED by the following vote:

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

Noes: 1 - Daly

100747 [Proposed Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Ordinance No. 191-10

FINALLY PASSED by the following vote:

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

From the Budget and Finance Committee Without Recommendation

100750 [Increase the Real Property Transfer Tax]

Sponsor: Avalos

Motion ordering submitted to the voters an ordinance authorizing an amendment to the Real Property Transfer Tax at an election to be held on November 2, 2010.
(Economic Impact.)

Motion No. M10-118

APPROVED by the following vote:

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

100756 [Establishing a Progressive Payroll Expense Tax Rate Structure and Reducing Selected Payroll Expense Tax Rates; Imposing a Gross Receipts Tax on the Rental of Commercial Real Property]

Sponsor: Chiu

Motion ordering submitted to the voters an ordinance revising the payroll expense tax to establish a progressive tax rate structure and reducing selected payroll expense tax rates and imposing a gross receipts tax on the rental of commercial real property, at an election to be held on November 2, 2010.

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

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

100759 [Parking Tax Increase and Tax on Valet Services]**Sponsor: Mirkarimi**

Motion ordering submitted to the voters an ordinance authorizing the "Ordinance amending San Francisco Business and Tax Regulations Code, Article 9, Sections 602 and 602.5 (Tax on Occupancy of Parking Space in Parking Station) to increase the tax rate from 15% to 25%, making the total tax rate, including the existing surcharge, 35%; amending Section 601 to clarify the definition of "Operator" and "Occupant" and to add a new definition of "Valet Parking Service Provider;" and adding Section 602B to impose an additional tax of 35% on gross receipts from valet parking services" at an election to be held on November 2, 2010.

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

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

From the Board

Supervisor Daly, seconded by Supervisor Mar, moved to suspend Board Rule 1.5 to allow for additional public comment on File Nos. 100658 and 100659. The motion FAILED by the following vote:

Ayes: 3 - Daly, Mar, Mirkarimi

Noes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Privilege of the floor was granted to Michael Cohen (Mayor's Office of Economic and Workforce Development) who provided an overview on the various Bayview and Hunters Point Shipyard items and responded to questions raised throughout the discussion relating to File Nos. 100989, 100658, 100988, 100659, 100572, 100574, 100575, 100576, 100577, 100578, 100579, 100661, 100660, and 100662.

100989 [Bayview Hunters Point Redevelopment Plan]

Motion adopting findings in response to written objections to the adoption of an amendment to the Bayview Hunters Point Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Redevelopment Plan, pursuant to the requirements of the California Community Redevelopment Law. (Clerk of the Board)

Motion No. M10-120

APPROVED by the following vote:

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

From the Land Use and Economic Development Committee Without Recommendation

Supervisor Alioto-Pier was noted absent at 3:24 p.m., and noted present at 3:42 p.m.

100658 [Bayview Hunters Point Redevelopment Project Area]**Sponsors: Mayor; Maxwell**

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Daly, seconded by Supervisor Avalos, moved to AMEND sections to the accompanying Interagency Cooperation Agreement (ICA) relating to affordable housing. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to AMEND sections to the accompanying ICA relating to the removal of the Yosemite Slough Bridge. The motion FAILED by the following vote:

Ayes: Avalos, Campos, Daly, Mar, Mirkarimi

Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.4(e)(ii) on the accompanying ICA that would provide for Board review of the conceptual design of the non-stadium bridge (41 feet).' The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.4(e)(ii) on the accompanying ICA by adding 'The non-stadium (i.e., 41 foot-wide) bridge may be used for bicycles, pedestrian, buses and emergency vehicles only, and shall not be used for private automobiles. A wider bridge, which may be constructed if a stadium is constructed at the Shipyard, shall not be used by private automobiles except on game days or other stadium events and shall not be used by private automobiles more than twenty (20) days per calendar year without the prior approval of the Board of Supervisors.' The motion PASSED by the following vote:

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

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 11.2(c) on the accompanying ICA by adding '(c) Notwithstanding anything in this ICA or in the Plan Documents to the contrary, any material amendment to the Below-Market Rate Housing Plan, the Infrastructure Plan, the Open Space Plan, the Transportation Plan, or the Design for Development for the Project shall be subject to the prior review and approval of the City's Board of Supervisors, which the Board of Supervisors may give or withhold in its sole discretion. The proposed amendment shall be deemed approved by the Board of Supervisors unless the Board takes action by resolution to reject the proposed amendment within sixty (60) days following the date that the proposed amendment is submitted to the Clerk of the Board of Supervisors. The Agency agrees that it will not make any such material amendment without the Board of Supervisors prior approval as set forth above, and by consenting to this ICA, Developer agrees and consents to this requirement.' The motion PASSED by the following vote:

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

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.6 on the accompanying ICA by adding 'If the SFPUC does not provide electricity and/or natural gas to the Project Site as set forth above, and the City offers Community Choice Aggregation service in the

City, then the City's Community Choice Aggregation service will extend to and include the Project Site. In addition, the Parties agree future owners and users of property within the Project Site have the ability to participate in any such Community Choice Aggregation service available to City residents.' The motion PASSED by the following vote:

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

Noes: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND by adding Section 3.8 on the accompanying ICA to read 'Workforce Development. During the development of the Project, the Agency, the City's Office of Economic and Workforce Development, and Developer, shall prepare an annual report to the Board of Supervisors regarding the status of all workforce development related to the Project and the jobs created and offered to City residents in accordance with the Bayview Hunters Point Employment and Contracting Policy. Upon the request of one or more members of the Board of Supervisors, staff from the Agency, the City's Office of Economic and Workforce Development and Developer shall attend meetings to review the status workforce development for the Project and develop strategies to ensure that the benefits of the Bayview Hunters Point Employment and Contracting Policy are maximized to the greatest extent possible.' The motion PASSED by the following vote:

