

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, October 16, 2007 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, Wynns

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, Dufty

Rules Committee

Supervisors Ammiano, Elsbernd, Peskin

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

2nd and 4th Thursdays
1:00 PM

1st and 3rd Mondays
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

Volume 102 Number 34

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisors Ammiano and Chu were noted absent.

There was a quorum.

*Supervisor Chu was noted present at 2:08 p.m.
Supervisor Ammiano was noted present at 2:09 p.m.*

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve Board Meeting Minutes for September 18, 2006. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071178 [Settlement of complaint by PG&E before the Federal Energy Regulatory Commission and approval of an Amended Interconnection Agreement with PG&E]
Supervisor Peskin

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-1190-000, et al, initiated by Pacific Gas & Electric Company to terminate the 1987 Interconnection Agreement between the City and PG&E; and approving an Amended Interconnection Agreement between the City and PG&E which provides for continued delivery of electricity to City facilities, among other things.

Ordinance No. 235-07
FINALLY PASSED

**071233 [Penalty for Removing Chalk Marks]
Supervisor McGoldrick**

Ordinance amending San Francisco Traffic Code Sections 21 and 132 to impose a penalty for removing chalk marks of one hundred (\$100) dollars for any violation and to make minor changes to clarify the parking restriction. (Municipal Transportation Agency)

**Ordinance No. 236-07
FINALLY PASSED**

Recommendations of the Rules Committee

071350 [Settlement of Lawsuit - Elfie Jansel]

Ordinance authorizing settlement of the lawsuit filed by Elfie Jansel against the City and County of San Francisco for \$98,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. CGC06-452649; entitled Elfie Jansel v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

071351 [Settlement of Lawsuit - Marie Doe]

Ordinance authorizing settlement of the lawsuit filed by Marie Doe against the City and County of San Francisco for \$35,000; the lawsuit was filed on November 18, 2004 in United States District Court, Case No. C04-4914 MJJ; entitled Marie Doe, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

071318 [Appointment - Peak Oil Preparedness Task Force]

Resolution appointing Jeanne-Marie Rosenmeier, Carl Duisberg, Bernard Meyerson and Jan Lundberg to the Peak Oil Preparedness Task Force, terms ending October 5, 2008, residency requirement waived.

Jeanne-Marie Rosenmeier, new appointment, seat 1, must represent the public at large, for a one-year term ending October 5, 2008.

Carl Duisberg (residency requirement waived), new appointment, seat 2, must represent the public at large, for a one-year term ending October 5, 2008.

Bernard Meyerson, new appointment, seat 3, must represent the public at large, for a one-year term ending October 5, 2008.

Jan Lundberg, new appointment, seat 4, must represent the public at large, for a one-year term ending October 5, 2008.

**Resolution No. 565-07
ADOPTED**

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS**From the Clerk**

- 071397 [Adopting findings related to affirming the categorical exemption issued for 317 Cortland Street]
Motion adopting findings related to affirming the determination by the Planning Department that the 317 Cortland Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Motion No. M07-128

APPROVED by the following vote:

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

- 071410 [Adopting findings related to disapproving the categorical exemption issued for 445 Wawona Street]
Supervisor Elsbernd

Motion adopting findings related to disapproving the determination by the Planning Department that the 445 Wawona Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Elsbernd requested to be added as a sponsor.

Motion No. M07-127

APPROVED by the following vote:

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

From the Budget and Finance Committee Without Recommendation

- 071231 [Lease of Real Property at 1390 Market Street]
Mayor

Resolution authorizing the lease of 6,029 square feet of space in the building located at 1390 Market Street for the Office of Labor Standards Enforcement.

(Fiscal Impact.)

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

**070961 [Recreation and Park Commission--Authorization to Modify Golf Course Hours and Fees; Creation of Golf Course Task Force]
Supervisor McGoldrick**

Ordinance adding Section 12.46 to Article 12 of the San Francisco Park Code to authorize the Recreation and Park Commission to modify golf course hours and fees; and to create a Golf Course Task Force that will evaluate measures to reduce General Fund support for operation and maintenance of golf courses, and explore alternative revenue sources.

(No Economic Impact)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

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

Continued as amended to October 23, 2007

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

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

**071128 [De-appropriating \$45,717 of General Fund and Appropriating \$45,717 for a Golf Course Task Force in the Department of Recreation and Park for Fiscal Year 2007-2008]
Supervisor McGoldrick**

Ordinance de-appropriating \$45,717 for Golden Gate Park Stables in the Department of Recreation and Park, and appropriating \$45,717 for a half-time 1823 Senior Administrative Analyst position to staff a Golf Course Task Force in the Department of Recreation and Park for Fiscal Year 2007-2008.

(Supervisor Dufty dissented in committee.)

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

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

**071129 [Public Employment - Recreation and Park Department]
Supervisor McGoldrick**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.37 FTE) Class 1823 - Senior Administrative Analyst in the Recreation and Park Department.

(Supervisor Dufty dissented in committee.)

