

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, October 2, 2007 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 Peskin, Ammiano, Dufty

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Alioto-Pier, Chu

Government Audit and Oversight Committee

Supervisors Elsbernd, Alioto-Pier, Daly

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Ammiano, Elsbernd, Peskin

Meeting Days

Wednesday

1:00 PM

1st and 3rd Thursday

3:30 PM

2nd and 4th Thursdays

1:00 PM

1st and 3rd Mondays

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.

Volume 102 Number 33

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Carmen Chu, Sophie Maxwell, Jake McGoldrick, 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 all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve Meeting Minutes for September 11, 2007.

The motion carried by the following vote:

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

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071178 [Settlement of complaint by PG&E before the Federal Energy Regulatory Commission and approval of an Amended Interconnection Agreement with PG&E]
Supervisor Peskin

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-1190-000, et al, initiated by Pacific Gas & Electric Company to terminate the 1987 Interconnection Agreement between the City and PG&E; and approving an Amended Interconnection Agreement between the City and PG&E which provides for continued delivery of electricity to City facilities, among other things.

PASSED ON FIRST READING

**071230 [Grant of Federal Funds - Municipal Transportation Agency]
Supervisor Sandoval**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,690,546 of Lifeline Transportation Program (LTP) Funds for maintenance of the Municipal Railway's #108 Line between San Francisco and Treasure Island, expansion of MUNI's #29-Sunset Line service, and expansion of MUNI's Lifeline Fast Pass Distribution program, excluding Citywide indirect costs.

(Fiscal Impact.)

Resolution No. 543-07

ADOPTED

**071297 [Grant funds to support comprehensive drug court implementation]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$287,177 from the California Department of Alcohol and Drug Programs (DADP) to plan and implement a dependency drug court that works across city departments; for the period of July 1, 2007 to December 31, 2007.

Resolution No. 550-07

ADOPTED

Recommendation of the Land Use and Economic Development Committee

**071149 [Planning Code-Amending Article 11 Designation of 225-227 Front Street]
Supervisor Peskin**

Ordinance amending the designation of 225-227 Front Street (Assessor's Block 0237, Lot 005) from Category V (Unrated) to Category IV (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

Ordinance No. 228-07

FINALLY PASSED

Recommendations of the Rules Committee

071237 [Settlement of Lawsuit - Pacific Bell Telephone Company]

Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for \$94,000.00; the lawsuit was filed on October 25, 2006 in San Francisco County Superior Court, Case No. 457-327; entitled Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)

Ordinance No. 229-07

FINALLY PASSED

071238 [Settlement of Lawsuit - Jane Martin, et al. (Order Sons of Italy) v. CCSF]

Ordinance authorizing settlement of the portion of the lawsuit filed by Order Sons of Italy in America Grand Lodge of the Golden West Corporation against the City and County of San Francisco for \$75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 234-07

FINALLY PASSED

071246 [Settlement of Lawsuit - Theodore Tarver, Jr. (Kathryn Cox) v. CCSF]

Ordinance authorizing settlement of an award of attorney's fees to attorney Kathryn Cox for \$162,941 against the City and County of San Francisco; the underlying lawsuit was filed on July 19, 2002 in San Francisco Superior Court, Case No. 410499 entitled Theodore Tarver, Jr. v. City and County of San Francisco. (City Attorney)

Ordinance No. 230-07

FINALLY PASSED

071252 [Settlement of City's Lawsuit Against Aquila, Inc. and Aquila Merchant Services, Inc.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides \$1,500,000 from defendants Aquila, Inc. and Aquila Merchant Services, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

Ordinance No. 231-07

FINALLY PASSED

071253 [Settlement of City's Lawsuit Against Enserco Energy, Inc.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides \$750,000 from defendant Enserco Energy, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

Ordinance No. 232-07

FINALLY PASSED

071256 [Settlement of City Claim Against PG&E]

Ordinance approving the settlement of a claim asserted by the City and County of San Francisco against Pacific Gas & Electric Company in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM. (City Attorney)

Ordinance No. 233-07

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

071379 [Adopting findings related to the reversal of the approval of the mitigated negative declaration issued by the Planning Commission for 601 Duboce Avenue Project]

Motion adopting findings related to the reversal of the approval of the mitigated negative declaration issued by the Planning Commission for the 601 Duboce Avenue Project.

Supervisor Dufty was previously excused from voting on this matter.

