

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - FINAL

Tuesday, September 20, 2011 - 2:00 PM

Hearing Room 416  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Regular Meeting

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DAVID CHIU, PRESIDENT

JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,  
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

**Budget and Finance Committee**  
Supervisors Chu, Mirkarimi, Kim

Wednesday  
10:00 AM

**City and School District Select Committee**  
Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton

2nd and 4th Thursday  
3:30 PM

**City Operations and Neighborhood Services Committee**  
Supervisors Avalos, Mar, Elsbernd

2nd and 4th Monday  
10:00 AM

**Government Audit and Oversight Committee**  
Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday  
10:00 AM

**Land Use and Economic Development Committee**  
Supervisors Mar, Cohen, Wiener

Monday  
1:00 PM

**Public Safety Committee**  
Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday  
10:30 AM

**Rules Committee**  
Supervisors Kim, Elsbernd, Farrell

1st and 3rd Thursday  
1:30 PM

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

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**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

#### **110496 [License Agreement - Non-Stop Music Library, L.C.]**

Ordinance retroactively approving an agreement with Non-Stop Music Library, L.C., to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement. (Department of Technology)

**Ordinance No. 182-11**

**FINALLY PASSED**

#### **110781 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2011-2012]**

**Sponsor: Mayor**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for FY ending June 30, 2012.

(Fiscal Impact)

**Ordinance No. 192-11**

**FINALLY PASSED**

**110782 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]**

**Sponsor: Mayor**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for FY ending June 30, 2012.

**Ordinance No. 183-11**

**FINALLY PASSED**

**110783 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]**

**Sponsor: Mayor**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for FY ending June 30, 2012.

**Ordinance No. 184-11**

**FINALLY PASSED**

**110784 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]**

**Sponsor: Mayor**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for FY ending June 30, 2012.

**Ordinance No. 185-11**

**FINALLY PASSED**

**110902 [Public Employment - Amendment to the Annual Salary Ordinance for Adult Probation, District Attorney, and Public Defender - FY2011-2012]**

**Sponsors: Mayor; Mirkarimi**

Ordinance amending Ordinance No. 146-11 (Annual Salary Ordinance FY2011-2012) to reflect the addition of 31 positions (20.59 FTE) in various job classes for Assembly Bill 109 Public Safety Realignment consisting of adding 27 positions (17.76 FTE) in Adult Probation, 2 positions (1.50 FTE) in Public Defender, and 2 positions (1.33 FTE) in District Attorney.

**Ordinance No. 180-11**

**FINALLY PASSED**

**110907 [Appropriating State Assembly Bill 109 Realignment Fund to Support Expenditures at the Adult Probation and Other Departments for FY2011-2012 - \$5,787,176]**

**Sponsors: Mayor; Mirkarimi**

Ordinance appropriating \$5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.

**Ordinance No. 181-11**

**FINALLY PASSED**

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Sub-Committee

#### **110503 [Administrative Code - Regulating Overtime Available for City Employees]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 25% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.

**Ordinance No.** 193-11

**FINALLY PASSED** by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Noes: 1 - Avalos

### From the Budget and Finance Committee Without Recommendation

#### **110847 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 2)]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 2), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

**Ordinance No.** 186-11

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

#### **110849 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Units P-1 & P-2A)]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

**Ordinance No.** 187-11

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110850 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Fire]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

**Ordinance No.** 188-11

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110851 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Unit P-2B)]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

**Ordinance No.** 189-11

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110852 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Police]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

**Ordinance No.** 191-11

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**Supervisor Chu Excused from Voting**

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that Supervisor Chu be excused from voting on File No. 110848. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Chu

**110848 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 1)]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 1), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

(Supervisor Chu excused from voting.)

**Ordinance No.** 190-11

**FINALLY PASSED** by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Chu

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**110720 [Administrative Code - Gift Funds]**

**Sponsors: Mayor; Chiu and Chu**

Ordinance amending the San Francisco Administrative Code to: 1) create a Recreation and Parks Gift Fund; 2) update the Mayor's Earthquake Emergency Relief Fund to broaden its purpose as a general disaster recovery fund; and 3) amend the Mayor's Fund for the homeless to change the administering agency.

