

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, September 23, 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

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, 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, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum present.

Supervisor McGoldrick was previously excused from attendance.

Supervisor McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

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

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of August 12, 2008. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081096 [Setting San Francisco's fiscal year 2008-2009 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2009.

Ordinance No. 217-08
FINALLY PASSED

- 081097 [Setting San Francisco Community College District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Community College District purposes for the fiscal year ending June 30, 2009.

Ordinance No. 218-08
FINALLY PASSED

- 081098 [Setting San Francisco Unified School District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Unified School District purposes for the fiscal year ending June 30, 2009.

Ordinance No. 219-08
FINALLY PASSED

- 081099 [Setting San Francisco Bay Area Rapid Transit District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2009.

Ordinance No. 216-08
FINALLY PASSED

- 081057 [Appropriating \$110,632 of Community Improvement Impact Fee revenue for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009]**
Supervisor Maxwell

Ordinance appropriating \$110,632 of Community Impact Fee revenue from the Visitacion Valley Infrastructure Fund for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009.

Ordinance No. 220-08
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Committee Without Recommendation**081019 [Public Employment - Deputy Chief 3 - Police Department]
Supervisor Dufty**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of 2 positions (1.50 FTE) Class 0402 -- Deputy Chief 3 in the Police Department.

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

Ordinance No. 221-08

FINALLY PASSED by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval

Noes: 4 - Ammiano, Daly, Mirkarimi, Peskin

Excused: 1 - McGoldrick

Recommendation of the Land Use and Economic Development Committee**080521 [Citywide Affordable Housing Preference for Certificate of Preference Holders]
Supervisors Mirkarimi, Dufty, Maxwell**

Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

Continued to October 7, 2008

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

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

Excused: 1 - McGoldrick

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

**081084 [Authorizing the Department of Public Health to perform and award contracts for public work under a specified procedure]
Supervisor Elsbernd**

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.69, to authorize the Department of Public Health to perform and award contracts for health facilities public work through competition among a pre-qualified pool of contractors.

PASSED ON FIRST READING by the following vote:

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

081071 [Approval of CPMC Lease Termination Agreement at One South Van Ness Avenue]

Resolution retroactively approving a Lease Termination Agreement between the City, as landlord, and CPMC, as tenant, for approximately 127,638 square feet of office space on the 4th and 8th floors of One South Van Ness Avenue, and the subsequent occupancy of the 4th floor space by the Department of Human Resources and the 8th floor space by the Municipal Transportation Agency. (Real Estate Department)

(Fiscal Impact.)

Resolution No. 399-08

ADOPTED by the following vote:

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

081073 [Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2008 to September 30, 2009. (Treasure Island Development Authority)

(Fiscal Impact.)

Resolution No. 400-08

ADOPTED by the following vote:

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

081075 [Airport Concession Lease]

Resolution approving the Boarding Area "F" Pharmacy, Health and Beauty Store Lease between Harmony Pharmacy and Health Center, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

Resolution No. 401-08

ADOPTED by the following vote:

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

- 081079 [Amendment to leases of Real Property at 3120 Mission and 3425 Cesar Chavez Streets]**
Resolution authorizing the Amendment to leases at 3120 Mission and 3425 Cesar Chavez Streets for the Department of Human Services. (Real Estate Department)

(Fiscal Impact.)

Resolution No. 402-08

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

- 080796 [Amending Ordinance 202-07, authorizing award of contract for CM/GC services for the San Francisco General Hospital Rebuild Program, and making findings under CEQA]**

Ordinance amending Ordinance 202-07 to add Drywall Subcontractor to the list of authorized Core Subcontractors for the San Francisco General Hospital Rebuild Program; authorizing the award of a contract for Construction Manager/General Contractor services for the San Francisco Hospital Rebuild Program; adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

- 080797 [Authorizing award of architectural and engineering design services contract for the San Francisco General Hospital Replacement Program and adopting findings under CEQA]**

Resolution authorizing the award of an architectural and engineering design services contract for the San Francisco General Hospital Seismic Compliance Hospital Replacement Program; adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

Resolution No. 403-08

ADOPTED by the following vote:

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

**081102 [MOU, Amendment No. 2 - Municipal Attorneys' Association]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association.