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

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

From the City Operations and Neighborhood Services Committee Without Recommendation

**071258 [Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]
Supervisors McGoldrick, Maxwell, Mirkarimi**

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 23, 2007

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

**071228 [Clean and Safe Neighborhood Parks General Obligation Bond Election]
Mayor, Supervisors Peskin, Elsbernd, Dufty**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, February 5th 2008, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: One Hundred and Eighty-Five Million Dollars (\$185,000,000) for the construction, reconstruction, purchase, and/or improvement of park, and recreation facilities within the City and County of San Francisco and all other structures, and improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those purposes; authorizing landlords to pass-through fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that a portion of the proposed project is categorically exempt from the California Environmental Quality Act, and the remainder of the proposed project is excluded from the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

PASSED ON FIRST READING by the following vote:

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

**071281 [Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]
Supervisor McGoldrick**

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to require an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission)

Supervisor McGoldrick requested to be added as a sponsor.

PASSED ON FIRST READING by the following vote:

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

**071300 [Approving Agreement with Northern California Joint Pole Association]
Supervisor Peskin**

Ordinance approving an agreement between the City and County of San Francisco and the Northern California Joint Pole Association for a term potentially in excess of ten years and indemnifying the Northern California Joint Pole Association and its members from certain third-party claims for personal injury or property damage, and waiving certain requirements of the San Francisco Administrative Code with respect to the agreement.

PASSED ON FIRST READING by the following vote:

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

**071375 [Public Employment - Department of Children Youth and their Families]
Supervisor Peskin**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of an 1823 Senior Administrative Analyst and the deletion of an 1822 Administrative Analyst in the Department of Children Youth and their Families.

PASSED ON FIRST READING by the following vote:

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

071280 [Sale of Surplus Real Property Located in the City of South San Francisco]

Resolution approving an Agreement For Sale of Real Estate between the City and County of San Francisco and The Redevelopment Agency of the City of South San Francisco pertaining to approximately 13.64 acres of land located in the vicinity of Chestnut Avenue and El Camino Real in the City of South San Francisco; adopting findings that the transaction is categorically exempt from environmental review and 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 and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

Resolution No. 559-07

ADOPTED by the following vote:

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

**071295 [Solar Power Projects Long Term Interconnection Agreements]
Supervisor Mirkarimi**

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into long term interconnection agreements for photovoltaic power plants projects on City buildings, pursuant to San Francisco Charter Section 9.118.

Resolution No. 554-07

ADOPTED by the following vote:

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

**071311 [Java House Café, LLC Lease]
Mayor**

Resolution approving Port Commission Lease No. 14100 with Java House, LLC, a lease with a fifteen (15) year term for certain real property located at Pier 40½ in the City and County of San Francisco at rents starting at the higher of \$2,045.00 per month or 7.5% of tenant's gross revenues.

Resolution No. 555-07

ADOPTED by the following vote:

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

**071373 [HOPE SF Criteria and Procedures]
Supervisor Maxwell**

Resolution approving criteria and procedures for allocating and expending HOPE SF Funds and authorizing expenditure of HOPE SF Funds consistent with the approved criteria and procedures.

Resolution No. 556-07

ADOPTED by the following vote:

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

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

**071377 [Amendment to Budget Analyst contract to exercise two year option]
Supervisor Peskin**

Motion approving exercising the final option set forth in the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Associates LLC; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to extend the term of the Agreement from January 1, 2008 through December 31, 2009.

(Fiscal Impact.)

Motion No. M07-131

APPROVED by the following vote:

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

**071378 [Request for Proposals process for Budget Analyst services]
Supervisor Peskin**

Motion directing the Clerk of the Board to initiate a Request for Proposals process for Budget Analyst services.

Amended on page 2, line 2, after the word "process" by inserting "unless the Board of Supervisors requests a sole source contract."

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

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

Motion No. M07-134

APPROVED AS AMENDED by the following vote:

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

**071298 [Approval of Modification No. 6 to Lease and Use Agreement L-82-0134 with Alaska Airlines, Inc. at San Francisco International Airport]
Supervisor Dufty**

Resolution approving and authorizing the execution of Modification No. 6 to the Lease and Use Agreement L-82-0134 with Alaska Airlines, Inc., to realign terminal space in Terminal 1 of San Francisco International Airport.

Resolution No. 560-07

ADOPTED by the following vote:

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

**071310 [Approval of Addendum to Port Lease for Living Classroom at Heron's Head Park]
Supervisor Maxwell**

Resolution approving an Addendum to Lease No. 13816 with Literacy for Environmental Justice for Construction, Maintenance, and Operation of a Living Classroom Building at Heron's Head Park.

Resolution No. 553-07

ADOPTED by the following vote:

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

071361 [Approval of Exercise of Renewal Option of Lease of Real Property at One Market Plaza]

Resolution approving the exercise of a Six Month Renewal Option of a lease of 20,677 square feet of office, storage and datacenter space at One Market Plaza for the Department of Telecommunications and Information Services (DTIS). (Real Estate Department)

Resolution No. 561-07

ADOPTED by the following vote:

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

071327 [Extending to September 30, 2008 the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy through which the Authority provides caretaker services at former Naval Station Treasure Island]

Resolution approving and authorizing the Treasure Island Development Authority to retroactively enter into a modification to the Cooperative Agreement with the Navy to extend the Cooperative Agreement from October 1, 2007 to September 30, 2008. (Treasure Island Development Authority)

(Fiscal Impact.)

Resolution No. 562-07

ADOPTED by the following vote:

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

**071344 [Master Agreement for State Aid Transportation Funds]
Mayor**

Resolution approving the execution of a Master Agreement for State-Aid Projects between the City and County of San Francisco, through its Municipal Transportation Agency (for the Department of Parking and Traffic), and the California Department of Transportation.