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110695 [Lease and Use Agreement - Cathay Pacific Airways Limited]**

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L-10-0081 with Cathay Pacific Airways Limited for lounge space in the International Terminal of San Francisco International Airport. (Airport Commission)  
(Fiscal Impact)

**Resolution No.** 379-11

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110778 [Real Property Lease - Mercy Commercial California - 1360 Mission Street]**

Resolution authorizing the lease of 1360 Mission Street, Suite 401, for the Department of Public Health. (Real Estate Department)

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

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Resolution authorizing the lease with Mercy Commercial California for property located at of 1360 Mission Street, Suite 401, for the Department of Public Health. (Real Estate Department)

**Resolution No. 380-11**

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110914 [Assessor-Recorder's Base Recording Fee Increase from \$4 to \$10]**

**Sponsor: Kim**

Resolution authorizing an increase in the Assessor-Recorder's base fee for recording and indexing the first page of every instrument, paper, or notice from \$4 to \$10 pursuant to California Government Code Section 27361(a).

**Resolution No. 381-11**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110916 [Real Property Lease Amendment - Northeast Corner of Octavia Boulevard and Fell Street]**

**Sponsor: Mirkarimi**

Resolution approving an amendment of lease between the City and County of San Francisco and PROXYdevelopment, LLC, for property located at the northeast corner of Octavia Boulevard and Fell Street, commonly known as a portion of Assessor's Block No. 0817, Lot No. 33 (Parcel L), to extend the lease term from four years to five years.

**Resolution No. 382-11**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110917 [Real Property Sublease Amendment - Southeast Corner of Octavia Boulevard and Hayes Street]**

**Sponsor: Mirkarimi**

Resolution approving an amendment of sublease between the City and County of San Francisco and PROXYdevelopment, LLC, for property located at the southeast corner of Octavia Boulevard and Hayes Street, commonly known as a portion of Assessor's Block No. 0817, Lot No. 30 (Parcel K), to extend the sublease term from three years to five years.

**Resolution No. 383-11**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

## **Recommendation of the Government Audit and Oversight Committee**

### **110766 [Administrative Code - Overtime Appropriations]**

**Sponsors: Campos; Farrell**

Ordinance amending the San Francisco Administrative Code by adding Section 3.17 to: 1) require separate overtime items in the budget for the Airport, Emergency Management, Fire, Police, Public Health, Public Utilities, Public Works, Recreation and Park, and Sheriff; and 2) require those departments to obtain a separate supplemental appropriation to exceed those amounts.

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

## **Recommendations of the Land Use and Economic Development Committee**

### **110785 [Planning Code - Zoning - Establishing Standards for Bird-Safe Buildings]**

**Sponsors: Mar; Chiu**

Ordinance amending the San Francisco Planning Code by: 1) adding Section 139 to establish standards for bird-safe buildings to help reduce injury and mortality in birds caused by certain types of new construction, replacement facades, and building features; 2) amending Section 145.1 to allow for exceptions to transparency and fenestration requirements to meet standards for bird-safe buildings; and 3) adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

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

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

### **110786 [Planning Code - Eastern Neighborhoods Code Cleanup]**

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for large project authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

### **110787 [Administrative Code - Eastern Neighborhoods Code Cleanup]**

Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify the requirements for the Controller's assessment in order to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; and 2) making environmental findings. (Planning Commission)

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener



**110788 [Zoning Map Amendments - Eastern Neighborhoods Code Cleanup]**

Ordinance amending San Francisco Zoning Map Sheets ZN01, ZN07, ZN08, and SU08 to: 1) correct technical errors made in Ordinance No. 299-08; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**110814 [CEQA Findings - SFPUC Water System Improvement Program - Rehabilitation of the Existing San Joaquin Pipelines Project]**

Resolution 1) adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program, related to the rehabilitation of the San Joaquin Pipelines Project, Project No. CUW37302; and 2) directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

**Resolution No. 384-11**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**From the Land Use and Economic Development Committee Without Recommendation****110589 [Planning Code - Zoning Map - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street]**

