

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, July 29, 2008 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

*MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE MCGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL*

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Ammiano, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, Peskin

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty, Ammiano

Meeting Days

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

Volume 103 Number 27

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Duffy, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.

Supervisors Alioto-Pier and McGoldrick were noted present at 2:06 p.m.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of June 24, 2008. The motion carried by the following vote:

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

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

**080887 [SFPD MOU for Loan of FBI Vehicles]
Mayor**

Ordinance approving a memorandum of understanding between the City and County of San Francisco and the Federal Bureau of Investigations (FBI) for the loan of two Chevrolet Suburban vehicles from the FBI for use in San Francisco Police Department Tactical Company, and waiving the indemnification requirements of the San Francisco Administrative Code Chapter section 4.18 for this agreement, and approving the City indemnifying and holding the FBI harmless against claims arising from the activities of the City under the MOU.

Ordinance No. 184-08
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080578 [Liquor license transfer - 17 Third Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 1701 Taraval Street to 17 Third Street (District 6), to Brian Sheehy for Future Beverage, Inc. dba Cask will serve the public convenience and 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. 349-08
ADOPTED

**080910 [State grant to support environmental health pest exclusion activities - \$47,694.36]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$47,694.36 from the California Department of Food and Agriculture (CDFA) to support the Light Brown Apple Moth Program; for the period of July 1, 2007 through June 30, 2008.

Resolution No. 329-08
ADOPTED

Recommendations of the Government Audit and Oversight Committee

**080792 [Replacing the Emergency Response Fee, with a general tax at the same rates and with the same exemptions and modernizing the Telephone Users Tax without changing the rate or exemptions.]
Mayor, Supervisors Peskin, Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) adding Article 10B, Sections 780-786, to replace the current Emergency Response Fee with a general tax at the same rates and with the same exemptions; (2) repealing Article 10A, Sections 750-770, to eliminate the existing Emergency Response Fee; (3) amending Article 10 by adding Sections 721, 722, and 723, amending Sections 701, 703, 707.1, and 708, and repealing Sections 702 and 707.3, all to modernize and update the Telephone Users Tax without changing the tax rate or exemptions; and (4) amending Article 6, Section 6.1-1, to make conforming changes; and ratifying past collection of the Telephone Users Tax and the Emergency Response Fee.

Ordinance No. 145-08
FINALLY PASSED

080849 [PG&E SmartMeter Upgrade Proposal]
Supervisors Peskin, Duffy, Ammiano, Maxwell, Mirkarimi, Daly, McGoldrick, Sandoval

Ordinance directing the Department of the Environment to conduct a Cost and Climate Review of PG&E's request to the California Public Utilities Commission to spend \$877 million on a SmartMeter upgrade program; and directing the City Attorney, in consultation with the Department of the Environment and Public Utilities Commission, to participate in the CPUC review of PG&E's request; and establishing the City's policy to oppose PG&E's request if the Cost and Climate Review concludes that PG&E's SmartMeter upgrade proposal is not cost effective or that alternative technologies that offer greater benefits should be investigated.

(Fiscal Impact.)

Ordinance No. 186-08
FINALLY PASSED

Recommendations of the Land Use Committee

080407 [Subdivision Code - definition of conversion]
Supervisor Peskin

Ordinance amending the San Francisco Subdivision Code Section 1308 to modify the definition of conversion to include specified air space subdivisions of existing residential structures; and making environmental findings.

Ordinance No. 185-08
FINALLY PASSED

080947 [Changing the official sidewalk width - Jessie Street east of 10th Street]
Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1579 to change the official sidewalk width on Jessie Street east of 10th Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving public sidewalk easements along the southerly side of Jessie Street.

Ordinance No. 179-08
FINALLY PASSED

Recommendations of the Rules Committee

080944 [Appointment, Assessment Appeals Board No. 1- Gregory Blaine]

Motion appointing Gregory Blaine, term ending September 6, 2010, to Assessment Appeals Board No. 1.

Gregory Blaine, succeeding Carol Ruth Silver, resigned, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 6, 2010.

Motion No. M08-122

APPROVED

080945 [Appointment, Assessment Appeals Board No. 2 - Alfredo Perez]

Motion appointing Alfredo Perez, term ending September 6, 2010, to Assessment Appeals Board No. 2.

Alfredo Perez, succeeding Richard Lee, resigned, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 6, 2010.

Motion No. M08-123

APPROVED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendations of the Budget and Finance Committee**

080725 [Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009]**Mayor**

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 ending June 30, 2009.

