

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

## MEETING MINUTES

Tuesday, February 12, 2008 2:00 PM

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

### Regular Meeting

*AARON PESKIN, PRESIDENT*

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

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

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

Supervisors Peskin, Ammiano, Dufty

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

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

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

Supervisors McGoldrick, Alioto-Pier, Chu

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

Supervisors Elsbernd, Alioto-Pier, Daly

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

Supervisors Maxwell, Sandoval, McGoldrick

##### **Public Safety Committee**

Supervisors Mirkarimi, Maxwell, Chu

##### **Rules Committee**

Supervisors Ammiano, Elsbernd, Peskin

#### Meeting Days

Wednesday  
1:00 PM

1st and 3rd Thursday  
3:30 PM

2nd and 4th Thursdays  
1:00 PM

1st and 3rd Mondays  
10:00 AM

Monday  
1:00 PM

2nd and 4th Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

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

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

---

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:02 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.*

*There was a quorum present.*

*Supervisors Alioto-Pier and McGoldrick were noted present at 2:03 p.m.*

## CONSENT AGENDA

### Recommendations of the Rules Committee

**071668 [Reauthorization of Food Security Task Force]  
Supervisor Maxwell**

Ordinance amending the San Francisco Health Code by amending Sections 470.1 and 470.2, to extend the sunset provisions of the Food Security Task Force to January 31, 2009, and change the organizations from which members must be appointed.

**Ordinance No.** 19-08

**FINALLY PASSED**

**080054 [Settlement of Lawsuits and Claims]**

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

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

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

**080055 [Settlement of Lawsuit - Teresa Yeung]**

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

**PASSED, ON FIRST READING**

**080120 [Settlement of City's Lawsuit Against Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co.]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$1,000,000 to the City from defendants Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co. (City Attorney)

**PASSED, ON FIRST READING**

**080133 [Appointment - In-Home Supportive Services Public Authority]**

Motion appointing Luis Calderon, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.

Luis Calderon, succeeding Margaret Coster, term expired, seat 11, must be a consumer between the ages of 18 and 60, authorized to represent organizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2009.

**Motion No.** M08-29

**APPROVED**

**080134 [Appointment - Child Care Planning and Advisory Council]**

Motion appointing Simon Lee, term ending December 31, 2008, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding Lisa Jaicks, term expired, seat 4, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2008.

**Motion No.** M08-28

**APPROVED**

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

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

**Severed From the Consent Agenda**

*Supervisor Daly requested that File Nos. 080123 and 080124 be severed so that they might be considered separately.*

- 080123 [Settlement of lawsuit and appropriating a portion of the proceeds - Department of Elections]**  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, against Election Systems and Software, Inc., on November 20, 2007 in San Francisco Superior Court, Case No. CGC 07-469371, entitled City and County of San Francisco, et al. v. Election Systems & Software, Inc, and appropriating \$1,130,000.00 of the proceeds to the Department of Elections. (City Attorney)

**Ordinance No.** 18-08

**FINALLY PASSED by the following vote:**

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

### **Recommendations of the Budget and Finance Committee**

- 080124 [Department of Elections amendment to current voting systems contract with Sequoia Voting Systems, Inc.]**  
Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Sequoia Voting Systems, Inc., to pay Sequoia \$1,130,000 rather than transfer to Sequoia the City's AutoMARK ballot marking devices, in connection with a settlement of litigation by the City against Elections System & Software involving those devices. (Elections Department)

**Resolution No.** 65-08

**ADOPTED by the following vote:**

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **From the Budget and Finance Committee Without Recommendation**

- 071526 [Public Employment - Entertainment Commission]**  
**Supervisors Duffy, Alioto-Pier, Daly**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.33 FTE) Class 0923 – Manager II in the Entertainment Commission for the Office of Special Events.