Resolution No. 563-07

ADOPTED by the following vote:

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

**071169 [Workforce Development Audit]
Supervisor Ammiano**

Motion concurring with the Budget Analyst's findings and recommendations as stated in the "Management Audit of San Francisco's Workforce Development Program".

Motion No. M07-132

APPROVED by the following vote:

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

From the Budget and Finance Committee Without Recommendation

071296 [Appropriating \$100,000 of General Fund Reserve to General City Responsibility for Hurricane Relief in Nicaragua]

Supervisors Daly, Ammiano, Sandoval

Ordinance appropriating \$200,000 from the General Fund Reserve to General City Responsibility for hurricane relief in Nicaragua for Fiscal Year 2007-2008.

(Fiscal Impact.)

Amended by reducing the amount from \$200,000 to \$100,000.

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

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

Ordinance appropriating \$100,000 from the General Fund Reserve to General City Responsibility for hurricane relief in Nicaragua for Fiscal Year 2007-2008.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Supervisor Daly was noted absent at 3:33 p.m.

071364 [Transit Shelter Advertising Agreement]

Ordinance approving Transit Shelter Advertising Agreement between the City and County of San Francisco and Clear Channel Outdoor Inc. (Municipal Transportation Agency)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Mirkarimi
Absent: 1 - Daly

- 071365 [Proposition J: Contracting Out Transit Shelter Advertising and Maintenance Services]
Resolution concurring with the Controller's determination that it is more economical for the San Francisco Municipal Transportation Agency to contract for transit shelter advertising and maintenance services than to provide the same services with City employees for Fiscal Year 2007-08. (Municipal Transportation Agency)

Resolution No. 557-07

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Mirkarimi

Absent: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

- 070947 [Exempting Wind Turbines from Bernal Heights Special Use District Height Limits]
Supervisor Ammiano

Ordinance amending the San Francisco Planning Code by amending Section 242 (e)(1)(D) to allow certain wind power generators within the Bernal Heights Special Use District subject to height limitations set forth in Section 260(b)(1)(A), making environmental findings, general plan findings, and other required findings.

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - Daly

- 071122 [Zoning - Interim zoning controls requiring conditional use authorization for new development in the Bernal Heights Brewster/Joy Neighborhood]
Supervisors Ammiano, Mirkarimi, Peskin

Resolution approving interim zoning controls requiring conditional use authorization for new development in the Bernal Heights Brewster/Joy Neighborhood on the East Slope of Bernal Heights for 18 months, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

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

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

Absent: 1 - Daly

Resolution No. 564-07

ADOPTED AS AMENDED by the following vote:

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

Absent: 1 - Daly

Recommendations of the Rules Committee

**071093 [Urging the American Psychological Association to end its acquiescence in regard to participation of psychologists in interrogation of detainees in Iraq, Afghanistan and Guantanamo Bay]
Supervisor Ammiano**

Resolution requesting that the American Psychological Association reconsider its stance regarding the participation of psychologists in interrogations of detainees by restricting the use of psychologists to providing therapeutic benefits in all sites where detainees are held without due process in violation of international human rights law.

Resolution No. 568-07

ADOPTED by the following vote:

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

**071307 [Iraq Moratorium]
Supervisors Ammiano, Daly**

Resolution endorsing the Iraq Moratorium's demands to stop the war and bring the troops home.

Resolution No. 567-07

ADOPTED by the following vote:

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

**071341 [Rules of Order - Material Economic Impact Legislation]
Supervisor Peskin**

Motion amending Rule 6.25 of the Rules of Order of the Board to clarify its applicability to the Board proceedings and its inapplicability to determinations of material economic impact by the Office of Economic Analysis.

Motion No. M07-129

APPROVED by the following vote:

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

**071399 [Waiver permitting City Employees to assist the Department of Elections with the November 6, 2007 election]
Supervisor Peskin**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 6, 2007 election.

Motion No. M07-130

APPROVED by the following vote:

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

From the Rules Committee Without Recommendation

- 071302 [Amending the Board's Rules to require a Supervisor request an item be heard at committee prior to calling it to be heard at the Full Board]
Supervisor Peskin

Motion amending Rule 5.31 to the Board of Supervisors' Rules of Order, to require a Supervisor request a hearing at a Committee of the Board before calling an item to be heard before the full Board of Supervisors.

Amend on page 1, line 23, after "referred" by inserting "upon receipt of the request the Clerk of the Board shall notify the Committee Chair of the request."

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED. The motion carried by the following vote:

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

Motion No. M07-133

APPROVED AS AMENDED by the following vote:

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

From the Rules Committee Without Recommendation

- 071051 [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.

*Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved an amendment of the whole.
Motion to amend passed without objection.*

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to further amend on page 1 "(4)" by replacing "4 years" with 2 years".

Motion to further amend passed by the following vote:

Ayes: 8 - Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Alioto-Pier, Elsbernd

Absent: 1 - Daly

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

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

Charter Amendment (Third 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.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

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

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

Privilege of the Floor

It was decided 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.

Supervisor Alioto-Pier welcomed, introduced and presented a Certificate of Honor to Abe Valente & Sons Plumbing Company in recognition of 100 years of being in business in San Francisco.

