

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

MEETING MINUTES

Tuesday, June 23, 2009 2:00 PM

Legislative Chamber - Second Floor
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.

Volume 104 Number 23

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:13 p.m.

COMMUNICATIONS

Supervisor Chiu congratulated Supervisor Elsbernd on the birth of his son 'Michael' and announced the availability of 'Wi-Fi' in the Board Chamber in partnership with the Department of Telecommunications.

Chris Vien, Director of Department of Telecommunications, spoke of the partnership with the Board of Supervisors.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090544 [Revising Board of Appeals Surcharges]
Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

Ordinance No. 112-09
FINALLY PASSED

Recommendations of the Budget and Finance Subcommittee

090588 [Building Code - fee adjustment]
Mayor, Supervisor Chiu

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

Ordinance No. 107-09
FINALLY PASSED

090589 [Electrical Code - permit expiration]
Mayor, Supervisors Chiu, Chu

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

Ordinance No. 106-09
FINALLY PASSED

090590 [Plumbing Code - permit expiration]
Mayor, Supervisors Chiu, Chu

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

Ordinance No. 108-09
FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

090639 [MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Ordinance No. 125-09
FINALLY PASSED

090640 [MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Ordinance No. 127-09
FINALLY PASSED

090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

Ordinance No. 124-09
FINALLY PASSED

090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

Ordinance No. 113-09
FINALLY PASSED

090643 [MOU, Amendment #1 - Municipal Executives' Association Fire]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Ordinance No. 119-09
FINALLY PASSED

**090644 [MOU, Amendment #1 - Municipal Executives' Association Police]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

**Ordinance No. 120-09
FINALLY PASSED**

**090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]
Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

**Ordinance No. 129-09
FINALLY PASSED**

**090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]
Mayor**

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

**Ordinance No. 128-09
FINALLY PASSED**

**090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

**Ordinance No. 126-09
FINALLY PASSED**

**090650 [Unrepresented Employees]
Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

**Ordinance No. 114-09
FINALLY PASSED**

**090673 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

**Ordinance No. 122-09
FINALLY PASSED**

**090674 [MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

**Ordinance No. 121-09
FINALLY PASSED**

**090675 [MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]
Mayor**

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

**Ordinance No. 137-09
FINALLY PASSED**

**090676 [MOU, Amendment #3 - Service Employee International Union, Local 1021]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

**Ordinance No. 134-09
FINALLY PASSED**

**090677 [MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

**Ordinance No. 135-09
FINALLY PASSED**

**090680 [MOU, Amendment #1 - District Attorney Investigators' Association]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

**Ordinance No. 123-09
FINALLY PASSED**

**090681 [MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]
Mayor**

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

**Ordinance No. 136-09
FINALLY PASSED**

**090683 [MOU, Stationary Engineers, Local 39]
Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

**Ordinance No. 115-09
FINALLY PASSED**

**090685 [MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

**Ordinance No. 138-09
FINALLY PASSED**

**090686 [MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

**Ordinance No. 132-09
FINALLY PASSED**

**090688 [MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

**Ordinance No. 133-09
FINALLY PASSED**

- 090689 [MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]
Mayor

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Ordinance No. 131-09
FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

- 090402 [Zoning - New Controls for Massage Establishments]
Mayor, Supervisors Chu, Chiu

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 139-09
FINALLY PASSED

- 090420 [India Basin Industrial Park, Special Use District Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Ordinance No. 141-09
FINALLY PASSED

Recommendations of the Rules Committee**090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

Ordinance No. 109-09
FINALLY PASSED

090595 [Settlement of Lawsuit - Daniel Alvarenga - \$82,500]

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for \$82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 143-09
FINALLY PASSED

090596 [Settlement of Lawsuit - Vivian Ross - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 145-09
FINALLY PASSED

090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of \$30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

Ordinance No. 144-09
FINALLY PASSED

090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - \$63,500]

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

Ordinance No. 146-09
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Chu, 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 Consent Agenda

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

090682 [MOU, Laborers International Union, Local 261]

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

Ordinance No. 116-09

FINALLY PASSED by the following vote:

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

Supervisor Elsbernd Excused from Voting

Supervisor Chu, seconded by Supervisor Maxwell, moved to excuse Supervisor Elsbernd from voting. The motion carried by the following vote:

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

Excused: 1 - Elsbernd

**090687 [MOU, Amendment #3 - Municipal Executives' Association, Misc.]
Mayor**

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Ordinance No. 130-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

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

**090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]
Mayor, Supervisor Chu**

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

Ordinance No. 140-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

**090691 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]
Mayor**

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

(Fiscal Impact.)

(Supervisor Chu and Supervisor Dufty dissented in Committee.)