**Sponsors: Chiu; Avalos, Kim, Mar, Mirkarimi and Campos**

Ordinance amending the San Francisco Planning Code Section Map 2SU, and adding Section 249.55 to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

**Supervisor Chiu, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to October 4, 2011. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

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

### Privilege of the Floor

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to the faculty, staff, and students of Jean Parker Elementary School in recognition of their 100th anniversary.*

*Supervisor Mar introduced, welcomed, and presented a Special Commendation to Clara Quezada and Lorena Melgarejo in memory of and for the loss of their son and husband, Eric Quezada, in recognition of his many accomplishments and continued community support. Supervisors Campos, Kim, Avalos, Chiu, and Mirkarimi shared in this special commendation.*

## COMMITTEE REPORTS

### Recommendations of the Rules Committee

#### 110971 [Assessment Ballots for City Parcels to Form the Proposed West Portal Community Benefit District]

**Sponsor:** Elsbernd

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of two parcels of real property, over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the West Portal Community Benefit District.

**Resolution No.** 378-11

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

#### 110905 [Reappointment, Entertainment Commission - Audrey Joseph]

Motion approving the Mayor's nomination for reappointment of Audrey Joseph to the Entertainment Commission, for the term ending July 1, 2015. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 8/8/11.)

**Motion No.** M11-138

**APPROVED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

## **From the Rules Committee Without Recommendation**

### **110718 [Campaign and Governmental Conduct Code - Capping the Amount of Public Matching Funds]**

**Sponsors: Farrell; Elsbernd**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.144 to cap the amount of public matching funds.

*Privilege of the floor was granted to Mark Morodomi (Supervising Attorney, City of Oakland), Acting Special Counsel, who responded to questions raised throughout the discussion.*

**Supervisor Kim, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to September 27, 2011. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

## **From the Land Use and Economic Development Committee Without Recommendation**

### **110448 [Planning Code - Zoning Map - Establishing City Center Special Sign District]**

**Sponsor: Farrell**

Ordinance amending the San Francisco Planning Code Sections 602.10, 607.1, 608, adding Section 608.16, and amending Sectional Map SSD of the Zoning Map to establish the City Center Special Sign District encompassing the real property bounded by Masonic Avenue, Geary Boulevard, Lyon Street, and O'Farrell Street (Assessor's Block No. 1094, Lot No. 001) to allow additional projecting signs, freestanding identifying and directional signs, and to modify existing controls on business wall signs; adopting findings, including environmental findings pursuant to the California Environmental Quality Act, Section 302 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: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

## **ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

## **PUBLIC COMMENT**

*Abdallah Megahed; expressed various concerns.*

*Female Speaker; expressed concerns relating to homelessness.*

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

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

*Eugene Gordon, Jr.; expressed various concerns.*

*Tom Gilberty; expressed concerns relating to noise pollution.*

*Ray Hartz; expressed concerns relating to government.*

*John Burrows; expressed various concerns.*

*Male Speaker; expressed various concerns.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****111011 [Accept and Expend Grant - Health Care Services Master Plan Community Stakeholder Interviews - \$20,000]****Sponsor: Campos**

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$20,000 from the San Francisco Foundation to fund the program entitled "Health Care Services Master Plan Community Stakeholder Interviews" for the period of September 1, 2011, through August 31, 2012, and waiving indirect costs.

**Resolution No. 385-11**

**ADOPTED**

**111012 [Accept and Expend Grant - Pier 43 Promenade Bay Trail Extension - \$90,000]****Sponsor: Chiu**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$90,000 from the State of California Coastal Conservancy, through the Association of Bay Area Governments Bay Trail Program, for the Pier 43 Promenade Bay Trail Project in Fisherman's Wharf.

**Resolution No. 386-11**

**ADOPTED**

**111013 [Market Street Pilot Projects]****Sponsor: Chiu**

Resolution urging the San Francisco Municipal Transportation Agency and other departments and agencies to implement near-term pilot projects, including increased private automobile diversions, to speed up transit along Market Street while improving the safety and comfort of people walking and biking and supporting the local commercial and cultural function of the street.

