

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, September 21, 2010 - 2:00 PM

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

Meeting Days

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday

11:00 AM

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Dufty

2nd and 4th Monday

10:30 AM

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

2nd and 4th Thursday

10:30 AM

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Monday

1:00 PM

Public Safety Committee

Supervisors Chiu, Mirkarimi, Elsbernd

1st and 3rd Monday

10:00 AM

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

1st and 3rd Thursday

10:00 AM

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

Volume 105 Number 31

Members Present: Michela Alioto-Pier, John Avalos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and 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, Supervisor Campos was noted absent. There was a quorum.

Supervisor Campos Excused from Voting

Supervisor Mar, seconded by Supervisor Elsbernd, moved that Supervisor Campos be excused from voting. The motion carried by the following vote:

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

Excused: 1 - Campos

AGENDA CHANGES

There were none.

COMMUNICATIONS

President Chiu introduced and welcomed Mayor Gbamnan Djidan and visitors from our African Sister City of Abidjan, Ivory Coast. There were no other communications.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101058 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for City and County purposes and establishing a pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2011.

(Fiscal Impact)

Ordinance No. 235-10

FINALLY PASSED

101059 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2011.

(Fiscal Impact)

Ordinance No. 236-10

FINALLY PASSED

101060 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2011.

(Fiscal Impact)

Ordinance No. 237-10

FINALLY PASSED

101061 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the FY ending June 30, 2011.

(Fiscal Impact)

Ordinance No. 238-10

FINALLY PASSED

101102 [Accept and Expend Grant - 2010 Disaster Corps Grant and Amendment to the Annual Salary Ordinance FY2010-2011 - \$231,000]**Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of \$231,000 from California Volunteers for the grant period of 18 months following passage of the FY2010-2011 California State Budget for volunteer management and training; amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one Class 5277 Planner I at the San Francisco Fire Department.

Ordinance No. 241-10**FINALLY PASSED****Recommendations of the City Operations and Neighborhood Services Committee****100294 [Liquor License Transfer - 715 Market Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 50-3rd Street to 715 Market Street (District 6) to Zain H. Azzghayer for Zain's Fine Wine & Spirits will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 445-10**ADOPTED****100685 [Liquor License - 450-460 Powell Street]**

Resolution determining that the issuance of a Type 21 off-sale general license to Dean Zain Azzghayer for Dean's, located at 450-460 Powell Street (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 446-10**ADOPTED****100834 [Liquor License Transfer - 101-6th Street]**

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 101-6th Street to expansion of public occupancy into basement storage at 101-6th Street (District 6), to Mark E. Rennie for Playbar, Inc., dba The Room, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 447-10**ADOPTED**

100915 [Liquor License Transfer - 1530 Haight Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine liquor license from 2 Harrison Street to 1530 Haight Street (District 5) to Bobby Vardakastanis for Haight Street Market, Inc., dba Haight Street Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 448-10

ADOPTED

100916 [Liquor License Transfer - 447 Battery Street]

Resolution determining that the transfer of a Type 42 on-sale beer and wine public premises liquor license from 620 Post Street to 447 Battery Street (District 3) to Alberto De Almeida, Jr., for Magellan Wine, LLC, dba The Hidden Vine Wine Bar, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 449-10

ADOPTED

Recommendations of the Land Use and Economic Development Committee**100880 [Landmark Tree Designation of Redwood Tree Located at 46 Stillings Avenue]**

Sponsors: Duffy; Daly

Ordinance designating the redwood tree (*sequoia sempervirens*) located at 46 Stillings Avenue (Assessor's Block No. 6734, Lot No. 023) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 240-10

FINALLY PASSED

101005 [Exceptions to Seismic Safety Loan Program Requirements to Allow for a \$15,000,000 Loan to Arlington Residence - 480 Ellis Street]

Sponsors: Chu; Alioto-Pier

Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a \$15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.