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

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND by adding Section 4.2 on the accompanying ICA to read 'BVHP ECP. Notwithstanding anything in this ICA or in the Plan Documents to the contrary, if the City changes its local hiring or first source hiring policies City-wide to require local hire mandates instead of "good faith efforts" to meet hiring goals, then the parties agree that (i) the Agency shall have the right to make conforming changes to the BVHP ECP without the approval of Developer or any Vertical Developer, (ii) such changes do not and shall not be deemed to conflict with the development permitted by the Redevelopment Plans, the Plan Documents or the DDA and (iii) such changes shall not be subject to the restrictions set forth in the Redevelopment Plans regarding New City Regulations or New Construction Requirements. Nothing in this Section 4.2 would require the Agency or the Developer to make or impose changes to the BVHP ECP that would violate the terms of a then-existing project labor agreement. The Agency and Developer agree to make changes to the DDA to make it consistent with this Section 4.2. By consenting to this ICA, Developer agrees and consents to the provisions and requirements of this Section 4.2.' The motion PASSED by the following vote:

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

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND Section 14.2.4 to the Disposition and Development Agreement (DDA) required to secure Board approval of the ICA by adding 'The Minimum Compensation Policy (adopted by Resolution No. 34-2009, April 7, 2009) attached as Exhibit AA (the "MCP"). All employers retaining employees to perform work at the Project Site shall, subject to sections 6 through 9 of the MCP, be required to provide to each employee, for each hour worked at the Project Site, not less than the Minimum Compensation set forth in section 3 of the MCP. Only workers who work at least ten (10) hours per week at the Project Site, and who are not excluded from coverage pursuant to section 2.7(b) of the MCP, are covered by this Section 14.2.4. This Section 14.2.4 shall apply to employment by the Developer, Vertical Developers, Transferees, contractors, tenants, and any other entities hiring workers for employment at the Project Site. This Section 14.2.4 does not apply to the employment of any worker for the performance of construction services, and does not apply to employers with fewer than twenty (20) employees. Developer and Vertical Developers shall ensure that all employers at the Project Site agree to terms of this Section 14.2.4 and the MCP through contractual commitments enforceable directly against project employers. The requirements of this Section 14.2.4 shall be administered and enforced as described in the MCP, with employers that are covered pursuant to this Section 14.2.4 considered, for purposes of administration and enforcement, as Contractors subject to section 3 of the MCP.' The motion PASSED by the following vote:

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

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND Section 16.3.2 on the accompanying DDA required to secure Board approval of the ICA by deleting reference to 'punitive damages.' The motion PASSED by the following vote:

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

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND by adding Section 3.7 on the accompanying ICA to read '3.7 Parcel E-2. The Agency covenants and agrees that the Agency shall not accept ownership of Parcel E-2 from the Navy unless and until Parcel E-2 has been remediated to the highest practicable level of cleanup.' The motion PASSED by the following vote:

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

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND Section 2.2 to the Community Benefits Plan to secure Board approval of the ICA to read 'The Developer shall contribute (or cause the contribution of) Two Hundred and Fifty Thousand Dollars (\$250,000) in all cash (the "Healthcare Predevelopment Contribution") to the Agency (or its designee) to be used for predevelopment expenses associated with the expansion of the Southeast Health Center, including an assessment of the programmatic needs of an expanded center in light of other health care services in the area. The obligation to contribute the Healthcare Predevelopment Contribution shall accrue and be made on the date that is ninety (90) days after the first Major Phase Approval. Based on current projections, the capital costs for expanding the Southeast Health Center will be funded through a combination of (i) tax increment generated in Zone 2 of the Bayview Hunters Point Redevelopment Project Area, (ii) the \$2,000,000 Wellness Contribution paid by the Developer, and (iii) the City's ability to finance savings that would accrue to the DPH by moving from leased space into owned space at an expanded Southeast Health Center; should the final budget for a Southeast Health Center expansion be different from current projections, the portion of the Wellness Contribution paid by the Developer for the expansion of the Southeast Health Center may be modified by the mutual consent of the parties; if the Developer contribution for the Southeast Health Center is reduced, any remaining portion of the \$2,000,000 shall be used for other health needs in the BVHP.' The motion PASSED by the following vote:

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

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND by adding Section 3.9 to the ICA to read 'No Fossil Fuel Power Plants. The City and the Agency agree that (i) new fossil fuel power plants would cause unnecessary human health impacts, (ii) alternatives such as passive heating and cooling and solar electricity and solar water heat generation can be achieved at comparable cost, and (iii) it is City and County of San Francisco policy to dismantle rather than build fossil fuel power plants. Accordingly, no fossil fuel power plants shall be included in the Project plans or approvals.' The motion PASSED by the following vote:

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

PASSED ON FIRST READING, after accepting the amendments to the accompanying reports by the following vote:

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

Noes: 1 - Daly

From the Board

100988 [Hunters Point Shipyard Redevelopment Plan]

Motion adopting findings in response to written objections to adoption of an amendment to the Hunters Point Shipyard Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Redevelopment Plan, pursuant to the requirements of the California Community Redevelopment Law. (Clerk of the Board)

Motion No. M10-121

APPROVED by the following vote:

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

From the Land Use and Economic Development Committee Without Recommendation

100659 [Hunters Point Shipyard Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

See File No. 100658.

PASSED ON FIRST READING, after accepting the amendments to the accompanying reports by the following vote:

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

From the Board

100772 [Report of Assessment Costs for Sidewalk and Curb Repairs]

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

Robert Quan (Department of Public Works) provided an amendment to the Assessment Report.

