

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, March 25, 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.

Volume 103 Number 10

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 2:07 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum present.

Supervisor Alioto-Pier was noted present at 3:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes for March 4, 2008. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

080262 [Approval of the Substance Abuse and Crime Prevention Act of 2000-Implementation Plan]
Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2007-2008. (Public Health Department)

Resolution No. 139-08
ADOPTED

Recommendation of the Land Use and Economic Development Committee

071672 [Public Works Code - Landmark Trees]
Supervisor McGoldrick

Ordinance amending Section 810 of the San Francisco Public Works Code to make clarifying changes, establish hearing notice provisions, and extend the term of temporary designation of nominated landmark trees; and making environmental findings.

Ordinance No. 52-08
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

080387 [Adopting findings related to affirming the categorical exemption issued for the 9 Douglass Street project]

Motion adopting findings related to affirming the determination by the Planning Department that the 9 Douglass Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Motion No. M08-55

APPROVED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

071518 [Standards of Care for City Shelters]

Supervisors Ammiano, Mirkarimi, Peskin, Daly, Maxwell, Sandoval

Ordinance amending the San Francisco Administrative Code by adding a new Article 13 to Chapter 20 to: 1) mandate certain provisions in all contracts for City funded shelters, 2) require the City to take corrective enforcement measures against City-funded shelter contractors who fail to comply with contractual provisions that this Article requires; 3) require the Shelter Monitoring Committee to investigate complaints against City funded-shelters, and 4) require the Director of the Department of Public Health to determine if the imposition of liquidated damages is warranted against shelters who fail to comply with a corrective action plan.

(Fiscal Impact.)

Ordinance No. 50-08

FINALLY PASSED by the following vote:

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

**080229 [Shelter Monitoring Committee]
Supervisors Ammiano, Peskin, Maxwell, Sandoval**

Ordinance amending section 20.302 of the San Francisco Administrative Code to require the Department of Public Health to assign two full-time employees to staff the Shelter Monitoring Committee, subject to the fiscal and budgetary provisions of the Charter.

Ordinance No. 51-08

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Chu, Elsbernd

Absent: 1 - Alioto-Pier

Recommendation of the Rules Committee

080135 [Settlement of Lawsuit - Mark Chambers]

Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

Continued to April 1, 2008

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

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

Absent: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080125 [Jurisdictional Property Transfer - Portions of Sue Bierman Park at Washington and Clay Streets (Block 0203, Lot 014)]

Ordinance transferring jurisdiction of reserved portions of Sue Bierman Park located at Washington and Clay Streets (Block 203, Lot 014) from the Department of Public Works to the Recreation and Park Department; and adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code. (Real Estate Department)

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - Alioto-Pier

080141 [Waiver of Administrative Code Section 6.64 to allow modification of Agreement No. CS-525A in an amount that exceeds one hundred-fifty percent of the original contract amount]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Section 6.64 to allow the contract amount of Agreement No. CS-525A with Olivia Chen Consultants to exceed one hundred-fifty percent of the original contract amount. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:

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

**080274 [Approval of Health Service System Plans and Contribution Rates]
Supervisor Elsbernd**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

**080275 [Establishing monthly contribution amount to Health Service Trust Fund]
Supervisor Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

Resolution No. 140-08

ADOPTED by the following vote:

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

**080194 [Reallocating state grant funds for capital projects in Golden Gate Park]
Supervisor Alioto-Pier**

Resolution authorizing reallocation of \$11,928,060 in Proposition 40 grant funds among 14 capital projects in Golden Gate Park.

Resolution No. 141-08

ADOPTED by the following vote:

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

080140 [Airport Professional Services Agreement for Construction Management Services for the Terminal 2/Boarding Area D Project with Anticipated Expenditures in Excess of \$10 Million]

Resolution approving the Professional Services Agreement, Airport Contract 8757.9 – Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities between T2 Partners, a Joint Venture of Parsons Transportation Group, EPC Consultants, Inc., and the Allen Group, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$15,000,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

(Fiscal Impact.)

Resolution No. 131-08

ADOPTED by the following vote:

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

Absent: 1 - Alioto-Pier

080346 [Reserving \$760,163 of Disability Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08]

Supervisor McGoldrick

Ordinance reserving \$760,163 of Disability Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08.

(Fiscal Impact.)

