

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - FINAL

Tuesday, April 20, 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, Maxwell, Campos

Wednesday

1:30 PM

##### **Budget and Finance Sub-Committee**

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday

11:00 AM

##### **City and School District Select Committee**

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

1st and 3rd Thursday

3:30 PM

##### **City Operations and Neighborhood Services Committee**

Supervisors Chu, Avalos, Elsbernd

2nd and 4th Monday

10:30 AM

##### **Government Audit and Oversight Committee**

Supervisors Mar, Chu, Maxwell

2nd and 4th Thursday

1:00 PM

##### **Land Use and Economic Development Committee**

Supervisors Maxwell, Mar, Chiu

Monday

1:00 PM

##### **Public Safety Committee**

Supervisors Chiu, Mirkarimi, Dufty

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.

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

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:17 p.m. On the call of the roll, Supervisor Maxwell was noted absent. There was a quorum.*

### **Supervisor Maxwell Excused from Voting**

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

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

## **AGENDA CHANGES**

*There were none.*

## **APPROVAL OF MEETING MINUTES**

Supervisor Avalos, seconded by Supervisor Alioto-Pier, moved to approve the Board Meeting Minutes of March 23, 2010. The motion carried by the following vote:

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

## **COMMUNICATIONS**

*There were none.*

## **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 Sub-Committee

**100337 [Appropriating \$1,647,249,198 of Proceeds from Debt for the Water System Improvement Program at the Public Utilities Commission for FY2010-2011 through FY2015-2016]**

**Sponsor: Mayor**

Ordinance appropriating \$1,647,249,198 of proceeds from debt for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for FY2010-2011 through FY2015-2016, and placing the entire appropriation of \$1,647,249,198 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, placing on Budget and Finance Committee reserve the funds for construction costs of any project with costs in excess of \$100,000,000 and \$116,863,924 related to funding for project construction starting after June 30, 2012, and adopting environmental findings.  
(Fiscal Impact.)

**FINALLY PASSED**

**100341 [Water Revenue Bond Issuance - Not to Exceed \$1,737,724,038]**

**Sponsor: Mayor**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program and the Capital Improvement Program, including but not limited to the Commission's Advanced Meter Infrastructure System, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

**FINALLY PASSED**

**100400 [Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]**

**Sponsors: Mirkarimi; Chiu, Chu and Campos**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.

**FINALLY PASSED**

**100312 [Airport Concession – Terminal 2 Gourmet Market and Wine Bar Lease with D-Lew Enterprise, LLC]**

Resolution approving a Terminal 2 Gourmet Market and Wine Bar lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100313** [Airport Concession – Terminal 2 Quick Serve Lease with BJ Annex, LLC]  
Resolution approving the Terminal 2 Quick Serve lease between BJ Annex, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100314** [Airport Concession – Terminal 2 Cocktail Lounge Lease with HBF Soto JV, LLC]  
Resolution approving the Terminal 2 Cocktail Lounge lease between HBF Soto JV, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100316** [Airport Concession – Terminal 2 Quick Serve Lease with Sankaku, Inc.]  
Resolution approving the Terminal 2 Quick Serve Lease between Sankaku, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100317** [Airport Concession – Terminal 2 Sit-Down Restaurant Lease with D-Lew Enterprises, LLC]  
Resolution approving a Terminal 2 Sit-Down Restaurant Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100318** [Airport Concession – Terminal 2 Bakery and Coffee Facilities Lease with Gotham Enterprises, LLC]  
Resolution approving a Terminal 2 Bakery and Coffee Facilities Lease between Gotham Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100319** [Airport Concession – Terminal 2 Quick Serve Lease with Andale Management Group, Inc.]  
Resolution approving the Terminal 2 Quick Serve Lease, between Andalé Management Group, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100320** [Airport Concession – Terminal 2 Quick Serve Lease with HBF Soto JV, LLC]  
Resolution approving the Terminal 2 Quick Serve Lease, between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**ADOPTED**

**100398 [Accept and Expend Grant - AIDS Office Space Renovation - \$9,508,907]****Sponsors: Mayor; Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the National Institutes of Health in the amount of \$9,508,907 to fund the AIDS Office Space Renovation for the period March 4, 2010, through March 3, 2015.