Ordinance No. 242-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Campos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]

Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra and Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

Resolution No. 443-10

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Campos

From the Budget and Finance Committee Without Recommendation

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that Supervisor Alioto-Pier be excused from voting on File No. 100865. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]

Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

FINALLY PASSED by the following vote:

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

Noes: 3 - Chu, Dufty, Elsbernd

Excused: 2 - Alioto-Pier, Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101051 [Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]

Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

101140 [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]

Sponsor: Mayor

Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.

PASSED, ON FIRST READING by the following vote:

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

101107 [Management Agreement for the Harding Park Golf Course]

Sponsor: Elsbernd

Resolution authorizing the Recreation and Park Department General Manager to enter into an agreement with Tournament Players Club of California, Inc., for management of clubhouse and golf operations at the Harding Park and Fleming Golf Courses, excluding course maintenance operations (Management Agreement), from October 1, 2010, to December 31, 2019, pursuant to San Francisco Charter Section 9.118, with the right to extend the term to coincide with any extension of the Master Tournament Agreement between the City and County of San Francisco and PGA Tour, Inc. (Fiscal Impact.)

Resolution No. 435-10

ADOPTED by the following vote:

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

Recommendation of the City Operations and Neighborhood Services Committee

100922 [Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

See File No. 101200.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be DUPLICATED.

The motion carried by the following vote:

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

Excused: 1 - Campos

Supervisor Chiu, 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, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

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

Excused: 1 - Campos

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

See File No. 100851.

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

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

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

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

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on preservation and rehabilitation of the Transfer Lot property, to establish reporting procedures regarding the preservation and rehabilitation, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

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

**101056 [Banning the Sale of Tobacco Products in Pharmacies]
Sponsors: Mar; Dufty and Maxwell**

Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Sections 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for general grocery stores and big box stores from the general ban on the sale of tobacco products in pharmacies.

PASSED ON FIRST READING by the following vote:

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

101070 [Gift Acceptance - Building Bocce Courts in Justin Herman Plaza - \$61,000]**Sponsor: Chiu**

Resolution authorizing the Recreation and Park Department to accept a gift of labor and construction materials with a value of \$61,000 from the Laborers Local 261 Community and Training Foundation to build two bocce courts on the lawn in Justin Herman Plaza.

Resolution No. 444-10**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Campos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations**Privilege of the Floor**

Supervisor Chiu, seconded by Supervisor Avalos, 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: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Campos

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to members of the Black Rock Arts Foundation in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.**101083 [Appeal of Determination of Exemption from Environmental Review for a Project Located at 2514-23rd Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's May 5, 2010, Determination of Exemption from Environmental Review, Building Permit No. 2010/05/05/1781, that a project located at 2514-23rd Avenue is exempt from environmental review under Categorical Exemption, Class 3. The proposal would involve structural work to the foundation, roof framing, and the addition of roof dormers, window replacement, and interior work to the building, which is a single-family residence, Lot No. 37, in Assessor's Block No. 2423. (District 4) (Appellant: Nancy Wuerfel, on behalf of the Sunset Parkside Education and Action Committee (SPEAK)).

The President indicated receipt of a letter from the Planning Department, dated September 17, 2010, rescinding their determination of exemption from environmental review.

TABLED BY OPERATION OF LAW

101084 [Affirming the Exemption Determination for 2514-23rd Avenue]

Motion affirming the determination by the Planning Department that the project located at 2514-23rd Avenue is exempt from environmental review.

TABLED BY OPERATION OF LAW

101085 [Reversing the Exemption Determination Issued for 2514-23rd Avenue]

Motion reversing the determination by the Planning Department that the 2514-23rd Avenue project is exempt from environmental review.

TABLED BY OPERATION OF LAW

101086 [Preparation of Findings to Reverse the Exemption Determination for the 2514-23rd Avenue Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 2514-23rd Avenue is exempt from environmental review.

TABLED BY OPERATION OF LAW

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns in Arabic and English.

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

Walter Paulson; shared in song certain concerns with the Board.

Joshua Abrahamson; expressed concerns relating to violent criminals.

Male Speaker; expressed various concerns.

Male Speaker; expressed various religious concerns.

Ace Washington; expressed various concerns.

Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**101153 [Commending Caesar Caiati]**

Sponsor: Alioto-Pier

Resolution commending Caesar Caiati on his 100th Birthday and declaring September 19, 2010, "Caesar Caiati Day" in San Francisco.

Resolution No. 450-10

ADOPTED

101168 [Urging Pacific Gas and Electric to Cooperate with the City's Request for Infrastructure Information]**Sponsors: Chu; Maxwell and Mirkarimi**

Resolution urging Pacific Gas and Electric Company to cooperate completely and swiftly with all requests from the City Administrator and Fire Chief in a Utility Infrastructure Safety Review, and to provide all relevant City Departments with risk level and maintenance plan information for existing pipelines in San Francisco.

Resolution No. 442-10**ADOPTED****101169 [Recognizing September 22, 2010, as "Please Don't Jump" Day to Promote Suicide Prevention]****Sponsors: Campos; Chiu and Dufty**

Resolution recognizing September 22, 2010, as "Please Don't Jump" Day and urging the Golden Gate Bridge, Highway, and Transportation District staff and Board of Directors to continue its efforts to expeditiously construct a suicide barrier on the Golden Gate Bridge.

Resolution No. 453-10**ADOPTED****101170 [Accept and Expend Grant - Susceptibility to Smoking Among Migrants in China - \$4,901]****Sponsor: Mar**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$4,901 from the San Diego State University Research Foundation to support a project that will establish a Handheld Assisted Personal Interview system, including training and consultation for the period of September 17, 2009, through June 30, 2010. (Public Health Department)

Resolution No. 452-10**ADOPTED****101171 [Local Support for Congestion Management Agency Block Grant Projects]****Sponsor: Mayor**

Resolution of local support for four projects to be funded by \$11,553,000 in federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program; committing the necessary non-federal match of \$1,876,000; and stating assurance to complete the projects.

Resolution No. 451-10**ADOPTED**

101172 [Apply for Strategic Growth Council Sustainable Communities Planning Grant]**Sponsor: Mayor**

Resolution authorizing the San Francisco Planning Department, in cooperation with the Mayor's Office of Housing, the San Francisco Municipal Transportation Agency, the San Francisco County Transportation Authority, and other Bay Area entities, to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to develop a Multi-City Bay Area Core Regional Growth and Investment Strategy.

Resolution No. 436-10

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Campos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or the Mayor****Ordinances****101190 [Police Code - Registration and Other Requirements for Event Promoters]**

Sponsors: Chiu; Maxwell

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

101191 [Administrative Code - Publication Requirements]

Sponsors: Mirkarimi; Campos, Mar and Chiu

Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

09/21/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/21/2010.

101192 [Appropriating \$38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]

Sponsors: Mayor; Maxwell

Ordinance appropriating \$38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011. (Fiscal Impact.)

09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]

Sponsors: Mayor; Mar and Campos

Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

09/21/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/21/2010. 11/5/10 - 10-Day General Plan Notice was published, posted and mailed.

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]

Sponsors: Mayor; Mar and Campos

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

09/21/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/21/2010.

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT.

05/04/10; RESPONSE RECEIVED.

07/14/10; RESPONSE RECEIVED.

07/20/10; SUBSTITUTED.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**101195 [Urging the Planning Commission to Initiate General Plan Amendments Concerning Better Streets Plan]****Sponsors: Mayor; Mar**

Resolution urging the Planning Commission to initiate amendments to the General Plan's Urban Design and Transportation Elements in connection with the San Francisco Better Streets Plan.

09/21/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101196 [Gift Acceptance - Equipment and Furnishings - \$155,013]**Sponsors: Chiu; Elsbernd**

Resolution authorizing the Recreation and Park Department to accept a gift of equipment and furnishings valued at \$155,013 from the San Francisco Parks Trust Gear-up Campaign to be used at Hamilton Recreation Center, Midtown Terrace Playground, Harvey Milk Center for the Recreational Arts, Sunnyside Conservatory, Sunnyside Clubhouse, and other Recreation and Park Department facilities.