Ordinance No. 110-09

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

**090692 [Interim Annual Salary Ordinance, Fiscal Year 2009-2010]
Mayor**

Interim 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.

(Fiscal Impact.)
(Supervisor Chu and Supervisor Dufty dissented in Committee.)

Ordinance No. 111-09

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

**090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Ordinance No. 117-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

**090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]
Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Ordinance No. 118-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090684 [MOU, Amendment #2 - Operating Engineers, Local 3]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

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

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

Recommendation of the Land Use and Economic Development Committee

090392 [Zoning - Ordinance amending Planning Code Section 309.1]

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

Ordinance No. 142-09

FINALLY PASSED by the following vote:

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

Noes: 1 - Daly

From the Rules Committee Without Recommendation

090007 [Charter Amendment - Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]

Supervisors Elsbernd, Chu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

(Supervisor Daly dissented in Committee.)

Continue to June 30, 2009.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Charter Amendment be CONTINUED.

The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Campos, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

NEW BUSINESS**Recommendations of the Budget and Finance Committee****090723 [Budget Savings Incentive Fund]
Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:

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

**090725 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]
Mayor**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: Budget Analyst (Board of Supervisors); LGBT Anti-violence Education and Outreach Program (District Attorney); body removal services—Medical Examiner, central shops security, convention facilities management, janitorial services, and security services (General Services Agency—City Administrator); security services—1680 Mission Street (General Services Agency—Public Works); mainframe system support (General Services Agency—Technology); absentee voter ballot distribution (Department of Elections); security services (Human Services Agency); Project S.A.F.E. (Police); and janitorial services (Sheriff).

Resolution No. 257-09

ADOPTED by the following vote:

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

**090776 [Redevelopment Agency Interim Budget]
Mayor**

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2009-2010.

(Fiscal Impact.)

Resolution No. 259-09

ADOPTED by the following vote:

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

Recommendations of the Budget and Finance Subcommittee

090598 [Official Advertising for Fiscal Year 2009-2010]

Resolution designating the Examiner and the San Francisco Chronicle as the official newspapers of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising from July 1, 2009, through June 30, 2010. (Office of Contract Administration)

Resolution No. 255-09

ADOPTED by the following vote:

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

090599 [Outreach Advertising for Fiscal Year 2009-2010]

Resolution designating the San Francisco Bay View to be the outreach newspaper of the City and County for the African American community; the China Press, the Sing Tao Daily and the World Journal to be the outreach newspapers of the City and County for the Chinese community; the Bay Area Reporter and the Bay Times to be the outreach newspapers of the City and County for the Gay, Lesbian, Bisexual community, and El Mensajero and El Reportero to be the outreach newspapers of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 2009-2010. (Office of Contract Administration)

Resolution No. 256-09

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

Supervisor Maxwell Excused from Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Maxwell from voting on File Nos. 090276, 090277, 090278, and 090279. The motion carried by the following vote:

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

Excused: 1 - Maxwell

090276 [Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]

Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

- 090277 [Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Maxwell

- 090278 [Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]
Supervisors Daly, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.)
(Economic Impact.)

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

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined by whether (1) a tenant is unemployed or has had wages reduced by 20% or more, or only has income from government benefits such as Social Security and has not received a cost of living increase in the past 12 months, and (2) the rent including the increase comprises or will comprise 33% or more of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.)

(Economic Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

**090279 [Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards (Section 37.9(a)(2)).

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

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

Excused: 1 - Maxwell

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards, if the landlord has unreasonably refused a written request by the tenant to add the occupant(s) (Section 37.9(a)(2)).

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
 Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
 Excused: 1 - Maxwell

- 090734 [Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]
 Mayor, Supervisors Chiu, Alioto-Pier, Dufty**

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed \$5,198,000.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
 Noes: 1 - Campos

- 090736 [Approval of one-year extension of contract for the San Francisco Treasurer/Tax Collector for software maintenance, support and development for collection of revenue for various City and County departments]
 Supervisor Dufty**

Resolution approving one-year extension of software maintenance, license, support and development contract for the San Francisco Treasurer/Tax Collector for services to collect revenue for various City and County departments.

Resolution No. 260-09

ADOPTED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**081251 [Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]
Supervisor Mirkarimi**

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

PASSED ON FIRST READING by the following vote:

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

**090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]
Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:

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

**090327 [First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"]
Supervisor Mirkarimi**

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

PASSED ON FIRST READING by the following vote:

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

090574 [Hunters View - Resolution of Intent for Street Vacation]

Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas. (Public Works Department)

Amended on page 3, lines 16-17, by changing the hearing date from "21st day of July, 2009," to "11th day of August, 2009."

