

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, July 14, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

*DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board*

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi

Rules Committee

Supervisors Campos, Chu, Daly

Meeting Days

Wednesday
11:00 AM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

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

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Duffy, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Duffy, moved to approve the Board Meeting Minutes of June 9, 2009, and June 16, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Clerk of the Board Angela Calvillo informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File Nos. 090276, 090277, 090278, and 090279 which would amend the Rent Ordinance.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090697 [Increasing Street Artist Certificate Fee]
Mayor

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

Ordinance No. 152-09
FINALLY PASSED

090705 [Fees for Fire Department Services and Permits - Fire Code]**Mayor**

Ordinance amending Sections 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18, 112.19 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits and to add additional permits, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

Ordinance No. 171-09**FINALLY PASSED****090706 [Fees for Fire Department emergency medical services]****Mayor**

Ordinance amending Section 128.1 of the San Francisco Health Code to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

Ordinance No. 170-09**FINALLY PASSED****090707 [Increasing and establishing certain Fire Department licensing fees]****Mayor**

Ordinance amending Sections 90, 93, 93.1, 94, 120, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase or establish and set licensing fees for certain permits issued by the Fire Department and adding Sections 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 to establish and set fees for additional Fire Department licenses, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

Ordinance No. 169-09**FINALLY PASSED****090708 [Increasing Fire Department fees for street fairs]****Mayor**

Ordinance amending Section 6.6 of the San Francisco Transportation Code to increase fees for Fire Department services, permits and inspections related to street fairs, to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

Ordinance No. 168-09**FINALLY PASSED****090721 [Medical Examiner's Fees for Copies of Documents and Certain Services]****Mayor**

Ordinance amending Section 8.14 of the S.F. Administrative Code to increase the Medical Examiner's fees for copies of documents and certain services and adding fees for new services.

Ordinance No. 167-09**FINALLY PASSED**

090722 [Public Works Code - Increasing Tree Removal Permit Fees]
Mayor

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from \$267 to \$607, for a permit to remove 1-3 street trees to allow for development or construction; from \$267 to \$300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from \$360 to \$808, for a permit to remove 4-9 street trees; and from \$565 to \$1,214, for a permit to remove 10 or more street trees; and making environmental findings.

Ordinance No. 166-09
FINALLY PASSED

090724 [Establishing a Cigarette Litter Abatement Fee]
Mayor

Ordinance amending the San Francisco Administrative Code (1) by adding a new Chapter 105 to establish a Cigarette Litter Abatement Fee of \$0.20 per pack of cigarettes sold in San Francisco to recover the cost of abating cigarette litter from City streets, sidewalks, and other public property and (2) by adding a new Section 10.100-70 to establish an Environment Cigarette Litter Abatement Fund; amending the San Francisco Health Code, Article 19H, Section 1009.60 to allow the Director of the Department of Public Health to suspend a tobacco sales permit and impose administrative penalties for failure to pay the Cigarette Litter Abatement Fee; amending Article 6 of the San Francisco Business and Tax Regulations Code to include the Cigarette Litter Abatement Fee; and making environmental findings.

Ordinance No. 173-09
FINALLY PASSED

090651 [Memorandum of Understanding between the Treasure Island Development Authority and the Office of the City Administrator]
Mayor

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Memorandum of Understanding appointing the City, acting by and through the Office of the City Administrator, as its agent to provide the services to carry out the Authority's operations and provide oversight to the Treasure Island Project Office for the term beginning July 1, 2009.

Resolution No. 288-09
ADOPTED

090738 [Accept and Expend Federal Grant - Port Commission - \$1,800,000]
Mayor

Resolution authorizing the San Francisco Port Commission to accept and expend \$1,800,000 in Federal American Recovery and Reinvestment Act grant funds from the State Water Resources Control Board to fund utility infrastructure improvements at the Pier 45 fish processing facility.

Resolution No. 290-09
ADOPTED

**090796 [Recurring FY 2009-2010 State grant funds to the Department of Public Health]
Supervisor Dufty**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2009-2010.

(Fiscal Impact.)