(Supervisor Daly dissented in committee.)

(Fiscal Impact.)

Ordinance No. 140-08

FINALLY PASSED by the following vote:

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

Noes: 1 - Daly

080726 [Annual Salary Ordinance, Fiscal Year 2008-2009]**Mayor**

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009, 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.

(Supervisor Daly dissented in committee.)

(Fiscal Impact.)

Ordinance No. 141-08

FINALLY PASSED by the following vote:

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

Noes: 1 - Daly

081040 [Budget and Annual Appropriation Ordinance for Municipal Transportation Agency Budget for Fiscal Years 2008-2009 and 2009-2010]**Mayor**

Budget and Annual Appropriation Ordinance Appropriating All Estimated Receipts and All Estimated Expenditures for the Municipal Transportation Agency for the Fiscal Year Ending June 30, 2009 and for the Fiscal Year Ending June 30, 2010.

Ordinance No. 142-08

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval

Noes: 3 - Daly, Mirkarimi, Peskin

**081041 [Annual Salary Ordinance for the Municipal Transportation Agency for Fiscal Years 2008-2009 and 2009-2010]
Mayor**

Annual Salary Ordinance for the Municipal Transportation Agency for Fiscal Years 2008-2009 and 2009-2010.

Ordinance No. 143-08

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval

Noes: 3 - Daly, Mirkarimi, Peskin

**080880 [Recreation and Park Department - Event Fees]
Supervisor McGoldrick**

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.22 to amend the fees for use of the parks for events.

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**081011 [Appropriating \$498,145 of FY 2007-2008 General Fund Reserve to the Mayor's Office of Criminal Justice for the Community Justice Center for FY 2008-2009]
Supervisors McGoldrick, Elsbernd, Peskin**

Ordinance appropriating \$498,145 of Fiscal Year 2007-2008 General Fund Reserve to the Mayor's Office of Criminal Justice to fund a Community Justice Center in Fiscal Year 2008-2009.

(Supervisor Daly dissented in committee.)

(Fiscal Impact.)

Supervisor Sandoval was previously excused from voting on this matter.

Ordinance No. 183-08

FINALLY PASSED by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin

Noes: 3 - Ammiano, Daly, Mirkarimi

Excused: 1 - Sandoval

Recommendations of the Government Audit and Oversight Committee

**080832 [Real Property Transfer Tax]
Supervisors Peskin, Duffy, Ammiano**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) amending Section 1102 to increase the Real Property Transfer Tax rate from 0.75% to 1.5% if the consideration for or value of the transfer exceeds \$5 million; (2) amending Section 1105 to reduce the tax on transfers of residential property by up to one third (1/3) if, after January 1, 2009, the transferor has installed an active solar system or made seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies; (3) amending Section 1114 to clarify application of tax to transfers of ownership interests in legal entities that own real estate; and (4) amending Section 1108.3 to apply transfer tax to transfers of 35 year or longer leasehold interests.

(Economic Impact)

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

Ordinance No. 146-08

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Chu

**080800 [MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 1)]
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 Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Supervisor Chu was previously excused from voting on this matter.

Ordinance No. 182-08

FINALLY PASSED by the following vote:

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

**080801 [MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 2)]
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 Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Supervisor Chu was previously excused from voting on this matter.

Ordinance No. 181-08

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

080063 [Green Building Requirements]
Mayor, Supervisors Peskin, Sandoval, Maxwell, Ammiano, Dufty

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on (1) newly constructed Group R occupancy residential buildings, (2) newly constructed commercial buildings of Group B or M occupancies that are 5,000 gross square feet or more, (3) existing first-time build-outs of commercial interiors that are 25,000 gross square feet or more in area buildings of Group B or M occupancies, and (4) major alterations that are 25,000 gross square feet or more in existing buildings of Group B, M, or R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting (1) City projects, which are subject to Chapter 7 of the San Francisco Environment Code, (2) any new building in which laboratory use of any occupancy classification is the primary use, and (3) any building undergoing renovation in which the area of renovation will be primarily for laboratory use of any occupancy classification, and to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility and require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure; imposing additional requirements on demolitions and credits for the reuse of historic structures; providing that the requirements become operative 90 days after adoption if the California Energy Commission has approved it by that time; adopting findings, including environmental findings, and findings required by California Health and Safety Code Section 17958.5, and California Energy Code findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

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

Ordinance No. 180-08

FINALLY PASSED by the following vote:

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

Board of Supervisors Sitting as a Committee of the Whole

**080650 [Creating an Historic Preservation Commission]
Supervisors Peskin, Ammiano**

Charter Amendment (Sixth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an Independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to recommend approval, disapproval or modification to the Board of Supervisors of landmark, and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees and staffing provisions.