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

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

From the City Operations and Neighborhood Services Committee Without Recommendation

071258 [Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]

Supervisors McGoldrick, Maxwell, Mirkarimi

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 16, 2007

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

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

NEW BUSINESS

Recommendation of the Budget and Finance Committee

**071233 [Penalty for Removing Chalk Marks]
Supervisor McGoldrick**

Ordinance amending San Francisco Traffic Code Sections 21 and 132 to impose a penalty for removing chalk marks of one hundred (\$100) dollars for any violation and to make minor changes to clarify the parking restriction. (Municipal Transportation Agency)

Supervisor McGoldrick requested to be added as a sponsor.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

- 071335 [Board response to the 2006-2007 Civil Grand Jury Report entitled "Continuity Report - Have City Agencies Done What They Said They Would Do After the Civil Grand Jury of 2005-2006 Issued Its Reports?"]
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Continuity Report - Have City Agencies Done What They Said They Would Do After the Civil Grand Jury of 2005-2006 Issued Its Reports?".

Resolution No. 522-07

ADOPTED by the following vote:

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

- 071336 [Board response to the 2006-2007 Civil Grand Jury Report entitled "The Entertainment Commission: A Work in Progress"]
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "The Entertainment Commission: A Work in Progress".

Resolution No. 523-07

ADOPTED by the following vote:

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

- 071337 [Board response to the 2006-2007 Civil Grand Jury Report entitled "Preparing for a Disaster: Administrative Commitment and Appropriate Funding in the Department of Emergency Management and the Department of Public Health"]
Supervisor Elsbernd

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2006-2007 Civil Grand Jury Report entitled "Preparing for a Disaster: Administrative Commitment and Appropriate Funding in the Department of Emergency Management and the Department of Public Health".

Resolution No. 524-07

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

- 071181 [Eddie Fung Day - November 10, 2007]
Supervisor Peskin

Resolution declaring November 10, 2007 as Eddie Fung Day in San Francisco.

Resolution No. 544-07

ADOPTED by the following vote:

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

071185 [Condemning defamatory language used by radio personality Michael Savage against the immigrant community]
Supervisors Sandoval, Ammiano

Resolution condemning defamatory language used by radio personality Michael Savage against the immigrant community.

Resolution No. 551-07

ADOPTED by the following vote:

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

071312 [Confirmation of Human Resources Director]
Mayor

Motion confirming appointment of Micki Callahan as Human Resources Director.

Motion No. M07-125

APPROVED by the following vote:

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

Recess

The Board recessed at the hour of 3:02 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:32 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

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

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Ammiano, 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 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell welcomed, introduced, and presented a Certificate of Honor to James Dierke in recognition of his Principal Award.

Recess

The Board recessed at the hour of 3:38 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:01 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin - 8

Supervisors Daly, McGoldrick and Sandoval were noted absent at 4:01 p.m.

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.)

The President inquired as to whether any member of the public wished to address the Board members. Continued to October 30, 2007.

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, 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 October 30, 2007
Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, 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 October 30, 2007
Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, 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 October 30, 2007
Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

SPECIAL ORDER 4:00 P.M.

- 071265 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2721 Pierce Street]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007, Case No. 2006.1415D, (Building Permit Application No. 2006.07.03.5586) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The proposal consists of adding two windows on the facade, removing a rear sun porch and adding a two-story rear addition at 2721 Pierce Street, Lot 006 in Assessor's Block 0560. (Appellants: Susan Brandt-Hawley on behalf of Judge Carlos Bea and Louise Bea)

(Filed August 31, 2007; Companion Files to 071266, 071267, 071268; District 2.)
The President inquired as to whether any member of the public wished to address the Board members.
Continued to November 13, 2007
Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, 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.)

071266 [Affirming the categorical exemption issued for 2721 Pierce Street]

Motion affirming the determination by the Planning Department that the 2721 Pierce Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to November 13, 2007

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

071267 [Disapproving the categorical exemption issued for 2721 Pierce Street]

Motion disapproving the determination by the Planning Department that the 2721 Pierce Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to November 13, 2007

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval

071268 [Preparation of findings related to the 2721 Pierce 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 2721 Pierce Street is exempt from environmental review under the California Environmental Quality Act.