Resolution No. 295-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee

**090318 [Planning Code-Landmark Designation of 2055 Union Street (Metro Theater)]
Supervisor Alioto-Pier**

Ordinance designating 2055 Union Street (Metro Theater), Assessor's Block No. 0541, Lot No. 018, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code 101.1(b) and environmental findings.

Ordinance No. 175-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

**090710 [Sale of combustion turbines]
Mayor, Supervisor Mirkarimi**

Ordinance authorizing the Public Utilities Commission, working in conjunction with the City Attorney, to sell the four combustion turbines transferred to the City as part of the Williams Settlement in a manner that maximizes the public benefits to the City consistent with the State Agreements.

Supervisor Alioto-Pier moved to divide the question relating to "b) Concurrent with the preparation of the CTs for sale in Fiscal Year 2009-2010, authorized in this ordinance, the PUC is instructed to analyze the feasibility of local cogeneration projects. If any of these projects demonstrates initial feasibility and environmental benefit, and requires purchase from the City of a CT unit, the PUC is instructed to report to the Mayor and Board of Supervisors on what actions would allow for consideration of this project or projects" located on Page 2, Line 24, through Page 3, Line 4.

The question relating to "feasibility for sale in Fiscal Year 2009-2010" was passed as divided by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

FINALLY PASSED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090800 [Establishing Carbon Mitigation Program]
Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 52 to establish the San Francisco Carbon Mitigation Program administered by the Department of the Environment to reduce or offset local greenhouse gas emissions; and making environmental findings.

(Supervisor Chu dissented in Committee.)

Ordinance No. 172-09

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

NEW BUSINESS**Recommendations of the Budget and Finance Committee****090778 [Annual Salary Ordinance, FY 2009-2010]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Continued to July 21, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090779 [Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Continued to July 21, 2009.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090585 [Safe Streets and Road Repair General Obligation Bond Election - \$368,000,000]
Mayor, Supervisors Chiu, Dufty, Mar, Campos**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

**090716 [Recreation and Park-Parking]
Mayor**

Ordinance amending Article 6 of the Park Code by adding Section 6.14 to authorize the San Francisco Municipal Transportation Agency to identify areas located on property under the jurisdiction of the Recreation and Park Commission that are suitable for paid parking; to set rates for such parking; and to develop and implement a parking management plan for park property, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090837 [Penalty for alcohol content testing in Driving Under the Influence cases]
Mayor**

Ordinance amending Administrative Code by adding Section 8.14-1, to impose an additional \$50 penalty for violation of certain Vehicle Code sections to pay for alcohol testing by the Medical Examiner.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090694 [Treasure Island Development Authority Budget, FY 2009-2010]
Mayor**

Resolution approving the Budget of the Treasure Island Development Authority for FY 2009-2010.

(Fiscal Impact.)

Resolution No. 287-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090767 [Appointment, Public Utilities Commission - Anson Moran]

Motion confirming the Mayor's appointment of Anson Moran to the Public Utilities Commission, Seat 4, for the unexpired portion of a two-year term ending August 1, 2010 (Clerk of the Board)

(Charter Section 4.112(a) provides that the Board of Supervisors shall confirm appointment by a majority (six votes) of the Board of Supervisors; companion measure to File 090768. Transmittal date – June 1, 2009.)

(Supervisor Campos dissented in Committee.)

Continue to July 21, 2009.

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

Ayes: 5 - Alioto-Pier, Campos, Elsbernd, Mar, Mirkarimi
Noes: 6 - Avalos, Chiu, Chu, Daly, Dufty, Maxwell

Motion No. M09-127

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Campos, Mar

Supervisors Daly and Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Campos, moved to excuse Supervisors Daly and Mirkarimi from voting on File No. 090882. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Avalos, Mirkarimi

090882 [Appointments, Association of Bay Area Government - Supervisors John Avalos and Ross Mirkarimi]
Motion appointing Supervisors John Avalos and Ross Mirkarimi, terms ending June 30, 2011, to the Association of Bay Area Governments Executive Board.

