

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, January 26, 2010 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee
Supervisors Dufty, Alioto-Pier, Daly, Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee
Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Dufty

Rules Committee
Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
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: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

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

COMMUNICATIONS

Clerk of the Board, Angela Calvillo, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 090583 which would extend just cause eviction protections for tenants in most residential rental units with a certificate of occupancy issued after June 13, 1979. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of February 2, 2010.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before the Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091230 [Department of Building Inspection Cash Revolving Fund]

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Commission)

Ordinance No. 15-10

FINALLY PASSED

091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$250,000]**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

Ordinance No. 14-10**FINALLY PASSED****091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$175,000]****Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

Ordinance No. 13-10**FINALLY PASSED****091421 [Appropriating \$739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY2009-2010]****Sponsor: Mayor**

Ordinance appropriating \$739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY2009-2010.
(Fiscal Impact.)

Ordinance No. 9-10**FINALLY PASSED****091422 [Public Employment - Amendment to the Annual Salary Ordinance, FY2009-2010 - Department of Building Inspection]****Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

Ordinance No. 8-10**FINALLY PASSED**

091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010]**Sponsors: Mayor; Maxwell**

Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010; placing \$1,683,967 on Controller's reserve.

Ordinance No. 12-10**FINALLY PASSED****Recommendations of the City Operations and Neighborhood Services Committee****091322 [Liquor License, 953 Harrison Street]**

Resolution determining that the issuance of a Type 21 off-sale general license to Patrick and Angela Buscovich, for the Wine Club located at 953 Harrison Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 20-10**ADOPTED****091401 [Accept and Expend Grant - California Secretary of State VOTE Grant Program - Not to Exceed \$249,998.41]****Sponsor: Alioto-Pier**

Resolution authorizing the San Francisco Department of Elections to accept and expend grant funds in an amount not to exceed \$249,998.41 for improving accessibility to and participation in the election process for individuals with disabilities in accordance with the California Secretary of State's VOTE Grant Program.

Resolution No. 31-10**ADOPTED**

Recommendations of the Public Safety Committee**091436 [Accept and Expend Grant - U.S. Department of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY2009-2010 - \$698,970]****Sponsors: Chiu; Chu**

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

Ordinance No. 11-10**FINALLY PASSED****091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$660,615]****Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

Ordinance No. 7-10**FINALLY PASSED****091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$2,079,703]****Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

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

Recommendations of the Rules Committee**091381 [Settlement of Lawsuit - Marco Maestrini - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for \$40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091382 [Settlement of Lawsuit - Ben H. Lyon - \$47,500]

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for \$47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - \$158,000]

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for \$158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

PASSED, ON FIRST READING

091384 [Settlement of Unlitigated Claim - David Cleary - \$225,000]

Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for \$225,000; claim was filed on May 22, 2009. (City Attorney)

Resolution No. 30-10

ADOPTED

091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - \$83,251.89]

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for \$83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

Resolution No. 29-10

ADOPTED

091474 [Settlement of Claim - Devorah Joseph - \$49,000]

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for \$49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

Resolution No. 28-10

ADOPTED

091427 [Appointments, Workforce Investment Community Advisory Committee - Tracy Brown and Jamie Brewster]

Motion appointing Tracy Brown and Jamie Brewster, terms to be determined, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Tracy Brown, seat 3, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Jamie Brewster, seat 4, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Motion No. M10-13

APPROVED

091481 [Appointment, Veterans Affairs Commission - James Gugliemoni]

Motion appointing James Gugliemoni, term ending January 31, 2014, to the Veterans Affairs Commission. (Clerk of the Board)

James Gugliemoni, seat 10, succeeding himself, term expiring on January 31, 2010, must be an at-large appointment, for a four-year term ending January 31, 2014.

Motion No. M10-14

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]

Sponsors: Mar; Chiu

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in Committee.)