**Ordinance No.** 20-08

**FINALLY PASSED by the following vote:**

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

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

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

**Ordinance No.** 21-08

**FINALLY PASSED** by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval

Noes: 2 - Elsbernd, Peskin

**Recommendation from the Public Safety Committee**

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

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

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE** by the following vote:

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

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

*Continued to February 26, 2008 with the Board Sitting as a Committee of the Whole.*

**Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Chu, Elsbernd

**From the Rules Committee With Recommendation "Do Submit"**

- 071667 [Charter Amendment - Requiring Board confirmation of appointments to the Public Utilities Commission; setting qualifications for members of the Commission]  
Supervisors Maxwell, Dufty, Peskin, Mirkarimi, Ammiano, Elsbernd**

Charter Amendment (Second Draft) to amend Section 4.112 to require confirmation by the Board of Supervisors of the Mayor's appointments to the Public Utilities Commission and to set qualifications for members of the Public Utilities Commission.

**ORDERED SUBMITTED by the following vote:**

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

**From the Rules Committee Without Recommendation**

- 071471 [Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]  
Supervisor Alioto-Pier**

Charter Amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

**NOT ORDERED SUBMITTED by the following vote:**

Ayes: 4 - Alioto-Pier, Chu, Daly, Elsbernd  
Noes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

- 071589 [Charter Amendment - City Elections In Even-Numbered Years]  
Supervisor McGoldrick**

Charter Amendment (Second Draft) to amend Section 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

**NOT ORDERED SUBMITTED by the following vote:**

Ayes: 5 - Daly, Dufty, Maxwell, McGoldrick, Sandoval  
Noes: 6 - Alioto-Pier, Ammiano, Chu, Elsbernd, Mirkarimi, Peskin

## Board of Supervisors Sitting as a Committee of the Whole

### From the Rules Committee Without Recommendation

**071591 [Charter Amendment - City policy regarding diversity on City boards and commissions]  
Supervisor McGoldrick**

Charter Amendment (Fourth Draft) to amend Section 4.101 to make it City policy to consider and as appropriate support the nomination, appointment and confirmation of female, minority, and disabled candidates to fill seats on appointive boards, commissions, or advisory bodies.

*The President inquired as to whether any member of the public wished to address the Board members.  
Emily Murase, PHD; Executive Director of the Commission on the Status of Women  
The President declared the public hearing closed.*

**ORDERED SUBMITTED by the following vote:**

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

### From the Rules Committee Without Recommendation

**071663 [Charter Amendment - New hire qualifications for retiree health care; improved retirement benefits for miscellaneous employees retiring on or after January 10, 2009]  
Mayor, Supervisors Elsbernd, Peskin, Alioto-Pier, Mirkarimi, Chu**

Charter Amendment (Third Draft) amending Section A8.428, to increase the years of service required for new employees to qualify for subsidized health benefits at retirement and to adjust the formula for calculating retiree health benefit subsidies for those new employees; adding Sections 12.204, A8.409-7, and A8.590-8, and amending Section A8.432, to fund retiree health benefits for the City and County of San Francisco and other participating employers; adding Sections A8.404-1 and A8.409-8 so that economic provisions, including wages, shall not be increased for miscellaneous City and County employees for the fiscal year commencing July 1, 2009 and ending on June 30, 2010, and recognizing certain ongoing economic expenditures by the City and County in future years; and adding Sections A8.526-2 and A8.526-3, and amending Sections A8.509, A8.587-2 and A8.587-13, to increase retirement benefits for retirees and employees who retire on or after January 10, 2009 to encourage longer employment and retention and improved cost of living benefits for all retirees and employees.

*The President inquired as to whether any member of the public wished to address the Board members.  
Female speaker; requesting a change in the Charter Amendment for teachers  
Sandra Surer; requesting a change in the Charter Amendment for teachers  
Tim Paulson, Labor Council; support of the Charter Amendment  
The President declared the public hearing closed.  
Continued to February 26, 2008  
Supervisor Chu requested to be added as a co-sponsor.*

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED.**

**The motion carried by the following vote:**

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**080053 [Airport Concession Lease]**

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

**Resolution No.** 75-08

**ADOPTED by the following vote:**

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

**080121 [Lease of Real Property - 1390 Market Street]**

Resolution authorizing the exercise of a five-year option to extend the lease of approximately 25,939 square feet of space at 1390 Market Street for the Department of Public Health. (Real Estate Department)

(Fiscal Impact.)