Resolution No. 351-10

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

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

100891 [Report of Assessment Costs for Blighted Property Located at 1232 Noriega Street]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted property located at 1232 Noriega Street ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Resolution be TABLED. The motion carried by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100606 [California Environmental Quality Act Findings for San Francisco Public Utilities Commission Crystal Springs/San Andreas Transmission Upgrade Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs/San Andreas Transmission Upgrade Project, part of the Water System Improvement Program for the improvements to the regional water supply system, otherwise known as Project No. CUW37101, including the Mitigation Habitat Actions at two sites in San Mateo County; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 356-10

ADOPTED by the following vote:

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

100814 [Amendment to Treasure Island Development Authority Contract with AMEC Geomatrix, Inc. - Not to Exceed \$1,799,000]

Sponsor: Mayor

Resolution approving an amendment to the contract between the Treasure Island Development Authority and AMEC Geomatrix, Inc. to extend the term through June 30, 2011, and to increase the contract by an amount not to exceed \$180,000 for a new total amount not to exceed \$1,799,000 for environmental consulting services.

Resolution No. 355-10

ADOPTED by the following vote:

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

100860 [Amendment to Maintenance and Management Agreement Between the San Francisco Port Commission and the San Francisco Redevelopment Agency for Rincon Park]

Resolution authorizing and directing the Port Executive Director to retroactively execute the Third Amendment to the Maintenance and Management Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the maintenance and management of Rincon Park by the Port, extending the term of the Agreement from July 1, 2010, to June 30, 2013. (Port)

Resolution No. 354-10

ADOPTED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

100693 [Mission Bay North-Block N1 Public Infrastructure Improvements]

Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

100852 [Mission Bay South - Park P17 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P17, lying along Mission Bay Boulevard North, Mission Bay Boulevard South and Terry A. Francois Boulevard for public use and naming the new park "Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,716 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

100853 [Mission Bay South - Park P18 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P18, lying along Terry A. Francois Boulevard between Mission Bay Boulevard North and China Basin Street for public use and naming the new park "Bayfront Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,715 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

100883 [Agreement Regarding the Exchange of Fire Station No. 1 Located at 676 Howard Street and Portions of Hunt Street for 935 Folsom Street and a Replacement Fire Station]

Sponsor: Mayor

Ordinance authorizing the Director of Property to execute a conditional land disposition and acquisition agreement with the San Francisco Museum of Modern Art and its affiliate (collectively, Museum) for the proposed future conveyance by the City and County of San Francisco (City) to Museum of real property located at 676 Howard Street, San Francisco (Fire Station No. 1) and all of that portion of Hunt Street within Block No. 3722, collectively, in exchange for conveyance by Museum to City of a parcel of real property located at 935 Folsom Street, a new fire station to be constructed by or on behalf of Museum on such parcel, and an easement for parking purposes adjacent to such parcel; exempting from the competitive bidding and contract requirements of Chapter 6 of City's Administrative Code all contracts to be entered into by Museum for the design and construction of the new fire station and the improvement of such parcel and parking easement; and making findings, including findings of consistency with the General Plan and Planning Code Section 101.1(b).

PASSED, ON FIRST READING by the following vote:

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

100639 [Permits for Commercial Parking Garages and Lots]

Sponsor: Alioto-Pier

Ordinance amending sections of the San Francisco Police Code, Business and Tax Regulations Code and Fire Code to: (1) transfer responsibility for parking garage and parking lot permits from the Fire Department to the Police Department; (2) require a commercial parking permit to operate a garage or lot where members of the public can park for a charge; set fees; establish permit issuance, suspension and revocation procedures; establish requirements for permit holders and individuals working at parking garages and lots; and (3) limit the term of a commercial parking permit to one year and require annual application for a commercial parking permit.

PASSED, ON FIRST READING by the following vote:

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

100467 [Zoning Map Amendment for One Capitol Avenue]**Sponsor: Avalos**

Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of San Francisco for the real property at One Capitol Avenue (Assessor's Block No. 7148/Lot No. 040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential, House, One-Family) Zoning District; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

Supervisor Avalos requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

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

100804 [Interim Zoning - Requiring Conditional Use Authorization for Change in Use or Reduction of Child Care Facilities]**Sponsors: Alioto-Pier; Dufty, Daly, Chiu, Maxwell and Mar**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any child care facility that serves more than 13 children, for an 18 month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

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

Resolution No. 365-10**ADOPTED by the following vote:**

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

Noes: 2 - Chu, Elsbernd

From the Land Use and Economic Development Committee Without Recommendation**100572 [CEQA Findings, Candlestick Point - Hunters Point Shipyard Phase II Project]****Sponsors: Mayor; Maxwell**

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations in connection with the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative.