Motion No. M09-126

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Avalos, Mirkarimi

090608 [Charter Amendment - Allowing the Board of Supervisors to designate certain appropriations as mandates to expend the money appropriated]
Supervisor Daly

Charter Amendment (Second Draft) to amend Sections 9.103 and 9.104 to allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, requiring the relevant City departments to report to the Board on their plans for expenditure of the money appropriated, and allowing the Mayor to reject or reduce an appropriation identified as mandatory, and to reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

(Supervisor Chu dissented in Committee.)

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Campos, 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, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the family of Larry Lattimore, upon his passing, in recognition of his accomplishments as organizer/advocate with POWER and the Living Wage Coalition.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Ricardo Pena and Connie Rivera, leaders of Mixcoati Anahuac Aztec dance group, in recognition of their positive impact on the Mission District through art, dance, and culture.

SPECIAL ORDER 4:00 P.M.**090812 [Public Hearing - Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17880 dated May 14, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2007.0128CV), under Planning Code Sections 209.3, 303, and 317 to allow an existing private secondary school (the Drew School), to expand its facility and enrollment cap, and to demolish an existing 3-unit building within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, on property located at 2901 California Street/1831-1835 Broderick Street, Lot Nos. 003 and 095 in Assessor's Block 1029. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/15/09; Companion measure to Files 090813, 090814, 090815; District 2.)

The President inquired as to whether any member of the public wished to address the Board members on the continuance. Steve Williams (Appellant) spoke indicating no objection to the continuance. There were no other speakers. The President declared the public comment closed on the continuance.

Continued to August 4, 2009.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090813 [Approving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]

Motion approving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to August 4, 2009.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090814 [Disapproving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]

Motion disapproving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project. (Clerk of the Board)

Continued to August 4, 2009.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

- 090815 [Preparation of findings related to the Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, for action by the Board at its next meeting. (Clerk of the Board)
Continued to August 4, 2009.
Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

- 090783 [Settlement of Lawsuit - Jane Martin and David Baker - \$190,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$190,000; 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)
PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
- 090811 [Settlement of Lawsuit - Craig Yates and Richard Skaff - \$312,000]**
Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for \$312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for \$150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)
PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
- 090845 [Settlement of Lawsuit - Yao Tondo - \$140,000]**
Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for \$140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)
PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
- 090846 [Settlement of Lawsuit - Mai Tai Investors L.P., et al. - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)
PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

- 090847 [Settlement of Lawsuit - Tony Nguyen, dba MicroLan - \$100,000]**
Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)
- PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
- 090784 [Settlement of Unlitigated Claim - Freda Quimbo - \$70,000]**
Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for \$70,000; claim was filed on February 11, 2009. (City Attorney)
- Resolution No. 291-09**
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
- 090831 [Settlement of Potential Litigation - George Boutros - \$25,000]**
Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)
- Resolution No. 292-09**
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
- 090622 [Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan and imposing a deadline of May 15th for submission of MOUs for miscellaneous and safety employees to the Board of Supervisors]**
Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos
- Charter Amendment (First Draft) to amend Sections 2.103, 2.108, 2.117, 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, 16.112, and Article XVII, and adding Sections 9.119, 9.120, and 9.121 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the Board of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of June 30th for the Board of Supervisors to approve or adopt new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, require that City departments, including the Board of Supervisors, post various notices on the departments' websites and eliminate the requirement that the departments publish such notices in the City's official newspaper, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.
- Continued to July 21, 2009.*
- CONTINUED by the following vote:**
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

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

Richard McRee; expressed concerns relating to San Francisco history and ethics.

Male Speaker; expressed various concerns.

Denise Coleman; expressed concerns relating to juvenile justice.

Bill Davis; expressed various concerns.

Stephanie; Shaney; Tina; Male Speaker; Female Speaker; expressed various support for the office of the public defender.

Walter; shared in song certain concerns with the Board.

Male Speaker; expressed concerns relating workforce development.

Valentina; expressed concerns relating to community needs in the Mission District.

Female Speaker; expressed concerns relating to tenant's rights.

Richard Robinson; expressed various concerns.