The President inquired if any member of the public wished to address the Board members.

There were none.

The President declared the public hearing closed.

8/1/08, Transmitted to Department of Elections.

ORDERED SUBMITTED by the following vote:

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

Board of Supervisors Sitting as a Committee of the Whole

The President inquired if any member of the public wished to address the Board members.

There were none.

The President declared the public hearing closed.

**081030 [Payroll Expense Tax]
Supervisors Peskin, Dufty**

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by (1) amending Section 902.1 and adding Section 902.2 to clarify the tax liability of "pass through entities" under the Payroll Expense Tax Ordinance, including partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities and specifying safe harbor measure of taxable payroll expense for owners of pass through entity (200% of compensation for its most highly paid quartile of employees, provided entity has at least 4 employees); and (2) amending Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is \$250,000 or less.

Supervisor Alioto-Pier was previously excused from voting on this matter.

Ordinance No. 147-08

FINALLY PASSED by the following vote:

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

NEW BUSINESS**Recommendations of the Budget and Finance Committee****080882 [Lease of Real Property - 1449 Webster Street]
Supervisor Mirkarimi**

Resolution authorizing the lease of 3,900 sq. ft. at 1449 Webster Street for employment assistance programs.

(Fiscal Impact.)

Resolution No. 354-08

ADOPTED by the following vote:

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

**080760 [Authorizing the execution and delivery of certificates of participation to finance health care, assisted living and/or other type of continuing care facility or facilities and related improvements located at 375 Laguna Honda Boulevard]
Mayor**

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction and/or reconstruction of a health care, assisted living and/or other type of continuing care facility or facilities and related improvements located at 375 Laguna Honda Boulevard; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of a property lease between the City and a trustee relating to 375 Laguna Honda Boulevard; approving the form of a project lease between the City and a trustee (including certain indemnities contained therein); approving the form of an official notice of sale and notice of intention to sell for the certificates of participation, if sold by competitive sale; approving the execution of a Bond Purchase Contract and authorizing the appointment of underwriters relating to the certificates of participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Resolution No. 351-08

ADOPTED by the following vote:

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

**080951 [Approving Tefra Hearing for The Institute on Aging Project]
Supervisor McGoldrick**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$50,000,000 to finance the construction, equipping and furnishing of facilities that will provide access to affordable health care and other support services for low income, frail older adults by The Institute on Aging.

(Fiscal Impact.)

Resolution No. 355-08

ADOPTED by the following vote:

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

**081006 [Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - \$45,000,000]
Supervisor Elsbernd**

Resolution authorizing and directing the sale of not to exceed \$45,000,000 City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008) Series 2008B; prescribing the form and terms of said Bonds; authorizing the execution, authentication and registration of said Bonds; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form and execution of the Official Statement relating thereto; approving the form of the Continuing Disclosure Certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal Impact.)

Resolution No. 342-08

ADOPTED by the following vote:

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

**081007 [Clean and Safe Neighborhood Parks General Obligation Bonds Issuance - \$185,000,000]
Supervisor Elsbernd**

Resolution providing for the issuance of not to exceed \$185,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks, 2008); authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal Impact.)

Resolution No. 343-08

ADOPTED by the following vote:

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

**080774 [DSW training and reporting and employee contact information]
Supervisor Alioto-Pier**

Ordinance requiring departments to update employee contact information and report annually on the status of required Disaster Service Worker Training.

PASSED ON FIRST READING by the following vote:

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

**080876 [Recurring FY 2008-2009 State grant funds to the Department of Public Health]
Supervisor Alioto-Pier**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health (DPH) for FY 2008-2009.

(Fiscal Impact.)

Resolution No. 353-08

ADOPTED by the following vote:

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

From the City Operations and Neighborhood Services Committee Without Recommendation

**080594 [Prohibiting pharmacies from selling tobacco products]
Mayor, Supervisors Peskin, McGoldrick**

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and adding Section 1009.60 and Article 19J, to prohibit pharmacies from selling tobacco products.