**Resolution No.** 74-08

**ADOPTED by the following vote:**

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

### Recommendation of the Government Audit and Oversight Committee

**071371 [Taxicab gate cap; ratifying previous gate fees; gate surcharge for low emission vehicles; taxi fleet greenhouse gas emissions]  
Supervisors Sandoval, Alioto-Pier, Peskin**

Ordinance amending the San Francisco Police Code by: amending Section 1135.1, to raise the taxicab gate cap to \$96.50 and to ratify gate fees previously charged up to \$91.50 per shift for the period from January 1, 2003 to October 27, 2006; by repealing current Section 1135.2, as obsolete; by adding a new Section 1135.2, to authorize a \$7.50 surcharge on the gate cap for low emission vehicles; and by adding Section 1135.3, to require taxi companies to reduce average per vehicle greenhouse gas emissions by 20 percent from 1990 levels by 2012.

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

Ayes: 6 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Peskin, Sandoval  
Noes: 5 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi

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



**080138 [Changing the official sidewalk width - Berry Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1577 to change the official sidewalk width on the northerly side of Berry Street between 7th and DeHaro Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

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

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

**Recommendations of the Rules Committee****080083 [Appointment, Entertainment Commission - John Newlin]**

Motion approving the Mayor's nomination for appointment of John Newlin to the Entertainment Commission, for the term ending July 1, 2010. (Clerk of the Board)

(Section 4.117 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 - 1/15/08)

**Motion No.** M08-27

**APPROVED** by the following vote:

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

**080085 [Appointment, Entertainment Commission - Justin Roja]**

Motion approving the Mayor's nomination for appointment of Justin Roja to the Entertainment Commission, for the term ending July 1, 2011. (Clerk of the Board)

(Section 4.117 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 - 1/15/08)

**Motion No.** M08-26

**APPROVED** by the following vote:

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

**Supervisor Chu Excused From Voting**

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Chu from voting on File Nos. 080104 and 080105. The motion carried by the following vote:

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

**080104 [Appointment, Urban Counties Caucus - Supervisor Carmen Chu]  
Supervisor Peskin**

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

**Motion No.** M08-18

**APPROVED by the following vote:**

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

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

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

**Motion No.** M08-17

**APPROVED by the following vote:**

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

**From the Rules Committee Without Recommendation****080115 [Reappointment, Public Utilities Commission - Ryan Brooks]**

Motion taking no position concerning the Mayor's reappointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2012.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. (Transmittal date January 15, 2008)

*Amended by replacing the language "taking no position concerning the Mayor's reappointment" with the language "rejecting the Mayor's reappointment".*

**Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be AMENDED. The motion carried by the following vote:**

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

Motion rejecting the Mayor's reappointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2012.

**Motion No.** M08-25

**APPROVED AS AMENDED by the following vote:**

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
Noes: 3 - Alioto-Pier, Chu, Elsbernd

**080119 [Reappointment, Public Utilities Commission - Richard Sklar]**

Motion taking no position concerning the Mayor's reappointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2012.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. (Transmittal date January 15, 2008)

*Amended by replacing the language "taking no position concerning the Mayor's reappointment" with the language "rejecting the Mayor's reappointment".*

**Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be AMENDED. The motion carried by the following vote:**

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

Motion rejecting the Mayor's reappointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2012.

*(NOTE: This matter requires 8 votes for approval.)*

**NOT APPROVED AS AMENDED by the following vote:**

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
Noes: 4 - Alioto-Pier, Chu, Daly, Elsbernd

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

### **Privilege of the Floor**

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

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

*Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to a member of the Grand Jury in recognition of "Grand Jury Awareness Month".*

*Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Jean Shelton in recognition of her 80th Birthday and her outstanding service as an educator.*

## **SPECIAL ORDER 4:00 P.M.**

**080127 [Public Hearing - Conditional Use Appeal for 3571 Sacramento Street Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17524 dated December 20, 2007, relating to the approval of a Conditional Use Authorization (Case No. 2007.0971CE), under the Planning Code Sections 303 and 724.52 to establish a foreign language enrichment program for children, in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District on property located at 3571 Sacramento Street, Lot 023 in Assessor's Block 1019. (Appellants: Janis M. Platt and John C. Adams.)

(Filed January 22, 2008; companion measure to Files 080128, 080129, 080130; District 2.)

