

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 24, 2008 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Ammiano, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, Peskin

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty, Ammiano

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of May 13, 2008 and a Special Board of Supervisors Meeting of the Budget and Finance Committee of May 14, 2008. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Rules Committee

080628 [Settlement of Lawsuit - CCSF v. Competent Builders, Inc. - \$510,000]

Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the amount of \$510,000 paid to San Francisco by Competent Builders, Inc., and its subcontractors. (City Attorney)

Ordinance No. 108-08

FINALLY PASSED

080629 [Settlement of Lawsuit - Tamara Josi - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for \$75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 109-08

FINALLY PASSED

**080527 [Requiring Assessor to report reductions of real property assessments]
Supervisors Sandoval, Peskin, Daly**

Ordinance amending the San Francisco Administrative Code by adding Section 10.2-9, to require the Assessor to post monthly reports of any reductions of assessed values of real properties.

Ordinance No. 110-08

FINALLY PASSED

**080529 [Requiring Activation of Closed Captions on Television Receivers]
Supervisors Alioto-Pier, Dufty, Ammiano**

Ordinance amending the San Francisco Police Code by adding Article 44, Sections 4400 to 4407 to require the activation of closed captioning on television receivers intended for use by the general public and authorizing the imposition of civil penalties and/or criminal fines for violations of this requirement.

Ordinance No. 111-08

FINALLY PASSED

080713 [Appointment - Graffiti Advisory Board, Rebecca Delgado Rottman]

Motion appointing Rebecca Delgado Rottman, term ending April 10, 2009, to the Graffiti Advisory Board.

Rebecca Delgado Rottman, succeeding Deborah Mansfield, resigned, seat 16, must represent private schools or art schools who operate in San Francisco, for unexpired portion of a two-year term ending April 10, 2009.

Motion No. M08-106

APPROVED

080714 [Appointment - S. F. Health Authority, Randy L. Wittorp]

Motion appointing Randy L. Wittorp, term ending January 15, 2011, to the San Francisco Health Authority.

Randy L. Wittorp, succeeding Nathan Nayman, term expired, seat 2, must be nominee of Hospital Council of Northern California, for three-year term ending January 15, 2011.

Motion No. M08-105

APPROVED

080717 [Appointment - Food Security Task Force, Diana Jensen]

Motion appointing Diana Jensen, term ending March 15, 2009, to the Food Security Task Force; residency requirement waived.

Diana Jensen, seat 5, must be from the Department of Aging and Adult Services of the Human Services Agency, for term ending March 15, 2009.

Motion No. M08-107

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Consent Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

Recommendation of the Land Use and Economic Development Committee**080095 [Requirements for off-street parking and loading]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 150 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 204.5 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.7 to include a car-share parking space as part of a community residential automobile parking lot use; amending Section 890.8 to include a car-share parking space as part of a community residential automobile parking garage use; and adopting findings.

Ordinance No. 112-08

FINALLY PASSED by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendations of the Budget and Finance Committee**

080723 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency, Fiscal Years 2008-2009 and 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 ending June 30, 2009 and for the Municipal Transportation Agency fiscal years ending June 30, 2009 and June 30, 2010.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

Ordinance No. 114-08

FINALLY PASSED by the following vote:

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

080724 [Interim Annual Salary Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency Fiscal Years 2008-2009 and 2009-2010]
Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009 and for the Municipal Transportation Agency, Fiscal Years ending June 30, 2009 and 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 Daly dissented in committee.)

Ordinance No. 115-08

FINALLY PASSED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

080350 [Enterprise Zone Tax Credit Law]
Mayor

Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to revise the definition of "Qualified Employee"; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; to delete an outdated reference to the Private Industry Council and to establish a sunset date.

(Economic Impact.)

Ordinance No. 113-08

FINALLY PASSED by the following vote:

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

**080779 [Closure of the Potrero Power Plant]
Supervisors Maxwell, Dufty, McGoldrick, Peskin, Sandoval, Mirkarimi**

Resolution urging the Public Utilities Commission and the City Attorney to present to the California Independent System Operator a transmission-only solution to close the entire Potrero Power Plant; and establishing minimum criteria for any in-City generation projects to close the Potrero Power Plant.

