

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, June 16, 2009 2:00 PM

Legislative Chamber - Second Floor
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, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

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
11:00 AM

1st and 3rd Thursday
10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Alioto-Pier and Elsbernd were noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:10 p.m.

Supervisor Alioto-Pier was noted absent at 2:30 p.m.; was noted present at 2:35 p.m.

Supervisor Daly was noted absent at 2:50 p.m.; was noted present at 3:01 p.m.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Elsbernd from voting. The motion carried by the following vote:

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

Excused: 1 - Elsbernd

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of May 19, 2009, and May 27, 2009. The motion carried by the following vote:

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

Excused: 1 - Elsbernd

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090543 [Revising Board of Appeals Filing Fees]
Mayor

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

Ordinance No. 102-09

FINALLY PASSED

Recommendation of the Budget and Finance Subcommittee

- 090587 [Appropriating \$14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]
Mayor**

Ordinance appropriating \$14,152,000 including \$12,051,000 from surplus hospital revenues at San Francisco General Hospital, \$1,891,000 from surplus Department of Public Health General Fund revenues, and \$210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

**Ordinance No. 96-09
FINALLY PASSED**

Recommendations of the City Operations and Neighborhood Services Committee

- 090628 [Accept and Expend Grant - Department of Public Health - \$200,000]
Supervisors Campos, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$200,000 from the Metta Fund to support the Healthy San Francisco (HSF) program evaluation for the period of April 29, 2009, through April 28, 2011.

**Resolution No. 238-09
ADOPTED**

- 090629 [Accept and Expend Grant - Department of Public Health - \$50,000]
Supervisors Campos, Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$50,000 from the Commonwealth Fund to support the Healthy San Francisco program evaluation for the period of March 1, 2009, through February 28, 2010.

**Resolution No. 239-09
ADOPTED**

- 090632 [Accept and Expend Grant - Department of Public Health - \$102,421]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend funds from the Foundation for AIDS Research (amfAR) in the amount of \$102,421 to support the HIV Epidemiology project entitled "Assessing Internet Users Preferences for Structural and Network Interventions;" for the period of January 1, 2009, through December 31, 2009.

**Resolution No. 240-09
ADOPTED**

Recommendations of the Land Use and Economic Development Committee**090670 [Temporary Parking Restrictions]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 3.4 to change existing posting requirements for temporary parking restriction signs for parades, public assemblies, film production, conflagrations, building collapses and street obstructions and repairs. (Municipal Transportation Agency)

Ordinance No. 95-09

FINALLY PASSED

081525 [Sale of City Property Subject to Declaration of Covenants]

Mayor

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

Ordinance No. 104-09

FINALLY PASSED

090026 [Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]

Supervisors Mirkarimi, Chiu, Mar

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

Ordinance No. 103-09

FINALLY PASSED

Recommendations of the Rules Committee**090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

PASSED ON FIRST READING

090595 [Settlement of Lawsuit - Daniel Alvarenga - \$82,500]

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for \$82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090596 [Settlement of Lawsuit - Vivian Ross - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of \$30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

PASSED ON FIRST READING

090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - \$63,500]

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

PASSED ON FIRST READING

- 090500 [Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]**
Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)
- Resolution No.** 246-09
ADOPTED
- 090668 [Settlement of Unlitigated Claim - Barry Louis Mangels - \$100,000]**
Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for \$100,000; claim was filed on March 11, 2009. (City Attorney)
- Resolution No.** 244-09
ADOPTED
- 090669 [Settlement of Potential Litigation - Dolly A. Cool - \$84,126.98]**
Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for \$84,126.98. (City Attorney)
- Resolution No.** 243-09
ADOPTED
- 090662 [Appointment, Power Plant Task Force - Malik Looper]**
Motion appointing Malik Looper, term ending December 31, 2009, to the Power Plant Task Force.
- Malik Looper, seat 10, succeeding Al Collins, resigned, must be the executive director of Literacy for Environmental Justice or his/her designee, for a term ending December 31, 2009.
- Motion No.** M09-114
APPROVED
- 090497 [Appointments - Treasury Oversight Committee - Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom and Richard Sullivan]**
Motion appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom (residency requirement waived) and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)
- Motion No.** M09-115
APPROVED
- 090664 [Appointment, SRO Task Force - Jeffrey Buckley]**
Motion appointing Jeffrey Buckley, term ending December 31, 2009, to the SRO Task Force.
- Jeffrey Buckley, seat 6, succeeding Luis Barahona, resigned, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2009.
- Motion No.** M09-116
APPROVED

090666 [Appointment, San Francisco Health Authority - Steven Fugaro]

Motion appointing Steven Fugaro, term ending January 15, 2012, to the San Francisco Health Authority, residency requirement waived.