(Supervisor Daly dissented in committee.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved an amendment of the whole "De-Appropriating \$760,163 of Capital Projects and Appropriating \$944,470 for Behavioral and Mental Health and Chronic Care in the Public Health Department for Fiscal Year 2007-2008."

The motion to amend failed by the following vote:

Ayes: 4 - Daly, Mirkarimi, Peskin, Sandoval

Noes: 6 - Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick

Absent: 1 - Alioto-Pier

Supervisor Daly requested to be withdrawn as the sponsor of the amended legislation from the Budget & Finance Committee.

Supervisor McGoldrick requested to be added as the sponsor of the amended legislation from the Budget & Finance Committee.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chu, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 4 - Ammiano, Daly, Dufty, Mirkarimi

Absent: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation**080150 [Approving Amendment to Paratransit Broker Agreement with ATM/Vancom]
Supervisor Alioto-Pier**

Resolution approving Amendment No. 7 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to extend the current contract for two years, through March 31, 2010; to augment the scope of work to implement the new debit card program; to lease up to 40 new vans to the Paratransit Broker for use in the Paratransit Program; and to increase the contract amount by \$33,803,476, for a total contract amount not to exceed \$191,825,015.

(Fiscal Impact.)

Resolution No. 135-08

ADOPTED by the following vote:

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

Absent: 1 - Alioto-Pier

Recommendation of the Government Audit and Oversight Committee**080318 [Mortgage Revenue Bonds - Geary Boulevard Senior Living and Health Center]
Supervisor McGoldrick**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$38,000,000 for Geary Boulevard Senior Living and Health Center; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$190,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$38,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Resolution No. 134-08

ADOPTED by the following vote:

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

Absent: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee**031034 [Planning Code - Northeast Waterfront Historic District Signs]
Supervisor Peskin**

Ordinance amending the Planning Code by creating Section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, Section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

**071651 [Planning - Administrative Enforcement Remedies]
Supervisors Sandoval, Maxwell, Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 176 to authorize the Zoning Administrator to assess administrative penalties for a Planning Code violation; adding Section 176.1 to establish Planning Code enforcement remedies of the Director, which include issuance and recording of orders of abatement, assessment of administrative penalties, and a hearing and appeal process; amending Sections 1013 and 1119 to refer to Sections 176 and 176.1 as the applicable enforcement and penalty provisions; adopting findings including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

PASSED ON FIRST READING by the following vote:

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

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 wished to address the Board members.

Continued to April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, 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 April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor Chu, 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 April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, 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 April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor Chu, 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

- 080326 [Confirmation of Controller - Ben Rosenfield]**
Mayor

Motion confirming appointment of Ben Rosenfield as Controller.

Motion No. M08-56

APPROVED by the following vote:

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

- 080231 [Driving-experience requirements for taxi medallion applicants]**
Supervisors Daly, Dufty, Ammiano, Mirkarimi

Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants.

PASSED ON FIRST READING by the following vote:

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

**080317 [Accept and Expend CEC PIER Grant Funds - \$995,791]
Supervisor Chu**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a California Energy Commission (CEC) Public Interest Energy Research (PIER) Grant in the amount of \$995,791.

Resolution No. 142-08

ADOPTED by the following vote:

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

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
 Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
 Richard McCree; expressed concern with issues relating to his patent for Sigmund Stern Grove
 Peter Warfield; showed interest with the Freedom of Information award and issues relating to the SF Library
 Mary Chin; expressed concern with issues relating to the Human Rights Torch for the Olympics
 Joe Eng; expressed concern with issues relating to the Chinese brutality occurring in Tibet
 Abdullah Megaheed; expressed concern with issues relating to the Iraq war
 Male speaker; expressed concerns with various issues
 Female speaker; expressed concern with issues of Falun Gong persecution
 Male speaker; expressed concern with issues relating to the spraying of pesticides
 Female speaker; expressed concern with issues relating to Falun Gong persecution in China
 Bonnie Kirkland; expressed concern with issues relating to the spraying of pesticides
 Female speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
 Male speaker; expressed concern with issues relating to the violation to the human rights in China
 Female speaker; expressed concern with issues relating to the Falun Gong persecution in China
 Male speaker; expressed concern with issues relating to the violation of human rights in China
 Jasmine Eng; expressed concern with issues relating to the violation of human rights in China
 Female speaker; expressed concern with issues relating to the violation of human rights in China
 Male speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
 Female speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
 Walter; shared in song memorabilia of SF
 Female speaker; expressed concern with issues relating to lay off notices received by teachers
 Student; expressed concern with issues relating to lay off notices received by teachers
 Hannah; expressed concern with issues relating to lay off notices received by teachers
 Female speaker; expressed concern with issues relating to lay off notices received by teachers
 Student; expressed concern with issues relating to lay off notices received by teachers
 Parent; expressed concern with issues relating to lay off notices received by teachers
 Parent; expressed concern with issues relating to lay off notices received by teachers
 Sue England; expressed concern with issues relating to lay off notices received by teachers
 Female speaker; expressed concern with issues relating to lay off notices received by teachers
 Parent; expressed concern with issues relating to lay off notices received by teachers
 Female speaker; expressed concern with issues relating to the violation of human rights in China
 Dr. Sandarian; expressed concern with issues relating to the Falun Gong persecution in China and the violation of human rights
 Female speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
 Male speaker; expressed concern with issues relating to the spraying of pesticides
 Gene; expressed concern with issues relating to the Olympics to be held in China
 Female speaker; expressed concern with issues relating to the violation of human rights in China
 Female speaker; expressed concern with issues relating to the violation of human rights in China