Supervisor Daly moved to divide the question.

Motion to adopt the question relating to transmission issues was adopted by the following:

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

Noes: 1 - Maxwell

Supervisor Alioto-Pier moved to further divide the question relating to the Trans Bay Cable (5th Whereas Clause):

Motion to adopt the question relating to the Trans Bay Cable:

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

Noes: 3 - Alioto-Pier, Daly, Maxwell

The question relating to the minimum criteria for city generated projects was referred to Committee.

Supervisor Daly moved that this Resolution be DIVIDED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

Noes: 1 - Maxwell

Resolution urging the Public Utilities Commission and the City Attorney to present to the California Independent System Operator a transmission-only solution to close the entire Potrero Power Plant.

Resolution No. 299-08

ADOPTED AS DIVIDED by the following vote:

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

Noes: 3 - Alioto-Pier, Daly, Maxwell

From the Rules Committee Without Recommendation

**080619 [Providing for appointment rather than election of the City Treasurer]
Supervisor McGoldrick**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, and set qualifications for the office of Treasurer.

Continued to July 8, 2008

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

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

**080620 [Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works]
Supervisor McGoldrick**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding a new Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to create a Public Works Commission and establish its powers and duties, and authorize the Mayor to appoint the Director of Public Works.

Continued to July 8, 2008

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

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

NEW BUSINESS

Recommendation of the Budget and Finance Committee

**080735 [Disbursements from Budget Savings Incentive Fund FY 08-09]
Mayor**

Resolution approving disbursements from the Budget Savings Incentive Fund.

(Fiscal Impact.)

(Supervisor Daly dissented in committee.)

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

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

Resolution No. 295-08

ADOPTED AS AMENDED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

**080277 [Administrative Code Chapter 6 - technical amendments and amendments to contracting procedures]
Supervisor Chu**

Ordinance amending San Francisco Administrative Code Chapter 6 to correct typographical errors in Subsections 6.22(B) and 6.22(H)(2)(d), to clarify and revise Subsection 6.22(J) concerning retention of progressive payments, to clarify and revise Subsection 6.23(C) concerning the rejection or failure of bids, to revise Section 6.61 concerning design-build contracting procedures, and to add a new Section 6.28 authorizing the use of integrated project delivery.

PASSED ON FIRST READING by the following vote:

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

**080697 [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, 2008.

PASSED ON FIRST READING by the following vote:

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

080582 [Approval of Agreement between the City and County of San Francisco and Serco, Inc. for Administrative Services in Support of the SFpark Project, for a contract term of two years and an amount not-to-exceed \$22,080,000]

Resolution approving the Agreement between the City and County of San Francisco and Serco, Inc. for Administrative Services in Support of the SFpark Project. (Municipal Transportation Agency)

(Fiscal Impact.)

Resolution No. 289-08

ADOPTED by the following vote:

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

080581 [Approval of Sixth Amendment to Agreement with Serco Inc. for parking meter collection and management services, to extend the term by two years and increase the contract amount by \$10,000,000]

Resolution approving the Sixth Amendment to the Agreement between Serco Management Systems, Inc. and the City and County of San Francisco, through the San Francisco Municipal Transportation Agency. (Municipal Transportation Agency)

(Fiscal Impact.)

Resolution No. 288-08

ADOPTED by the following vote:

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

**080689 [Presidio and City and County of San Francisco Transportation Work Group]
Supervisor Alioto-Pier**

Resolution establishing the Presidio and City and County of San Francisco Transportation Work Group.

Resolution No. 291-08

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

**080613 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance shall terminate 120 days after the injunction in Coral v. Construction, Inc. (S.F. Sup. Ct. No. 421249) is lifted or stayed]
Mayor, Supervisor Alioto-Pier**

Ordinance amending the Administrative Code 14B.18 to suspend enforcement of 14.B and reinstate Chapter 12D.A. 120 days after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Ordinance be PASSED ON FIRST READING. The motion carried by the following vote:

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

**080614 [Extending the Expiration date of the MBE/WBE/LBE Ordinance]
Mayor, Supervisor Alioto-Pier**

Ordinance extending the expiration date of Chapter 12D.A, the City's Minority/Women/Local Business Utilization program until one year after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**080699 [Appointment, Planning Commission - Gwyneth Borden]
Mayor**

Motion approving the Mayor's appointment of Gwyneth Borden to the Planning Commission term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080700. Transmittal date – May 19, 2008.)