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

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

Excused: 1 - Alioto-Pier

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction during the school year where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Excused: 1 - Alioto-Pier

Recommendation of the Public Safety Committee

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

FINALLY PASSED by the following vote:

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

Noes: 3 - Chu, Dufty, Elsbernd

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091447 [Ordinance Levying Special Taxes Within Special Tax District No. 2009-1 San Francisco Sustainable Financing]

Sponsors: Mayor; Mar and Dufty

Ordinance to authorize and levy special taxes within the City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the special tax rate and amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091451 [Resolution Authorizing Sale of Special Tax Bonds - Not to Exceed \$10,000,000]

Sponsors: Mayor; Mar and Dufty

Resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed \$10,000,000 and approving the form of a Fiscal Agent Agreement, a Purchase Contract and a Security Agreement and authorizing and approving other related actions in connection therewith.

Resolution No. 27-10

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]**Sponsors: Mayor; Chiu and Mirkarimi**

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

PASSED, ON FIRST READING by the following vote:

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

091442 [Contract to Transfer Airport Police Service, Assets, and Liabilities from California Public Employees' Retirement System to San Francisco Employees' Retirement System]**Sponsor: Elsbernd**

Resolution approving contract to transfer airport police service and associated assets, and liabilities from the California Employees' Retirement System to the San Francisco Employees' Retirement System.

Resolution No. 26-10**ADOPTED by the following vote:**

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

100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$50,000]**Sponsor: Maxwell**

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

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

091439 [Paratransit Broker Agreement - Not to Exceed \$118,599,710]**Sponsor: Dufty**

Resolution approving a Paratransit Broker Agreement with Veolia Transportation, Inc., in an amount not to exceed \$118,599,710 for a five-year term ending June 30, 2015, with an optional five-year extension.

(Fiscal Impact.)

Resolution No. 32-10**ADOPTED by the following vote:**

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

091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]

Resolution adopting findings under the California Environmental Quality Act (CEQA) including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 25-10

ADOPTED by the following vote:

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

100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$10,193,602 of sources and \$4,556,230 of uses and de-appropriating \$1,444,829 of sources and \$31,053,764 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for FY2009-2010, de-appropriating \$1,299,545 of General Fund Reserve, and de-appropriating \$35,825,254 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.
(Fiscal Impact.)

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

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

Ordinance appropriating \$10,193,602 of sources and \$4,556,230 of uses and de-appropriating \$1,444,829 of sources and \$30,908,851 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for Fiscal Year 2009-2010, de-appropriating \$1,444,458 of General Fund Reserve, and de-appropriating \$35,680,341 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Maxwell, seconded by Supervisor Dufty, moved that Supervisor Chu be excused from voting on File No. 091218. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Chu

091218 [MOU, Amendment #2 - Local 798, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 2 - Alioto-Pier, Chu

091219 [MOU, Amendment #2 - Local 798, Unit 2]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]

Sponsor: Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

Resolution No. 19-10

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

091233 [Administrative Code Amendments Related to False Claims]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091402 [Medical Cannabis Task Force]

Sponsors: Campos; Mirkarimi, Avalos and Daly

Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

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

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

Excused: 1 – Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote. The motion carried by the following vote:

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

Excused: 1 – Alioto-Pier

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

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 3 - Chu, Daly, Elsbernd

Excused: 1 - Alioto-Pier

Supervisor Daly, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

Excused: 1 - Alioto-Pier

091403 [Inclusion of Textiles in Sweatfree Contracting Ordinance]

Sponsors: Campos; Mar

Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

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

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091446 [Modifying the Membership of the Food Security Task Force]

Sponsor: Maxwell

Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger and food insecurity in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091459 [Appointment, Urban Counties Caucus - Supervisor Michela Alioto-Pier]

Motion appointing Supervisor Michela Alioto-Pier, term ending December 31, 2010, to the Urban Counties Caucus. (Clerk of the Board)

Motion No. M10-15

APPROVED by the following vote:

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

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100050 [Committee of the Whole - Confirming Report of Delinquent Transfer Taxes]

Hearing of persons interested in or objecting to a report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this Resolution, and creating special assessments and liens based thereon pursuant to Section 1115.1 of the Real Property Transfer Tax Ordinance (under San Francisco Business and Tax Regulations Code Article 12-C). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the motion to table File No. 100051. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

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

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

Excused: 1 - Alioto-Pier

Committee of the Whole Adjourn and Report Without Recommendation

100051 [Confirming Report of Delinquent Transfer Taxes]

Sponsor: Dufty

Resolution confirming report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

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

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

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100036 [Committee of the Whole – Beilenson Hearing]

Sponsor: Avalos

Hearing to consider the Department of Public Health's budget eliminating or reducing health care medical services.