Continued to November 13, 2007

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, 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

Male speaker; expressed concern with issues relating to politics in San Francisco and the loss of historical activities in San Francisco

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

John di Donna; expressed concern with issues relating to morality

Male speaker; expressed concern with issues relating to homeless shelters for the elderly

Evan Jacobs; expressed concern with issues relating to a possible strike by the nurses

Steven Worsley; expressed concern with issues relating to Coit Tower and concession rights

Grasshopper Adam Kaplan; expressed concern with issues relating to SF County Jail and opposing ID Immigration

Star Davies; expressed concern with issues relating to the homeless conditions

John; expressed concern with issues relating to renters rights and costs for renters

Richard Robinson; showed interest in transgender marriages

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Supervisor Sandoval was noted absent at 2:58 p.m.

071382 [Approval of a 90 day extension for Planning Commission review in order to complete an addendum to an associated environmental impact report]

Supervisor Mirkarimi

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sectional Map 2 of the Zoning Map of the City and County of San Francisco to a date within two weeks of the environmental review hearing for the same action. The proposed Ordinance would specifically change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Resolution No. 547-07

ADOPTED

**071383 [Local support for Divisadero Streetscape Project]
Supervisor Mirkarimi**

Resolution authorizing local support for the Divisadero Streetscape Project, designating DPW as the eligible sponsor for funding related to this project, and taking other official acts in furtherance of this project.

Resolution No. 548-07

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Committee Reference Agenda

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

Supervisor Dufty Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty

**071380 [Approval of a six month extension for Planning Commission review of the Laguna, Haight, Buchanan and Hermann Streets Special Use District Ordinance and Zoning Map Amendments]
Supervisor Ammiano**

Resolution extending by 6 months the prescribed time within which the Planning Commission may render its decision on two proposed Ordinances that would create the Laguna, Haight, Buchanan and Hermann Streets Special Use District and amend Section Maps 7, 7H and 7SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Blocks 857 and portions of Assessor's Block 870, bounded by Laguna, Buchanan, Haight and Hermann Streets, from P (Public) to either NC-3 (Moderate-Scale Neighborhood Commercial District) or RM-3 (Residential, Mixed Districts, Medium Density) and mapping the Laguna, Haight, Buchanan and Hermann Streets Special Use District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Resolution No. 546-07

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Chu, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty

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

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

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions 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 Ammiano, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

**071387 [Urging the Congress and the Congressional leadership to include gender identity in ENDA]
Supervisors Ammiano, Dufty, Mirkarimi**

Resolution urging the Congress and the Congressional leadership to include gender identity in the Employment Non-Discrimination Act (ENDA) legislation, currently pending in the House of Representatives.

Resolution No. 549-07

ADOPTED by the following vote:

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

Supervisor Sandoval was noted present at 3:01 p.m.

[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 Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

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

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

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

- 071388 [Commending James S. Dierke]**
Supervisors Maxwell, Elsbernd, McGoldrick, Ammiano, Dufty, Mirkarimi

Resolution commending James S. Dierke as recipient of the MetLife/National Association of Secondary School Principal of the Year Award for providing high-quality learning opportunities for students as well as for his exemplary contribution to the Association of Secondary School Principal profession, and declaring October 2, 2007 "James S. Dierke Day" in San Francisco.

Resolution No. 545-07

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Resolutions

- 071387 [Urging the Congress and the Congressional leadership to include gender identity in ENDA]**
Supervisors Ammiano, Dufty, Mirkarimi

Resolution urging the Congress and the Congressional leadership to include gender identity in the Employment Non-Discrimination Act (ENDA) legislation, currently pending in the House of Representatives.
10/2/07, ADOPTED.

- 071388 [Commending James S. Dierke]**
Supervisors Maxwell, Elsbernd, McGoldrick, Ammiano, Dufty, Mirkarimi

Resolution commending James S. Dierke as recipient of the MetLife/National Association of Secondary School Principal of the Year Award for providing high-quality learning opportunities for students as well as for his exemplary contribution to the Association of Secondary School Principal profession, and declaring October 2, 2007 "James S. Dierke Day" in San Francisco.
10/2/07, ADOPTED.

- 071391 [Grant to fund child safety and occupant protection in San Francisco]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant for \$387,557 from the California Office of Traffic Safety (OTS), which includes contracts with the San Francisco Study Center for \$78,750 and O'Rourke, Inc. for \$80,000; for the period of January 1, 2008 through September 30, 2009.
10/2/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**071392 [State Grant to support the Pierce's Disease Control Program]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the California Department of Food and Agriculture (CDFA) in the amount of \$191,664.48 in support of the Pierce's Disease Control Program, for the period of July 1, 2007 through June 30, 2010.
10/2/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**071393 [Urging Issuance of a Request for Proposals for an Open Source Voting System for the November 4, 2008 General Election]
Supervisor Ammiano**

Resolution endorsing the use of Open Source software in voting systems for the City and County of San Francisco and urging the Mayor to urge the Director of Elections to prepare and issue a Request for Proposals for an Open Source voting system for the November 4, 2008 General Election.
10/2/07, RECEIVED AND ASSIGNED to Rules Committee.