SPECIAL ORDER 3:30 P.M

070967 [Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]

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

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

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

Continued to October 30, 2007

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

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

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

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

070968 [Minor Sidewalk Encroachment Permit Appeal]

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

Continued to October 30, 2007

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

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

070969 [Minor Sidewalk Encroachment Permit Appeal]

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

Continued to October 30, 2007

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

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

COMMITTEE REPORTS

**071158 [Approving General Plan Amendments Related to Market & Octavia Area Plan]
Supervisor Mirkarimi**

Ordinance amending the San Francisco General Plan by adding a new area plan entitled the Market & Octavia Area Plan, and approving General Plan amendments to implement the Market and Octavia Neighborhood Plan by amending the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land Use Index; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

8/13/07 - Economic Impact.

Supervisor Dufty was previously excused from voting on this matter.

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

Supervisor Daly was noted present at 4:44 p.m.

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.

*Abdalla Megahed; expressed concern with issues relating to homelessness
James Chaffee; expressed concern with issues relating to the SF Public Library
Grasshooper Alan Kaplan; expressed with issues relating to homelessness and housing
Male speaker; expressed concern with issues relating to the politicians in San Francisco and the General Manager of the Recreation and Park Department and appreciated the Blue Angels air show
Peter Warfield; expressed concern with issues relating to the SF Public Library
Eugene Gordon Jr.; expressed concern with issues relating to the violation of human rights
Silvia Johnson; expressed concern with issues relating to general issues
John di Donna; shared a poem with the Board members
Tim Lipstill; expressed concern with issues relating to wood window workers and workers rights*

Supervisors Daly and Dufty were noted absent at 5:05 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

This measure was introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

**071405 [Landmark Designation nomination for Mary Ellen Pleasant Trees located at 1661 Octavia Street]
Supervisors Maxwell, Mirkarimi**

Resolution of intent initiating the nomination of the mature blue gum (*Eucalyptus globulus*) trees located at 1661 Octavia Street (Assessor's Block 647 lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

Resolution No. 552-07

ADOPTED

**071406 [Approval of a 90 day extension for Planning Commission review]
Supervisor Alioto-Pier**

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

**Resolution No. 558-07
ADOPTED**

**071407 [Commending Virginia Harmon on her service to the City and County of San Francisco as the Executive Director of the Human Rights Commission]
Supervisors Dufty, Ammiano, Maxwell**

Resolution commending Virginia Harmon on her service to the City and County of San Francisco as the Executive Director of the Human Rights Commission.

**Resolution No. 566-07
ADOPTED**

The foregoing items were acted upon by the following vote:

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

Severed from the Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

071415 [Establishing Board procedures for the official misconduct proceedings against Supervisor Edmund Jew]

Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, setting forth the process of selecting said outside counsel, and requiring that all hearings before the Board of Supervisors regarding the official misconduct proceedings against Supervisor Jew occur in a Committee of the Whole of the Board of Supervisors.

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to duplicate the file and delete on page 4, "FURTHER MOVED, That all hearings to discuss the Board's responsibilities under Section 15.105 of the Charter of the City and County of San Francisco, and the process by which the Board shall fulfill those responsibilities, be heard and approved in a Committee of the Whole of the Board of Supervisors; this shall include, but not be limited to, all consideration of the retention of outside legal counsel, establishing the format of Supervisor Jew's official misconduct hearing before the Board of Supervisors, developing procedures and standards for the administration of said misconduct hearing, as well as any other procedural considerations regarding these proceedings."

(See File 071454)

APPROVED AS DIVIDED by the following vote:

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

Absent: 2 - Daly, Duffy

Supervisor Chu Excused From Voting

Supervisor Maxwell, seconded by Supervisor Sandoval, moved to excuse Supervisor Chu, at her request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 2 - Daly, Duffy

Excused: 1 - Chu

**071454 [Establishing Board procedures for the official misconduct proceedings against Supervisor Edmund Jew]
Supervisor Sandoval**

Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, setting forth the process of selecting said outside counsel, and requiring that all hearings before the Board of Supervisors regarding the official misconduct proceedings against Supervisor Jew occur in a Committee of the Whole of the Board of Supervisors.

Motion No. M07-136

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 2 - Daly, Duffy

Excused: 1 - Chu

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

**071403 [Advertising for and Selection Process of Outside Counsel for the Board of Supervisors]
Supervisor Elsbernd**

Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, and setting forth the process of selecting said outside counsel.

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

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

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

**071404 [Urging issuance of a Request for Proposals for an Open Source Voting System for the November 4, 2008 General Election]
Supervisor Daly**

Resolution endorsing the use of Open Source software in voting systems for the City and County of San Francisco and urging the Mayor to urge the Director of Elections to prepare and issue a Request for Proposals for an Open Source voting system for the November 4, 2008 General Election.

Supervisor Elsbernd requested to refer this matter to Committee.

REFERRED to the Rules Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**071425 [Planning - Union Street Neighborhood Commercial District - full-service restaurants]
Supervisor Alioto-Pier**

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

10/16/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2007.

**071426 [Fair Retail Pricing Ordinance]
Supervisor Ammiano**

Draft Ordinance amending the San Francisco Police Code to add Article 42C, Section 4200C.1 to 4200C.8, to require motor fuel refiners over a two year period to divest themselves of company-operated service stations in the City and County of San Francisco and to preclude refiners from owning service stations in San Francisco in the future.

Economic Impact

10/16/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/15/2007.