See File No. 100035.

The President inquired as to whether any member of the public wished to address the Board relating to the Department of Public Health's budget eliminating or reducing health care medical services. Dr. Mitch Katz, Director of the Department of Public Health, provided an overview of the reductions and responded to questions raised throughout the discussion. Male Speaker; Rev. Melinda McLain; Ken Jones; Abdullah Megaheed; Brenda Barros; Rita Lark; Chris Osborne; Pamela Snyder; Mother Jones; Dr. Alicia Boccellari; Arthur Bosse; Skip Jones; Eve Meyer; Female Speaker; Neils Teunis; Christa Compton; Emil Lawrence; Rev. Yvette Flunder; Michael Tong; Kevin Manz; Jesse Brooks; Male Speaker; Rachel Kelley; Female Speaker; Elree Dawson; Famus Morris; Grace Aikens; Female Speaker; Terry Wells; Female Speaker; Female Speaker; Teresa Hart; Jazheim Groome; Aretha Jones; Male Speaker; Male Speaker; Amber Wright; Eric Johnson; Fran Huston; Debbie Lerman; Walter Paulson; Nancy Cross; Male Speaker; Mr. Wright; Ray Hartz; Richard Robinson; Male Speaker; Roberta Robinson; and Ms. Tomas; spoke expressing concerns relating to reductions in health services. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

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

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Campos, 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: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the family of Art Octavio, long-time swim coach of the San Francisco Recreation and Park Department Pools and Lowell High School Swim Team, in recognition of his accomplishments and community support.

COMMITTEE REPORTS

091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]

Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to \$100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

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

091163 [Economic Stimulus Measures for Capital Project Acceleration]

Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from \$100,000 to \$400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to \$25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from \$25,000 to \$100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from \$3,000,000 to \$5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from \$200,000 or \$400,000 (depending on the program) to \$400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

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

091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]**Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu**

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

Supervisors Dufty, Mirkarimi, Campos, and Chu requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]**Sponsors: Chiu; Chu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to set a goal of not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$5,000,000 and \$20,000,000 (6) provide that subcontracting and consulting goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may permit the use of SBA-LBEs or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting and subconsulting goals are to be exempted from satisfying good faith outreach requirements and (8) total LBE participation on a bid or proposal to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established goals for them.

Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

100047 [Planning Code - Interim Controls Related to Affordable Housing Requirements]**Sponsors: Mayor; Chiu**

Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Mr. Wright; expressed various concerns.
Richard Robinson; expressed various concerns.
Ray Hartz; expressed concerns relating to government.
Peter Warfield; expressed concerns relating to the SF Public Library.
Chris; expressed concerns relating to the Charter.
John DiDonna; expressed concerns relating to handicapped citizens.
Male Speaker; expressed various concerns in Spanish and English.
Teresa Hart; expressed concerns relating to contractors.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Nancy Cross; expressed concerns relating to sleep deprivation.
Richard McRee; expressed concerns relating to the Hunter's Point EIR.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100060 [Accept and Expend Grant - HIV Technical Guide - \$14,500]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of \$14,500 to develop a technical guide for HIV care and prevention programs for men who have sex with men (MSM) and transgendered individuals; for the period of December 15, 2009, through December 31, 2009.

Resolution No. 24-10

ADOPTED

100062 [Urging President Obama to Issue an Executive Order Creating a National Ocean Policy]

Sponsor: Mirkarimi

Resolution urging President Obama to issue an Executive Order to create a National Ocean Policy based on the recommendations of the Ocean Policy Task Force.

Resolution No. 23-10

ADOPTED

100063 [Angel Island Immigration Station Day - January 21, 2010]

Sponsors: Mar; Avalos, Campos, Chiu and Chu

Resolution declaring January 21, 2010, as Angel Island Immigration Station Day, and Commemorating the 100th Anniversary of the Immigration Station.