**071394 [Urging restoration of two-way traffic on Ellis and Eddy Streets]
Supervisor Daly**

Resolution urging the Municipal Transportation Agency to restore two-way traffic on the length of Eddy and Ellis Streets, to consolidate the Muni 31 and 27 routes onto Eddy Street, and to develop detailed plans and a phased implementation strategy for transportation and streetscape improvements to these streets to enhance their role as east-west pedestrian, bicycle, and transit corridors.
10/2/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**071395 [Multifamily Housing Revenue Bonds - Bishop Swing Community House]
Supervisor Daly**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$18,942,066 for the purpose of providing financing for a multifamily rental housing project to be known as Bishop Swing Community House; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a construction loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.
10/2/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071400 [Retroactive Accept and Expend State Grant - Department of the Environment]
Supervisor Mirkarimi**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$206,125.00 from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.
10/2/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**071401 [Support Goals for Federal Funding-Community Development Block Grant]
Supervisor Maxwell**

Resolution supporting Fiscal Year 2008-2009 Community Development Block Grant (CDBG) Action Plan Goals.

10/2/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071402 [Expend Federal Funding - Community Development Block Grant]
Supervisor Maxwell**

Resolution approving the expenditure of \$137,728 of Community Development Block Grant funding.

10/2/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071404 [Urging issuance of a Request for Proposals for an Open Source Voting System for the November 4, 2008 General Election]
Supervisor Daly**

Resolution endorsing the use of Open Source software in voting systems for the City and County of San Francisco and urging the Mayor to urge the Director of Elections to prepare and issue a Request for Proposals for an Open Source voting system for the November 4, 2008 General Election.

10/2/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071405 [Landmark Designation nomination for Mary Ellen Pleasant Trees located at 1661 Octavia Street]
Supervisors Maxwell, Mirkarimi**

Resolution of intent initiating the nomination of the mature blue gum (*Eucalyptus globulus*) trees located at 1661 Octavia Street (Assessor's Block 647 lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

10/2/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071406 [Approval of a 90 day extension for Planning Commission review]
Supervisor Alioto-Pier**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would add Planning Code Section 320, 320.1, 320.2 and 320.3 establishing a process to permit the adoption or expenditure of neighborhood impact fees as defined in the ordinance only after the Planning Department has conducted or caused to be conducted an impact study supporting the imposition of such a fee and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

10/2/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 071407 [Commending Virginia Harmon on her service to the City and County of San Francisco as the Executive Director of the Human Rights Commission]**
Supervisors Dufty, Ammiano, Maxwell

Resolution commending Virginia Harmon on her service to the City and County of San Francisco as the Executive Director of the Human Rights Commission.

10/2/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 071389 [City's IT practices]**
Supervisor Ammiano

Hearing on the across the board management audit to examine the City's IT practices.

10/2/07, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 071390 ["Matrix Style" police patrol]**
Supervisor Daly

Hearing on "Matrix Style" police patrol coordinated with social service outreach to homeless individuals in the South of Market commercial area.

10/2/07, RECEIVED AND ASSIGNED to Public Safety Committee.

- 071408 [Mental and Behavioral Health Support for SFUSD Students]**
Supervisor Dufty

Hearing on collaborations between the San Francisco Unified School District (SFUSD) and San Francisco's Department of Public Health (DPH) to address the mental health and behavioral health needs of SFUSD students, as well as a report from the Stanford University Early Life Stress Research Program on its study of Post Traumatic Stress Disorder (PTSD) in San Francisco children and youth affected by urban violence.

10/2/07, RECEIVED AND ASSIGNED to City and School District Select Committee. Sponsor requests that the item be referred to City and School District Select Committee.

Motions

- 071399 [Waiver permitting City Employees to assist the Department of Elections with the November 6, 2007 election]**
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 6, 2007 election.

10/2/07, RECEIVED AND ASSIGNED to Rules Committee.

**071403 [Advertising for and Selection Process of Outside Counsel for the Board of Supervisors]
Supervisor Elsbernd**

Motion directing the Clerk of the Board of Supervisors to advertise for outside counsel to represent the Board of Supervisors on the matter of the official misconduct charges filed against Supervisor Edmund Jew, and setting forth the process of selecting said outside counsel.