PASSED ON FIRST READING by the following vote:

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

**081103 [MOU - Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics]
Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

From the Government Audit and Oversight Committee Without Recommendation

**081107 [MOU - SF Police Officers' Association (SFPOA), P-2B]
Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), P-2B, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, Maxwell
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

081074 [Changing the official sidewalk width - Harrison Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1581 to change the official sidewalk width on the north side of Harrison Street east of Fourth Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED ON FIRST READING by the following vote:

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

Supervisors Dufty and Mirkarimi Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Chu, moved moved to excuse Supervisors Dufty and Mirkarimi from voting on this matter, due to a possible conflict of interest. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Peskin, Sandoval

Excused: 3 - Dufty, McGoldrick, Mirkarimi

**081087 [Condominium conversion lottery based on seniority of participation]
Supervisor McGoldrick**

Ordinance amending the Subdivision Code by amending Section 1396 to extend the annual 200-unit condominium conversion lottery; amending Section 1396.3 to continue the prioritization of the condominium conversion lottery based on seniority of participation in prior lotteries; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Alioto-Pier, Ammiano, Chu, Elsbernd, Peskin, Sandoval

Noes: 2 - Daly, Maxwell

Excused: 3 - Dufty, McGoldrick, Mirkarimi

SPECIAL ORDER 4:00 P.M.

081133 [Public Hearing - Appeal of Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project]

Hearing of persons interested in or objecting to the Planning Commission's August 7, 2008, certification of a Final Environmental Impact Report identified as Planning No. 2004.0160E, through its Motion No. 17659, for a proposed Eastern Neighborhoods Rezoning and Area Plans project, amendments to the San Francisco Planning Code and Zoning Maps, amendments to the San Francisco General Plan, and adoption of interim historic preservation procedures. The Plan Area generally includes the eastern portion of the South of Market Area ("East SOMA"), The Mission, Showplace Square/Potrero Hill, and the Central Waterfront Neighborhoods of San Francisco and making other related findings. (Appellants: Chris Durazo, Filed 8/8/08; and Gary Noguera, Filed 8/27/08)

(Filed 8/8/08 and 8/27/08; companion measure to Files 081134, 081135, 081136.)

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

Sue Hestor, Attorney for South of Market Community Action Network; appellant

Mr. Fukado, Representative of the Coalition for Neighborhoods; appellant

April Veneracion; support of the appellant

Angela Cabati; support of the appellant

Chris Durazo; Appellant

Jazzie Collins; support of the appellant

Female speaker; support of the appellant

Male speaker; support of the appellant

Tom Gilberti; support of the appellant

Judith Berkovitz; support of the appellant

Michael Jacinto, Bill Wykco and Paul Maltzer, representatives of the Planning Department, reviewed with the Board their recommendations.

Male speaker; support of the project sponsor

Rebuttal Period: Appellant

Sue Hestor and Mr. Fukado

The President declared the public hearing closed.

Heard at public hearing.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)

081134 [Affirming certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project. (Clerk of the Board)

Motion No. M08-148

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

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Sandoval

Noes: 1 - Peskin

Absent: 2 - Daly, Duffy

Excused: 1 - McGoldrick

- 081135 [Disapproving certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]**
Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project. (Clerk of the Board)
- Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:
- Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Sandoval
 - Noes: 1 - Peskin
 - Absent: 2 - Daly, Duffy
 - Excused: 1 - McGoldrick
- 081136 [Preparation of findings to disapprove certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]**
Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans FEIR. (Clerk of the Board)
- Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:
- Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Sandoval
 - Noes: 1 - Peskin
 - Absent: 2 - Daly, Duffy
 - Excused: 1 - McGoldrick