Motion No. M08-104

APPROVED by the following vote:

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

**080643 [City Elections In Even-Numbered Years]
Supervisor McGoldrick**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

Continued to July 8, 2008

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

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

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district. (Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

Continued to July 29, 2008 at a Special Order at 3:30 pm.

Motion to waive Board Rule 4.29 was approved without objection.

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

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

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

(Only one of the following two motions should be approved.)**070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to July 29, 2008 at a Special Order at 3:30 pm.

Motion to waive Board Rule 4.29 was approved without objection.

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

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

- 070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**
Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

*Continued to July 29, 2008 at a Special Order at 3:30 pm.
Motion to waive Board Rule 4.29 was approved without objection.*

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

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

- 070913 [Preparation of findings related to the 3424 Jackson Street project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

*Continued to July 29, 2008 at a Special Order at 3:30 pm.
Motion to waive Board Rule 4.29 was approved without objection.*

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

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

COMMITTEE REPORTS

- 080662 [Fees for Processing a Redemption of Tax Defaulted Property or a Secured Property Tax Second Installment Delinquency Notice]**
Mayor, Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 8.34.1, to authorize the Tax Collector to charge a fee of \$55.00 to cover the cost of processing a redemption of property that is in default due to the failure to pay property tax and a fee of \$45.00 to cover the cost of processing a delinquency notice on the second installment of each separate valuation on the secured property tax roll, and to provide for an automatic adjustment of the fees for inflation.

PASSED ON FIRST READING by the following vote:

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

080766 [De-appropriating \$2,500,000 of Hotel Room Tax from the Low Income Housing Program and Re-appropriating \$2,500,000 to the General Fund for Fiscal Year 2007-2008]**Mayor**

Ordinance de-appropriating \$2,500,000 of Hotel Room Tax from the Low Income Housing Program and re-appropriating \$2,500,000 to the General Fund in the Mayor's Office for Fiscal Year 2007-2008.

Continued to July 15, 2008

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

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

080767 [Redevelopment Agency Budget]**Mayor**

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2007-08 by increasing the Agency's tax increment receipts for Affordable Housing activities and authorizing expenditure in an amount not to exceed \$22,401,050 by authorizing a cooperation agreement with the City and County of San Francisco, and authorizing the Agency to increase its annual statement of indebtedness by a like amount not to exceed \$22,401,050, all Redevelopment Project Areas.

(Fiscal Impact.)

Resolution No. 290-08

ADOPTED by the following vote:

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

080885 [Appointment, Board of Appeals - Rafael Mandleman]**Supervisor Peskin**

Motion approving Board of Supervisors President Peskin's appointment of Rafael Mandleman to the Board of Appeals for the unexpired balance of the term ending July 1, 2010.

Motion No. M08-108

APPROVED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

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

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter; shared with the Board members SF memorabilia

Richard McGeary; expressed concern with issues relating to his patent for the Sigmund Stern Grove

Eugene Gordon; expressed concern with issues relating to the violation of human rights

Peter Warfield; expressed concern with issues relating to the SF Library fines for lost or damaged books under the link plus books program

John di Donna; expressed concern with issues relating to violence in our youth and ending the war

Erin; expressed concern with issues relating to public safety and affordable housing and toxic environment in the Bay View Hunters Point Area

Sydney; expressed concern with issues relating to public safety and affordable housing and toxic environment in the Bay View Hunters Point Area

Male speaker; expressed concern with issues relating to the Lennar construction in the Bayview Hunters Point community

Adele; expressed concern with issues relating to the Lennar construction in the Bayview Hunters Point community

Cecil Mills; expressed concern with issues relating to Mars

Francisco da Costa; expressed concern with issues relating to the Lennar construction in the Bayview Hunters Point community

Male speaker; expressed concern with issues relating to the Lennar construction in the Bayview Hunters Point community

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**080898 [Commending Dennis Richmond on his 40 year career at KTVU]
Supervisor Dufty**

Resolution commending Dennis Richmond on his 40 year career at KTVU.