Supervisor Chiu, seconded by Supervisor Campos, moved that this Resolution be AMENDED beginning on Page 5, Line 9, to read 'FURTHER RESOLVED, that because the City and County of San Francisco remains deeply concerned about the Navy's final cleanup strategy for Parcel E-2, the Board of Supervisors hereby (i) declares the adoption of these findings shall not in any way imply support of a cap for Parcel E-2, (ii) pursuant to Proposition P, adopted by the voters of San Francisco in 2000, and the legally binding Conveyance Agreement regarding the cleanup and transfer of the Shipyard between the Navy and the City, executed in 2004, implementing Proposition P, the Board of Supervisors hereby declares its intention that the United States Environmental Protection Agency (U.S. EPA), California Environmental Protection Agency (California EPA), and the Navy should pursue the highest practicable level of cleanup for Parcel E-2, and that the San Francisco Redevelopment Agency shall not accept such property unless and until that cleanup standard is satisfied as provided in the Interagency Cooperation Agreement between the City and the Redevelopment Agency, and (iii) the Board of Supervisors shall conduct a hearing regarding potential final cleanup strategies for Parcel E-2 before a final remedy is selected, and urges that the Navy, U.S. EPA and California EPA participate in such hearing before the Board of Supervisors regarding potential final cleanup strategies for Parcel E-2 before a final remedy is selected, and the Board of Supervisors shall conduct a separate hearing prior to any transfer of Parcel E-2 to the San Francisco Redevelopment Agency.' The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Avalos, Daly

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED beginning on Page 6, Line 1, by adding a final sentence to read 'To the extent final remedies have not already been selected, the Board of Supervisors shall conduct hearings regarding potential final cleanup strategies for each Project parcel at the Shipyard before any final remedies are selected and urges that the Navy, U.S. EPA and California EPA participate in all such hearings.' The motion carried by the following vote:

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

Resolution No. 347-10

ADOPTED AS AMENDED, after accepting the amendments to the accompanying reports by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Avalos, Daly

100574 [General Plan Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]**Sponsors: Mayor; Maxwell**

Ordinance amending the San Francisco General Plan by amending the Bayview Hunters Point Area Plan, the Transportation Element, the Recreation and Open Space Element, the Commerce and Industry Element, maps and figures in various Elements, and the Land Use Index, and by adopting and adding the Candlestick Point Subarea Plan and the Hunters Point Area Plan, in order to facilitate the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

100575 [Hunters Point Shipyard - Health Code Amendment]**Sponsors: Mayor; Maxwell**

Ordinance amending Article 31 of the Health Code to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply to Hunters Point Shipyard Parcel A to address potential residual contamination, and imposing fees to administer this Article; amending Sections 804 and 1227 of the Health Code to make conforming amendments; and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

100576 [Hunters Point Shipyard - Public Works Code Amendment]**Sponsors: Mayor; Maxwell**

Ordinance amending the Public Works Code to amend Section 2.3.1 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

100577 [Hunters Point Shipyard - Building Code Amendment]**Sponsors: Mayor; Maxwell**

Ordinance amending the Building Code to amend Section 106A.3.2.5 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

100578 [Zoning Map Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]**Sponsors: Mayor; Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU09 and SU010 of the Zoning Map of the City and County of San Francisco to establish the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; amending Sectional Maps HT09 and HT010 to establish the CP Height and Bulk District and the HP Height and Bulk District; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

100579 [Zoning - Establishment of the Candlestick Point Activity Node Special Use District, the Hunters Point Shipyard Phase 2 Special Use District, and Special Height and Bulk Provisions for the Special Use Districts]**Sponsors: Mayor; Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.50 to establish the Candlestick Point Activity Node Special Use District; adding Section 249.51 to establish the Hunters Point Shipyard Phase 2 Special Use District; adding Section 263.24 to establish Special Height Provisions for the Candlestick Point Activity Node Special Use District and the CP Height and Bulk District; adding Section 263.25 to establish Special Height Provisions for the Hunters Point Shipyard Phase 2 Special Use District and the HP Height and Bulk District; and amending Table 270, to provide that the Table is not applicable to the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; 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; providing for an operative date.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

100661 [Subdivision Code - Candlestick Point and Hunters Point Shipyard]**Sponsors: Mayor; Maxwell**

Ordinance amending the Hunters Point Shipyard Subdivision Code to rename the Code's Division 3 title and make various amendments pertaining to the subdivision process in Phase 2 of the Hunters Point Shipyard Redevelopment Plan and Zone 1 of the Bayview Hunters Point Redevelopment Project Area, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

100660 [Candlestick Point and Shipyard Phase 2 Redevelopment Project - Real Property Transfer and Public Trust Exchange]**Sponsors: Mayor; Maxwell**

Resolution approving and authorizing the execution, delivery and performance of: (1) a Real Property Transfer Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for Certain City Property at Candlestick Point, and (2) a Title Settlement, Public Trust Exchange and Boundary Line Agreement between the City and County of San Francisco (acting by and through the Board of Supervisors and through the Port Commission), the Redevelopment Agency of the City and County of San Francisco, the California State Lands Commission and the California Department of Parks and Recreation, both agreements being in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project.

Resolution No. 348-10**ADOPTED by the following vote:**

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

Noes: 1 - Daly

100662 [Tax Increment Allocation Pledge Agreement for the Candlestick Point and Phase 2 of the Hunters Point Shipyard Project]**Sponsors: Mayor; Maxwell**

Resolution approving a Tax Increment Allocation Pledge Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the pledge of net available tax increment to finance public improvements and affordable housing in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project; adopting findings under the California Environmental Quality Act; and adopting findings that the agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

Resolution No. 349-10**ADOPTED by the following vote:**

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

Noes: 1 - Daly

Recommendations of the Public Safety Committee

100054 [Workforce Development - Public Service Academies]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 3, Line 18, by deleting 'and'; on Line 19, by adding 'and the Department of Workforce Development' after 'College District,; on Line 19, by replacing 'Department of Workforce Development' with 'Department of Children, Youth, and Their Families'; on Line 24, by deleting 'and'; on Page 3, Line 25, through Page 4, Line 2, by adding ', the San Francisco Unified School District, and the Department of Workforce Development'; on Lines 2-3, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'; Lines 13-14, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'; on Line 15, by replacing 'June 30, 2010' with 'January 1, 2011'; and Lines 19-20, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

100674 [Expanding the Entertainment Commission's Power to Revoke Permits]