Female speaker; expressed concern with issues relating to the violation of human rights in China
Jack; expressed concern with issues relating to the spraying of pesticides and requested posting of the route of the Human Rights Olympic Torch
Alan White; expressed concern with issues relating to the Human Rights Olympic Torch and to the violation of human rights in China

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.

- 080381** [Resolution commending Susan Leal on her 15 years of dedicated service to the citizens of the City and County of San Francisco]
Supervisors Duffy, Ammiano, Peskin, Maxwell, Chu, Elsbernd, Alioto-Pier, Sandoval, Mirkarimi, Daly, McGoldrick

Resolution commending Susan Leal on her 15 years of dedicated service to the citizens of the City and County of San Francisco.

Resolution No. 143-08
ADOPTED

- 080382** [Supporting storm water runoff requirements for federal development projects]
Supervisors Alioto-Pier, Ammiano, Duffy, Mirkarimi

Resolution supporting the storm water runoff requirements for federal development projects.

Resolution No. 136-08
ADOPTED

- 080383** [Condemning Oklahoma State Representative Sally Kerns' remarks directed toward the LGBT community]
Supervisors Ammiano, Duffy

Resolution condemning Oklahoma State Representative Sally Kerns' remarks regarding the LGBT community.

Resolution No. 144-08
ADOPTED

- 080384** [Gift of Funds to Office of Labor Standards Enforcement - \$33,892.65]
Supervisors Maxwell, Peskin

Resolution authorizing the Office of Labor Standards Enforcement to accept and expend a gift in the amount of \$33,892.65 pursuant to the settlement agreement in Aubrey et al. v. Marriott International, Inc. et al. for the purpose of enforcement of the San Francisco Minimum Wage.

Resolution No. 133-08
ADOPTED

**080385 [Commending Breathe California Golden Gate Public Health Partnership]
Supervisor Maxwell**

Resolution recognizing Breathe California on its 100th anniversary of continuous service to the Bay Area community. Since 1908, Breathe California has been fighting lung disease through prevention, education, advocacy and patient services.

Resolution No. 138-08
ADOPTED

**080386 [Commending California Institute of Integral Studies]
Supervisor Maxwell**

Resolution commending California Institute of Asian Studies and proclaiming April 8, 2008 as California Institute of Integral Studies Day in San Francisco.

Resolution No. 137-08
ADOPTED

080360 [Final Map - 75 Moss Street]

Motion approving Final Map 4617, a 14 Unit Residential Condominium Project, located at 75 Moss Street being a subdivision of Lot 058 in Assessors Block No. 3731 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,441; District 6.)

Motion No. M08-57
APPROVED

080361 [Final Map - 942 Market Street]

Motion approving Final Map 4177, a 32 Residential Unit and a 3 Commercial Unit Mixed-Use Condominium Project, located at 942 Market Street being a subdivision of Lot 005 in Assessors Block No. 0341 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,442; District 6.)

Motion No. M08-54
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

OFF-AGENDA LEGISLATION

Ordinances

**080404 [Appropriating \$593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008]
Mayor, Supervisor Chu**

Ordinance appropriating \$593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008. Place total appropriation of \$593,490,962 on Controller's Reserve pending sale of the bonds.

(Fiscal Impact.)