**071427 [Alternative Access Fuels Ordinance]
Supervisor Ammiano**

Draft Ordinance amending the San Francisco Police Code to Add Article 42C, Sections 4200C.9 to 4200C.11, to prohibit franchise and fuel supply agreements from limiting the ability of franchisees and independent service station dealers to purchase motor fuel from any location or through any vendor in the refiner's wholesale network and to prohibit franchise and fuel supply agreements from limiting the ability of independent service station dealers and franchisees to purchase alternative motor fuel from any source other than the supplier or refiner if the supplier or refiner is unable to provide the alternative motor fuel.

10/16/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/15/2007.

**071428 [Appropriating \$5,000,000 of General Fund Reserve for Supportive Housing Projects for people who are homeless or at risk or homeless for Fiscal Year 2007-2008]
Supervisor Daly**

Draft Ordinance appropriating \$5,000,000 of General Fund Reserve from Fiscal Year 2007-2008 to the Mayor's Office of Housing for the acquisition, construction, and rehabilitation of housing for persons who are currently homeless or who at risk of being homeless.

(Fiscal Impact.)

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071431 [Planning Code - Restoration of Movie Theater Projecting Signs and Marquees]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sections 188, 603, and 604 and by adding Sections 602.25 and 602.26 in order to allow for the reconstruction, rehabilitation, or restoration of noncomplying movie theater projecting signs and marquees; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/16/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2007.

**071432 [Street encroachment on Linden Street between Gough Street and Octavia Boulevard]
Supervisor Mirkarimi**

Ordinance granting revocable permission to 300 Linden LLC to occupy the public right-of-way to construct street encroachment improvements on a portion of Linden Street, an unaccepted public right-of-way, between Gough and Octavia Boulevard, including new landscaping, raised stamped and colored asphalt paving, ADA approved detectable warning material, raised planters and granite curbstones for seating; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

10/16/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**071433 [Public Employment - Department of Public Health]
Supervisors Mirkarimi, Maxwell, Ammiano**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 12.90 positions in the Department of Public Health to support acute psychiatric beds at San Francisco General Hospital.

(Fiscal Impact.)

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071434 [Appropriating \$2,335,282 for Acute Psychiatric Beds at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008]
Supervisors Mirkarimi, Ammiano, Maxwell**

Ordinance appropriating \$2,335,282 including \$1,368,743 of General Fund Reserve and \$407,194 of Medicare revenue, \$66,384 of other in-patient revenue and \$492,961 of Medi-Cal revenue, to support acute psychiatric beds at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008, and requiring reports on the availability of services to meet the mental health needs of the in-patient clients.

(Fiscal Impact.)

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071436 [Appropriating \$33,521,354 of land sales revenue for construction at 525 Golden Gate to the San Francisco Public Utilities Commission for Fiscal Year 2007-2008]
Mayor**

Ordinance appropriating \$33,521,354 of San Francisco Water and Wastewater Enterprises estimated land sales revenues from properties including BART land, Petrocchi Brothers property, 425 Mason Street, Muni Transfer at Cesar Chavez, Peter Naughton Easement Transfer, Sea Cliff Lot, Chestnut and El Camino property in South San Francisco, Manzano Way lots in Fremont, PG&E Jefferson Martin Line, and Martin Gaehwhiler property, for costs related to architectural, excavation design services, construction and construction management at 525 Golden Gate Avenue to the San Francisco Public Utilities Commission for Fiscal Year 2007-2008.

(Fiscal Impact.)

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071437 [Appropriating \$372,596 of Revenue from State Mandated Costs for Prisoner Boarding in the Sheriff's Department Retroactive to Fiscal Year 2006-07]**Mayor**

Ordinance appropriating \$372,596 of Revenue from State Mandated Costs for Prisoner Boarding in the Sheriff's Department Retroactive to Fiscal Year 2006-07.

(Fiscal Impact.)

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions**071404 [Urging issuance of a Request for Proposals for an Open Source Voting System for the November 4, 2008 General Election]****Supervisor Daly**

Resolution endorsing the use of Open Source software in voting systems for the City and County of San Francisco and urging the Mayor to urge the Director of Elections to prepare and issue a Request for Proposals for an Open Source voting system for the November 4, 2008 General Election.

10/2/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/16/07, REFERRED to Rules Committee. Supervisor Elsbernd requested to refer this matter to Committee.

071424 [Accept-expend State Grant Funds available under the California Cultural and Historical Endowment to fund the Palace of Fine Arts Rotunda Restoration Project]**Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of \$1,451,250 for the restoration of the Palace of Fine Arts Rotunda, under Proposition 40 California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California State Library, California Cultural and Historical Endowment.

10/16/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

071429 [Drug Conviction/Financial Aid Resolution]**Supervisor Daly**

Resolution urging San Francisco Congressional representatives to overturn the provision of the Higher Education Act of 1998 that denies or delays access to financial aid for persons convicted for drug-related offenses.

10/16/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

071430 [Accept-Expend Private Foundation Grant - Back on Track Program]**Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of \$25,000 from the Metta Fund Health Foundation for a program entitled "Back on Track" for fiscal year 2007/2008.

10/16/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 071435 [Authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal and State transportation grants expiring on June 30, 2008]**
Supervisor Peskin

Resolution authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal and State transportation grants expiring on June 30, 2008.