Steven Fugaro, seat 8, succeeding Robert Lull, deceased, must be a physician, and nominee of SF Medical Society, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

Motion No. M09-117
APPROVED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

**090544 [Revising Board of Appeals Surcharges]
Mayor**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

- 090548 [Appropriating \$58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor, Supervisor Dufty

Ordinance appropriating \$58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

Ordinance No. 101-09

FINALLY PASSED by the following vote:

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

Recommendation of the Budget and Finance Subcommittee

- 090473 [Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]
Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of \$52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

(Supervisor Chu dissented in Committee.)

Ordinance No. 105-09

FINALLY PASSED by the following vote:

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

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:

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

Ordinance No. 105-09

FINALLY PASSED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

081404 [Mandatory Recycling and Composting]
Mayor, Supervisors Mirkarimi, Daly

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of \$167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

Ordinance No. 100-09

FINALLY PASSED by the following vote:

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

Noes: 1 - Chu

Excused: 1 - Elsbernd

NEW BUSINESS**Recommendations of the Budget and Finance**

090691 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.

(Fiscal Impact.)

(Supervisor Chu and Supervisor Dufty dissented in Committee.)

PASSED ON FIRST READING by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Dufty

Excused: 1 - Elsbernd

**090692 [Interim Annual Salary Ordinance, Fiscal Year 2009-2010]
Mayor**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)
(Supervisor Chu and Supervisor Dufty dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

**090693 [Treasure Island Development Authority Interim Budget]
Mayor**

Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2009-2010.

(Fiscal Impact.)

Resolution No. 247-09

ADOPTED by the following vote:

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

Recommendations of the Budget and Finance Subcommittee

**090588 [Building Code - fee adjustment]
Mayor, Supervisor Chiu**

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

PASSED ON FIRST READING by the following vote:

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

**090589 [Electrical Code - permit expiration]
Mayor, Supervisors Chiu, Chu**

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

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

PASSED ON FIRST READING by the following vote:

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

**090590 [Plumbing Code - permit expiration]
Mayor, Supervisors Chiu, Chu**

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

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

PASSED ON FIRST READING by the following vote:

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

From the Budget and Finance Subcommittee Without Recommendation

**090633 [Contract with Titan Outdoor for advertising on San Francisco Municipal Transportation Agency (SFMTA) vehicles and other property]
Supervisor Dufty**

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to execute a transit advertising contract with Titan Outdoor LLC, for a term commencing July 1, 2009, and ending June 30, 2014, which offers a minimum guarantee to the SFMTA of \$22,102,525 over the term of the contract.

Gail Stein, MTA, responded to questions raised throughout the discussion.

Resolution No. 248-09

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

**090639 [MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

090640 [MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

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

090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

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

090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

PASSED ON FIRST READING by the following vote:

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

090643 [MOU, Amendment #1 - Municipal Executives' Association Fire]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

**090644 [MOU, Amendment #1 - Municipal Executives' Association Police]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:

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

**090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:

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

**090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:

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

**090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]
Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

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

**090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]
Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

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

**090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

**090650 [Unrepresented Employees]
Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

PASSED ON FIRST READING by the following vote:

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

**090673 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

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

**090674 [MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

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

**090675 [MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]
Mayor**

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:

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

**090676 [MOU, Amendment #3 - Service Employee International Union, Local 1021]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

**090677 [MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

**090680 [MOU, Amendment #1 - District Attorney Investigators' Association]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

**090681 [MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

**090682 [MOU, Laborers International Union, Local 261]
Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

PASSED ON FIRST READING by the following vote:

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

**090683 [MOU, Stationary Engineers, Local 39]
Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

PASSED ON FIRST READING by the following vote:

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

**090684 [MOU, Amendment #2 - Operating Engineers, Local 3]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Continued to June 23, 2009.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

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

Excused: 1 - Elsbernd

**090685 [MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Elsbernd

**090686 [MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Elsbernd

**090687 [MOU, Amendment #3 - Municipal Executives' Association, Misc.]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Elsbernd

090688 [MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

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

090689 [MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]**Mayor**

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**090392 [Zoning - Ordinance amending Planning Code Section 309.1]**

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

**090420 [India Basin Industrial Park, Special Use District Amendment]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

090402 [Zoning - New Controls for Massage Establishments]
Mayor, Supervisors Chu, Chiu

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

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

090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]
Mayor, Supervisor Chu

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

Dr. Rajiv Bhatia, DPH, responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee**090602 [Confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors]**

Motion confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors for the unexpired portion of a four-year term ending February 26, 2010. (Mayor)

(Directors appointed by the Mayor who are not City Officers, their appointment(s) shall be effective upon the approval of such appointment(s) by a majority of the Board of Supervisors. Transmittal date - May 19, 2009)

Continued to June 23, 2009.

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

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

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

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

Motion No. M09-118

APPROVED by the following vote:

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

From the Rules Committee Without Recommendation**090007 [Charter Amendment - Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]**

Supervisors Elsbernd, Chu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

(Supervisor Daly dissented in Committee.)

Continued to June 23, 2009.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

090802 [Committee of the Whole - Beilenson Hearing]

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

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

Richard; Phillip Collins; Female Speaker; Nathan Slowinski; Male Speaker; Keith Kemp; Male Speaker; Colin Asperree; Female Speaker; Female Speaker; Abdullah Megaheed; Gabriel Shinn; Denise Coleman; Female Speaker; Female Speaker; Feliz Juma; Dino Diodati; Judith Segundom; Greg Kamin; Female Speaker; Pamela Wilson; Dale Eagle; Brenda Storey; Laura Guzman; Linda Fetter; Bob Rybicki; Cameron Amerie; Gail Hilman; Adam; Kym Meadows; Male Speaker; Debra Walker; Female Speaker; Margaret; Robert Solis; Female Speaker; Sarah Richmond; Female Speaker; Anamaria Loyo; Julio Loyola; Julia Dean; Albert James; Female Speaker; Male Speaker; Peter Masiak; Efren Sandoval; Eric Quezada; Chris Kirby; John Power; Mike; Male Speaker; Jackie Jenks; Jeannie Little; Paul Martin; Damien Chacona; Jacienda Leon; Male Speaker; Female Speaker; Ed Kinchley; Alex Tom; Mel Beette; Lucia Sommers; Karl Griffin; Mark Sigam; Sean Mikes; Georgio; Eric Gaines; Joe Covain; Male Speaker; Male Speaker; Male Speaker; Frank Martin Del Campo; Male Speaker; Denice Dorey; Susan Marsh; Michael Lyon; Kay Walker; Herbert Weiner; Male Speaker; Walter James; Kavoos Bassiri; Female Speaker; Michael Guzman; Fred Johnson; Dr. Angela Angstmann; Janet Roy; Max Cappensol; Justine Tam-Middleton; Female Speaker; James Keys; Leslie Derme; Male Speaker; Denise Macke; Brenda Barros; Male Speaker; Jace Anderson; Erica Arteseros; Horner Davis; Jennifer Friedabach; Ari Gubner; Aaron Buchbinder; Janice Day; Erica Cassanova; and Betty Lerman; expressed concerns with the proposed reductions in the budget for the Department of Public Health. There were no other speakers.

The President declared the public hearing closed.

FILED.

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

Privilege of the Floor

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

Excused: 1 - Elsbernd

Supervisor Campos introduced, welcomed, and presented Certificates of Honor to Mission Graduates: Marfeli Luna, Danelia Lopez, Gerardo Juarez, and Gabriela Herrerra upon their graduation and in recognition of their accomplishments.

COMMITTEE REPORT

**090740 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]
Supervisors Mar, Maxwell, Mirkarimi, Daly**

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

Continued to July 7, 2009.