Sponsor: Chiu

Ordinance amending Sections 1060.20.4 and 1070.20 of the San Francisco Police Code to expand the grounds for revocation of place of entertainment permits, extended-hours premises permits, and one time event permits to include: (1) public safety considerations, where operation of the permit poses a substantial risk of physical harm or injury to individuals, and (2) where the permittee's persistent action or inaction causes serious and continuing problems that amount to a public nuisance.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED on Page 2, Line 19, by changing '3840' to '3480'; and on Page 4, Line 16, by changing '3840' to '3480.' The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

100854 [Approval of the San Francisco Child and Family Services Review - System Improvement Plan for the San Francisco Human Services Agency and Juvenile Probation Departments]

Resolution approving San Francisco's Child and Family Services Review - System Improvement Plan, a strategic plan that: (1) outlines how San Francisco will improve prioritized outcomes for children, youth, and families; (2) serves as the operational agreement between the county and state; and (3) includes plans for utilizing Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families revenues to prevent child maltreatment. (Human Services Department)

Resolution No. 366-10

ADOPTED by the following vote:

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

100869 [Accept and Expend Grant - Airport K-9 Explosives Detection Team Program - \$700,500]

Sponsor: Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of \$700,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

Resolution No. 358-10

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

100897 [Appointment, Police Commission - Carol Kingsley]

Motion confirming the Mayor's nomination of, and appointing, Carol Kingsley to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2014. (Clerk of the Board)

(Section 4.109 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. Transmittal date - July 1, 2010)

Motion No. M10-119

APPROVED by the following vote:

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

100760 [Community Policing and Foot Beat Patrols]**Sponsors: Mirkarimi; Chiu, Avalos, Campos and Mar**

Motion ordering submitted to the voters an ordinance establishing the Community Policing Policy and Foot Beat Patrol Program at an election to be held on November 2, 2010.

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:

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

Supervisor Daly, seconded by Supervisors Mirkarimi and Campos, moved to terminate debate on File Nos. 100760 and 100953. The motion FAILED by the following vote:

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

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

President Chiu discussed parliamentary procedures and ruled that the division of the question did not constitute an amendment and was therefore not subject to the San Francisco Municipal Elections Code Section 305(a)3 and did not require further public comment and directed the Clerk of the Board to call the roll on the divided question.

Supervisor Elsbernd moved that the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12 be DIVIDED. The question FAILED as divided by the following vote:

Ayes: 1 - Elsbernd

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

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

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

100953 [Community Policing and Foot Beat Patrols]**Sponsors: Mirkarimi; Chiu and Mar**

Motion ordering submitted to the voters an ordinance at an election to be held on November 2, 2010, establishing the Community Policing Policy and Foot Beat Patrol Program and supplanting any City ordinance the voters approve at the November 2, 2010, election that bans lying or sitting on public sidewalks.

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:

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

Supervisor Daly, seconded by Supervisors Mirkarimi and Campos, moved to terminate debate on File Nos. 100760 and 100953. The motion FAILED by the following vote:

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

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

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

President Chiu discussed parliamentary procedures and ruled that the division of the question did not constitute an amendment and was therefore not subject to the San Francisco Municipal Elections Code Section 305(a)3 and did not require further public comment and directed the Clerk of the Board to call the roll on the divided question.

Supervisor Elsbernd moved that the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15 be DIVIDED. The question PASSED as divided by the following vote:

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

Motion No. M10-122

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100842 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100843. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Dan Engler (Property Owner) expressed concerns relating to the proposed acquisition. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100843 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 8, by changing 'April 9, 2010' to 'May 4, 2009'; on Line 11, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Page 4, Line 14, by deleting 'notice'; on Page 5, Line 14, by adding 'take all necessary steps to' before 'commence'; on Line 14, by adding 'and prosecute' after 'commence'; on Line 15, by adding 'the owner or owners of' before 'any and all'; on Lines 16-17, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 17, by adding 'and all' after 'to take any'; on Line 18, by adding 'and all' before 'legal'; on Lines 18-19, by adding 'or permanent' after 'immediate'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 23, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 7, by adding 'EIS/' before 'EIR'; Line 14, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 23, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

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

Resolution No. 360-10

ADOPTED AS AMENDED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100836 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 - 4th Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100837. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100837 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 - 4th Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 7, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 9-10, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 13, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Page 4, Line 10, by deleting 'notice'; on Page 5, Line 9, by adding 'take all necessary steps to' before 'commence'; on Line 9, by adding 'and prosecute' after 'commence'; on Line 10, by adding 'the owner or owners of' before 'any and all'; on Lines 11-12, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 12, by adding 'and all' after 'to take any'; on Line 13, by adding 'and all' before 'legal'; on Lines 13-14, by adding 'or permanent' after 'immediate'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 18, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

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

Resolution No. 362-10

ADOPTED AS AMENDED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100848 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100849. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100849 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 12, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 13, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 15, by changing 'is' to 'are'; on Line 16, by changing 'is' to 'are'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 3, Line 10, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 12-13, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 20, by adding 'EIS/' before 'EIR'; on Page 4, Line 16, by deleting 'notice'; on Page 5, Line 16, by adding 'take all necessary steps to' before 'commence'; on Line 16, by adding 'and prosecute' after 'commence'; on Line 17, by adding 'the owner or owners of' before 'any and all'; on Lines 18-19, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 19, by adding 'and all' after 'to take any'; on Line 20, by adding 'and all' before 'legal'; on Lines 20-21, by adding 'or permanent' after 'immediate'; on Line 24, by adding 'EIS/' before 'EIR'; on Line 25, by adding 'EIS/' before 'EIR'; on Page 6, Line 1, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 6, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 25, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