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

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

Resolution No. 253-09

ADOPTED AS AMENDED 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 Dufty, 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 Dufty introduced, welcomed and presented a Certificate of Honor to Dan McKenna in recognition of his 35 years of service to the City and County of San Francisco. Supervisors Elsbernd, Mirkarimi, Chu, Maxwell, and Alioto-Pier also expressed their appreciation to Dan McKenna.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Anthony Lopez in recognition of his accomplishments and for his continued LGBT community involvement.

COMMITTEE REPORTS

090741 [Authorizing City officials the ability to execute Homeland Security Grants]

Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

Resolution No. 263-09

ADOPTED by the following vote:

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

090742 [Homeland Security Grants]
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

Resolution No. 262-09

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Richard Robertson; expressed concerns relating to religion and marriage.

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

Richard McRee; expressed concerns relating to political integrity.

Walter; shared in song certain issues with the Board.

Rachel West; expressed concerns relating to massage parlor legislation.

Lorie Near; expressed concerns relating to massage parlor legislation.

Male Speaker; expressed concerns relating to JROTC programs.

Ali Atahi; Ahi Sam; Zhedo; Female Speaker; Female Speaker; Anthony Teicher; Khali; Female Speaker;

Shariq Sharee; Female Speaker; Rezon; and Female Speaker; expressed support for the people of Iran.

Abdullah Megaheed; expressed various concerns.

Male Speaker; expressed concerns relating to the budget.

Veronica Castenada; expressed concerns relating to JROTC programs.

Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090821 [Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act]

Supervisors Dufty, Campos, Chiu, Daly, Mar, Avalos

Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

Supervisors Daly, Mar, and Avalos requested to be added as co-sponsors.

Resolution No. 258-09

ADOPTED

090047 [Final Map - 1151 Sutter Street]

Motion approving Final Map 5022, an Eight Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 1151 Sutter Street being a subdivision of Lot 014 in Assessors Block No. 0692 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,190; District 3.)

Motion No. M09-120

APPROVED

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

090822 [Expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance]

Supervisors Mirkarimi, Dufty

Resolution expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Resolution 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

The entire Board requested to be added as co-sponsors.

Resolution No. 254-09

ADOPTED AS AMENDED by the following vote:

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

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

090824 [Federal Energy Efficiency and Conservation Block Grant revenue funding priorities]

Supervisor Chiu

Resolution establishing funding priorities for revenue from the federal Energy Efficiency and Conservation Block Grant program.

RE-REFERRED to the Budget and Finance Committee.

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

**090825 [Opposing proposed California constitutional amendment]
Supervisors Mirkarimi, Avalos, Campos, Mar**

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

Supervisors Avalos and Campos requested to be added as co-sponsors.

Continued to June 30, 2009.

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

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

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

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

[Brown Act Finding]

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

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

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

**090827 [Commending Dan McKenna of the Bureau of Street Use and Mapping on his retirement]
Supervisor Dufty**

Resolution commending Dan McKenna of the Bureau of Street Use and Mapping on the occasion of his retirement.

Resolution No. 261-09

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED. The motion carried by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**090833 [Lobbyist Ordinance Amendments]
Supervisor Chiu**

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/23/2009.

**090835 [Residential Rent Ordinance: Prohibiting owner move-in evictions of families with children; and changing the definition of "disabled" tenants protected from owner move-in evictions]
Supervisor Mar**

Draft ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(i) to prohibit owner move-in evictions of families with children, where a member of the household is under the age of 18 and a member of a household which has resided in the unit for at least 12 months; and changing the definition of "disabled" tenants protected from owner move-in evictions to be the definition in Government Code Section 12955.3, in place of the current definition that is tied to federal Supplemental Security Income and California State Supplemental Program (SSI/SSP) definitions.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/23/2009.

**090698 [Planning Fee Procedures and Adjustments]
Mayor**

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for Department facilitated pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

6/23/09, ASSIGNED to Budget and Finance Committee.

6/23/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

**090699 [Code Enforcement Fund; Fees]
Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-166 to expand the Planning Department's Code Enforcement Fund beyond general advertising signs and authorize the Fund to receive revenues from all types of code enforcement activities, including monetary judgments, and authorize expenditure of the funds for administration and enforcement of all Planning Code violations; amending the San Francisco Planning Code by amending Sections 303(1) and 358 to clarify that wall signs are included in the requirements; amending Sections 303(1) and 604.2 to delete the requirement to submit a site map, amending Section 358 to increase the annual inventory maintenance fee, clarify use of the general advertising sign inventory fees and to make technical changes to the language of the section; amending Section 604.2 to provide that violation of the Code's general advertising sign inventory requirements is a public nuisance, to clarify that the definition of the term "general advertising sign company" includes the operator of the sign, to modify language required to be in the affidavit submitted with the sign inventory, to conform the penalty and appeal procedure with Section 610, and to make other clarifying and technical changes to the language of the section; adopting CEQA and Planning Code Section 302 findings.