**Resolution No. 391-11**

**ADOPTED**

**111014 [Accept and Expend Grant - Cargo Way Bicycle Lane Improvement Project - \$70,000]****Sponsor: Cohen**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$70,000 from the State of California Coastal Conservancy, through the Association of Bay Area Governments Bay Trail Project Program, for the Cargo Way Bicycle Lane Improvement Project along Cargo Way between Third and Jennings Streets as part of the Blue Greenway project.

**Resolution No. 387-11**

**ADOPTED**

**111015 [Eric F. Quezada Day - September 25, 2011]****Sponsors: Mar; Campos, Avalos, Kim, Mirkarimi and Chiu**

Resolution honoring Eric F. Quezada for his extraordinary work as a leader of San Francisco's Social Justice Movement and proclaiming September 25, 2011, as "Eric F. Quezada Day" in the City and County of San Francisco.

**Resolution No. 392-11****ADOPTED****111016 [Accept and Expend Grant - Smoking Cessation Buprenorphine Treated Patients - \$48,000]****Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California, San Francisco in the amount of \$48,000 to fund the project entitled "Smoking Cessation Intervention in Buprenorphine Treated Patients" for the period of June 1, 2011, through May 31, 2012, and waiving indirect costs.

**Resolution No. 388-11****ADOPTED****111017 [Peter Berg Day - October 1, 2011]****Sponsors: Mirkarimi; Avalos**

Resolution proclaiming October 1, 2011, as "Peter Berg Day" in the City and County of San Francisco for his extraordinary contribution to the understanding of environmental sustainability, urban re-vegetation, and originating the concept of bioregionalism.

**Resolution No. 393-11****ADOPTED****111018 [Approval of an Additional Six (6) Months for Planning Commission Review of Zoning Map Amendment for 2301 Market Street (File No. 110224)]****Sponsor: Wiener**

Resolution extending by six (6) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110224) that would amend the Planning Code by amending Sectional Map HT07 of the Zoning Map of the City and County of San Francisco to rezone the property located at 2301 Market Street on the corner of Market and Noe Streets from a 50-X height and bulk limit to a 65-X height and bulk limit; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

**Resolution No. 389-11****ADOPTED****111019 [Glen Park Elementary School Day - September 24, 2011]****Sponsor: Wiener**

Resolution honoring the centennial of Glen Park Elementary and proclaiming September 24, 2011, to be "Glen Park Elementary School Day" in the City and County of San Francisco.

**Resolution No. 394-11****ADOPTED**

**111020 [Accept and Expend Grant - HAART Optimism, Drug Use, and Risky Sexual Behavior - \$37,856]****Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from Simon Fraser University in the amount of \$37,856 to participate in a program entitled "Highly Active Antiretroviral Therapy Optimism, Drug Use, and Risky Sexual behavior in British Columbia" for the period of May 1, 2011, through March 31, 2012.

**Resolution No. 390-11****ADOPTED****111006 [Committee of the Whole - Public Hearing to Establish the West Portal Community Benefit District]****Sponsor: Elsbernd**

Motion directing the Board of Supervisors to hold a public hearing on September 27, 2011, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to Establish the West Portal Community Benefit District.

**Motion No. M11-139****APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

**IMPERATIVE AGENDA**

*There were none.*

**LEGISLATION INTRODUCED AT ROLL CALL****Introduced by a Supervisor or the Mayor****Ordinances****111029 [Environment Code - Tenant Bicycle Parking in Existing Commercial Buildings]**  
**Sponsors: Avalos; Kim, Mar and Campos**

Ordinance amending the San Francisco Environment Code Section 400, and adding Section 402, to: 1) require the owners of existing commercial buildings to either provide secure bicycle parking in their buildings or allow their tenants to bring their bicycles into the building; 2) provide that the Ordinance's operative date is January 1, 2012; and 3) making environmental findings.  
Economic Impact

09/20/11; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/20/2011.

**111030 [Administrative Code - Health Care Security Ordinance]****Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, and 14.4 and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 3) require employers imposing surcharges to pay for the required expenditures to report certain information to OLSE in connection with the surcharge; 4) add an employee notification requirement; 5) modify penalty provisions; and 6) set an operative date.