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

Resolution No. 361-10

ADOPTED AS AMENDED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100839 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100840. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100840 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 8, by changing 'April 9, 2010' to 'May 4, 2009'; on Line 11, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Page 4, Line 14, by deleting 'notice'; on Page 5, Line 14, by adding 'take all necessary steps to' before 'commence'; on Line 14, by adding 'and prosecute' after 'commence'; on Line 15, by adding 'the owner or owners of' before 'any and all'; on Lines 16-17, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 17, by adding 'and all' after 'to take any'; on Line 18, by adding 'and all' before 'legal'; on Lines 18-19, by adding 'or permanent' after 'immediate'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 23, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 7, by adding 'EIS/' before 'EIR'; Line 14, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 23, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

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

Resolution No. 364-10

ADOPTED AS AMENDED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100845 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100846. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100846 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 7, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 9-10, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 13, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Page 4, Line 10, by deleting 'notice'; on Page 5, Line 9, by adding 'take all necessary steps to' before 'commence'; on Line 9, by adding 'and prosecute' after 'commence'; on Line 10, by adding 'the owner or owners of' before 'any and all'; on Lines 11-12, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 12, by adding 'and all' after 'to take any'; on Line 13, by adding 'and all' before 'legal'; on Lines 13-14, by adding 'or permanent' after 'immediate'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 18, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

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

Resolution No. 363-10

ADOPTED AS AMENDED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100987 [Committee of the Whole - San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendments (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the proposed San Francisco Municipal Transportation Agency Appointments Policy and Other Procedures Charter Amendment as referenced in File Nos. 100637 and 100982. Peter Stauss expressed support relating to the amendments to the proposed charter amendment in File No. 100982. Walter Paulson shared in song certain concerns relating to the amendments to the proposed charter amendments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu requested to be removed as a co-sponsor.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 1 - Daly

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

100982 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]**Sponsors: Campos; Mirkarimi and Mar**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu requested to be removed as a co-sponsor.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

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

Supervisor Dufty, seconded by Supervisor Alioto-Pier, 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, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed, and presented Certificates of Honor to Duane Kuiper and Mike Krukow in recognition of their 20 years of dedicated service as Broadcasters for the San Francisco Giants and for their continued community support.

Supervisor Alioto-Pier introduced, welcomed, and presented Douglas Pingle who accepted Certificates of Honor on behalf of the Independent Living Resource Center and Disabled Sports USA - Far West in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.

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

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

Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**100902 [Committee of the Whole - Public Hearing on Special Assessment of Liens for Assessment of Cost]**

Motion directing the Board of Supervisors to hold a public hearing on August 3, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Clerk of the Board)

Motion No. M10-123

APPROVED

100975 [Accept and Expend Grant - Polling Place Accessibility Training Program - Not to Exceed \$5,000]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed \$5,000 for improving polling place accessibility in accordance with the California Secretary of State's Help America Vote Act Polling Place Accessibility Training Program.

Resolution No. 359-10

ADOPTED

100978 [Commending Patricia M. Pendergast]

Sponsor: Chu

Resolution commending Patricia M. Pendergast, Principal Personnel Analyst and Manager of Examination and Recruitment for the San Francisco Public Utilities Commission, upon her retirement after forty-one years of dedicated service.

Resolution No. 357-10

ADOPTED

100981 [Honoring Kelly Clark and the We Ride 3000 Team]

Sponsor: Dufty

Resolution honoring Kelly Clark and the We Ride 3000 Team in recognition of their 3,200 mile bike ride across the United States, from San Francisco to Washington D.C., in advocacy for public education awareness.

Resolution No. 353-10

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 100935 be severed so that it may be considered separately.

100935 [Supporting Eddy Zheng's Application to Remain Lawfully in the United States]

Sponsors: Chiu; Mar, Avalos, Mirkarimi, Campos, Chu and Maxwell

Resolution urging the Honorable Arnold Schwarzenegger, Governor of California, to grant Xiao Fei "Eddy" Zheng a full pardon and allow him to remain in the United States and to continue to serving youth in the San Francisco Bay Area community.

Privilege of the floor was granted to Chief Probation Officer William Siffermann (Juvenile Probation Department) who responded to questions raised throughout the discussion regarding File No. 100935.

Resolution No. 352-10

ADOPTED by the following vote:

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

Supervisor Campos requested that File No. 100977 be severed so that it may be considered separately.

100977 [Requesting the Planning Commission or Planning Department to Extend the Public Comment Period on the California Pacific Medical Center's Draft Environmental Impact Report to a Minimum of 90 Days and Conduct Two Public Hearings on the Environmental Impact]

Sponsor: Campos

Resolution requesting that the Planning Commission or Planning Department extend the public comment period on the California Pacific Medical Center's Draft Environmental Impact Report to a minimum of 90 days and conduct two public hearings on the Environmental Impact Report because of the project's exceptional size and complexity and so the public can conduct a thorough review and offer thoughtful input.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Resolution be TABLED.

The motion carried by the following vote:

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

Supervisor Chiu requested that File No. 100961 be severed so that it may be considered separately.

100961 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 2, 2010, Election]

Motion authorizing preparation of written proponent and opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 2, 2010, Election. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be CONTINUED to August 3, 2010. The motion carried by the following vote:

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

Supervisor Elsbernd requested that File No. 100986 be severed so that it may be considered separately.

100986 [Directing the Budget and Legislative Analyst to Audit the San Francisco Office of the Public Defender]

Sponsor: Daly

Motion directing the Budget and Legislative Analyst to audit the San Francisco Office of the Public Defender.

Privilege of the floor was granted to Harvey Rose (Budget Analyst) who responded to questions raised throughout the discussion regarding File No. 100986.