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 071438 [Mortgage Revenue Bonds - Mason Street Supportive Housing]**
Mayor

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$30,000,000 for Mason Street Supportive Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$30,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

10/16/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 071440 [Urging Wooden Windows and the Carpenters Union Local 2236 work together to find resolution to labor disputes]**
Supervisors Ammiano, Dufty

Resolution urging Wooden Windows and the Carpenters Union Local 2236 to work together to find resolution to labor disputes and acknowledging recent events surrounding such disputes.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 071441 [Urging banks to work with the City to address the affects of subprime lending and calling on the Federal Reserve to take action at the national level to end predatory loan practices]**
Supervisor Ammiano

Resolution urging banks to work with the City to address foreclosures and subprime loan practices; calling on the Federal Reserve to prohibit loans at unaffordable rates, end the misuses of stated loans, eliminate prepayment penalties, and designate failure to escrow taxes and insurance in subprime loans as a deceptive practice.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071442 [Urging the adoption of October 27, 2007 as "End The War in Iraq" Day in San Francisco]
Supervisors Ammiano, Mirkarimi**

Resolution urging the Board of Supervisors to designate October 27, 2007 as "End The War in Iraq" Day in San Francisco and to endorse the march and rally that are scheduled to commence on October 27, 2007.
10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071443 [Urging the Mayor and Board of Supervisors provide city funding for the first annual Central American "Festival de los Volcanes"]
Supervisor Ammiano**

Resolution urging the Mayor and Board of Supervisors to recognize November 4th, 2007 Central American Peoples Day, and to acknowledge Central American Resource Center's (CARECEN) contributions in organizing first annual Central American Community "Festival de los Volcanes" which celebrates the historical presence and contributions of Central Americans to San Francisco.
10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071444 [Urging neighboring nations and major investors to defend peaceful pro-democracy demonstrators in Burma]
Supervisors Ammiano, Mirkarimi, Daly**

Resolution Urging the Governments of China, India, Thailand, Korea, Japan, and of the United States, as well as the Chevron and Daewoo Corporations to Take Action in Defense of Peaceful Pro-Democracy Demonstrators in Burma.
10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071445 [Commending Respiratory Care Workers for their Contributions to the Medical Community and Recognizing Respiratory Care Week 2007]
Supervisor Dufty**

Resolution commending Respiratory Care Workers for their Contributions to the Medical Community and Recognizing Respiratory Care Week 2007.
10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071446 [Urging the Mayor's Office of Housing to develop a homeownership preservation plan]
Supervisor Sandoval**

Resolution urging the Mayor's Office of Housing to create an emergency fund to prevent foreclosures and preserve home ownership.
10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071447 [Commending Warren Hellman and the Hardly Strictly Bluegrass Festival]
Supervisors Peskin, Dufty, Mirkarimi, Elsbernd**

Resolution commending Warren Hellman for his hard work and generosity in presenting the Hardly Strictly Bluegrass music festival in San Francisco for the last six years.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071448 [Commending Vice President Al Gore for winning the Nobel Peace Prize for his efforts to combat global warming]
Supervisors Alioto-Pier, McGoldrick**

Resolution commending Vice President Al Gore for winning the Nobel Peace Prize for his efforts to combat global warming.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071449 [Acceptance of the gift related to the improvement of a portion of the Lyon Street Stairs]
Supervisor Alioto-Pier**

Resolution acknowledging and accepting Richard C. Blum's gift to refurbish a portion of the Lyon Street Stairs and dedicating these improvements to public use.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071450 [Urging the Attorney General to clarify how Penal Code 3003 and the transient provision in Penal Code Section 290 apply to Jessica's Law (Proposition 83)]
Supervisor McGoldrick**

Resolution condemning the current policy of the California Department of Corrections and Rehabilitation of advising parolees who are unable to secure housing compliant with Proposition 83 ("Jessica's Law") to declare transience in order to avoid incarceration.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071451 [Authorization for City to enter into Memorandum of Understanding with other Bay Area cities and counties to govern expenditure of federal homeland security funds]
Supervisor Alioto-Pier**

Resolution authorizing City and County officials to enter into a Memorandum of Understanding that (1) establishes procedures for application, allocation and distribution of federal Urban Areas Security Initiative Program grant funds for fiscal year 2007 and future fiscal years, (2) continues an Urban Area Working Group with other Bay Area governmental entities, and (3) continues San Francisco as the primary grantee and fiscal agent for Urban Areas Security Initiative Program grant funds; further authorizing designated City and County officials to negotiate, execute and file on behalf of the City and County of San Francisco any and all agreements and documents and to take any other action necessary to apply for and receive grant funds under the Federal Urban Areas Security Initiatives Program.

10/16/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings**071419 [Mortgage Crisis]
Supervisor Alioto-Pier**

Hearing on the Mortgage Crisis and its impact on San Francisco. The hearing will consider: 1) The scope and impact of the nationwide mortgage crisis on San Francisco; 2) Actions the city can take to assist homeowners facing foreclosure; 3) Examination of regulation of the mortgage industry and City's ability to impact the mortgage market.

10/16/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**071420 [Department of Public Works - Contracting reform]
Supervisor Elsbernd**

Hearing on the status of contracting reform efforts at Department of Public Works (DPW).

10/16/07, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**071421 [Lake Merced Update]
Supervisor Elsbernd**

Hearing on the Lake Merced update from Public Utilities Commission and Recreation and Park Department.