09/20/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**111031 [Appropriating \$314,092,249 of Water System Improvement Program Project Funds - Controller Reserve of \$227,779,748 - Public Utilities Commission - FY2011-2012]****Sponsor: Chu**

Ordinance de-appropriating \$314,092,249 in existing Water System Improvement Program (WSIP) project budgets and re-appropriating the funds to the revised WSIP program budgets adopted by the San Francisco Public Utilities Commission, and placing \$227,779,748 on Controller reserve subject to completion of project-related analysis pursuant to California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, as certified by the Controller for FY2011-2012.

(Fiscal Impact)

09/20/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**110348 [Health Code - Biological Agent Detector Registration and Fees]****Sponsor: Chiu**

Ordinance amending the San Francisco Health Code by adding Article 35 to create a registration scheme, fees, and other requirements for Biological Agent Detectors.

03/22/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 4/21/2011.

07/12/11; SUBSTITUTED AND ASSIGNED to Public Safety Committee.

09/20/11; SUBSTITUTED AND ASSIGNED to Public Safety Committee.

**Resolutions****111032 [Free MUNI Fast Pass for Youth]****Sponsors: Campos; Avalos, Cohen, Kim, Mar, Mirkarimi and Chiu**

Resolution urging government agencies to work together to develop a free MUNI Fast Pass for San Francisco youth.

09/20/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**111033 [Owner Controlled Insurance Program Amendment - Laguna Honda Hospital Replacement Program - Not to Exceed \$17,323,400]****Sponsor: Elsbernd**

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program from \$15,279,662 to \$17,323,400.

(Fiscal Impact.)

09/20/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**111034 [Tax Credit Agreement - U.S. Bancorp - SFJazz Investment of \$11,104,275]****Sponsor: Kim**

Resolution making findings under the California Environmental Quality Act and approving a new market tax credit indemnification agreement with U.S. Bancorp Community Development Corporation in connection with its investment of \$11,104,275 for the new SFJazz Building at 205 Franklin Street.

(Fiscal Impact)

09/20/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**111035 [Grant Application - 2011 United States Department of Housing and Urban Development Continuum of Care Programs]****Sponsor: Mayor**

Resolution approving the City and County of San Francisco 2011 grant application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111036 [Urging Governor Jerry Brown to Sign Assembly Bill 101 - Quality Family Child Care Act]****Sponsors: Avalos; Mar**

Resolution urging Governor Jerry Brown to sign Assembly Bill 101, the Quality Family Child Care Act.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111037 [Accept and Expend Grant - Community Health Assessment and Community Health Improvement Plan Demonstration Site Project - \$33,833]****Sponsor: Campos**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$33,833 from National Association of County and City Health Officials to participate in a program entitled "Community Health Assessment and Community Health Improvement Plan Demonstration Site Project" for the period of July 5, 2011, through July 4, 2012.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



**111038 [Accept and Expend Grant - Cross Bay Collaborative to Combat Human Trafficking Program - \$60,000]****Sponsors: Kim; Chu and Mar**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$60,000 from Standing Against Global Exploitation to participate in a program entitled "Cross Bay Collaborative to Combat Human Trafficking" for the period of July 1, 2011, through June 30, 2012.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111039 [Approval of a Six Month Extension for Planning Commission Review of Japantown Special Use District Provisions (File No. 110768)]****Sponsor: Mirkarimi**

Resolution extending by six months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110768) that would amend the Planning Code by amending Section 249.31 to prohibit a Medical Service Use or a Business or Professional Use on the ground floor in the area zoned NC-2 in the Japantown Special Use District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111040 [Accept and Expend Grant - Central Asia Surveillance Assessment - \$23,933]****Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from Columbia University in the amount of \$23,933 to participate in a program entitled "Central Asia Surveillance Assessment" for the period of April 1, 2011, through June 30, 2011.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111041 [Accept and Expend Grant - Atlanta HQ University of California San Francisco Technical Assistance - \$13,595]****Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California San Francisco in the amount of \$13,595 to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for AIDS" for the period of October 1, 2011, through March 31, 2012.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111042 [Urging Congress to Provide Funding for the Land and Water Conservation Fund]****Sponsor: Wiener**

Resolution urging Congress to provide funding for the Land and Water Conservation Fund.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**111043 [Accept and Expend Grant - Atlanta HQ University of California San Francisco Technical Assistance - \$27,189]****Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California San Francisco in the amount of \$27,189 to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for AID" for the period of April 1, 2011, through March 31, 2012.