Privilege of the floor was granted to Public Defender Jeff Adachi who spoke expressing concerns relating to the Office of the Public Defender.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**090891 [Accept and Expend State Grant - Office of the Public Defender - \$100,583]
Supervisor Campos**

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of \$100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

Resolution No. 294-09

ADOPTED

**090892 [Mortgage Revenue Bonds]
Supervisors Daly, Mirkarimi, Campos**

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 \$75,000,000 for the 220 Golden Gate Avenue Development (as such project is defined herein); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 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 \$75,000,000; 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).

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

Resolution No. 286-09

ADOPTED

**090893 [Accept and Expend Federal Funds - Department of the Environment - \$60,000]
Supervisors Mar, Campos**

Resolution authorizing the Department of the Environment to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program in the amount of \$60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

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

Resolution No. 289-09

ADOPTED

**090894 [Apply for funds from the Clean Water State Revolving Fund for the Newcomb Avenue Streetscape Project]
Supervisor Maxwell**

Resolution authorizing the San Francisco Planning Department to apply for funds from the State of California Clean Water State Revolving Fund for streetscape, traffic calming, and green stormwater improvements along the 1700 Block of Newcomb Avenue.

Resolution No. 293-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Campos

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

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

090890 [Supporting Assembly Bill 155 (Mendoza), a bill to prevent unnecessary municipal bankruptcies]
Supervisor Alioto-Pier

Resolution supporting Assembly Bill 155 (Mendoza) to prevent unnecessary municipal bankruptcies in California.

Continued to July 21, 2009.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

090906 [Planning - Uses Permitted in R Districts - Double Density for Senior Housing]
Supervisor Chiu

Ordinance amending the Planning Code by adding Section 102.6.1 to create a definition related to housing for seniors; amending Planning Code Section 209.1(m) related to the Uses Permitted in R Districts - Dwelling Zoning Control Table to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

7/14/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/13/2009.

**090909 [Citizen's Committee on Community Development]
Mayor, Supervisors Daly, Avalos, Mirkarimi**

Ordinance amending the Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the Board of Supervisors, that is responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the federal Housing and Urban Development Community Development Block Grant and Emergency Shelter Grant programs.

7/14/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

**090907 [Contract to rehabilitate 16 Presidential Conference Committee historic streetcars]
Supervisor Chiu**

Resolution authorizing the Municipal Transportation Agency to enter into a contract with Brookville Equipment Corporation to rehabilitate 16 Presidential Conference Committee historic streetcars for an amount not to exceed \$18,712,576, and a term not to exceed five years.

(Fiscal Impact.)

7/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090908 [Approving Advanced Train Control System Improvement Services and Equipment Purchases]
Supervisor Dufty**

Resolution approving Municipal Transportation Agency Contract No. 1226, Advanced Train Control System Improvement Services and Equipment Purchases, with Thales Transport & Security, Inc., for an amount not to exceed \$30,000,000 for a term not to exceed five years with an option to extend the term an additional three years.

(Fiscal Impact.)

7/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090910 [Accept and Expend Grant - Department of Public Health - \$10,676]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of \$10,676 to provide project management and collaboration services for the period of March 1, 2009, through August 31, 2009.

7/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090911 [Accept and Expend Grant - Department of Public Health - \$90,463]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Public Health Foundation Enterprises, Inc., in the amount of \$90,463 to oversee and coordinate the research project for the period of April 10, 2009, through March 31, 2010.

7/14/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090184 [Declaring an emergency under California Constitution Article XIII C, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]
Supervisors Chiu, Dufty, Mirkarimi, Campos**

Resolution declaring an emergency under California Constitution Article XIII C, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that State law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if State law authorizes the City to impose it and directing its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

2/10/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

7/14/09, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing new title.

7/14/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearing

**090903 [Comprehensive Annual Financial Report of City's external auditors for FY 2007-2008]
Supervisor Mirkarimi**

Hearing to receive the Comprehensive Annual Financial Report (CAFR), single audit report of City's external auditors (Macias Gini & O'Connell, KPMG, Hood and Strong, and Williams Adley & Co.) audit for FY 2007-2008 and to present their management letters, if any.

6/14/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**090904 [City's external auditors audit plans for FY 2008-2009]
Supervisor Mirkarimi**

Hearing on audit plans of the City's external auditors, Macias Gini & O'Connell and KPMG, for FY 2008-2009.