COMMITTEE REPORTS

- 081048 [Reappointment, Board of Appeals - Frank Fung]**
Motion approving the Mayor's reappointment of Frank Fung to the Board of Appeals, for the term ending July 1, 2012. (Mayor)
- (Section 4.106 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 - July 25, 2008).
(9/18/08, Supervisor Daly dissenting in committee).
- Motion No.** M08-146
- APPROVED** by the following vote:
- Ayes: 9 - Alioto-Pier, Ammiano, Chu, Duffy, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
 - Noes: 1 - Daly
 - Excused: 1 - McGoldrick

081050 [Reappointment, Board of Appeals - Tanya Peterson]

Motion approving the Mayor's reappointment of Tanya Peterson to the Board of Appeals, for the term ending July 1, 2012. (Mayor)

(Section 4.106 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 - July 25, 2008).

Motion No. M08-147

APPROVED by the following vote:

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

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.

*John di Donna; expressed concern with issues relating to the violations of civil rights
Cecil Lewis; expressed concern with issues relating to the labeling of different types of gasoline
Walter; expressed concern with issues relating to the fixing and retro fitting of his building
Female speaker; expressed concern with issues relating to the height of buildings for exiting the building
Richard McRee; expressed concern with issues relating to high rises and the use of existing buildings and his design for Sigmund Stern Grove*

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.

**081238 [Extending sunset date of the Peak Oil Preparedness Task Force]
Supervisor Mirkarimi**

Resolution extending the sunset date of the Peak Oil Preparedness Task Force for not more than six months.

Resolution No. 407-08

ADOPTED by the following vote:

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

Excused: 1 - McGoldrick

**081239 [Commending Yomi Agunbiade, General Manager of the Recreation and Park Department, for his dedicated service]
Supervisors Elsbernd, Chu, Mirkarimi, Maxwell, Peskin, Alioto-Pier, Dufty**

Resolution commending Yomi Agunbiade, General Manager of the Recreation and Park Department, for his dedicated service.

Resolution No. 405-08

ADOPTED

**081241 [Accept-Expend State Grant - Life and Annuity Consumer Protection Program - \$25,000]
Supervisor Chu**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$25,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for fiscal year July 2008 through June 2009.

Resolution No. 406-08

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - McGoldrick

Severed From the Without Reference to Committee Agenda

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

**081240 [30 day halt to Department of Public Works' mechanical street sweeping changes]
Supervisor Alioto-Pier**

Resolution urging the Department of Public Works to immediately halt the implementation of the changes to the mechanical street sweeping program for 30 days.

REFERRED to the City Operations and Neighborhood Services Committee.

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

081213 [Celebrating the success of the Outside Lands Music and Arts Festival]
Supervisor Mirkarimi

Resolution commending Another Planet Entertainment, Superfly Presents, Starr Hill Presents, the Recreation and Park Department, the Mayor's Office, the San Francisco Bicycle Coalition, the San Francisco Police Department, the Municipal Transportation Agency, the Department of Public Works, and the Department of Parking and Traffic for the outstanding success of the Outside Lands Music and Arts Festival.

Resolution No. 404-08

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Noes: 1 - Chu

Excused: 1 - McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved the purely commendatory finding. The motion carried by the following vote:

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

Absent: 2 - Daly, Dufty

Excused: 1 - McGoldrick

[Brown Act Finding]

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

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved the Brown Act finding. The motion carried by the following vote:

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

Absent: 2 - Daly, Dufty

Excused: 1 - McGoldrick

**081244 [Folsom Street Fair Day in San Francisco]
Supervisors Dufty, Ammiano**

Resolution declaring September 28, 2008 as Folsom Street Fair Day in San Francisco.

Resolution No. 408-08

ADOPTED by the following vote:

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

Absent: 2 - Daly, Dufty

Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**081247 [Zoning - Conditional use authorization for new development in the Bernal South Slope Area]
Supervisor Ammiano**

Ordinance amending Planning Code Section 242 to require conditional use authorization for new development in the Bernal South Slope Area, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

9/23/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/23/2008.