*The President inquired as to whether any member of public wished to address the Board members.*

*Stephen Williams, Attorney for the appellant*

*Christopher Banos; support of the appellant*

*Male speaker building contractor; support of the appellant*

*Sarah Lowrey; support of the appellant*

*Heather Dowling; support of the appellant*

*Ann Bridgeway; support of the appellant*

*John Adams, read a letter from Mark Woods; support of the appellant*

*Steve Crolick; support of appellant*

*Janis Platt; appellant*

*Male speaker; support of the appellant*

*Monty Stodham; support of the appellant*

*Josephine Sambotto; support of the appellant*

*Male speaker; support of the appellant*

*An Marie Rodgers and Mary Woods, representatives of the Planning Department, reviewed with Board members the Planning Commission's recommendation.*

*Representative from "Language at Play"; Project Sponsor*

*Marsha Herman, property owner; support of the project sponsor*

*Howard Herman, property owner; support of the project sponsor*

*Valerie Pinker; support of the project sponsor*

*Heather Ainsworth, "Language of Play"; project sponsor*

*Rebuttal Period:*

*Stephen Williams; Attorney for the project sponsor*

*President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

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

**(Only one of the following two motions should be approved.)**

- 080128 [Approving Planning Commission decision related to Conditional Use Appeal for 3571 Sacramento Street]**  
Motion approving decision of the Planning Commission by its Motion No. 17524, approving Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, and adopting findings pursuant to Planning Code Section 101.1.  
**Motion No. M08-23**  
Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 080129 [Disapproving Planning Commission decision related to Conditional Use Appeal for 3571 Sacramento Street]**  
Motion disapproving decision of the Planning Commission by its Motion No. 17524, approving Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, and adopting findings pursuant to Planning Code Section 101.1.  
Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 080130 [Preparation of findings related to the Conditional Use Appeal for 3571 Sacramento Street]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, for action by the Board at its next meeting.  
**Motion No. M08-22**  
Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

## COMMITTEE REPORTS

*Supervisors Duffy and McGoldrick were noted absent at 3:57 p.m.*

*Supervisor Duffy was noted present at 3:59 p.m.*

*Supervisor McGoldrick was noted present at 4:01 p.m.*

*Supervisor Alioto-Pier was noted absent at 4:04 p.m.*

*Supervisor Alioto-Pier was noted present at 4:10 p.m.*

**080135 [Settlement of Lawsuit - Mark Chambers]**

Ordinance authorizing settlement of the class action lawsuit filed by Mark Chambers, et al. against the City and County of San Francisco on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA, entitled, Chambers et al. v. City and County of San Francisco. (City Attorney)

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

Ayes: 8 - Ammiano, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Daly, Mirkarimi

Absent: 1 - Alioto-Pier

**080064 [Confirming the appointment of Malcolm Heinicke to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]**

**Mayor**

Motion confirming the appointment of Malcolm Heinicke to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

**Motion No.** M08-21

**APPROVED by the following vote:**

Ayes: 6 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Sandoval

Noes: 3 - Daly, Mirkarimi, Peskin

Absent: 2 - Duffy, McGoldrick

**080065 [Confirming the appointment of Jerry Lee to the Municipal Transportation Agency Board of Directors, term ending March 1, 2011]**

**Mayor**

Motion confirming the appointment of Jerry Lee to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2011.

**Motion No.** M08-20

**APPROVED by the following vote:**

Ayes: 9 - Ammiano, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

Absent: 1 - Alioto-Pier

**080066 [Confirming the appointment of Bruce Oka to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]**

**Mayor**

Motion confirming the appointment of Bruce Oka to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

**Motion No.** M08-19

**APPROVED by the following vote:**

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

**ROLL CALL FOR INTRODUCTIONS**

## PUBLIC COMMENT

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

*Abdullah Megaheed; expressed concern with issues relating to the Iraq war  
A. Jacobs Chavez; expressed concern with issues relating to housing  
James Chaffee; expressed concern with issues relating to the SF Public Library  
Walter; shared with the Board various memorabilia  
John Phillips; expressed concern with issues relating to DEA against property owners  
Reverend Randelett Webster; expressed concern with issues relating to DEA against property owners  
Gilbert; expressed concern with issues relating to DEA against property owners  
Liam Wood Smith; support of Safe Access  
Steve; showed interest with commercializing Coit Tower*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

*Supervisors McGoldrick and Sandoval were noted absent at 6:09 p.m.*

**080197 [Supporting Assemblyman Mark Leno's efforts to establish a State Holiday on Harvey Milk's Birthday]  
Supervisors Ammiano, Dufty**

Resolution supporting Assemblyman Leno's efforts to establish a non-fiscal State Holiday on Harvey Milk's Birthday, May 22.