10/16/07, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**071422 [Wastewater Capacity Charge]
Supervisor Mirkarimi**

Hearing to inquire into the adequacy of notice and due process surrounding the adoption of the new Wastewater Capacity Charge adopted by the San Francisco Public Utilities Commission on March 22, 2005 (Resolution No. 05-0045), as it pertains to owners and developers whose application for an on-site permit was on file prior to the date of implementation of the revised wastewater capacity charge. Hearing participants shall include: SFPUC, Department of Building Inspection, SF Redevelopment Agency, Mayor's Office of Community Development, among others.

10/16/07, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**071423 [Domestic Violence]
Supervisor Mirkarimi**

Hearing before the Public Safety Committee of the Board of Supervisors to consider strategies to combat domestic violence in the City and County of San Francisco.

10/16/07, RECEIVED AND ASSIGNED to Public Safety Committee.

Motions**071439 [Confirmation of Director of Office of Citizen Complaints]
Mayor**

Motion confirming appointment of Joyce Hicks as Director of the Office of Citizen Complaints.

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

PROPOSED ORDINANCES

- 071411 [Settlement of Lawsuit - Robert Kellogg, Jr.]**
Ordinance authorizing settlement of the lawsuit filed by Robert Kellogg, Jr., against the City and County of San Francisco and Philip J. Welsh for \$150,000; the lawsuit was filed on January 6, 2006 in San Francisco Superior, Case No. 446-493; entitled Robert Kellogg, Jr. v. City and County of San Francisco, et al. (City Attorney)
10/5/07, RECEIVED AND ASSIGNED to Rules Committee.
- 071412 [Settlement of Lawsuit - Mitchell Engineering/J. Fletcher Creamer & Son, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for \$775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J. Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)
10/5/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

- 071384 [Settlement of Unlitigated Claim - PG&E]**
Resolution approving the settlement of the unlitigated claim filed by Pacific Gas & Electric against San Francisco for \$238,594; claim was filed on June 19, 2007. (City Attorney)
9/25/07, RECEIVED AND ASSIGNED to Rules Committee.
- 071385 [Authorizing the Department of Telecommunications and Information Services to amend an agreement with CA, Inc. to extend the term of the agreement from ten years to twelve years and five months with an additional option period for two one year periods]**
Resolution authorizing the Department of Telecommunications and Information Services ("DTIS") to enter into the Second Amendment of an agreement between the City and County of San Francisco ("City") and CA, Inc. ("CA") to extend term of the agreement to thirteen years with an option for another three years.
(Telecommunications and Information Services)

(Fiscal Impact.)
9/28/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 071386 [Approving a contract with anticipated expenditures in excess of \$10 million]**
Resolution approving an Agreement between the City and County of San Francisco and S & S Trucking (Contractor) for hauling biosolids (sludge) and grit estimated to exceed \$10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)
10/1/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071409 [Street Artist Winter Holiday Spaces]
Supervisor Dufty**

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2007, beginning on November 15, 2007 and ending on January 15, 2008. (Arts Commission)
10/3/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests Granted

From: Supervisor Elsbernd

To: All City Departments

Requesting/Inquiring: Requesting a response to the following:

- 1) Does the Department currently maintain any month-to-month leases?*
- 2) If yes, please provide the following information for each month-to-month lease:*
 - a) monthly rent*
 - b) location of lease*
 - c) date on which lease became effective*
 - d) name of lessee*
 - e) reason for month-to-month lease*

From: Supervisor Ammiano

To: Director, Planning Department

To: Director, Department of Building Inspections

Requesting/Inquiring: One of the Planning Commission's recommendations regarding BF # 07-0671 is that DBI permit review staff will need to receive training on fringe financial services so that any such application will be appropriately routed to the Planning Department for review.

Within 30 days, please clarify how DBI and Planning intend to modify their procedures and communications to ensure that both conform to what is expected of the departments as outlined in the ordinance.

From: Supervisor Ammiano

To: Director, Municipal Transportation Agency

To: Director, Department of Public Works

Requesting/Inquiring: The Bureau of Street Environmental Services, a Division of the DPW, is in charge of maintaining city owned street furniture. MUNI is in charge of maintaining MUNI poles. The banner hardware on the decorative light poles on Mission Street, between 16th and 24th is sorely neglected.

These poles are a prominent and highly regarded contribution the city has made to our famous, busy corridor. There are numerous either broken or missing banner brackets.

One or both agencies must take responsibility for maintenance and repair of this city owned street furniture.

Community activists have been calling DPW and MUNI for years and getting nowhere. The 30th anniversary of Carnaval SF, the Mission's signature event, is in May of 2008. We expect the problem to be fixed before this event.

Within 30 days, we would like a written action plan detailing which city agency will be responsible for the continued maintenance of said street furniture, and when our community can expect the repairs to begin, and be completed in full.

From: Supervisor Ammiano

To: Director, Department of Public Works

Requesting/Inquiring: According to the City's "Blue Book" street construction directives, Sec. 8.1, sub-section C states, "Plates shall be coated with non-skid product."

- 1. Does DPW really monitor these street construction sites on a regular basis?*
- 2. If so, do the inspectors take seriously the directive that construction plates "...shall be coated with non-skid product"?*
- 3. If "Yes" is the answer to the above questions, why is there such an extreme prevalence of plates without non-skid product on sites throughout the City?*

Plates without tread are extremely hazardous for anyone on 2 wheels, and DPW's lack of contract oversight in this regard has already resulted in numerous serious injuries, endangering both the citizenry of San Francisco and putting the City in a situation of great legal liability for no good reason.