09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101197 [Contract Approval - Municipal Transportation Agency - Capital Program Controls System Procurement and Related Support Services - Not to Exceed \$22,268,541]**Sponsor: Chu**

Resolution approving the San Francisco Municipal Transportation Agency Contract No. CS-156, Agency Capital Program Controls System Procurement, and Related Support Services, to Hill International, as negotiated, for an amount not to exceed \$22,268,541 for a term not to exceed eight years, with expenditures limited to \$13,481,000 pending receipt and certification of additional funding.

(Fiscal Impact.)

09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101198 [Accept and Expend Grant - Screening, Brief Intervention, and Referral to Treatment Project - \$25,331]**Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$25,331 from the University of California, San Francisco, to fund the Screening, Brief Intervention, and Referral to Treatment project, and to enter into an agreement for the use of these funds for the period of September 30, 2009, through September 29, 2010.

09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101199 [Accept and Expend Grant - Department of Public Health - State Vocational Rehabilitation Services Program - \$7,685,055]**Sponsor: Maxwell**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Rehabilitation in the total amount of \$7,685,055 to provide vocational rehabilitation services to clients for the period July 1, 2010, through June 30, 2013, waiving indirect costs.

(Fiscal Impact.)

09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101201 [Petitions for City Parcels to Form the Proposed Civic Center Community Benefit District]**Sponsor: Mayor**

Resolution authorizing the Mayor to cast petitions in the affirmative for formation of the proposed Civic Center Community Benefit District, to sign on behalf of the City and County of San Francisco as the owner of certain parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101202 [Annual Report - 2500 Block of Mission Street Business Improvement District]**Sponsor: Campos**

Resolution receiving and approving the 2500 Block of Mission Street Business Improvement District Annual Reports for FYs2007, 2008, and 2009, as submitted, pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Contract with the City.

09/21/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101203 [Ensuring Safe, Affordable, and Quality Patient Care]**Sponsor: Daly**

Resolution urging all relevant City agencies to uphold and strengthen current medical cannabis laws, and regulatory procedures that ensures quality care of patients, protects residents, and provides a true benefit to the community, and discourages business practices that threaten local permitted medical cannabis dispensary operators.

101204 [Declaring October 6, 2010, as Walk to School Day to Promote the Safety and Health of Children]**Sponsors: Duffy; Chu**

Resolution declaring October 6, 2010, as Walk to School Day to promote the safety and health of children in the City and County of San Francisco.

101205 [Affordable Child Care Facilities and Teacher's Housing - 1155 Page Street]**Sponsor: Mirkarimi**

Resolution urging the San Francisco Unified School District to consider developing both affordable child care facilities and affordable teacher's housing on the surplus property located at 1155 Page Street.

101206 [Proposition 23 - California Global Warming Solutions Act of 2006]**Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Dufty, Mar, Chu, Elsbernd, Maxwell and Avalos**

Resolution opposing Proposition 23, an initiative constitutional amendment suspending the California Global Warming Solutions Act of 2006, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters.

101210 [Supporting the LGBT Marchers and Their Supporters in the October 10, 2010, Gay Pride Parade in Belgrade, Serbia]**Sponsor: Dufty**

Resolution supporting the Lesbian, Gay, Bisexual, and Transgender marchers and their supporters as they peacefully exercise their human right to be visible in the streets, free from violence and fear, during the Gay Pride Parade in Belgrade, Serbia on October 10, 2010.

101212 [Outside Counsel for Mayoral Succession Issues]**Sponsor: Chiu**

Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession. (Supervisor Alioto-Pier dissented in Committee.)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

Requests for Hearing**101182 [Public Hearing - Certification of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]**

Hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

09/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101208 [San Francisco Municipal Transportation Agency's Transition to the Clipper Card]**Sponsor: Chiu**

Hearing on the San Francisco Municipal Transportation Agency's transition to the Clipper Card on the following topics: 1) Implementation of the Clipper Card; 2) 25-cent surcharge for single-use tickets; 3) Technological problems with fare gates; and 4) Outreach on the transition to the Clipper Card.