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

**Resolution No. 70-08**

**ADOPTED**



**080199 [Accept-Expend Grant - Public Defender]  
Supervisor Mirkarimi**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$25,000 from The San Francisco Foundation for a senior clerk position and consulting services to support the implementation of the Safe Communities Reentry Council's strategic plan.

**Resolution No.** 76-08

**ADOPTED**

**080200 [Requesting traffic calming and pedestrian and bicyclist safety improvements on Masonic Avenue from Geary Avenue to Haight Street]  
Supervisors Mirkarimi, McGoldrick, Dufty**

Resolution requesting the Municipal Transportation Agency to work with other city agencies to develop a timeline and funding plan for a comprehensive planning process on Masonic Avenue from Geary Boulevard to Haight Street including traffic calming and pedestrian and bicycle safety improvements.

**Resolution No.** 73-08

**ADOPTED**

**080201 [Extending Deadline for the Annual Report on Community Safety Cameras]  
Supervisor Mirkarimi**

Resolution approving an extension on the deadline for the annual report to the Board of Supervisors on all community safety cameras located in the City and County of San Francisco from January 17, 2008 to March 20, 2008, one year from the date of installation of the cameras.

**Resolution No.** 71-08

**ADOPTED**

**080203 [Issuance and Sale of Revenue Bonds - Aspen South Hills]  
Supervisor Peskin**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments in an aggregate principal amount not to exceed \$4,500,000 for financing the acquisition and rehabilitation of Aspen South Hills, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

**Resolution No.** 68-08

**ADOPTED**

**080204 [Grand Jury Awareness Month]  
Supervisors Peskin, Dufty**

Resolution declaring February 2008 as Civil Grand Jury Awareness month in San Francisco.

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

**Resolution No.** 72-08

**ADOPTED**

**080205 [Accept and expend gift in the amount of \$25,000 - Recreation and Park Department]  
Supervisor Dufty**

Resolution accepting and expending a gift-in-place, valued at up to \$25,000 from the United States Tennis Association to the Recreation and Park Department to initiate funding for the planning for the renovation of the Golden Gate Park Tennis Center in Golden Gate Park.

Resolution No. 78-08

ADOPTED

**080206 [Gift to the Recreation and Park Department - \$16,000]  
Supervisor Dufty**

Resolution accepting and expending a gift of \$16,000 from the Friends of Noe Courts via the Parks Trust to the Recreation and Park Department for the play area at Noe Valley Tennis Courts.

Resolution No. 77-08

ADOPTED

**080168 [Final Map - 3189 21st Street]**

Motion approving Final Map 4225, a 3 Unit Residential and 2 Unit Commercial Mixed-Use Condominium Project, located at 3189 21st Street being a subdivision of Lot 071 in Assessors Block No. 3615 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M08-16

ADOPTED

The foregoing items were acted upon by the following vote:

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

**Severed From the Without Reference to Committee Agenda**

*Supervisor Elsbernd requested to sever this matter so that it might be considered separately.*

**080198 [Condemning Drug Enforcement Agency Actions Against Property Owners Leasing Space to Medical Cannabis Dispensaries]  
Supervisors Daly, McGoldrick, Mirkarimi, Ammiano, Peskin**

Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

*Continued to February 26, 2008*

*Supervisors Ammiano and Peskin requested to be added as co-sponsors.*

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

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

*Supervisor Elsbernd requested to sever this matter so that it might be considered separately.*

**080202 [Policy regarding bay infill at San Francisco International Airport]  
Supervisors Peskin, Maxwell**

Resolution establishing policy on bay infill for runway expansion at San Francisco International Airport.