What will DPW do differently going forward to make sure that this code section is enforced without

exception? What penalties does DPW suggest be levied to ensure that contractors do not continue to ignore the law, and how will DPW change its enforcement regime to ensure that this problem be fixed permanently?

From: Supervisor Ammiano

To: Director, Mayor's Office of Criminal Justice

To: Chief, San Francisco Police Department

To: District Attorney

Requesting/Inquiring: Over the last several months, the conditions around 19th and Lexington have become increasingly dangerous. Most recently, this weekend the bouncer of a well-liked bar on the corner was hit in the leg by a stray bullet.

I understand from the Police and from neighbors that there are a few gang members who live in the building where the bar is located, and that this core group attracts as many as a dozen loitering gang members on an almost daily basis whom either draw or return gunfire from rivals on a regular basis. As many of my constituents have pointed out, this situation would not stand if it were occurring in the Marina, period.

It is unfair and unbelievable that such a small group of violent people can hold a neighborhood hostage with fear. I am tired of hearing from neighbors that the Police blame the Board of Supervisors and the terrified neighbors lack of assistance for the City's inability to solve the problem; this is insulting and patently false.

We make sure law enforcement has all the tools and resources they request to do their jobs, and we want to see some results now.

Within 30 days, I would like a written response from all of the above mentioned city bodies detailing what the coordinated response will be to this situation and to the crisis of confidence in the city's ability to ensure public safety, and how my office can be of assistance to facilitate a resolution to this very grave problem.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requests the Department of Public Works report on the status of removing graffiti from news stands at the following locations:

Advertiser

Southeast corner of Masonic and Hayes
Chronicle

Southwest corner of Hayes and Scott

Southwest corner of Hayes and Broderick
Daily

Northwest corner of Hayes and Gough
Examiner

Southeast corner of Oak and Broderick
Onion

Southeast corner of Masonic and Hayes

Southeast corner of Oak and Broderick
Weekly

Northwest corner of Octavia and Page

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requests the Department of Public Works report on the status of repairing the sidewalks on the west side of Masonic between Haight and Page Streets. There are multiple sites where the squares are lifting due to tree roots.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requests the Department of Public Works report on the status of planting a tree in an empty basin on the eastside of Divisadero between O'Farrell and Geary.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Mailboxes:

Southeast corner of Hayes and Masonic

Garbage Cans:

Northeast corner of Baker and Hayes

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requests the Department of Public Works report on the status of removing the graffiti from phone switch boxes at the following locations:
Phone Switch Box
Southeast corner of 6th and Irving
Light Switch Box
Southwest corner of Woodland and Parnassus
Southwest corner of 7th Avenue and Irving
Northeast corner of Fulton and Broderick
Northeast corner of Oak and Fillmore
Northwest corner of Oak and Pierce
Southeast corner of Lyon and Hayes
Southeast corner of Octavia and Page*

*From: Supervisor Mirkarimi
To: Director, Public Utilities Commission
Requesting/Inquiring: Requests the Public Utilities Commission report on the status of removing graffiti at the following locations:
Metal Poles
300 Block of Linden
Near 301 Parnassus
1900 Block of McAllister
Southwest corner of Octavia and Page
Wooden Poles
300 Block of Linden
Northeast corner of Hayes and Buchanan
Northeast corner of Laguna and Linden*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requests the Department of Parking and Traffic report on the status of removing graffiti or repairing signs on the DPT property at the following locations:
Graffiti/Stickers
"One-Way" at the northeast corner of Ivy and Octavia
"One-Way" at the southeast corner of Fell and Broderick
"STOP" sign at the southeast corner of Central and McAllister
"STOP" sign at the southeast corner of Octavia and Grove
Street Sign and Stop Sign Poles
All four corners of Buchanan and Page*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requests the Department of Parking and Traffic report on the status of removing graffiti on the parking signs located on both sides of the street (unless otherwise noted), at the following locations:
5th Avenue between Parnassus and Irving
Baker between Fell and Fulton
Fulton between Central and Baker (mostly black frames)
McAllister between Central and Masonic
Broderick between Turk and Fulton
Steiner between Oak and Haight
300 Block of Ivy*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic*

Requesting/Inquiring: Requests the Department of Parking and Traffic report on the status of installing Pedestrian Count Down Signals at the intersection of Masonic Avenue and Hayes Street. Primarily for the pedestrians crossing Masonic Avenue at Hayes Street.

In Memoriams

In Memoriams

Fred Chan - Supervisor McGoldrick

Sandy Kim - Supervisor Chu, Supervisor Elsbernd

Seiko Ota Murase- Supervisor Chu

Jack Shears - Supervisor Dufty

Jean Kortum - Entire Board

Enrico Banducci - Entire Board

Vincent Sin Pang - Supervisor Peskin

Dorothy May Laws - Supervisor Peskin

John Francis Petrin - Supervisor Peskin

Mario Mormorunni - Supervisor Peskin

Ramadan Smith - Supervisor Mirkarimi

Torfirio Carpenter - Supervisor Mirkarimi

Dr. Daniel Collins - Supervisor Maxwell

Verta Lee Vinson - Supervisor Maxwell

Willa Sims - Supervisor Maxwell

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:13 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 November 13, 2007.



Angela Calvillo
Clerk of the Board