09/20/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Motion****111044 [Closed Session - Anticipated Litigation - Public Financing Law]****Sponsor: Kim**

Motion that the Board of Supervisors convene in closed session on September 27, 2011, to consult with Legal Counsel for the purpose of conferring with, or receiving advice from, Legal Counsel regarding anticipated litigation involving the City's public financing law (Campaign and Governmental Conduct Code Section 1.144) in light of Arizona Free Enterprise Club's Freedom PAC et al. v. Bennett, U.S. Supreme Court Case No. 10-238.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the anticipated litigation.

09/20/11; RECEIVED AND ASSIGNED to Board of Supervisors.

**Requests for Hearing****111045 [Hearing - School Safety Policies and Procedures]****Sponsor: Cohen**

Hearing on City policies and procedures regarding school safety.

09/20/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

**111046 [Hearing - School Improvement Grants Status]****Sponsor: Cohen**

Hearing on the status of School Improvement Grants received by the San Francisco Unified School District.

09/20/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

**Introduced by the President at the Request of a Department**

**PROPOSED ORDINANCE**

**110984 [Transportation Code - Residential Parking Permit Application Penalties]**

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading, or fraudulent information on a residential parking permit application. (Municipal Transportation Agency)

09/12/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/20/2011.

**PROPOSED RESOLUTIONS**

**110983 [Employment Policies and Procedures Regarding Criminal History]**

Resolution authorizing the City and County of San Francisco to access state and federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. (Human Resources Department)

09/12/11; RECEIVED AND ASSIGNED to Public Safety Committee.

**110985 [Real Property Lease Amendment - Stuart B. and Myrna J. Aronoff Revocable Trust and Trudy Cohn - 160 South Van Ness Avenue]**

Resolution authorizing the amendment of an existing lease at 160 South Van Ness Avenue, with Stuart B. and Myrna J. Aronoff Revocable Trust and Trudy Cohn as Tenants in Common, for the Human Services Agency to provide a construction allowance and extend the lease term. (Real Estate Department)

(Fiscal Impact)

09/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Requests Granted**

*From: Supervisor Chiu*

*To: City Attorney*

*Requesting/Inquiring: Requesting the City Attorney to draft legislation to require the creation of a towing notification system for San Francisco and the release of live data streams on temporary and permanent tow-away restrictions.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

*San Francisco Bay Guardian*

*Northwest and Southwest corners of Fillmore and Post*

*Southwest corner of Divisadero and Sutter*

*Northwest corner of Hayes and Fillmore*

*Southeast corner of Parnassus and Stanyan*

*Southeast corner of Waller and Stanyan*

*Southwest corner of 3rd Avenue and Hugo*

*Southeast corner of Fillmore and Haight*

*San Francisco Chronicle*

*Northwest corner of Fillmore and Hayes*

*Southeast corner of Haight and Fillmore*

*Southwest corner of Judah and 9th Avenue*

*Southeast corner of Judah and 9th Avenue*

*Southeast corner of Parnassus and Stanyan*

*Southeast corner of Broderick and Oak*

*Southwest corner of Haight and Clayton*

*Southeast corner of Haight and Masonic*

*Southeast corner of Parnassus and Cole*

*San Francisco Examiner*

*Northwest corner of Fillmore and Hayes*

*Southeast corner of Haight and Fillmore*

*Southwest corner of 9th Avenue and Judah*

*Southeast corner of Broderick and Oak*

*SF Weekly*

*Southeast corner of Masonic and Haight*

*Southeast corner of Haight and Fillmore*

*Southeast corner of Haight and Shrader*

*Northeast corner of Haight and Cole*

*Southeast corner of 19th Avenue and Lincoln*

*Advertiser*

*533 Parnassus*

*Northwest corner of Funston and Irving*

*Common Ground*

*Southeast corner of Parnassus and Stanyan*

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*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 Poles*