3/25/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080406 [Office Building After-Hours Lighting]
Supervisor Peskin**

Ordinance amending the San Francisco Environment Code by adding a new Chapter 9 to conserve electricity by prohibiting commercial buildings from lighting unoccupied interior spaces after business hours; and to make environmental findings.

(Economic Impact.)

3/25/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2008.

**080407 [Subdivision Code - definition of conversion]
Supervisor Peskin**

Ordinance amending the San Francisco Subdivision Code Section 1308 to modify the definition of conversion to include specified air space subdivisions of existing residential structures; and making environmental findings. 3/25/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2008.

**071464 [Zoning - Ordinance Creating the Excelsior Alcohol Restricted Use District]
Supervisors Sandoval, Peskin**

Ordinance amending the San Francisco Planning Code by adding Section 785 to create an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; amending Sectional Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Excelsior Alcohol Restricted Use District, which generally consist of the blocks and lots fronting both sides of Mission Street from Silver Avenue to the Daly City border; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/23/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/30/07, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing the same title.

10/30/07, ASSIGNED to Land Use and Economic Development Committee.

11/1/07, REFERRED TO DEPARTMENT. Referred to Planning Commission and Small Business Commission for review and comments.

11/13/07, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing the same title.

11/13/07, ASSIGNED to Land Use and Economic Development Committee.

11/16/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

11/20/07, SUBSTITUTED. Supervisor Sandoval submitted substitute ordinance bearing new title.

11/20/07, ASSIGNED to Land Use and Economic Development Committee.

11/27/07, REFERRED TO DEPARTMENT. Referred to Small Business Commission and Planning Commission for review and comments.

12/14/07, REFERRED TO DEPARTMENT. Referred to Entertainment Commission for their information.

1/30/08, RESPONSE RECEIVED. Planning Department certificate of determination exemption/exclusion from environmental review.

1/30/08, RESPONSE RECEIVED. Planning Commission Resolution 17540 and Planning Department Executive Summary.

3/25/08, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing new title.

3/25/08, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

**080391 [Commending Tibetan Freedom Torch and Global Human Rights Torch Relay]
Supervisors Daly, Ammiano, Mirkarimi**

Resolution commending the Tibetan Freedom Torch and the Global Human Rights Torch Relay in their efforts to raise awareness regarding human rights violations in China and urging the San Francisco City Representatives accepting the Beijing 2008 Olympic Torch to welcome the Torch in the explicit spirit of Olympism, consistent with the United Nations Charter established in this City, and the United Nations Universal Declaration of Human Rights.

3/25/08, RECEIVED AND ASSIGNED to Rules Committee.

**080405 [Aerial spraying of pesticides to eradicate the Light Brown Apple Moth]
Supervisors Mirkarimi, Ammiano**

Resolution opposing aerial spraying over the City and County of San Francisco of pesticides designed to eradicate the Light Brown Apple Moth.

3/25/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080409 [Urging safe approach to controlling Light Brown Apple Moth]
Mayor, Supervisors Dufty, Ammiano**

Resolution urging the State of California to make maximum use of safe and tested ground-based approaches to control the Light Brown Apple Moth; complete an environmental impact report prior to the inception of any aerial spray program; and ensure that the California EPA Office of Environmental Health Hazard Assessment conducts an independent human health risk assessment of any LBAM aerial spray program prior to its inception.
3/25/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080410 [Summerbridge at San Francisco University High School Day]
Supervisor Alioto-Pier**

Resolution declaring Thursday, March 27, 2008 Summerbridge at San Francisco University High School Day.
3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080411 [Supporting public access to information regarding the Olympic torch route]
Supervisors Ammiano, Mirkarimi, Daly**

Resolution supporting public access to information regarding the Olympic torch route through San Francisco.
3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080412 [Mortgage Credit Certificates]
Supervisor Chu**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.
3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080413 [Commending Asian Chefs Foundation]
Supervisor Chu**

Resolution commending Asian Chefs Foundation in the fight against human trafficking.
3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080414 [Extending the life of Western SoMa Citizens Planning Task Force]
Supervisor Daly**

Resolution extending the life of the Western SoMa Citizens Planning Task Force.
3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080415 [19th Avenue corridor speed limit reduction]
Supervisors Elsbernd, Chu

Resolution urging the MTA to support Caltrans' recommendation to lower the speed limit along the 19th Avenue corridor from 35 mph to 30 mph.