10/2/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071302 [Amending the Board's Rules to require a Supervisor request an item be heard at committee prior to calling it to be heard at the Full Board]
Supervisor Peskin**

Motion amending Rule 5.31 to the Board of Supervisors' Rules of Order, to require a Supervisor request a hearing at a Committee of the Board before calling an item to be heard before the full Board of Supervisors.
9/11/07, RECEIVED AND ASSIGNED to Rules Committee.

10/2/07, ASSIGNED to Rules Committee.

10/2/07, SUBSTITUTED. Supervisor Peskin submitted a substitute motion bearing the same title.

PROPOSED ORDINANCES

071350 [Settlement of Lawsuit - Elfie Jansel]

Ordinance authorizing settlement of the lawsuit filed by Elfie Jansel against the City and County of San Francisco for \$98,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. CGC06-452649; entitled Elfie Jansel v. City and County of San Francisco, et al. (City Attorney)

9/19/07, RECEIVED AND ASSIGNED to Rules Committee.

071351 [Settlement of Lawsuit - Marie Doe]

Ordinance authorizing settlement of the lawsuit filed by Marie Doe against the City and County of San Francisco for \$35,000; the lawsuit was filed on November 18, 2004 in United States District Court, Case No. C04-4914 MJJ; entitled Marie Doe, et al. v. City and County of San Francisco, et al. (City Attorney)

9/19/07, RECEIVED AND ASSIGNED to Rules Committee.

071364 [Transit Shelter Advertising Agreement]

Ordinance approving Transit Shelter Advertising Agreement between the City and County of San Francisco and Clear Channel Outdoor Inc. (Municipal Transportation Agency)

9/24/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

071281 [Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to authorize an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission) 9/10/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

9/24/07, SUBSTITUTED. San Francisco Public Utilities Commission submitted a substitute ordinance bearing new title.

9/24/07, ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTION

071365 [Proposition J: Contracting Out Transit Shelter Advertising and Maintenance Services]

Resolution concurring with the Controller's determination that it is more economical for the San Francisco Municipal Transportation Agency to contract for transit shelter advertising and maintenance services than to provide the same services with City employees for Fiscal Year 2007-08. (Municipal Transportation Agency)

9/24/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

*From: Supervisor Mirkarimi
To: Director, San Francisco Unified School District
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the San Francisco Unified School District and the Department of Public Works report on the status of:
Removing graffiti from the wall of Ida B. Wells on Fell between Pierce and Steiner.
Removing graffiti from the wall of John Muir Elementary School on Oak between Buchanan and Laguna.*

*From: Supervisor Mirkarimi
To: Director, Department of Parking & Traffic
Requesting/Inquiring: Requesting the Department of Parking and Traffic report on the status of removing graffiti on the parking signs located on both sides of the street (unless otherwise noted), at the following locations:
Stanyan between Parnassus and Frederick
Ashbury between Haight and Oak
Turk between Masonic and Lyon
Broderick between Golden Gate and Turk
Central between Turk and McAllister
McAllister between Baker to Divisadero
Central between Grove and Hayes
Waller between Clayton and Stanyan*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of condition and repair for the sidewalks on Webster Street between Ellis and Turk.*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti at the following property location:
552-558 Central Avenue*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing the graffiti from mailboxes and garbage cans at the following locations:
Mailboxes
Southeast corner of Golden Gate and Lyon
Northwest corner of McAllister and Lyon
Southwest corner of Gough and Grove
Garbage Cans
Northwest corner of Masonic and Fulton
Northeast corner of Central and Grove*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from news stands at the following locations:
Chronicle
Northwest corner of Fulton and Divisadero
Southeast corner of Grove and Central
Onion*

*Northwest corner of Fulton and Divisadero
San Francisco Weekly
Southwest corner of Fulton and Lyon
Southeast corner of Fulton and Masonic
Southwest corner of Divisadero and Oak*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing the graffiti from phone switch boxes at the following locations:
Phone Switch Box
1639 Fulton
Northwest corner of Fell and Laguna
Light Switch Box
Northeast corner of Central and Fulton*

*From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney provide the Board with a response to issues related to Supervisor Ed Jew's alleged misconduct. (See attached letter)*

In Memoriams

*Jimmy Kwok - Supervisor Peskin
Peter Wong (Empress Suzie Wong) - Supervisor Dufty*

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:03 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 30, 2007.



Angela Calvillo
Clerk of the Board