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

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

**Resolution No. 69-08**

**ADOPTED AS AMENDED by the following vote:**

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

## OFF-AGENDA LEGISLATION

### Ordinances

**080229 [Shelter Monitoring Committee]  
Supervisors Ammiano, Peskin**

Ordinance amending sections 20.302 of the San Francisco Administrative Code to require the Department of Public Health to assign three full-time employees to staff the Shelter Monitoring Committee, subject to the fiscal and budgetary provisions of the Charter.

2/12/08, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests that the item be agenda'd at the February 20, 2008 meeting of the Finance Committee.

**080230 [Appropriating \$4,270,320 for Capital Improvements at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008]  
Supervisor Chu**

Ordinance appropriating \$4,270,320 of General Fund Budget Savings Incentive Reserve Funding for capital improvements at San Francisco General Hospital associated with central service building seismic upgrades and electrical power distribution in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

2/12/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080231 [Driving-experience requirements for taxi medallion applicants]  
Supervisor Daly**

Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants by pro-rating the requirement for the year in which an application is heard.

2/12/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/13/2008.

**080232 [Planning Code and Health Code-Deadline Extension for Medical Cannabis Dispensary Permitting]  
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 790.141, and 890.133 to extend the time period for certain medical cannabis dispensaries to obtain a permit from March 1, 2008 to January 21, 2009; and making findings, including General Plan, Planning Code Section 101.1(b) and environmental findings.

2/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/13/2008.

**080233 [Urban Forestry Council - Membership]  
Supervisor McGoldrick**

Ordinance amending the San Francisco Environment Code by amending Section 1202 to reconstitute the membership of the Urban Forestry Council to five members.  
2/13/08, RECEIVED AND ASSIGNED to Rules Committee.

**080235 [First Source Hiring Ordinance - expanding scope of covered permits in Market and Octavia Plan]  
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending sections 83.2, 83.4, and 83.6 to: (1) expand the scope of permits that the ordinance applies to in the Market and Octavia Area Plan; (2) place new reporting requirements on the First Source Hiring Administration that include reporting first source statistics on permittees, as defined under the ordinance, and (3) require contractors and permittees to cooperate with reasonable requests for information from the First Source Hiring Administration.  
2/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/13/2008.

**080236 [Repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code to conform to the requirements of Proposition A]  
Supervisor Peskin**

Ordinance repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code.  
2/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/13/2008.

2/21/08, President Peskin waived the 30-day Rule.

**080237 [Zoning -Urgency Ordinance imposing an interim zoning moratorium on enterprises that sell Tobacco Paraphernalia]  
Supervisor Sandoval**

Urgency Ordinance imposing an interim zoning moratorium to temporarily prohibit the establishment of new enterprises, subject to specified exceptions, that sell Tobacco Paraphernalia, as defined, in all Commercial, Mixed Use and Industrial districts for 45 days and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.  
2/12/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080238 [Appropriating \$262,157,569 of San Francisco Water Revenue Bonds for the San Francisco Public Utilities Commission Water System Improvement Program for Fiscal Year 2007-08]  
Mayor**

Ordinance appropriating \$257,605,000 of San Francisco Water Revenue Bonds, 2006 Series A, and deappropriating \$4,552,569 of Sunol Valley Water System Improvement Projects to support various projects under the Water System Improvement Program (WSIP) in the Public Utilities Commission for FY 2007-08.

(Fiscal Impact.)

2/12/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071561 [Prohibiting Formula Retail in the Mission/Bernal Formula Retail Restricted Use Subdistrict]  
Supervisor Ammiano**

Ordinance amending the San Francisco Planning Code by adding Section 785 to establish the Mission/Bernal Formula Retail Restricted Use Subdistrict; amending Planning Code Section 703.3 to prohibit formula retail uses in the Mission/Bernal Formula Retail Restricted Use Subdistrict; amending Sectional Maps SU 07 and SU 11 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Mission/Bernal Formula Retail Restricted Use Subdistrict; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**Economic Impact**

11/13/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/13/2007.

11/20/07, REFERRED TO DEPARTMENT. Referred to Small Business Commission and Planning Commission for review and comment.

11/20/07, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing new title.

11/20/07, ASSIGNED to Land Use and Economic Development Committee.

11/27/07, REFERRED TO DEPARTMENT. Referred version 2 to Small Business Commission and Planning Commission for review and comments.