**081249 [Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]
Supervisor Daly**

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units.

9/23/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/23/2008.

**081250 [Massage practitioner requirements]
Supervisor Dufty**

Ordinance amending Section 1902 of the San Francisco Health Code by changing the requirement that massage practitioners obtain a certificate of graduation to a certificate of completion verifying at least 100 hours of massage instruction.

9/23/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/23/2008.

**081251 [Planning Code--Appendix K to Article 10, Bush Street-Cottage Row Historic District]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

9/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081252 [Coordinated Code Enforcement Process]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Chapter 102 to require coordination in the code enforcement efforts of City departments and to establish a fund to support the City's code enforcement activities; adding Section 10.100-167 to create a Category 4 fund to receive and expend funds related to the City's code enforcement activities; and amending Section 1.56 to require annual reports to contain details on the department's code enforcement activities; amending the San Francisco Business and Tax Regulations Code by adding Section 16(a) to provide a mechanism for enforcement of decisions of the Board of Appeals; amending Section 102A of the San Francisco Building Code and adding Section 176.2 to the San Francisco Planning Code to provide for enforcement of decisions of the Board of Appeals without additional abatement proceedings by the department; adopting environmental and other findings.

9/23/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2008.

Resolutions

**081244 [Folsom Street Fair Day in San Francisco]
Supervisors Dufty, Ammiano**

Resolution declaring September 28, 2008 as Folsom Street Fair Day in San Francisco.

9/23/08, ADOPTED.

**081248 [Changing the name of Rowland Street in North Beach to Dirk Dirksen Alley]
Supervisor Ammiano**

Resolution declaring the Board's intention to change the name of Rowland Street on Broadway in North Beach to "Dirk Dirksen Alley," in recognition of Dirk Dirksen, who will be remembered as one of the most important figures in the musical and cultural history of San Francisco; and authorizing initiation of the process to install a commemorative plaque on said street.

9/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081253 [Single Family Housing Bond REO and Refinance program]
Mayor, Supervisors Maxwell, McGoldrick, Chu**

Resolution authorizing an application by the Mayor's Office of Housing to the California Debt Limit Allocation Committee to permit the issuance of Single Family Housing Bonds in an aggregate amount not to exceed \$10,115,243 to enable the purchase of Real Estate Owned (REO) single family units by low and moderate income households and the refinance of subprime and adjustable rate mortgages (ARM) to 30 and 40 year amortized fixed mortgages for low and moderate income households in single family homes.

9/23/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 081254 [Accept-Expend San Francisco Giants Community Fund and the Good Tidings Foundation gift - \$100,000]**
Mayor

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a gift in the estimated amount of \$100,000 from the San Francisco Giants Community Fund and the Good Tidings Foundation for Excelsior Playground baseball/softball field improvements.

9/23/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 081255 [Conflict Resolution Day - October 16, 2008]**
Supervisor Daly

Resolution declaring October 16th "Conflict Resolution Day", to be recognized in San Francisco for the purpose of fostering awareness and use of conflict resolution tools within our schools and communities.

9/23/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 081256 [Accept and Expend Grant - Office of Language Services - \$40,000]**
Supervisors McGoldrick, Chu

Resolution retroactively authorizing the Office of Language Services to accept and expend grant funds in the amount of \$40,000 from the Zellerbach Family Foundation to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

9/23/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests for Hearing

- 081245 [Nitrite based Poppers]**
Supervisor Ammiano

Hearing on the disclosure of the Health effects of Nitrite based Poppers.

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

- 081246 [Status and Benefits of Proposition 63 Funds]**
Supervisor Ammiano

Hearing on the status and benefits of Proposition 63 funds.