09/21/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

101181 [Committee of the Whole - September 28, 2010 - Hearing on the Historic Preservation Commission's Certificate of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]

Motion to sit as a Committee of the Whole for a hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0667A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place, to be held on September 28, 2010. (Clerk of the Board)

09/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101183 [Approving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

09/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101184 [Disapproving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

09/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101207 [Committee of the Whole - October 5, 2010 - Public Hearing to Renew/Re-Establish the 2500 Block of Mission Street Business Improvement District, to be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Motion to sit as a Committee of the Whole to hold a public hearing on October 5, 2010, to consider adopting a Resolution to renew and re-establish the 2500 Block of Mission Street Business Improvement District, to now be known as the Mission Miracle Mile Business Improvement District.

09/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101209 [Directing the Clerk of the Board to Agendize Consideration to Override Alcohol Cost Recovery Fee Veto]

Sponsor: Avalos

Motion directing the Clerk of the Board to agendize consideration to override veto pursuant to Charter Section 2.016 of an ordinance which would establish an Alcohol Cost Recovery Fee (File No. 100865) at the Regular Meeting of September 28, 2010.

Introduced by the President at the Request of Department

PROPOSED RESOLUTION

101150 [Real Estate Department - Agreement to Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing an Agreement to Exchange Interests in Real Property to obtain an exclusive, subsurface easement from the Midpeninsula Regional Open Space District in exchange for a non-exclusive open space easement over real property owned by the City and County of San Francisco, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

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

Requests Granted

From: Supervisor Avalos

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation requiring owners of commercial vehicles to abate unintended graffiti on trucks.

From: Supervisor Alioto-Pier

To: Chief of Police

To: Director, Department of Public Works

Requesting/Inquiring: Requesting a recommendation for a procedure to recover costs for DPW services and police services when large trucks ignore posted signs and become stranded on the City's hills.

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation to do the following:

- Requirement to test DNA samples in every rape or sexual assault case*
- Establishment of a swift timeline for testing DNA evidence.*
- Procedures for coordination between law enforcement agencies and healthcare providers.*
- Annual reporting to the Board of Supervisors on testing and prosecution rates*
- Dedicating funding for DNA testing through new fines on offenders.*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

*San Francisco Bay Guardian
Southeast corner of 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 at the following private property locations:

1067 Oak, on the side of building
208 Scott
798 Haight
546 Haight
506 Baker
589 Haight
598 Haight
597 Haight
582 Haight
588 Haight
596 Haight
1751 Fulton
539 Waller

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 located at the following locations:

Metal Poles
Near 898 Fillmore
In front of 333 Fillmore
Northeast corner of Grove & Scott
Southwest corner of Laguna & Galilee
Southwest corner of Masonic & Fulton

Wood Poles
Northeast corner of Baker & Grove
Northwest corner of Ivy & Gough

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 located at the following locations:

Utility Boxes
Northeast corner of Buchanan & Fell
Northeast corner of Linden & Buchanan
Northeast corner of Oak & Buchanan

Bus Shelters
Northeast corner of Fulton & Masonic
Northeast corner of Baker & McAllister
Southwest corner of Buchanan & Haight
Southwest corner of Pierce & Haight
Fillmore & Haight (all bus stops, graffiti & grime on canopies)

*Emergency Box
Northeast corner of Page & Buchanan*

*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:*

*Potholes and Sidewalk Issues
Street light out on the 700 block of Webster, west side of street*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:*

*Garbage Cans
Northeast corner of Hayes & Fillmore
Northeast corner of Hayes & Laguna
Southeast corner of Fell & Fillmore
Northeast corner of Grove & Scott*

*Mailboxes
Northwest corner of Octavia & Hayes
Southwest corner of Divisadero & Fulton*

In Memoriams

*William Coblentz – Entire Board
Fuad “Fred” Mogannam – Entire Board
Sgt. Martin Anthony Lugo – Supervisor Dufty*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:45 p.m.

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

Approved by the Board of Supervisors on October 26, 2010.

Angela Calvillo, Clerk of the Board