Resolution No. 22-10

ADOPTED

100064 [Bernal Heights Branch Library Re-Opening]

Sponsor: Campos

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

Resolution No. 21-10

ADOPTED

100070 [Final Map 5582: 1489 – 1495 Valencia Street]

Motion approving Final Map 5582, a 2 Airspace Subdivision: Parcel “A” being a Mixed Use Condominium Project (6 Residential Units and 1 Commercial Unit) and Parcel “B” being a One Lot Airspace Project, located at 1489 - 1495 Valencia Street being a subdivision of Lot No. 028 in Assessors Block No. 6530 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-17

APPROVED

100071 [Final Map 4305: 3431 – 3435 Mission Street]

Motion approving Final Map 4305, a Four Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 3431 - 3435 Mission Street being a subdivision of Lot No. 037 in Assessors Block No. 5673 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-18

APPROVED

100072 [Final Map 4789: 235 Waller Street]

Motion approving Final Map 4789, a Six Unit Residential Condominium Project, located at 235 Waller Street being a subdivision of Lot No. 035 in Assessors Block No. 0869 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-19

APPROVED

100073 [Final Map 4955: 1250 – 1260 Missouri Street]

Motion approving Final Map 4955, a 36 Unit Commercial Condominium Project, located at 1250 - 1260 Missouri Street being a merger and resubdivision of Lot Nos. 014, 015, 016 in Assessors Block No. 4287 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-20

APPROVED

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote. The motion carried by the following vote:

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

Excused: 1 – Alioto-Pier

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 100035 be severed so that it may be considered separately.

100035 [Committee of the Whole - Health Services Reductions (Beilenson Hearing) January 26, 2010, at 3:00 p.m.]

Sponsor: Avalos

Motion scheduling the Board to sit as a Committee of the Whole to consider health services reductions (Beilenson Hearing), to be held on January 26, 2010, at 3:00 p.m.

Motion No. M10-16

The President inquired as to whether any member of the public wished to address the Board relating to the Board sitting as a Committee of the Whole to address health service reductions referenced in File No. 100036. There were no speakers. The President declared public comment closed.

APPROVED by the following vote:

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

Excused: 1 - Alioto-Pier

Supervisor Elsbernd requested that File No. 100061 be severed so that it may be considered separately.

100061 [Opposing Shading of Public Parks and Open Space]

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

Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

REFERRED to the Land Use and Economic Development Committee

Supervisor Mirkarimi requested that File No. 100084 be severed so that it may be considered separately.

100084 [Proclamation of Local Emergency - January 19, 2010]

Sponsor: Elsbernd

Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

See File No. 100087.

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

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

Motion No. M10-21

APPROVED AS AMENDED by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Mirkarimi, seconded by Supervisor Campos, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

100087 [Proclamation of Local Emergency - January 22, 2010]**Sponsor: Elsbernd**

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

See File No. 100084.

The President inquired as to whether any member of the public wished to address the Board relating to the Imperative Item relating to the proclamation of a local emergency as referenced in File No. 100087. Ed Reiskin, Director of the Department of Public Works, and Frank Filice, Public Works Project Manager, provided an overview and responded to questions raised throughout the discussion. Laura Capelli; Josh Berry; Bill McGlocklin; Dean LaTourrette; Male Speaker; and Les Martin; spoke expressing concerns relating to the local emergency and utilization of appropriate materials. There were no other speakers. The President declared public comment closed.

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

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

Motion No. M10-22

APPROVED AS AMENDED by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL

Ordinances

100093 [Housing Code – Residential Hotel Notice Posting Requirement]**Sponsors: Campos; Chiu**

Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

01/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/25/2010.

100095 [Citywide Coordination of Information and Communications Technology]**Sponsor: Chiu**

Ordinance amending Department of Technology and Committee on Information Technology responsibilities, establishing the position and duties of the Chief Information Officer, eliminating the Telecommunications Commission, adding San Francisco Administrative Code Chapter 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4, 22A.5, 22A.6 and 22A.7, and deleting San Francisco Administrative Code Sections 3.24, 3.25, 3.27, 11.85, 11.86, 11.87, 11.88 and 11.89 to implement these changes.