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

- Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
- Noes: 3 - Alioto-Pier, Chu, Dufty
- Excused: 1 - Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

There were no speakers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**090801 [Committee of the Whole - Health service reductions (Beilenson Hearing) June 16, 2009, at 3:00 p.m.]
Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Beilenson Hearing), to be held on June 16, 2009, at 3:00 p.m.**

Motion No. M09-119

APPROVED

090803 [Opposing Governor's proposal to eliminate the San Francisco Bay Conservation and Development Commission]

Supervisors Chiu, Maxwell

Resolution urging Governor Schwarzenegger and the State Legislature to not eliminate the San Francisco Bay Conservation and Development Commission.

Resolution No. 251-09

ADOPTED

**090804 [Extending the life of Western SoMa Citizens Planning Task Force]
Supervisor Daly**

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

Resolution No. 245-09

ADOPTED

**090805 [Urging the State of California to fund HIV/AIDS programs proposed for cuts in the FY 2009-2010 State budget]
Supervisors Dufty, Campos, Daly, Mirkarimi**

Resolution calling on the Governor and California Legislature to fully fund HIV/AIDS programs proposed to be cut in the FY 2009-2010 State budget.

Resolution No. 252-09

ADOPTED

**090806 [Commending Sandy Lee of the Recreation and Park Department for 34 years of service]
Supervisor Dufty**

Resolution commending Sandy Lee of the Recreation and Park Department upon the occasion of her retirement after 34 years of service.

Resolution No. 241-09

ADOPTED

**090807 [Accept and Expend Grant - Department of Public Health - \$15,369]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of \$15,369 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the Futures Group International, to support a project entitled "Project SEARCH Nigeria HIV Prevention Project;" for the period of April 1, 2009, through September 30, 2009.

Resolution No. 242-09

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Daly

Excused: 1 - Elsbernd

Severed From the For Adoption Without Committee Reference Agenda

Supervisors Mirkarimi and Alioto-Pier both requested that these matters be severed so that they may be considered separately.

**090751 [Supporting an equitable split-roll property tax]
Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos**

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, 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, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Resolution supporting a constitutional amendment to implement an equitable split-roll property tax and urging San Francisco's representatives in the California Senate and Assembly to continue to work to modify the definition of a "change of ownership" for commercial property.

Resolution No. 250-09

ADOPTED AS AMENDED by the following vote:

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

**090754 [Supporting a California Constitutional Amendment to restore majority rule to all budgetary and revenue issues decided by the State legislature]
Supervisors Mirkarimi, Dufty, Mar, Avalos, Campos, Chiu**

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

Supervisors Campos and Chiu requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Mar, 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, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Resolution supporting the advocates who are working to place a California Constitution Amendment on the ballot to restore majority rule to all budgetary and revenue issues decided by the state legislature.

Resolution No. 249-09

ADOPTED AS AMENDED by the following vote:

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

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

- 090820 [Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency]
Mayor**

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090541) to reflect the addition of temporary salaries of \$7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of \$28,141,437 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.

(Fiscal Impact.)

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

- 090817 [Public Education Enrichment Fund for FY 2009-2010 - San Francisco Children and Families Commission]
Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090818 [Public Education Enrichment Fund for FY 2009-2010 - San Francisco Unified School District]
Supervisors Avalos, Dufty, Mirkarimi**

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2009-2010.

6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090819 [Management Agreement with Owners' Association for administration/management of San Francisco Tourism Improvement District]
Supervisor Chiu**

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

6/16/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 090821 [Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act]
Supervisors Dufty, Campos, Chiu, Daly, Mar, Avalos**

Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090822 [Expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance]
Supervisors Mirkarimi, Dufty**

Resolution expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance.

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090824 [Federal Energy Efficiency and Conservation Block Grant revenue funding priorities]
Supervisor Chiu**

Resolution establishing funding priorities for revenue from the federal Energy Efficiency and Conservation Block Grant program.