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

Resolution No. 297-08

ADOPTED

**080899 [Congratulating the opening of the Contemporary Jewish Museum on June 8, 2008]
Supervisors Dufty, Peskin**

Resolution congratulating the opening of the Contemporary Jewish Museum in the City and County of San Francisco on June 8, 2008.

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

Resolution No. 296-08

ADOPTED

**080900 [Commending Michael Lumpkin on 28 years of dedication to Frameline and the San Francisco International LGBT Film Festival]
Supervisors Dufty, Ammiano**

Resolution commending Michael Lumpkin on 28 years of dedication to Frameline and the San Francisco International LGBT Film Festival.

Resolution No. 294-08

ADOPTED

**080901 [Grant to fund a study through the HIV Prevention Section, Department of Public Health - \$10,566]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of \$10,566 from the Public Health Foundation Enterprises (PHFE), the primary contractor, with funds from the National Institutes of Health, to support a study entitled "Aripiprazole to Reduce Methamphetamine Use among MSM with HIV," for the period of September 28, 2007 through July 31, 2008.

Resolution No. 293-08

ADOPTED

**080902 [Grant to fund a study through the HIV Prevention Section, Department of Public Health - \$12,680]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of \$12,680 from the Public Health Foundation Enterprises (PHFE), the primary contractor, with funds from the National Institutes of Health, to support a study entitled "Aripiprazole Treatment for Methamphetamine Using MSM," for the period of August 1, 2007 through July 31, 2008.

Resolution No. 292-08

ADOPTED

**080903 [In support of Senate Bill 1420 - Nutritional Information on Menus and Menu Boards]
Supervisor Ammiano**

Resolution supporting Senate Bill 1420—Nutritional Information on Menus and Menu Boards.

Resolution No. 298-08

ADOPTED

- 080636 [Final Map - 766 Harrison Street]**
Motion approving Final Map 4566, a 98 Residential Unit and 5 Commercial Unit Mixed-Use Condominium Project, located at 766 Harrison Street being a subdivision of Lot 153 in Assessors Block No. 3751 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
- (DPW Order 177,548; District 6.)
- Motion No.** M08-99
APPROVED
- 080721 [Final Map - 1115 - 1125 Noe Street]**
Motion approving Final Map 3598, a 6 Unit Residential Condominium Project, located at 1115 – 1125 Noe Street being a subdivision of Lot 024A in Assessors Block No. 6508 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
- (DPW Order 177,571; District 8.)
- Motion No.** M08-100
APPROVED
- 080790 [Final Map - 1 Polk Street]**
Motion approving Final Map 4587, a 179 Residential Unit and 4 Commercial Unit Mixed-Use Condominium Project, located at 1 Polk Street being a subdivision of Lot 022 in Assessors Block No. 0814 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
- (DPW Order 177,581; District 6.)
- Motion No.** M08-101
APPROVED
- 080795 [Final Map - Planned Development - Mission Bay]**
Motion approving Final Map No. 4375 Planned Development Mission Bay, a ten (10) lot subdivision, being a Merger and Resubdivision of Lot A, Lot 6, Lot 9 and Lot 10 as shown on that certain final entitled "FINAL MAP PLANNED DEVELOPMENT MISSION BAY" filed for record on January 25, 2001 in Book Z of Maps, at Pages 154-162, Records of the City and County of San Francisco; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)
- (DPW Order 177,602.)
- Motion No.** M08-102
APPROVED
- 080841 [Final Map - 300 Berry Street]**
Motion approving Final Map 4007, a one-lot subdivision for condominium purposes, being a 270-unit mixed-use condominium project of Lot 6 in Assessors Block No. 8704, located at 300 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
- (DPW Order 177,597; District 6.)
- Motion No.** M08-103
APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

071009 [Construction Dust Control]
Supervisors Maxwell, Peskin, Ammiano, Dufty, Mirkarimi

Ordinance amending the San Francisco Building Code by adding Section 106.3.2.6 to require that all site preparation work, demolition, or other construction activities within the City and County of San Francisco that have the potential to create dust or will expose or disturb more than 10 cubic yards or 500 square feet of soil must comply with specified dust control measures whether or not the activity requires a permit from the Department of Building Inspection, with provision for waiver by the Director for activities on sites less than one half acre that are unlikely to result in any visible windblown dust; amending the San Francisco Health Code by adding Article 22B to require, for projects over one half acre, that the project sponsor obtain approval of a dust control plan from the Director of Public Health unless the Director waives these requirements or the project qualifies for an interior only tenant improvement project exemption, and enacting fees to defray the costs of implementation; adopting environmental and general findings.