3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080416 [Ed Harrington Day]
Supervisors Peskin, Chu

Resolution commending Controller Ed Harrington for 17 years of exemplary service to the City and County of San Francisco.

3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080417 [National Start! Walking Day]
Supervisor Peskin

Resolution proclaiming April 16, 2008 as "National Start! Walking Day" in San Francisco.

3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080418 [Endorsing solar powered parking meters]
Supervisor Mirkarimi

Resolution endorsing the use of solar powered parking meters.

3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080421 [Commending the Latino Community Foundation on the occasion of their Third Annual Gala and for their new Latino Children and Youth Initiative]
Supervisor Sandoval

Resolution commending the Latino Community Foundation on the occasion of their Third Annual Gala and for their new Latino Children and Youth Initiative.

3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080422 [Memorializing the one-year anniversary of the death of Ruby Ordeñana]
Supervisor Sandoval

Resolution memorializing the one-year anniversary of the death of Ruby Ordeñana.

3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**080390 [Mayor's additional Budget Instructions of March 18, 2008]
Supervisor McGoldrick**

Hearing on the Mayor's additional Budget Instructions of March 18, 2008.
3/25/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080400 [Bay Area's effort to link performance targets to Land Use]
Supervisor Daly**

Hearing on the Bay Area's effort to link performance targets to Land Use.
3/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. Sponsor requests that the item be assigned to the April 7, 2008 Land Use & Economic Development Committee meeting.

**080401 [Large building safety procedures]
Supervisor Dufty**

Hearing on crane safety procedures currently in place in San Francisco in light of recent accidents involving cranes that have occurred in New York City and Miami.
3/25/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080402 [Development of a user friendly online centralized database of affordable rental and onwership units]
Supervisor Maxwell**

Hearing on the development and maintenance of a user friendly online centralized database of affordable rental and ownership units.
3/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. Sponsor requests that the item be heard at the April 28, 2008 Land Use & Economic Development Committee meeting.

**080403 [San Francisco children and youth needing residential treatment]
Supervisors Maxwell, Chu**

Hearing on the status and future plans for agency coordination for San Francisco children and youth needing residential treatment placed through probation, behavioral health, and child welfare.
3/25/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests that the item be heard at the April 21, 2008 Government Audit and Oversight Committee meeting.
3/28/08 Sent Referral letter to the Youth Commission.

Motions

**080408 [Amending Board Rule 6.13 - Access to upper dais in the Board of Supervisors Chamber]
Supervisor Peskin**

Motion amending Rule 6.13 of the Board Rules of Order to prohibit use of the upper dais in the Board of Supervisors Chamber.
3/25/08, RECEIVED AND ASSIGNED to Rules Committee.

- 080419 [Amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst]
Supervisors Peskin, Mirkarimi**

Motion amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst to include an audit of the Communities of Opportunity (COO) program. 3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080420 [Waiver permitting City Employees to assist the Department of Elections with the April 8, 2008 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 April 8, 2008 election. 3/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080423 [Appointment, Planning Commission - Ron Miguel]**

Motion approving the Mayor's appointment of Ron Miguel to the Planning Commission term ending June 30, 2008. (Mayor)

(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 080424. Transmittal date - March 25, 2008.)

3/25/08, RECEIVED AND ASSIGNED to Rules Committee.

- 080424 [Appointment, Planning Commission - Ron Miguel]**

Motion rejecting the Mayor's appointment of Ron Miguel to the Planning Commission term ending June 30, 2008. (Mayor)

(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 080423. Transmittal date - March 25, 2008.)

3/25/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

- 080338 [Zoning Map Amendments in connection with the Bayview Hunters Point Area Plan]**

Ordinance amending Zoning Map Sheets 8, 9, 10, and 10 SU of the City and County of San Francisco Planning Code to replace various M-1 and M-2 zones with PDR-1, PDR-2, and special use district designations in the South Basin and Northern Industrial areas of the Bayview Hunters Point Study Area, consistent with the Bayview Hunters Point Area Plan; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

3/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2008.