(No Economic Impact)

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

**080283 [San Francisco Special Tax Financing Law]
Supervisor Sandoval**

Ordinance amending the San Francisco Administrative Code by adding Article 43.10, Sections 43.10.1 through 43.10.23, to enact the Special Tax Financing Law establishing procedures for the formation of special tax districts, the imposition of special taxes and the issuance of bonds secured by such special tax funds.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**080823 [Establishment of floodplain management programs and designation of floodplain administrator]
Supervisors Elsbernd, Chu**

Ordinance establishing a floodplain management program by adding Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; designating the City Administrator as the floodplain administrator; and providing requirements for designating floodplains and for construction and development in floodplains.

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

PASSED ON FIRST READING by the following vote:

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

**080824 [Authorizing enrollment in National Flood Insurance Program]
Supervisors Elsbernd, Chu**

Resolution authorizing enrollment in the National Flood Insurance Program, providing assurances that the City, acting by and through the City Administrator, will implement a floodplain management program, and authorizing the City Administrator to take actions necessary to implement this resolution.

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

Resolution No. 352-08

ADOPTED by the following vote:

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

080673 [San Francisco Public Utilities Commission Cross Connection Controls Project]

Resolution adopting Final Mitigated Negative Declaration, and adopting findings pursuant to the California Environmental Quality Act (CEQA), including the Mitigation Monitoring and Reporting Plan, related to use of appropriated funds for San Francisco Public Utilities Commission (SFPUC) Cross Connection Controls Project. (Public Utilities Commission)

Resolution No. 350-08

ADOPTED by the following vote:

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

From the Land Use Committee Without Recommendation**080652 [Rental Subsidy Program for Low-Income Families]
Supervisors Daly, Ammiano, Sandoval**

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

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

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

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Chu, Duffy, Elsbernd, Maxwell, McGoldrick

Supervisor Daly, seconded by Supervisor Ammiano, moved to rescind the previous vote.

Motion to rescind the previous vote passed by the following vote:

*Ayes: 8 - Ammiano, Daly, Duffy, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, McGoldrick*

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Supervisor Daly withdrew his motion and moved to refer to Committee.

Referred to Committee as amended.

RE-REFERRED to the Land Use and Economic Development Committee by the following vote:

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

Recommendations of the Rules Committee**080826 [Menu Labeling at Chain Restaurants]
Supervisor Ammiano**

Ordinance amending Sections 468.2, 468.3, 468.4, 468.5, 468.6, and 468.8 of the San Francisco Health Code to (1) set rounding rules for disclosure of nutritional information, (2) allow nutritional information for pizzas to be listed per serving size, (3) allow chain restaurants to display the information required by Section 468.4 in brochures and booklets, (4) authorize the Director of the Department of Public Health to adopt rules and regulations to enforce these provisions, and (5) extend the deadlines for electronic reporting and disclosure on menus, food tags, and posters.

PASSED ON FIRST READING by the following vote:

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

**080618 [Charter Amendment - Board of Supervisors Aides, November 2009 Election]
Supervisor McGoldrick**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.117, to eliminate the reference to the number of staff members provided for members of the Board of Supervisors.

Continued to August 5, 2008

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.

081046 [Public Hearing - Report of Assessment Costs for Sidewalk and Curb Repairs]

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The President inquired whether any member of the public wished to address the Board members.

Property owner of 242-5th Avenue

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

081047 [Report of assessment costs for sidewalk and curb repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Amended by deleting 949 Hyde Street from the sidewalk assessment costs report.

Resolution No. 344-08

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

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

SPECIAL ORDER 3:00 P.M.

080913 [Hearing - Broadway Entertainment Corridor Community Benefit District]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board members.

Mr. Carroll Pleskot; opposed the Community Benefit District

Mr. Calvin Louie; opposed the Community Benefit District

The election and public hearing were continued to September 16, 2008 at 3:00 p.m.

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

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

**080914 [Resolution to establish the Broadway Entertainment Corridor Community Benefit District]
Supervisor Peskin**

Resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

Continued to September 16, 2008 at 3:00 p.m.

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

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

SPECIAL ORDER 3:00 P.M.**080916 [Hearing - Yerba Buena Community Benefit District]**

Hearing of persons interested in or objecting to resolution establishing a property-based business improvement district to be known as the "Yerba Buena Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The President inquired whether any member of the public wished to address the Board members.

Heather Hale, Yerba Buena Neighborhood; support of the Community Benefit District

Jerry Piazso; support of the Community Benefit District

Peter Hartman; support of the Community Benefit District

Mike Nettles; support of the Community Benefit District

John Brown; support of the Community Benefit District

Andrew Bryant, South of Market Child Care; support of the Community Benefit District

Patricia Breslin, Hotel Council; support of the Community Benefit District

David Cross, Ca Historical Society; support of the Community Benefit District

Bob Black, SF Chamber of Commerce; support of the Community Benefit District

Darren Wong, State of California Transportation; opposed only to the right of way properties. He requested that this parcel be excluded from the Community Benefit District.