01/26/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/25/2010.

100099 [Appropriating \$1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]**Sponsor: Mar**

Ordinance appropriating \$1,813,616 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010.

(Fiscal Impact.)

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100101 [Appropriating \$305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]**Sponsor: Mayor**

Ordinance appropriating \$305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100102 [Requiring the Development and Maintenance of Stormwater Management Controls]**Sponsors: Mayor; Maxwell**

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, Sections 140 - 149.4, and adding Article 4.2, Sections 147 - 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

01/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/25/2010.

100103 [Prohibition on Tobacco Sales Within 1,000 Feet of a School]**Sponsor: Mayor**

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

01/26/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/25/2010.

100104 [Retailers' Duty to Disclose Radiation Levels for Cell Phones]**Sponsor: Mayor**

Ordinance amending the San Francisco Environment Code by adding Chapter 11, Sections 1100 through 1104, to require retailers to disclose Specific Absorption Rate values for cell phones, and making environmental findings.

01/26/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/25/2010.

090228 [Payroll Expense Tax Revision to Encourage Job Retention and Creation in San Francisco]**Sponsors: Mayor; Dufty**

Ordinance amending the Payroll Expense Tax Ordinance by adding Section 905 to permit the Payroll Expense Tax owed for the year 2010 to be paid at the lower of the amount owed for 2009 or 2010 and for the year 2011 to be paid at the lowest of the amount owed for 2009, 2010, or 2011, and excluding from the calculation any taxes attributable to payroll expenses for owners or beneficiaries of pass-through entities.

(Fiscal Impact.)

02/24/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to Budget and Finance Committee.

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

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

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

01/19/10; REFERRED TO DEPARTMENT.

01/20/10; RESPONSE RECEIVED.

01/26/10; SUBSTITUTED.

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

Resolutions

100074 [Accept and Expend Grant - PG&E Efficiency Contract - \$11,540,000]

Sponsor: Mayor

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$11,540,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100096 [Accept and Expend Grant - Light Brown Apple Moth Program - \$42,448.60]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Food and Agriculture in the amount of \$42,448.60 to fund the Little Brown Apple Moth Program for the period of July 1, 2009, through June 30, 2010.

01/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100097 [Accept and Expend Grant - Ghana's Most-At-Risk Populations Size Estimation - \$28,465]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$28,465 from the University of California San Francisco (UCSF), to assist with a project entitled "Ghana's Most-At-Risk Populations Size Estimation" for the period of January 1, 2010, through March 31, 2010.

01/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100098 [Establishment of the Rainbow Honor Walk]

Sponsor: Dufty

Resolution establishing the Rainbow Honor Walk on Castro Street between 19th Street and Market Street, on Market Street between Castro Street and Noe Street, on 19th Street between Diamond Street and Castro Street, on 18th Street between Collingwood Street and Hartford Street and initiating the process set forth in Public Works Code Sections 789 et seq. to provide for the creation of a program for and installation of commemorative plaques on the Rainbow Honor Walk.

01/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100100 [Accept and Expend Grant - Department of Juvenile Probation - \$150,000]

Sponsor: Maxwell

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of \$150,000 from the The Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

01/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100106 [Supporting the Department of Public Works Accreditation Efforts]

Sponsor: Dufty

Resolution supporting the Department of Public Works' application to the American Public Works Association for accreditation.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100107 [Declaring February 5, 2010, as Joe Illick Day in San Francisco]

Sponsor: Dufty

Resolution declaring February 5, 2010, as Joe Illick Day in San Francisco.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100108 [Commending the Obama Administration for the Granting of Temporary Protected Status to Haitians Living in the United States]

Sponsors: Campos; Avalos, Chiu and Mar

Resolution commending the Obama Administration for granting temporary protected status to Haitians in the United States, and directing the Clerk of the Board to send a letter of support to President Obama, Secretary Napolitano, Speaker Pelosi, Senator Feinstein, and Senator Boxer.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100109 [In Solidarity With the Workers of the Mexican Electricians Union]