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090825 [Opposing proposed California constitutional amendment]
Supervisors Mirkarimi, Avalos, Campos, Mar**

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

6/16/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing**090816 [City's Fiscal Year 2009-2010 Capital Budget]
Supervisor Avalos**

Hearing on the City's Fiscal Year 2009-2010 Capital Budget.
6/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCE****090783 [Settlement of Lawsuit - Jane Martin and David Baker - \$190,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
6/2/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**090784 [Settlement of Unlitigated Claim - Freda Quimbo - \$70,000]**

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for \$70,000; claim was filed on February 11, 2009. (City Attorney)
6/4/09, RECEIVED AND ASSIGNED to Rules Committee.

090785 [Lease of Real Property at 649-651 Bryant Street]

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block 3777, Lot 050), San Francisco, for the San Francisco Public Utilities Commission. (Real Estate Department)

(Fiscal Impact.)

6/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090786 [Lease of Real Property at 160 South Van Ness Avenue]

Resolution authorizing the Director of Property to exercise an extension option for a 7-year term for the lease of real property located at 160 South Van Ness Avenue, San Francisco, for the Human Services Agency. (Real Estate Department)

(Fiscal Impact.)

6/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090787 [Lease of Real Property at 100 Larkin Street]

Resolution authorizing the lease of 683 square feet of space to the Nasra Family Partnership, in the Main Library located at 100 Larkin Street, San Francisco, on behalf of the San Francisco Public Library. (Real Estate Department)

6/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Supervisor Mirkarimi inquires of the City Attorney that if the attached letter purporting to be from the "San Francisco Clean-up Project," listing San Francisco City Hall as the organizational return address, is not a legitimate project of the City and County of San Francisco, whether there is a cause of action the City can pursue to prevent dissemination of such letters by individuals purporting to act with the imprimatur of the City and County of San Francisco.

From: Supervisor Mirkarimi

To: City Administrator

To: Director, Department of Public Works

Requesting/Inquiring: Supervisor Mirkarimi inquires of the City Administrator and Director of Public Works Department whether the attached letter purporting to be from the "San Francisco Clean-up Project," which lists San Francisco City Hall as the organizational return address, is a legitimate project of the City and County of San Francisco.

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 public property at the following locations:

Utility Boxes

Southeast corner Octavia & Oak

Northwest corner Pine & Webster

Northeast corner Webster & Oak

Northeast corner Divisadero & Hayes

Southeast corner Golden Gate & Divisadero

Northeast corner Divisadero & Geary

Northwest corner Post & Divisadero

Southwest corner Post & Scott

Southeast corner Central & Fulton

Northwest corner Fulton & Fillmore

Bus Shelters

Northeast corner Sutter & Steiner

Southeast corner Buchanan & Haight

Northeast corner Fillmore & Hermann (the canopy)

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

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:

Metal Pole

Northwest corner Post & Pierce

Southeast corner Geary & Scott

Southeast corner Haight & Fillmore

Northeast corner Divisadero & Fell

On Hayes near Steiner (near bus shelter)

In front of 428 Buchanan

Wood Pole
In front of 511 Webster
Southeast corner McAllister & Fillmore

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

507 Divisadero
1012 Divisadero
904 Divisadero
859 Divisadero
1400 Golden Gate
436 Buchanan
1807 Fulton
551 Fillmore
322 Divisadero
1593 Fulton
100 Scott
126 Scott
876 Haight
295 Buchanan
546 Haight
586 Haight
551 Haight
530 Haight
529 Haight
445 Webster
2545 Post

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:
Alamo Square Bulletin Board

Garbage Can
Southeast corner Oak & Fillmore
Northwest corner Geary & Steiner
Northeast Waller & Scott

Overpass
Northwest corner Geary & Steiner

From: Supervisor Campos
To: Director, Department of Human Resources
Requesting/Inquiring: Information to be requested from the Department of Human Resources:
1. List of City and County of San Francisco (CCSF) employees by gender, age, race and ethnicity, classification, title and department that have been laid off or have received a layoff notice in FY 08-09.
2. List of CCSF employees by gender, age, race and ethnicity, classification, title and department that have been laid off, transferred to a new department, and released before completing their 90 day probationary period within FY 08-09.

In Memoriams

Tiffany Rystrom - Supervisor Dufty

George Cross - Supervisor Dufty

Lucille Burlew-Lawler and Edward John Hrbacek - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:14 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 July 14, 2009.



Angela Calvillo
Clerk of the Board