Doug O'Neill, Home Association; opposed to the Community Benefit District

Catherine Isaacs; opposed to the Community Benefit District

Heard at public hearing.

President declared the public comment closed.

FILED.

080917 [Resolution to establish the Yerba Buena Community Benefit District]
Mayor

Resolution establishing a property-based business improvement district to be known as the "Yerba Buena Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Yerba Buena Community Benefit District.

Voting For - 82.96%

Voting Against - 17.04%

Supervisor McGoldrick moved to continue this matter to August 5, 2008.

Motion to continue this matter failed for a lack of a second.

Resolution No. 330-08

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Duffy, Maxwell, McGoldrick, Mirkarimi, Sandoval

Noes: 3 - Daly, Elsbernd, Peskin

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

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to members of "PODER".

Supervisor Peskin, introduced, welcomed and presented a Certificate of Honor to the Director of San Francisco Symphony.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district. (Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members. Project sponsor withdrew the proposed project.

Susan Brandt Hawley, Attorney for the appellant

The President declared the public hearing closed.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

SPECIAL ORDER 4:00 P.M.**070967 [Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President inquired as to whether any member of the public wished to address the Board members. Continued to October 28, 2008 at 4:00 p.m.

CONTINUED by the following vote:

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

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)**070968 [Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to October 28, 2008 at 4:00 p.m.

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

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

070969 [Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to October 28, 2008 at 4:00 p.m.

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

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

SPECIAL ORDER 4:00 P.M.**080906 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for AT&T "Lightspeed" Telecommunications Network Upgrade]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 13, 2008, Case No. 2007.1350E, exempting from environmental review under Categorical Exemption, Class 3 [State CEQA Guidelines Section 15303(d)]. Under the project, AT&T proposes to install up to 850 metal telecommunications cabinets, each measuring approximately 48-inches high, 50-inches wide and 26-inches deep, in the public right-of-way. In addition, AT&T would enlarge some of its existing Serving Area Interface (SAI) cabinets that are now located in the public right-of-way throughout the City. (Appellant: David Crommie on behalf of Cole Valley Improvement Association.)

The President inquired as to whether any member of the public wished to address the Board members.

Susan Brandt-Hawley; Attorney for the Appellant

G. Bland Platt; support of the Appellant

David Crommie; Appellant

The following listed speakers spoke in favor of the Appellant:

Dr. Wayne Lanier, Paul Wermer, Lawrence Rosenfold, Ann Morris, Susan Maerki, Karen Crommie, Patrick Ryan, Pastor of St. Nicolas Church. Sheia Dillman, Kathleen Connolly, Tag Cummmings, Richard Magary, Sherry Powell, Meg Rosenfeld, Ann Lanzerotti, Joshua Mogal, Mary O'Connor, Judy Hyme, Dr Richard Lanzerotti, Lena Emmery, Chuck Canepa, Mary Helen Briscoe, Stacy Fuchs, Minouche Kandel, Dick Millet, Chris Charles, Paul Wells, Tim Tonelli, Donald Stroh, Eric Preston, Nan Roth, Joan Downey, Female Speaker, Milo Hanke, Jane Martin, Chris Dudderstat, Eric Preston, Judith Berkovitz, Jerry Crowley

Bill Wycko and Tara Sullivan-Lenane, Representatives of the Planning Department reviewed with the Board the Planning Department's recommendation.

The following listed speakers spoke on behalf of the project sponsor.

*Lisa Walley, Sue Ellen Smith, Hannah Samuels, Jorge Morellon, Kelly Blemberg, Commissioner Steve Nakajo, Matt Dahlbacka, Reverend Townsend, Gayle Crawley, Antoinette Mobley, Evangelist Jackie Norman, La Ronda Smith, Franklin Ross, Reverend Gary Banks, Al Norman, Lourdes Tancinco, Marivic Bamba, Rosario Anaya, Victor Diaz, Kein Jefferson, Howard Smith, Rob Black, Annie Chung
Jennifer Hernandez, Attorney for the project sponsor*

Susan Brandt-Hawley, Appellant - Rebuttal Period

Heard at public hearing.

The President declared the public hearing closed.

AT&T withdrew it's application for a categorical exemption.

(File Nos. 080907, 080908 and 080908 were removed from the Board agenda.)

FILED.