7/14/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****090867 [Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

6/30/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 7/24/09 - Called from Committee Notice sent to interested parties.

7/26/09 - Called from Committee Notice published in the Examiner.

7/28/09 - 30-Day Rule waived by President Chiu.

090868 [Bicycle Plan adoption and related General Plan amendments]

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

6/30/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 7/24/09 - Called from Committee Notice sent to interested parties.

7/26/09 - Called from Committee Notice published in the Examiner.

7/28/09 - 30-Day Rule waived by President Chiu.

PROPOSED RESOLUTIONS**090869 [Approval of SFPUC New Irvington Tunnel Construction Management Contract not to exceed \$15 million]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed \$15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090883 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090884 [Dissolution of San Francisco Airport Improvement Corporation]

Resolution approving the dissolution of the San Francisco Airport Improvement Corporation, the appointment of directors, and related matters. (Airport Commission)

7/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

To: Chief, SF Police Department

Requesting/Inquiring: Requesting the Department of Public Works and the San Francisco Police Department to report on the status of removing police barricades left from the 2009 Bay to Breakers behind the Muni Bus stop at the corner of Hayes and Pierce.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

San Francisco Bay Guardian

Southeast corner of Fillmore & Post

Southwest corner of Divisadero & Sutter

9th Avenue & Judah (near bus stops)

7th Avenue & Irving (near bus stops)

Northwest corner of Hayes & Fillmore

Southeast corner of Fillmore & Haight

San Francisco Chronicle

Northwest corner of Fillmore & Hayes

Southeast corner of Haight & Fillmore

Irving & 9th Avenue

Irving & 7th Avenue

Southwest corner of Haight & Clayton

Southeast corner of Haight & Masonic

Examiner

Northwest corner of Fillmore & Hayes

Southeast corner of Haight & Fillmore

SF Daily

Northwest corner of Hayes & Gough

City Star

Northwest corner of Hayes & Gough

Southeast corner of Fillmore & Haight

SF Weekly

Southeast corner of Masonic & Haight & Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Garbage Cans

In front of Ella Hill Hutch Community Center on McAllister near Webster

Northeast corner Clayton & Golden Gate

Northeast corner Masonic & Haight

Northeast corner Central & Grove

Mailbox

Northeast corner Laguna & Fell

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations: On Fillmore & Golden Gate, in the middle of intersection.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

845 Divisadero

659 Central

857 Divisadero

312 Divisadero

1801 Fulton

350 Laguna

355 Laguna

652 Central

250 Steiner

796 Haight

Rosa Parks Senior Center, on the Golden Gate Street side

901 Haight

909 Haight

1301 Haight

1305 Haight

1399 Haight

1584 Haight

537 Shrader

1500 Page

872 Haight

796 Haight

160 Pierce

591 Haight

542 Haight

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Metal Pole

Southwest corner Lassaunt & Fillmore

Southwest corner Scott & Fulton

Southeast corner Baker & Fulton

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

Southwest corner Broderick & Fulton

Southwest corner Haight & Fillmore

*Southeast Waller & Buchanan
In front of 1633 Fulton
Southeast corner Shrader & Hayes
Southeast corner Central & Fulton
Southeast corner Fell & Broderick
In front of 235 Buchanan*

*Bus Shelters
Southwest corner Hayes & Fillmore
Southeast corner McAllister & Webster
Northeast corner Buena Vista East & Haight
Northeast corner McAllister & Pierce
In front of 500 Fillmore
Southeast corner McAllister & Fillmore
Northwest corner Masonic & Haight
Northwest corner Divisadero & Haight
Southwest corner Pierce & Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)*

*Emergency Boxes
Southwest corner Laguna & Golden Gate
Northwest corner McAllister & Fillmore
Northeast corner McAllister & Steiner*

In Memoriams

*Marylouise Allen Lovett - Supervisor Dufty
Larry Lattimore - Supervisors Mar and Avalos
Xavier Gillette - Supervisor Mirkarimi
Dr. Gary Tobin - Supervisor Mirkarimi*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:06 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 August 11, 2009.



Angela Calvillo
Clerk of the Board