7/10/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/9/2007.

7/18/07, REFERRED TO DEPARTMENT. Referred to City Attorney to be approved as to form.

8/7/07, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

8/7/07, ASSIGNED to Land Use and Economic Development Committee.

8/13/07, REFERRED TO DEPARTMENT. Building Inspection Commission, Planning Department and Department of Public Health for review and comment.

8/21/07, RESPONSE RECEIVED. Planning Department, categorically exempt from environmental review.

12/28/07, RESPONSE RECEIVED. Building Inspection Commission voted not to support this ordinance.

2/27/08, RESPONSE RECEIVED. Health Commission Resolution No. 05-08 with recommendation supporting the dust control ordinance.

6/24/08, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

6/24/08, ASSIGNED to Land Use and Economic Development Committee. 6/27/08, 7/4/08 Publication of fee ad.

**080844 [Prohibiting New Overhead Utility Facilities]
Supervisor Dufty**

Ordinance amending Sections 913 and 914 of the San Francisco Public Works Code to prohibit the installation of new surface and overhead utility facilities on any City streets where there are no existing overhead utility facilities; and further amending Section 914 to establish exemptions to this requirement.
6/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080846 [Limit on non-profit executive director salaries funded by City grants or contracts]
Supervisor McGoldrick**

Ordinance limiting the use of City funds for non-profit executive director salaries.
6/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080847 [Requiring recyclable/compostable bags for newspapers and handbills]
Supervisors Mirkarimi, Peskin**

Ordinance amending Article 5.7 of the San Francisco Public Works Code by adding Section 184.77, to require any person who distributes newspapers or handbills that are packaged in bags or other wrapping to or upon private property to use only recyclable or compostable materials for such packaging and to impose penalties; and making environmental findings.
6/24/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 7/24/2008.

**080849 [PG&E SmartMeter Upgrade Proposal]
Supervisors Peskin, Dufty, Ammiano, Maxwell, Mirkarimi, Daly, McGoldrick, Sandoval**

Draft ordinance establishing a temporary moratorium on the installation of "Smart Meter" equipment and requiring a joint Department of the Environment and San Francisco Public Utilities Commission review of proposed "Smart Meter" technology.
6/24/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080850 [Zoning - 901 Bush Street Special Use District]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by adding Section 249.36 and amending Sheet SU01 of the Zoning Map of the City and County of San Francisco to establish the 901 Bush Street Special Use District in the area generally bounded by Bush Street to the north, Taylor Street to the East, and Assessor's Block 0282 Lots 017 and 022 to the west and south, respectively; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).
6/24/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080883 [Zoning - Creating the New Mission-Harrington Special Use District]
Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, creating the Mission-Harrington Special Use District, located at 4550 Mission Street at the intersection with Harrington Street; amending the Table at Section 712, to refer to this new Special Use District; amending the Special Use District Map SU11 of the Zoning Map of the City and County of San Francisco, to refer to this new Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

6/24/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/24/2008.

Resolutions

**080910 [State grant to support environmental health pest exclusion activities - \$47,694.36]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$47,694.36 from the California Department of Food and Agriculture (CDFA) to support the Light Brown Apple Moth Program; for the period of July 1, 2007 through June 30, 2008.

6/24/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080911 [Grant to support HIV research study - \$31,724]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$31,724 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2008 through January 31, 2009.

6/24/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080912 [Urging a Federal Employment Non-Discrimination Act that includes gender identity protections]
Supervisors Dufty, Ammiano, Daly, Mirkarimi**

Resolution urging a Federal Employment Non-Discrimination Act that includes gender identity protections.