Sponsors: Avalos; Mar

Resolution urging President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100110 [Declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco]

Sponsors: Dufty; Mar

Resolution declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100111 [Urging Congress and President Obama to Increase California's Federal Medical Assistance Percentage by Renewing Federal Stimulus Funds]

Sponsor: Avalos

Resolution urging Congress and President Obama to increase California's Federal Medical Assistance Percentage by renewing federal stimulus funds.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100061 [Opposing Shading of Public Parks and Open Space]**Sponsors: Chiu; Avalos, Campos, Daly, Mar, Maxwell and Mirkarimi**

Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

100053 [Accepting a Gift to the Recreation and Park Department of Synthetic Turf Athletic Fields Valued at Approximately \$6,000,000 from the City Fields Foundation]**Sponsors: Mar; Campos, Chu, Chiu, Elsbernd, Alioto-Pier and Dufty**

Resolution authorizing the Recreation and Park Department to accept a gift of synthetic turf athletic fields at Mission Playground and the Beach Chalet Soccer Fields, valued at approximately \$6,000,000 from the City Fields Foundation.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to City Operations and Neighborhood Services Committee.

Requests for Hearing**100086 [Public Safety Issues Concerning Chronic Low-Level Crimes and Harassment]****Sponsor: Mirkarimi**

Hearing on public safety issues concerning chronic low-level crimes and harassment, including a discussion on the feasibility of a "no sit and/or lie" law, requiring presentations from the San Francisco Police Department, the District Attorney's office, and the Human Services Agency, and requesting a representative from the City Attorney's office to be present.

01/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100088 [Police, Sheriff, and Juvenile Probation Departments Budget Balancing Strategies in FY2010-2011]**Sponsor: Avalos**

Hearing to consider budget balancing strategies and efficiencies for the Police Department, Sheriff's Department, and the Juvenile Probation Department in FY2010-2011.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100089 [City Administrator, Department of Public Works, and Recreation and Park Department Budget Balancing Strategies in FY2010-2011]**Sponsor: Avalos**

Hearing to consider budget balancing strategies and efficiencies for the City Administrator, Department of Public Works, and the Recreation and Park Department in FY2010-2011.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100090 [Department of Public Health, Human Services Agency, and Department of Children, Youth and Families Budget Balancing Strategies in FY2010-2011]**Sponsor: Avalos**

Hearing to consider budget balancing strategies and efficiencies for the Department of Public Health, Human Services Agency, and the Department of Children, Youth and Families in FY2010-2011.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100091 [Biotech and Life Science Industry in San Francisco]**Sponsor: Maxwell**

Hearing on the City's biotech-related programs including business retention and attraction, educational and workforce development efforts, and a discussion of the biotech payroll tax exemption five-year report.

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

100092 [Hunters Point Shipyard and Candlestick Point Development Project]**Sponsor: Maxwell**

Hearing on the Hunters Point Shipyard Phase 2 and Candlestick Point Integrated Development Project, including a discussion of the land use and design, housing, community benefits, employment and contracting, open space, sustainability, financing, infrastructure, and transportation components of the plan.

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

Motions**100087 [Proclamation of Local Emergency - January 22, 2010]****Sponsor: Elsbernd**

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

01/26/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

01/26/10; APPROVED AS AMENDED.

100094 [Budget and Legislative Analyst Limited Scope Performance Audit of the San Francisco Municipal Transportation Agency to Determine its Effectiveness]**Sponsors: Campos; Mirkarimi and Chiu**

Motion directing the Budget and Legislative Analyst to conduct a limited scope performance audit of the San Francisco Municipal Transportation Agency (SFMTA) to determine if the SFMTA is operating in the most efficient, effective, and economical manner in establishing and collecting revenues and in managing expenditures.

01/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

100068 [Settlement of Lawsuit - Marjorie Flores - \$57,500]

Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for \$57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

01/06/10; RECEIVED AND ASSIGNED to Rules Committee.

100069 [Settlement of Lawsuit - Yee Mei Hung - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for \$50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

01/06/10; RECEIVED AND ASSIGNED to Rules Committee.

100080 [Repealing the Department of Technology Cash Revolving Fund]

Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

01/13/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/25/2010.