APPROVED. The motion FAILED by the following vote:

Ayes: 2 - Avalos, Daly

Noes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

101005 [Exceptions to Seismic Safety Loan Program Requirements to Allow for a \$15,000,000 Loan to Arlington Residence - 480 Ellis Street]

Sponsors: Chu; Alioto-Pier

Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a \$15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.

07/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/26/2010.
08/03/2010 - The President of the Board of Supervisors waived the 30-day rule.

101006 [Revisions to Local Business Enterprise Ordinance]**Sponsors: Chu; Chiu**

Ordinance amending Administrative Code Chapter 14B to set a separate minimum competitive amount applicable to general services contracts; to clarify ownership requirements for certification of local businesses with no single majority owner; to limit the SBA-LBE program to construction and construction-related contracting; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to revise subcontracting goals for professional services contracts to apply to contracts that exceed the minimum competitive amount; to revise good faith efforts outreach and documentation requirements to apply to contracts that exceed the threshold amount or minimum competitive amount; to simplify reporting requirements; and to make technical corrections.

07/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/26/2010.

101007 [Revising Requirements for Purchasing Goods and Services]**Sponsors: Chu; Chiu**

Ordinance amending Administrative Code Chapters 21 and 21C to conform Purchasing requirements to Administrative Code Chapter 14B by defining minimum competitive amounts of \$100,000 for professional services and commodities contracts and \$400,000 for general services contracts, clarify "bid-splitting," and make miscellaneous changes to City procurement requirements; to clarify information technology purchases; to update and conform references to Administrative Code Chapter 14B; to rescind the Sealer of Weights and Measures' authority under Section 21.32 to donate food purchases; to rescind the local tax adjustment set forth in Administrative Code Chapter 21C; to enact a new Section 21.32 to adjust bids likely to result in local sales tax revenue; to reenact and renumber Administrative Code Sections 21.25, 21.25-1, 21.25-2, 21.25-3, 21.25-4, and 21.25-x regarding prevailing wage requirements as Chapter 21C; and to make certain technical corrections.

07/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/26/2010.

101008 [Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]**Sponsors: Chiu; Chu**

Ordinance amending the San Francisco Administrative Code by adding Sections 1.57-1 through 1.57-5, to provide for the establishment and maintenance of a centralized and publicly accessible online database of information concerning appointments made by Appointing Authorities to City and County of San Francisco advisory bodies.

07/27/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/26/2010.

101009 [Healthy Air and Clean Transportation Program]**Sponsor: Mayor**

Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.

07/27/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 8/26/2010.

101010 [Accept and Expend Grant - American Recovery and Re-Investment Act and Amendment to the Annual Salary Ordinance, FY2010-2011 - \$1,670,000]**Sponsor: Mayor**

Ordinance to retroactively accept and expect a grant in the amount of \$1,670,000 from the U.S. Department of Energy through the County of Los Angeles and the Association of Bay Area Governments, and amending the Annual Salary Ordinance FY2010-2011 to reflect the addition of three positions in the Department of the Environment.

07/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]**Sponsors: Mayor; Chiu**

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315, et seq.) (Program) to change the name of the Program to the Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Affordable Housing Program; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

01/19/10; REFERRED TO DEPARTMENT.

01/20/10; RESPONSE RECEIVED.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to Land Use and Economic Development Committee.

01/29/10; REFERRED TO DEPARTMENT.

04/02/10; RESPONSE RECEIVED.

07/27/10; SUBSTITUTED.

07/27/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**101011 [Accept and Expend Grant - Diesel Emissions Reduction Act - Pier 27 Shoreside Power - \$1,000,000]****Sponsors: Alioto-Pier; Chiu**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant from the U.S. Environmental Protection Agency in the amount of \$1,000,000 under the Diesel Emissions Reduction Act, to assist in the installation of a shoreside power facility for cruise ships at Pier 27.

07/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101012 [Approving the Fare Schedule for Golden Gate Pedicab]**Sponsor: Chiu**

Resolution approving the fare schedule for Golden Gate Pedicab.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101013 [Accept and Expend Grant - The STOP Study - \$166,666]**Sponsors: Dufty; Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$166,666 to fund the STOP Study for the period June 15, 2010, through June 14, 2011.

07/27/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101014 [Accept and Expend Grant - San Francisco Pedestrian Safety Project - \$200,000]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the California Office of Traffic Safety in the amount of \$200,000 to fund the San Francisco Pedestrian Safety Project for the period of October 1, 2010, through September 30, 2011.

07/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101015 [Sewer Line Relocation Agreement with San Francisco State University]**Sponsor: Elsbernd**

Resolution approving and authorizing the Sewer Line Relocation Agreement between the San Francisco Public Utilities Commission, on behalf of the City and County of San Francisco, and San Francisco State University to relocate an existing sanitary sewer and storm drain easement on Assessor's Block No. 7304-001 (part of the University campus) and portions of Font Boulevard and Lake Merced Boulevard in San Francisco; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Relocation Agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

07/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101016 [Planning Code - Revised Interim Controls Related to Affordable Housing Requirements]**Sponsors: Mayor; Chiu**

Resolution approving revised interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 415, et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 415 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

07/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101017 [Supporting the Golden State Warriors Return to San Francisco]