080339 [Bayview Rezoning]

Ordinance amending the Planning Code by adding Sections 121.5, 121.7, 210.7, 210.8, 210.9, 230 and 249.32 and amending Sections 204.3, 204.4, 210, 210.6, and 213 through 227 to create a new Design and Development Special Use District and modify the existing M (Industrial) Districts to establish PDR-1 (Light Industrial Buffer) and PDR-2 (Production, Distribution and Repair) Districts and specify the use controls for activities in the PDR Districts, which generally will principally permit light manufacturing, wholesale and repair activities, prohibit or require a conditional use permit for heavy industry, prohibit housing, limit the size of retail and office uses, place controls on subdivision of large lots, provide accessory use guidelines and regulate the demolition of industrial buildings. (Planning Department)

3/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2008.

PROPOSED RESOLUTIONS**080337 [Authorizing the Sheriff to execute contracts with the State]**

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) for the care and confinement of inmates/parolees while pending probable cause determination, revocation of parole or being returned to custody. (Sheriff)

3/11/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080362 [Amending a contract with anticipated expenditures in excess of \$10 million]

Resolution approving the Eleventh Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by one year to May 31, 2009 and increasing the total compensation to the Contractor by \$3 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

3/14/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080363 [Professional services agreement to provide professional engineering services]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by \$1,900,000, for a total revised agreement amount of \$13,900,000. (Public Utilities Commission)

(Fiscal Impact.)

3/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

From: Supervisor Elsbernd

To: City Attorney

To: Controller

Requesting/Inquiring: Requesting the City Attorney to prepare an opinion on the legal feasibility of a City-mandated automatic furlough for all non-essential, non-public safety and public health employees from December 26 through January 1. Also requesting the Controller's Office to prepare a cost estimate of the potential savings that would result from the furlough described above.

From: Supervisor McGoldrick

To: Controller

Requesting/Inquiring: Inquiring that the Controller verify all available funds in the Mayor's Energy Conservation Account (MECA) and that the Controller subsequently draft an ordinance that would reserve all available funds in this account pending the clarification of fund used by the Board of Supervisors.

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 public property located at the following locations:

Emergency Boxes:

Northeast corner of Page and Buchanan

Southeast corner of Page and Fillmore

Southeast corner of Page and Steiner

Southwest corner of Steiner and Hayes

Southwest corner of Divisadero and Oak

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 and bus shelters at the following locations:

Wood:

Southwest corner of Ivy and Gough

Southeast corner of Octavia and Gough

Southeast corner of Fell and Buchanan

Northeast corner of Laguna and Lily

Tree on southeast corner of Ivy and Gough

490 Hayes

Bus Shelters:

Northeast corner of Buena Vista and Haight

Haight and Divisadero, two shelters

Stanyan and Oak

Buchanan and Haight

8th and Irving

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes at the following locations:

Potholes:

Numerous potholes on the 200 Block of Haight Street

Crosswalk collapsing on Fillmore and Waller (South side of Fillmore Street)

*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:
Northwest corner of Oak, near gas station
Northeast corner of Octavia and Ivy
Southeast corner of Scott and Haight
Southwest corner of Broderick and Fell
Southwest corner of Haight and Webster (fire hydrant)*

*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 at the following private property locations:
Southeast corner of Franklin and Hayes- (also kiosk-parking lot)
546 Haight Street
250 Scott Street
361 Ivy Street
Tower Valet Parking, southeast corner of Octavia and Hayes
Parking lot on Hayes between Octavia and Gough
Tower Valet Parking, southwest corner of Grove and Gough
Tower Valet Parking, northwest corner of Grove and Gough
839 Haight Street
425-431 Buchanan Street
1226 9th Avenue
Lincoln and 6th Avenue, garage door
321 Lincoln Way
446 Cole Street
400 Lincoln Way
1908 Page Street
1889 Lincoln Way*

*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 Laguna and Page
Northwest corner of Fillmore and Geary
Southeast corner of Fillmore and Haight
San Francisco Chronicle:
Southeast corner of Laguna and Page
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
San Francisco Examiner:
Northwest corner of Fillmore and Hayes
Northwest corner of Hayes and Gough
Southeast corner of Haight and Fillmore
SF Daily:
Northwest corner of Hayes and Gough
City Star:
Northwest corner of Hayes and Gough
Onion:*

*Northeast corner of Fillmore and Waller
Northwest corner of Hayes and Gough
Southeast corner of Divisadero and Page
SF Weekly:
Southwest corner of Hayes and Webster
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore*

In Memoriams

*Emeric Kalman - Entire Board
Herbert S. "Herb" Berkman - Supervisor Duffy*

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:30 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 April 15, 2008.



Angela Calvillo
Clerk of the Board