1/2/08, RESPONSE RECEIVED. Planning Department exemption/exclusion from Environmental Review.

2/12/08, ASSIGNED to Land Use and Economic Development Committee.

2/12/08, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing same title.

## **Resolutions**

**080227 [Grant to support SFGHMC's Quality Improvement Initiative]  
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health, San Francisco General Hospital Medical Center (DPH-SFGHMC) to accept and expend retroactively a two-year grant from Kaiser Permanente's Community Benefits Program in the amount of \$150,000, to fund SFGHMC's Quality Improvement Initiative; for the period of October 1, 2007 through October 1, 2009.

2/12/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080228 [Funds to support nutrition services]  
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$11,927 from FACET, BAART Programs Turk Street Clinic for a project entitled "FACET - SFDPH Nutrition Services," for the period of January 1, 2008 through December 30, 2008.

2/12/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080241 [Red Cross Month - March 2008]  
Supervisors Elsbernd, Chu**

Resolution proclaiming March 2008 as Red Cross Month in San Francisco.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080242 [Honoring Marge Gambelin for her dedication and her work with the Planning Department of the City and County of San Francisco]  
Supervisor Dufty**

Resolution honoring Marge Gambelin for her dedication and her work with the Planning Department of the City and County of San Francisco.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080243 [Commendation of Equality California]  
Supervisors Sandoval, Ammiano, Dufty**

Resolution commending Equality California, the statewide organization that is championing equality for Lesbian, Gay, Bisexual, and Transgender people in California, on a successful 10th Anniversary 2008 Equality Awards Gala.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080244 [Sidewalk Memorial Plaques]  
Supervisors Daly, Mirkarimi**

Resolution urging the Department of Public Works to approve Mr. Ian Brennan's encroachment applications for installation of commemorative bronze sidewalk plaques.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080245 [Declaring intent of the City and County of San Francisco with regard to pending legislation amending the Medical Cannabis Act of 2005]  
Supervisors Daly, Ammiano, Mirkarimi**

Resolution declaring the intent of the City and County of San Francisco not to take enforcement action against those medical cannabis dispensaries that have properly applied for the necessary permits before August 17, 2007, while current legislation is pending to extend the deadline for obtaining final MCD permits from the Department of Public Health.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080246 [Lifting time limits in rental subsidy program for low income families]  
Supervisors Daly, Ammiano, Mirkarimi**

Resolution calling on the Human Services Agency (HSA) to remove the arbitrary time limit in its local housing subsidy for homeless families and to make the timeline for this subsidy need-based.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080247 [Supporting Earth Hour - March 29, 2008]  
Supervisors Alioto-Pier, Elsbernd, Dufty, Chu**

Resolution to support extinguishing all non-essential lighting in all city government buildings, public schools and public landmarks for the hour between 8:00 PM and 9:00 PM on March 29, 2008 to conserve energy as part of the city-wide energy conservation event: Earth Hour San Francisco, and establishing March 29, 2008 as Earth Hour San Francisco Day.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080248 [Approval of an additional 90 day extension for Planning Commission review in order to allow for a Recreation and Parks Commission hearing]  
Supervisor Mirkarimi**

Resolution extending by an additional 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sectional Map 2 of the Zoning Map of the City and County of San Francisco to a date within two weeks of the environmental review hearing for the same action. The proposed Ordinance would specifically change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080249 [Supporting the California Prevention of Farm Animal Cruelty Act]  
Supervisor Ammiano**

Resolution supporting the California Prevention of Farm Animal Cruelty Act.

2/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Requests for Hearing**

**080225 [Public Health Cuts at Laguna Honda and in the Chronic Health Care Nurse Program]  
Supervisor Daly**

Hearing to consider the cumulative impact of layoffs and census reduction at Laguna Honda Hospital combined with cuts to the chronic health care public nurse program.

2/12/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080226 [Budget Analyst's report regarding the total budgetary impact of the Mayor's staff changes and budget announcements]  
Supervisors McGoldrick, Elsbernd**

Hearing to discuss the Budget Analyst's report regarding the total budgetary impact of the Mayor's staff changes and budget announcements, including the appointment of 17 directors, ten Mayor's Office staff members and other senior staff members. The hearing will include a review of salary increases, decreases, fringe benefits, severance packages and related funding sources, as well as the 1,670 positions that were requisitioned citywide.