COMMITTEE REPORTS

Supervisor Sandoval Excused From Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Sandoval, at his request, from voting on this matter due a possible conflict of interest. The motion carried by the following vote:

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

**080484 [Sublease of Real Property at 555 Polk Street]
Mayor**

Resolution authorizing the sublease of 9,000 square feet of office space in the building located at 555 Polk Street for the Community Justice Center through the Department of Public Health.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

Resolution No. 348-08

ADOPTED by the following vote:

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

080987 [Appointment, Ballot Simplification Committee - Adele Fasick]

Motion appointing Adele Fasick, term ending November 30, 2008, to the Ballot Simplification Committee.

Adele Fasick, succeeding Suzanne Stassevitch, seat 3, term expired, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2008.

Motion No. M08-127

APPROVED by the following vote:

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

080977 [Appointment, Public Utilities Commission - Ann Moller Caen]

Motion confirming the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, Seat 3, for the term ending August 1, 2012. (Mayor)

Motion No. M08-124

APPROVED by the following vote:

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

080981 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion confirming the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, Seat 5, for the term ending August 1, 2012. (Mayor)

Motion No. M08-125

APPROVED by the following vote:

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

080983 [Appointment, Public Utilities Commission - Nora Vargas]

Motion confirming the Mayor's appointment of Nora Vargas to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

Supervisor Sandoval, seconded by Supervisor Ammiano, moved to continue this matter to August 5, 2008.

Motion to continue this matter failed by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Sandoval

Noes: 6 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin

Supervisor Sandoval was noted absent at 8:20 p.m.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Absent: 1 - Sandoval

080984 [Appointment, Public Utilities Commission - Nora Vargas]

Motion rejecting the Mayor's appointment of Nora Vargas to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

Supervisor Sandoval, seconded by Supervisor Ammiano, moved to continue this matter to August 5, 2008.

Motion to continue this matter failed by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Sandoval

Noes: 6 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin

Supervisor Sandoval was noted absent at 8:20 p.m.

Motion No. M08-126

APPROVED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Absent: 1 - Sandoval

080821 [Residential Rent Ordinance, defining and prohibiting tenant harassment and providing remedies of rent reduction, criminal and civil penalties]

Supervisor Daly

Motion ordering submitted to the voters an ordinance concerning tenant rights and remedies against harassment under the City's residential rent ordinance, at an election to be held on November 4, 2008.

(7/28/08, Supervisor Dufty dissenting in committee).

Supervisor Sandoval was noted present at 8:21 p.m.

8/1/08, Transmitted to Department of Elections.

Motion No. M08-121

APPROVED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

- 080709 [Settlement of City's Lawsuit Against Defendant Coral Energy Resources, L.P. - \$277,000]**
Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Coral Energy Resources, L.P.; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$277,000 to the City from defendant Coral Energy Resources, L.P. (City Attorney)
- PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 080710 [Settlement of City's Lawsuit Against Defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni - \$297,500]**
Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni ("Reliant"); the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$297,500 to the City from the Reliant defendants. (City Attorney)
- PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 080896 [Settlement of Lawsuit - City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al.]**
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco and the People of the State of California, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, against Pravin Dahy Abhai Patel, George Patel, and Sanjay Patel in exchange for an agreement to rescind the notice of withdrawal submitted pursuant to Government Code section 7060(a); the lawsuit was filed on July 12, 2006, in San Francisco Superior Court, Case No. CGC- 06-454092; entitled City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al; other material terms of said settlement are set forth in the Settlement Agreement contained in Board of Supervisors File No. 080896. (City Attorney)
- PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 080897 [Settlement of Lawsuit - Schram Construction, Inc. - \$722,104.09]**
Ordinance authorizing settlement of the lawsuit filed by Schram Construction, Inc. ("Schram") against the City and County of San Francisco (the "City") seeking \$1,000,000; the lawsuit was filed on June 23, 2006 in the Superior Court of the City and County of San Francisco, Case No. CGC-06-453479, entitled Schram Construction, Inc., v. City and County of San Francisco; other material terms of said settlement are: 1) The City will pay a total of \$722,104.09 to Schram; 2) Schram will indemnify the City against potential legal claims and/or lawsuits from subcontractors and suppliers; 3) All warranties not yet expired will remain in full force and effect; and 4) The City reserves all rights relating to latent defects. (City Attorney)
- PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

*James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board in song SF memorabilia
Male speaker; expressed concern with issues relating to the economic crisis*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**081039 [Accept-Expend Regional Grant - \$16,100]
Supervisor Chu**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$16,100.00 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

Supervisor Ammiano was noted absent at 8:40 p.m.