*Northwest corner Haight and Webster  
Northwest corner Eddy and Gough  
Northeast corner Hayes and Fillmore  
Northwest corner Fulton and Fillmore  
Opposite 85 Carl  
1254 7th Avenue  
1392 6th Avenue  
Northeast corner of 3rd Avenue and Hugo  
Approximately 590 Hugo  
Approximately 470 Hugo  
327 Hugo  
Approximately 180 Hugo  
788 Clayton  
710 Clayton  
1284 18th Avenue  
Southeast corner of 16th Avenue and Lincoln  
Approximately 770 Stanyan  
Approximately 720 Stanyan  
1979 Oak*

*Wood Poles*

*Southwest corner Page and Webster  
In front of 450 Fillmore  
Southwest corner of Scott and Page  
Southeast corner of Haight and Shrader  
Northeast corner of Carl and Cole  
1069 Oak  
1222 18th Avenue  
Approximately 1290 Funston*

*Concrete Poles*

*1380 9th Avenue  
Southeast corner of Oak and Shrader*

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

*Residential and Commercial Buildings*

*709 Webster  
725 Webster  
843 Divisadero  
501 Fulton  
875 Fulton  
Approximately 725 Lincoln  
Approximately 1270 Irving  
1152 Irving, on west side  
800 Irving  
Opposite 30 Irving  
916 Stanyan*

670 Stanyan  
672 Stanyan  
1951 Oak  
1949 Oak  
1939 Oak  
1815 Oak  
1809 Oak  
1419 Oak  
1351 Oak  
1321 Oak  
1726 Haight Street  
1611 Oak  
100 Cole, on north side  
Southeast corner of Haight and Clayton  
401 Clayton, on north side  
1069 Oak  
1130 Oak  
1368 9th Avenue

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

**Garbage Cans**  
Southwest corner Eddy and Gough  
Southeast corner Fell and Fillmore  
Northeast corner Hayes and Fillmore  
Northeast corner Grove and Webster  
Southwest corner Fillmore and Oak  
Approximately 1330 7th Avenue  
Southeast corner of 19th Avenue and Lincoln  
600 Stanyan  
Southwest corner Haight and Buchanan

**Mailboxes**  
Northwest corner of 3rd Avenue and Hugo  
Northeast corner of Carl and Cole  
Southeast corner of 9th Avenue and Judah  
550 Irving  
Southeast corner of Frederick and Stanyan  
Southeast corner Oak and Fillmore

**Fire Hydrants**  
Southeast corner of Lyon and Oak  
Southeast corner of Pierce and Haight  
Northwest corner of Judah and 7th Avenue  
1153 Oak  
Northeast corner Fell and Fillmore

**Public Wall**  
Southeast corner of 19th Avenue and Lincoln

*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 located at the following locations:*

*Utility Boxes*

*Southeast corner of Frederick and Clayton*

*Southwest corner of Lincoln and 14th Avenue*

*Northeast corner of Lyon and Oak*

*Southeast corner of 5th Avenue and Lincoln*

*Southeast corner Eddy and Webster*

*Northwest corner Fillmore and Hermann*

*Southeast corner Golden Gate and Scott*

*Bus Shelters*

*Northwest corner of 7th Avenue and Judah*

*Southeast corner of 19th Avenue and Lincoln*

*Southeast corner of 5th Avenue and Lincoln*

*Southwest corner of Parnassus and Stanyan*

*600 Stanyan*

*Southwest corner Haight and Buchanan*

*Southwest corner Haight and Pierce*

*Southwest corner Haight and Divisadero*

*Southeast corner Hayes and Masonic*

*Emergency Boxes*

*Southeast corner of Scott and Oak*

*Southwest corner of Judah and 9th Avenue*

*Southwest corner of Lyon and Oak*

*Southwest corner Fillmore and Waller*

*Southeast corner Haight and Steiner*

**In Memoriams**

*Arthur Evans - Supervisor Mirkarimi*

*Sean Wilson - Supervisor Mirkarimi*

*William Kelleher - Supervisor Elsbernd*

*Anthony George Cherolis - Supervisor Elsbernd*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 3:48 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 October 25, 2011.*

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Angela Calvillo, Clerk of the Board