2/12/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.



**Motions****080234 [Directing the Budget Analyst to conduct a managerial audit of the First Offender Prostitution Program]  
Supervisor McGoldrick**

Motion directing the Budget Analyst to conduct a managerial audit on the First Offender Prostitution Program (FOPP), a diversion program of Standing Against Global Exploitation (SAGE).

(Supervisor Elsbernd dissented in committee.)

2/12/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080239 [Appointment, Planning Commission - Christina Olague]  
Supervisor Peskin**

Motion approving the Board of Supervisors President Peskin's nomination of Christina Olague to the Planning Commission term ending July 1, 2012.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Companion measure to File 080240.) Transmittal date - February 12, 2008.

2/12/08, RECEIVED AND ASSIGNED to Rules Committee.

**080240 [Appointment, Planning Commission - Christina Olague]  
Supervisor Peskin**

Motion rejecting the Board of Supervisors President Peskin's nomination of Christina Olague to the Planning Commission term ending July 1, 2012.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Companion measure to File 080239.) Transmittal date - February 12, 2008.

2/12/08, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED ORDINANCES**

**080210 [Stipulation of Conditional Use authorization or Mandatory Discretionary Review of any permit application to remove dwelling units, where the Planning Code does not already require Conditional Use authorization]**

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

1/7/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/6/2008.

**Requests Granted**

*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 Phone Switch Boxes at the following locations:*

- Northeast corner of Oak and Fillmore*
- Northeast corner of Fell and Buchanan*
- Southeast corner of Fell and Pierce*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

- Southeast corner of Laguna and Page (SF Bay Guardian)*
- Northwest corner of Fillmore and Hayes (SF Bay Guardian)*
- Southeast corner of Laguna and Page (SF Chronicle)*
- Northwest corner of Fillmore and Hayes (SF Chronicle)*
- Northwest corner of Fillmore and Hayes (Examiner)*
- Northwest corner of Hayes and Gough (Examiner)*
- Northwest corner of Hayes and Gough (SF Daily)*
- Northwest corner of Hayes and Gough (City Star)*
- Northeast Fillmore and Waller (Onion)*
- Northwest corner of Hayes and Gough (Onion)*
- Southeast corner of Divisadero and Page (Onion)*
- Southwest corner of Hayes and Webster (SF Weekly)*

*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:*

- 235 Buchanan*
- 601 Fillmore*
- 75 Gough*
- 927 Hayes*
- 930 Hayes*
- 947 Hayes*
- 942 Hayes*
- 962 Hayes*

*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:*

- Numerous potholes on the 200 Block of Haight Street (potholes)*

*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 wood utility poles at the following locations:*

- Across 370 Page*
- 728 Page*
- Southeast corner of Fillmore and Oak*
- 504 Hickory*
- Southwest corner of Hickory and Buchanan*

- Southeast corner of Fell and Buchanan
- Northeast corner of Laguna and Lily

*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 Emergency Boxes at the following locations:*

- Northeast corner of Page and Buchanan
- Southeast corner of Page and Fillmore
- Southeast corner of Page and Steiner
- Southwest corner of Steiner and Hayes

*From: Supervisor Elsbernd*

*To: Director, Municipal Transportation Agency*

*Requesting/Inquiring: Requesting the MTA to study the feasibility of installing an "Uphill traffic has right of way" sign for NW traffic on Yerba Buena Street at Santa Paula Street.*

### **In Memoriams**

*Dr. John Dennis, Jr. - Supervisor Alioto-Pier*

*Lucy Johnson - Supervisor Mirkarimi*

*Congressman Tom Lantos - Entire Board*

*Maggie Jacobsen - Supervisor Peskin*

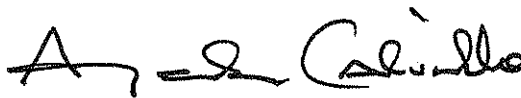
## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:28 p.m.*

*Angela Calvillo, Clerk of the Board*

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

*Approved by the Board of Supervisors on March 11, 2008.*



---

Angela Calvillo  
Clerk of the Board