6/24/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080914 [Resolution to establish the Broadway Entertainment Corridor Community Benefit District]
Supervisor Peskin**

Resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

6/24/08, ASSIGNED to Board of Supervisors. Scheduled for July 29, 2008 at 3:00 p.m.

**080915 [Assessment Ballots for City Parcels, for proposed Yerba Buena Community Benefit District]
Mayor**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of nine parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Yerba Buena Community Benefit District.

6/24/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080917 [Resolution to establish the Yerba Buena Community Benefit District]
Mayor**

Resolution establishing a property-based business improvement district to be known as the "Yerba Buena Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

6/24/08, RECEIVED AND ASSIGNED to Board of Supervisors. Scheduled for July 29, 2008 at 3:00 p.m.

Requests for Hearing

**080842 [Funding the Guarantee Pool for the Local Business Enterprise Bonding and Financing Assistance Program]
Supervisor Maxwell**

Hearing on the status and future plans for agency coordination and funding the Guarantee Pool of the Local Business Enterprise Bonding and Financing Assistance Program.

6/24/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080843 [City's external auditors Comprehensive Annual Financial Report related to the City audit for Fiscal Year 2006-2007 and audit plans for Fiscal Year 2007-2008]
Supervisor Peskin**

Hearing for the City's external auditors (Macias Gini & O'Connell, KPMG, Hood and Strong, and Williams Adley & Co.) to present the Comprehensive Annual Financial Report (CAFR), Single Audit, and their Management Letters, if any, related to the City audit for Fiscal Year 2006-2007. They will also present their audit plans for Fiscal Year 2007-2008. This hearing is required under Charter Section 9.117.

6/24/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED ORDINANCES

- 080856 [Mission Bay South-Acceptance of Land and Improvements on Third Street for Blocks 17, 20 and 23]**
Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance. (Public Works Department)
6/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 080857 [Mission Bay South-Acceptance of Land and Improvements for the 7th and 16th Street Intersection]**
Ordinance accepting the dedication for public street and roadway purposes of the two (2) portions of properties adjacent to 16th Street and accepting the irrevocable offer for the 7th and 16th Street Intersection Infrastructure Improvements; designating street grades and accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,604; and authorizing official acts in connection with this ordinance. (Public Works Department)
6/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

- 080854 [Amendment to Contract with Geomatrix Consultants, Inc.]**
Resolution approving an amendment to the contract with Geomatrix Consultants, Inc. to extend the term through June 30, 2009, to modify the scope of services, and to increase the contract by an amount not to exceed \$180,000 for a new total amount not to exceed \$1,439,000 for environmental consulting services. (Treasure Island Development Authority)
6/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chu

To: Director, Public Utilities Commission

Requesting/Inquiring: Requesting that the PUC report on the status of replacing broken light bulbs on two street lights located on 37th Avenue (West side of 37th Ave) between Noriega and Moraga. Also requesting that the PUC examine why there is only one street light on the entire block of 37th Avenue between Noriega and Moraga on the east side of the street and inform us of the possibility of installing at least one more street light on that block.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from utility poles at the following locations:

Wood

Southeast corner of Page and Divisadero

Trash Cans

Fulton and Pierce

Bus Shelters

Eastside of Oak and Stanyan

Fire Alarm Box

Northeast of Page and Steiner

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

333 Haight

295 Buchanan, the windows on the Haight Street side

299 Webster

501 Fillmore

1591 Page

2400 Fulton

710 Fillmore

661 Divisadero

Divisadero Theatre, on Divisadero between Hayes and Grove

799 Haight

782 Haight

681 Haight

546 Haight

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
SF Daily
Northwest corner of Hayes and Gough
City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight
SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:
Phone Switch Boxes
Southeast corner of Fillmore and Oak
Northwest corner of Hermann and Fillmore

In Memoriams

In Memoriams

Anthony Sacco - Entire Board
Anthony, Michael, and Matthew Bologna - Supervisors Sandoval & Daly
Cecilia Marie Muschi Dawydiak - Supervisor Alioto-Pier
Harry Aleo - Supervisor Duffy

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:07 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 29, 2008.



Angela Calvillo
Clerk of the Board