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

Motions

- 081257 [Confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency]**
Mayor

Motion confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

**081258 [Confirming the re-appointment of Rick Swig to the San Francisco Redevelopment Agency]
Mayor**

Motion confirming the re-appointment of Rick Swig to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES**081205 [Settlement of Lawsuit, Gladys DeWitt - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.

9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**081215 [Appointment, Transbay Joint Powers Authority - Carter R. Rohan]**

Resolution confirming the appointment of Mr. Carter R. Rohan, R. A. (Senior Director of Transportation Planning and Development Division of the San Francisco Municipal Transportation Agency) to serve on the Transbay Joint Powers Authority as an Alternate Member when SFMTA Executive Director/CEO Nathaniel P. Ford, Sr. is unable to attend. (Municipal Transportation Agency)

9/12/08, RECEIVED AND ASSIGNED to Rules Committee.

081217 [Approval of three contracts for the Department of Public Health]

Resolution authorizing the San Francisco Department of Public Health to enter into five contracts providing mental health services for clients in long term care in locked facilities, for pharmacy management services and for fiscal intermediary services related to the San Francisco Mental Health Plan's for Private Provider Network, residential care facilities, and for mental health wraparound services, for the term of October 1, 2008 and January 1, 2009 through June 30, 2013 and December 31, 2013. (Public Health Department)

(Fiscal Impact.)

9/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081218 [Amendment to Settlement Agreement with Pacific Gas and Electric Company]

Resolution authorizing the Port to execute an amendment to the settlement agreement between Pacific Gas and Electric Company (PG&E) and the City and County of San Francisco, dated June 14, 2005, regarding a claim of encroachment by PG&E's Hunter's Point Power Plant on Custer, Davidson, India and Ingalls Streets, by: (1) extending PG&E's right to continue occupying approximately 35,465 square feet of Custer and Davidson Streets until July 31, 2012, and to continue occupying approximately 56,484 square feet of Custer, Davidson, India and Ingalls Streets until July 31, 2016, with option to extend each period of occupancy for periods of 6 months at a time with the Port's prior written consent; and (2) delaying the commencement date of a 5-year lease to PG&E of approximately 1,421 square feet of Davidson Street from January 1, 2008 to August 1, 2012. (Port)

9/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted*Requests Granted*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Metal Pole

Northwest corner of Steiner and Fell

Northwest corner of Fell and Scott

Southeast corner of Broderick and Fulton

Southeast corner of Fulton and Scott

Northeast corner of Fell and Steiner

Southwest corner of Masonic and Haight

Southeast corner of Hayes and Buchanan

North side, center median on Divisadero and Haight.

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:

1566 Haight

541 Haight

626 Scott

685 Scott

484 Haight (gang graffiti)

1201 Fulton

940 Fillmore

500 Fillmore

573 Fillmore

Pierce and Fell (Ida B. Wells wall)

799 Haight

792 Haight

698 Haight

299 Webster

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:

Phone Switch Boxes

Northeast corner of Scott and Oak

Northeast corner of Broderick and Fulton

Southwest corner of Fulton and Broderick

Southwest corner of Fillmore and Fulton

Garbage Cans

Southwest corner of Baker and Haight

Northeast corner of Fulton and Fillmore

Northeast corner of Clayton and Haight

North side at Fulton and Clayton

*Fire Hydrant
Norhtwest corner of Octavia and Grove
Northeast corner of Clayton and Page*

*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
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)
Southeast corner of Fillmore and Haight*

*San Francisco Chronicle
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
Southeast corner of Fillmore and Haight*

*SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore*

*From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft an ordinance that would create a moratorium on new tobacco paraphernalia establishments on Haight Street.*

In Memoriams

*Stephen Oliver Price aka Steve Lady - Supervisor Ammiano
John Burnside - Supervisors Ammiano and Dufty
Frank Kardos - Supervisor Daly
Barbara Pacak - Supervisors Elsbernd and Chu*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:58 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 October 28, 2008.



Angela Calvillo
Clerk of the Board