PROPOSED RESOLUTIONS

100081 [Lease for Surface Parking Between the Port of San Francisco and Central Parking System, Inc., Located in the Northern Waterfront]

Resolution approving a Port Commission Lease (Lease No. L-14795) with Central Parking System, Inc., a Tennessee Corporation, for certain real property located at Seawall Lots (SWL) 301 bounded by Taylor Street, Jefferson Street, and Powell Street, and SWL 314 bounded by The Embarcadero and Bay Street, and Kearny Street in the City and County of San Francisco for a term of 3 years. (Port)

01/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Avalos

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance to amend our Chapter 6 and Chapter 83 Local Hiring and First Source statues to establish minimum mandatory requirements for hiring San Francisco residents with the following policy goals of:

- 1. Creating jobs for San Francisco residents;*
- 2. Combating systemic poverty and supporting community development for our most economically challenged communities; and*
- 3. Harnessing environmental benefits of utilizing local workforce and reducing green house gas emission associated with commuting.*

From: Supervisor Alioto-Pier

To: Director, Department of Public Works

Requesting/Inquiring: Inquiring of the Department of Public Works the location and type of each wireless service facility in the City and County of San Francisco permitted pursuant to San Francisco Administrative Code Section 11.9(b). Supervisor Alioto-Pier further inquires the location of all pending wireless service facility permits in the City and County of San Francisco pursuant to Administrative Code Sections 11.9(a) & (b).

Please provide a list indicating the location of each wireless service facility, including both existing wireless service facilities and those pending approval and a list with the permit number, permit type, address, permit status, expiration date and company name.

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 location: Intersection of Webster & Geary Blvd., Southwest side of the street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

Northwest corner Masonic & Haight

Northeast corner Stanyan & Waller

Southeast corner Broderick & Fell

Southwest corner Central & Fulton

Southwest corner Steiner & Haight

Southwest corner Haight & Fillmore

Southeast corner Baker & Fell

Northwest corner Grove & Webster

By 1213 Fell

Bus Shelter

Southeast corner Divisadero & Haight

Southwest corner Buchanan & Haight

Northeast corner Pierce & Hayes

Southwest corner Buena Vista East & Haight

Northeast corner Haight & Buena Vista East

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

Emergency Boxes

Northeast corner Fell & Divisadero

Northwest corner Ashbury & Fell

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Garbage Cans

Northwest corner Clayton & Fulton

Southeast corner Haight & Buena Vista East

Southwest corner Haight & Buchanan

Southeast corner Buena Vista West & Haight

Across the street from 10 Steiner

Northwest corner Haight & Ashbury

Mailboxes

Northeast corner Buchanan & Haight

Northeast corner Cole & Fulton

Northwest corner Masonic & Haight

Southeast corner Haight & Baker

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

637 Central

160 Pierce

603 Haight, on side of building

533 Haight

525 Haight

530 Haight

399 Haight, on Webster side

456 Haight

299 Webster

253 Webster

201 Webster

420 Haight

509 Haight

533 Haight

901 Oak

189 Page

507 Haight

262 Divisadero

1123 Oak

850 Oak

350 Fillmore

485 Scott

501 Divisadero, on Fell Street side

833 Cole

1658 Haight

1560 Haight

1529 Haight

1369 Haight

901 Haight

719 Haight
428 Haight
295 Buchanan
580 Hayes

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

Wood Pole
In front of 833 Cole
Southeast Buchanan & Waller

Metal Poles
Northeast corner Broderick & Haight
Southeast corner Fillmore & Haight
Southeast corner Divisadero & Oak
Southwest corner Fillmore & Haight
Southwest corner Fillmore & Waller

In Memoriams

James Weatherholt II – Supervisor Mirkarimi
Mary O. Jefferson – Supervisor Mirkarimi
Garland Earp – Supervisor Mirkarimi
Tom Hayes – Entire Board
Emmy H. Altman – Supervisor Dufty
Norm Rolfe – Supervisor Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:33 p.m.

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

Approved by the Board of Supervisors on March 9, 2010.

Angela Calvillo, Clerk of the Board