Resolution No. 356-08

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances**081019 [Public Employment - Deputy Chief 3 - Police Department]
Supervisor Dufty**

Ordinance amending Ordinance No. (Annual Salary Ordinance FY 2008-2009) to reflect the addition of 2 positions (1.50 FTE) Class 0402 – Deputy Chief 3 in the Police Department.

(Fiscal Impact.)

7/29/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081057 [Appropriating \$110,632 of Community Improvement Impact Fee revenue for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009]
Supervisor Maxwell**

Ordinance appropriating \$110,632 of Community Impact Fee revenue from the Visitation Valley Infrastructure Fund for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009.

7/29/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081058 [Planning - Conditional Use Requirement for Steam or Fossil Fuel Power Plants in M-1 and M-2 Zoning Districts]
Supervisor Maxwell**

Ordinance amending Planning Code Section 226 to require that steam or fossil-fuel power plants in M-1 and M-2 zoning districts obtain conditional use authorization, adding Section 226.1 requiring additional findings; amending the Administrative Code to add Chapter 29A to require the Board of Supervisors consider the criteria of Planning Code Section 226.1(c) prior to taking City fossil fuel power plant approval actions; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

7/29/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/28/2008.

**081061 [Lowering opposition spending threshold for increase in individual expenditure ceilings]
Supervisor Daly**

Ordinance amending Section 1.134.5 of the Campaign and Governmental Conduct Code to lower opposition spending threshold for increase in individual expenditure ceiling.

7/29/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/29/2008.

**080162 [Disclosure of lobbying by campaign consultants]
Supervisor Peskin**

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.117 to require campaign consultants to disclose lobbying contacts with any officer of the City and County.

1/29/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/28/2008. (Referred to Ethics Commission for comment and recommendation.)

7/29/08, ASSIGNED to Rules Committee.

7/29/08, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing the same title.

Resolutions

**081053 [Accept-expend gift - \$100,000]
Supervisor Chu**

Resolution authorizing the Department of Public Works (DPW) to accept a gift in the amount of \$100,000 from American Express to plant approximately 1,000 trees on Sunset Boulevard allowing the use of the City's corporate seal under certain conditions, and allowing the Director of Public Works to sign an agreement that includes provisions for alternative dispute resolution.

(Supervisor McGoldrick dissented in Committee.)

7/29/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081054 [Grant to support the Peer Provider Project - \$225,000]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively funds from the California Wellness Foundation in the amount of \$225,000 to support the Peer Provider Project, including a contract with Huckleberry Youth Programs in the total amount of \$59,400; for the period of July 1, 2008 through June 30, 2011.

7/29/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081055 [Urging Yellow Cab Cooperative, Inc. to not require prepayments or deposits from taxicab drivers]
Supervisors Daly, Ammiano**

Resolution urging Yellow Cab Cooperative, Inc. not to require deposits or prepayments from taxicab drivers as a condition of employment or contract and urging the Taxi Commission to adopt rules prohibiting the collection of deposits or prepayments.

7/29/08, RECEIVED AND ASSIGNED to Budget and Finance Committee. 08/04/08 - Referred to the Taxi Commission for review and comment.

**081056 [Issuance and Sale of Revenue Bonds - Schools of the Sacred Heart - Not to exceed \$35,000,000]
Supervisor Dufty**

Resolution approving in accordance with Section 147(f) of the Internal Revenue Code and requirements of Section 91530(f) of the Government Code the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$35,000,000 to finance educational projects owned and operated by the Schools of Sacred Heart - San Francisco.

7/29/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081059 [Acceptance of State Grant Funds, Department of Public Works - \$450,000]
Supervisor McGoldrick**

Resolution authorizing the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling \$450,000 for FY 2008-09 for various pedestrian projects in the City and County of San Francisco.

7/29/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081060 [Appointment - Treasury Oversight Committee]
Supervisor Peskin**

Resolution appointing Todd Rydstrom, term ending 2012, to the Treasury Oversight Committee.

7/29/08, RECEIVED AND ASSIGNED to Rules Committee.

**081063 [Accept-expend state grant, Mayor's Office of Criminal Justice (MOCJ) - \$2,294,774]
Supervisor Elsbernd**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of \$2,294,774 from the State Corrections Standards Authority (CSA), from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA) – for programs and approaches that have been demonstrated to be effective in reducing delinquency, for the period of July 1, 2008 to June 30, 2009.

7/29/08, RECEIVED AND ASSIGNED to Public Safety Committee.