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

6/23/09, ASSIGNED to Budget and Finance Committee.

6/23/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

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

Ordinance amending the San Francisco 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.

6/23/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

**090827 [Commending Dan McKenna of the Bureau of Street Use and Mapping on his retirement]
Supervisor Dufty**

Resolution commending Dan McKenna of the Bureau of Street Use and Mapping on the occasion of his retirement.

6/23/09, ADOPTED.

**090834 [California Public Employees' Retirement System (CalPERS) Contract Amendment]
Supervisor Elsbernd**

Resolution of intention to approve an amendment to contract between the Board of Administration, California Public Employees' Retirement System (CalPERS), and the Board of Supervisors, City and County of San Francisco.

(Fiscal Impact.)

6/23/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090836 [Lease of concession properties within the Japanese Tea Garden in Golden Gate Park]
Supervisors Mirkarimi, Mar**

Resolution authorizing and approving the execution, delivery and performance of a Lease for the management and operation of the concessions associated with the Japanese Tea Garden in Golden Gate Park.

6/23/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090838 [Fair and balanced State budget]
Supervisor Avalos**

Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090839 [Accept and Expend State Grant - Recreation and Park Department - \$68,250]
Supervisor Avalos**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of \$68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090840 [Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)]
Supervisors Chiu, Campos**

Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090841 [Commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government]
Supervisors Dufty, Campos, Mar**

Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090842 [Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department]
Supervisor Dufty**

Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090843 [California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds]
Supervisor Maxwell**

Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and redevelopment funds.

6/23/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

**090794 [Submission of Parcel Tax to voters]
Supervisors Avalos, Mirkarimi**

Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code of the City and County by: (1) adding Article 18, Parcel Tax, (2) amending Section 6.1-1 of Article 6, Common Administrative Provisions, to include appropriate cross-reference to new Article 18, and (3) amending the Administrative Code by adding Section 10.100-248 (Recreation and Parks Parcel Tax Fund)," at an election to be held on November 3, 2009.

(Economic Impact.)

6/9/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/9/2009.

6/23/09, SUBSTITUTED. Supervisor Avalos submitted a substitute motion bearing new title.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/9/2009.

PROPOSED ORDINANCE

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)

6/15/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**090809 [Street Artist Spaces]
Supervisor Dufty**

Resolution approving designation for six (6) months of eight (8) temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists; said spaces subject to Board of Supervisors review. (Arts Commission)
6/11/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Supervisor Dufty requested to be added as sponsor.

090810 [Street Artist Spaces]

Resolution approving designation for six (6) months of four (4) temporary selling spaces on Hayes Street, north side, near Octavia Street for street artists certified by the Arts Commission, City and County of San Francisco; said spaces subject to Board of Supervisors review. (Arts Commission)
6/11/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090823 [Authorization for continued membership in 18 County CalWIN Consortium]

Resolution authorizing the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with state requirements for which San Francisco's portion of the cost will be \$13,110,600 for the extended period of July 1, 2009, through July 31, 2013. Please note: State and Federal reimbursement is at 92% of \$13,110,600. County general fund portion \$1,048,848. (Human Services Department)

(Fiscal Impact.)

6/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

Southeast corner Steiner & Scott

Bus Shelters

Northeast corner Laguna & Mc Allister

Northeast corner Fillmore & Hermann (the canopy)

Fillmore & Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes

Northeast corner 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:

Alamo Square Bulletin Board

Garbage Cans

Southeast corner Fell & Fillmore

Northeast corner Grove & Fillmore

Northeast corner Golden Gate & Webster

Southeast corner Webster & Golden Gate

Northeast corner McAllister & Gough

Mailboxes

Northeast corner Fillmore & 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 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 Fillmore & Hayes

Southeast corner 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 utility poles at the following locations:

Metal Pole

Across the street from 660 Hayes

Wood Pole

Northwest corner Haight & Webster

Southeast corner Webster & Haight

Southeast corner Webster & Germania

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

1151 Webster

1667 Oak

1301 Haight

998 Oak

745 Buchanan

565 Laguna

596 Page

600 Page

438 Buchanan

531 Haight

551 Haight

557 Haight

583 Haight

595 Haight

507 Haight

589 Haight

547 Haight

542 Haight

540 Haight

530 Haight

400 Haight

406 Haight

518 Haight
428 Haight
438 Haight
347 Haight

In Memoriams

In Memoriams

Neda Agha-Soltan - Entire Board

Robert Derzon - Supervisor Alioto-Pier

Sister Mary Patrice Murray - Supervisor Alioto-Pier

Allen White - Supervisor Duffy

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:10 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 21, 2009.



Angela Calvillo
Clerk of the Board