Sponsors: Alioto-Pier; Elsbernd, Dufty, Maxwell, Mirkarimi, Chiu, Chu and Mar
Resolution supporting the Golden Gate Warriors return to San Francisco.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101018 [Accept and Expend Grant - Ghana MARPS Size Estimation - \$28,465]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$28,465 from the University of California San Francisco (UCSF), to participate in a program entitled "Ghana MARPS Size Estimation" for the period of April 1, 2010, through March 31, 2011.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101019 [Accept and Expend Grant - OCTAVE Capacity Building Workshop Series - \$47,022]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$47,022 from the Public Health Foundation Enterprises, Inc. (PHFE), to participate in a program entitled "OCTAVE-Capacity Building Workshop Series" for the period of July 1, 2010, through December 31, 2011.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101020 [Accept and Expend Grant - Viral Load Study - \$25,318]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$25,318 from the Public Health Foundation Enterprises, Inc. (PHFE), to participate in a program entitled "Viral Load Study" for the period of April 1, 2010, through March 31, 2011.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101021 [Accept and Expend Grant - Special Work Assignment UNICEF - \$30,965]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$30,965 from the United Nations Childrens Fund to support a project that will further understanding of the prevention of mother-to-child transmission of HIV for the period of June 18, 2010, through October 1, 2010.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101022 [Accept and Expend Grant - Recycling and Lunchroom Composting Programs - \$18,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$18,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101023 [Accept and Expend Grant - GreenStacks Environmental Outreach Collaboration - \$12,000]**Sponsor: Mar**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$12,000 from Altamont Education Advisory Board to support GreenStacks an environmental outreach collaboration between the Department of the Environment and the San Francisco Public Libraries.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101024 [Property Assessed Clean Energy Programs]**Sponsors: Mayor; Mar and Dufty**

Resolution supporting Property Assessed Clean Energy programs and requesting San Francisco's Congressional representatives to work with the Federal Housing Finance agency to establish standardized underwriting criteria and safeguards to allow for the continuation of Property Assessed Clean Energy programs.

07/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**101025 [Budget and Legislative Analyst's Audit Schedule]****Sponsor: Mar**

Hearing to consider the Budget and Legislative Analyst's schedule for conducting performance audits, special projects, or other studies for the remainder of calendar year 2010 and for calendar year 2011.

07/27/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

101026 [Academy of Art University]**Sponsor: Maxwell**

Hearing on the status of the Academy of Art University's non-compliant standing with the City's Institutional Master Plan requirement, and progress report on the related environmental review.

07/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****100954 [Settlement of Lawsuit - Ricardo Rodriguez - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 19, 2009, in San Francisco Superior Court, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100955 [Settlement of Lawsuit - Stanislaus Imports - \$245,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for \$245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100956 [Settlement of Lawsuit - Monte and Joanne Stott and Stott and Associates, Inc. - \$32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte and Joanne Stott and Stott and Associates, Inc. against the City and County of San Francisco for \$32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100957 [Settlement of Lawsuit - Yanick Constant - \$32,500]

Ordinance authorizing settlement of the lawsuit filed by Yanick Constant against the City and County of San Francisco for \$32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - \$1,330,000]

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for \$1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

100959 [Settlement of Lawsuit - Carlos Garcia - \$2,400,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for \$2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

100960 [Settlement of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive - \$29,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of \$29,000 to the City and County of San Francisco; \$23,200 from Underground Construction Co. and \$5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an amendment to the Administrative Code to provide that any city department, division, or agency that produces for distribution outside of the generating agency any report, memo, study or other written document over 10 pages in length be required to distribute copies of such document either electronically or via a digital format. Paper hard copies shall only be available either upon request or individual recipients may opt for regular hard copy distribution of such documents.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Pothole and Sidewalk issues

On Fillmore & Waller, South of Waller before crosswalk; sink hole/asphalt cracking.

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 at the following private property locations:

799 Haight

698 Haight

696 Haight

998 Oak

1280 Fulton

501 Fillmore

500 Page, on Fillmore side

378 Fillmore

355 Laguna

585 Hayes, on Laguna side

795 Buchanan, on the Grove Side

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:

Wood Poles

Southeast corner of Fell & Fillmore

Northeast corner of Haight & Fillmore

Metal Poles

Northwest corner of Grove & Fillmore

Northwest corner of Page & Fillmore

Northwest corner of McAllister & Gough

*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 Can
Northeast corner of Fillmore & Waller
Northeast corner of Haight & Fillmore*

*Mailbox
Southeast corner of California & Laguna
Southwest corner of Geary & Laguna
Northwest corner of McAllister & Steiner*

*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 & Post
Southwest corner of Divisadero & Sutter
9th Ave. & Judah (near bus stops)
7th Ave. & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight*

*San Francisco Chronicle
Northeast corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Ave.
Irving & 7th Ave.
Southwest corner of Haight & Clayton
Southwest corner of Haight & Masonic*

*Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore*

*SF Daily
Northwest corner of Hayes & Gough*

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

*SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & 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 public property located at the following locations:*

Utility Boxes

Southwest corner of Turk & Scott

Northeast corner of Gough & McAllister

Northwest corner of Laguna & Cleary

Near 842 Webster

Bus Shelter

Southeast corner of Pierce & Haight

Fillmore & Haight (all 4 bus stops, graffiti and grime)

Fire Hydrant

Northeast corner of Fulton & Fillmore

Northwest corner of Laguna & Cleary

Northwest corner of Grove & Gough

Emergency Boxes

Southwest corner of Grove & Fillmore

In Memoriams

Marcia Soine – Supervisor Alioto-Pier

Judge Mary Pajlich – Entire Board

Russell Walton – Supervisor Dufty

Glen Reed Millar – Supervisor Dufty

Gilbert Block – Supervisor Dufty

Robert Polzoni – Supervisor Dufty

Dr. Brian Friedman – Supervisor Dufty

James Hallisy – Supervisor Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:50 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 14, 2010.

Angela Calvillo, Clerk of the Board