**081064 [Accept-expend state grant, Mayor's Office of Criminal Justice (MOCJ) - \$100,583]
Supervisor Elsbernd**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of \$100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant (JABG).

7/29/08, RECEIVED AND ASSIGNED to Public Safety Committee.

- 081065 [Accept-Expend Grant Funds available through the San Francisco Foundation to fund the Youth Stewardship Program 2007-2008 - \$18,000]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of \$18,000 to support the San Francisco Recreation and Parks Department Youth Stewardship Program 2007-2008.

7/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 081066 [Urging the Recreation and Park Commission and the San Francisco Housing Authority to thoroughly review the proposed plan to build a recycling and trash compacting center in McClaren Park]
Supervisor Sandoval**

Resolution urging the Recreation and Park Commission and the San Francisco Housing Authority to review for consistency with the City's general plan, the proposed plan to build a recycling and trash compacting center in McClaren Park.

7/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 081069 [Urging Yellow Cab Cooperative, Inc. to not require prepayments or deposits from taxicab drivers]
Supervisors Daly, Ammiano**

Resolution urging Yellow Cab Cooperative, Inc. not to require deposits or prepayments from taxicab drivers as a condition of employment or contract and urging the Taxi Commission to adopt rules prohibiting the collection of deposits or prepayments.

7/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 080988 [Exceedances at the community airborne asbestos monitoring station HV-9]
Supervisor Daly**

Hearing regarding the exceedances at the community airborne asbestos monitoring station HV-9 on May 30, 2008.

7/29/08, RECEIVED AND ASSIGNED to Rules Committee.

- 080989 [Possible creation of a master plan for physical education of SFUSD students]
Supervisor Dufty**

Hearing on the possible creation of a master plan for physical education of San Francisco Unified School District (SFUSD) students involving the San Francisco Recreation and Parks Department (RPD) and Department of Public Health (DPH), among other departments.

7/29/08, RECEIVED AND ASSIGNED to City and School District Select Committee.

- 080990 [Municipal Transportation Agency's processes and procedures around enforcement of disability placards]
Supervisor McGoldrick

Informational hearing on the Municipal Transportation Agency's processes and procedures around enforcement of disability placards. Requesting information on the number of false or misused placards that have been confiscated and how the MTA plans to continue an aggressive enforcement program.

7/29/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 080991 [Wooden decks in San Francisco]
Supervisor McGoldrick

Informational hearing on the processes and procedures that the Department of Building Inspection follows for inspection of wooden decks in San Francisco.

7/29/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

- 080992 [Controller's Office report, "Performance and Efficiency Review: Department of Public Health"]
Supervisor Peskin

Hearing on the Controller's Office report, "Performance and Efficiency Review: Department of Public Health."

7/29/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Motion

- 081070 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 4, 2008 Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 4, 2008 Election. (Clerk of the Board)

7/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

- 081023 [Board Review and Approval of 2008 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]

Resolution approving the City and County of San Francisco 2008 grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more. (Human Services Department)

(Fiscal Impact.)

7/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081026 [Approval of the 12-month cost extension application for HIV prevention projects for 2008 - \$8,800,000]
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit a 12-month cost extension application in order to continue to receive funding for the HIV prevention projects grant from the Centers for Disease Control and Prevention (CDC); in the amount of approximately \$8,800,000 in HIV prevention funding for San Francisco, extending the project period from December 31, 2008 to December 31, 2009. (Public Health Department)
7/18/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081027 [Clean Renewable Energy Bonds]
Resolution approving the issuance of not to exceed \$6,325,000 aggregate principal amount of clean renewable energy bonds to be issued by the Public Utilities Commission of the City and County of San Francisco (the "Commission"); approving the execution and delivery by the Commission of a Master Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, and a Bond Purchase Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

(Fiscal Impact.)

7/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney draft a Charter Amendment with the following:

- 1. Creating Publicly Financed Election Fund*
- 2. Transferring \$6 million into the fund*
- 3. Mandating annual transfer of \$2.75/person into fund (adjust for inflation)*
- 4. Ensure that at least \$6 million is in the fund on January of years with election of Mayor.*

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney draft an Ordinance banning conversions of housing into student group housing for institutional use.

In Memoriams

Ryan Jones - Supervisor Alioto-Pier

Ioannis Konstantinos Rozis - Supervisor Duffy

Buzz Redford - Supervisor Elsbernd

Michelle Grimley - Supervisor Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:40 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 September 9, 2008.



Angela Calvillo
Clerk of the Board