**ADOPTED****Recommendations of the City Operations and Neighborhood Services Committee****100309 [Liquor License - 450 Florida Street]**

Resolution determining that the issuance of a Type 64 Special On-Sale General Theater Liquor License, for Lisa Steindler for the Z Space Studio dba Z Space located at 450 Florida Street (District 6), 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.

**ADOPTED****100388 [Approving County Refugee Services Plan for Federal FY2009-2010]**

Resolution approving the City and County of San Francisco's Refugee Services Annual Plan for Federal FY2009-2010. (Human Services Department)

**ADOPTED****100342 [Accept and Expend Gift - Hayes Valley Playground Project - \$1,500,000]****Sponsors: Mayor; Mirkarimi**

Resolution accepting and expending a gift valued up to \$1,500,000 from The Trust for Public Land to the Recreation and Parks Department for the Hayes Valley Playground Project.

**ADOPTED****Recommendations of the Land Use and Economic Development Committee****091271 [Zoning – Street Frontages for Most Use Districts]****Sponsors: Mirkarimi; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**FINALLY PASSED**

**100008 [Permit and License Fee Elimination]****Sponsors: Chiu; Mar**

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Section 2.28, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

*Supervisor Mar requested to be added as a co-sponsor.*

**FINALLY PASSED****Recommendation of the Public Safety Committee****100268 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amend Annual Salary Ordinance FY2009-2010 - \$729,932]****Sponsor: Mayor**

Ordinance authorizing the Department of Children, Youth & Their Families to retroactively accept and expend grant funding in the amount of \$729,932 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs; and amending the Annual Salary Ordinance No. 183-09 for FY2009-2010 to reflect the addition of one Class 1822 grant-funded position (0.50 FTE) at the Department of Children, Youth & Their Families and one Class 2910 grant-funded position (0.50 FTE) at the Public Defender's Office.

**FINALLY PASSED****Recommendation of the Rules Committee****100204 [Americans with Disabilities Act - Reasonable Modification Policy]****Sponsors: Alioto-Pier; Mar, Campos, Chiu and Mirkarimi**

Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

**FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Maxwell

**REGULAR AGENDA****UNFINISHED BUSINESS**

## **Recommendation of the Budget and Finance Committee**

### **100248 [Creation of General Reserve and Budget Stabilization Reserve]**

**Sponsors: Chiu; Mayor, Chu and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds.  
(Controller)

**FINALLY PASSED** by the following vote:

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

Excused: 1 - Maxwell

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**100338 [Appropriating \$33,735,421 of Proceeds from Debt and Fee Revenues for Water Capital Improvements at the Public Utilities Commission for FY2010-2011 and FY2011-2012]**

**Sponsor: Mayor**

Ordinance appropriating \$33,735,421 of proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program for FY2010-2011 and FY2011-2012 and placing \$29,642,138 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and fee revenues.

(Fiscal Impact.)

*Privilege of the floor was granted to Nathan Purkiss (Public Utilities Commission) who responded to questions raised throughout the discussion regarding File Nos. 100338, 100339, and 100340.*

**PASSED, ON FIRST READING by the following vote:**

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

Excused: 1 - Maxwell

**100339 [Appropriating \$348,064,054 of State Grants Proceeds from Debt and Fee Revenues for Wastewater Capital Improvements at the Public Utilities Commission for FY2009-2010]**

**Sponsors: Mayor; Dufty**

Ordinance appropriating \$348,064,054 of state grants proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program for FY2009-2010, and placing \$329,962,235 by project on Controller's reserve subject to SFPUC and Board of Supervisor's discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, grant funds, and fee revenues.

*See File No. 100338.*

**PASSED, ON FIRST READING by the following vote:**

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

Excused: 1 - Maxwell

**100340 [Wastewater Revenue Bond Issuance – Not to Exceed \$297,756,235]****Sponsors: Mayor; Dufty**

Ordinance approving the issuance and sale of wastewater revenue bonds in an aggregate principal amount not to exceed \$297,756,235 by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

See File No. 100338.

**PASSED ON FIRST READING by the following vote:**

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

**From the City Operations and Neighborhood Services Committee Without Recommendation****100264 [Urging Lennar Corporation to Issue a Formal Written Apology]****Sponsor: Daly**

Resolution urging the Lennar Corporation to issue a formal, written apology to members of the Stop Lennar Action Movement and the City and County of San Francisco for irresponsible and potentially dangerous behavior.

**Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be AMENDED on Page 2, Line 2, by changing 'great' to 'potential;' and on Page 2, Line 23, after 'to members of the' by adding 'Bayview Hunter's Point Community.' The motion carried by the following vote:**

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

*Supervisor Dufty moved to divide the 'FURTHER RESOLVED' clause relating to disclosure, located on Page 3, Lines 1-3.*

*The question relating to the 'FURTHER RESOLVED' clause regarding disclosure FAILED, as divided, by the following vote:*

*Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi  
Noes: 5 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd  
Excused: 1 - Maxwell*

*Supervisor Alioto-Pier moved to divide the 'WHEREAS' clause relating to unconscionable actions, located on Page 2, Lines 18-21.*

*The question relating to the 'WHEREAS' clause regarding unconscionable actions FAILED, as divided, by the following vote:*

*Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi  
Noes: 5 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd  
Excused: 1 - Maxwell*

**ADOPTED AS AMENDED AND DIVIDED by the following vote:**

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi  
Noes: 2 - Chu, Elsbernd  
Excused: 1 - Maxwell

**Recommendation of the Government Audit and Oversight Committee****100240 [Supporting Senate Bill 330 Regarding University of California]****Sponsor: Mar**

Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

**ADOPTED by the following vote:**

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

Excused: 1 - Maxwell

*Supervisor Daly was noted absent at 3:02 p.m. Supervisor Daly was noted present at 3:31 p.m.*

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

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

Excused: 1 - Maxwell

*Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Jane Morrison for her commitment to human rights, equality, and environment around the country and the state on the occasion of her 90th birthday.*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Randi Weingarten in recognition of her accomplishments and continued community support.*

**SPECIAL ORDER 4:00 P.M.****100382 [Public Hearing - Appeal of Conditional Use for 725 Taraval Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 18037 dated February 25, 2010, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0531C), under Planning Code Sections 303, 711.83, and 790.80, to install a wireless telecommunications facility consisting of eight new panel antennas located on the existing four-story mixed-use building's elevator penthouse structures, with related equipment cabinets located within the structure's subterranean garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District, on property located at 725 Taraval Street, Lot Nos. 052-058 in Assessor's Block No. 2408. (District 7) (Appellant: Robert Carson) (Clerk of the Board)

(Filed March 25, 2010 - Companion Measure to File Nos. 100383, 100384, 100385.)

*The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to May 18, 2010. There were no speakers. The President continued the public hearing open to May 18, 2010.*

**Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to May 18, 2010. The motion carried by the following vote:**

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

Excused: 1 - Maxwell

**100383 [Affirming Planning Commission Decision Related to Conditional Use Appeal for 725 Taraval Street]**

Motion affirming the decision of the Planning Commission by its Motion No. 18037, approving Conditional Use Application No. 2009.0531C on property located at 725 Taraval Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 18, 2010. The motion carried by the following vote:**

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

Excused: 1 - Maxwell

**100384 [Reversing Planning Commission Decision Related to Conditional Use Appeal for 725 Taraval Street]**

Motion reversing the decision of the Planning Commission by its Motion No. 18037, approving Conditional Use Application No. 2009.0531C on property located at 725 Taraval Street. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 18, 2010. The motion carried by the following vote:**

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

Excused: 1 - Maxwell

**100385 [Preparation of Findings Related to the Conditional Use Appeal for 725 Taraval Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2009.0531C on property located at 725 Taraval Street, for action by the Board at its next meeting. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 18, 2010. The motion carried by the following vote:**

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

Excused: 1 - Maxwell

**SPECIAL ORDER 4:00 P.M.**

*Supervisor Alioto-Pier was noted absent at 6:51 p.m. Supervisor Alioto-Pier was noted present at 7:30 p.m.*

**100443 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 555 Washington Street]**

Hearing of persons interested in or objecting to the Planning Commission's March 18, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2002.0133E, through its Motion No. 18046, and its decision of the Planning Commission's March 18, 2010, Case No. 2002.0133EZMRKXV, adoption of California Environmental Quality Act findings, through its Motion No. 18047, which will include demolition of two buildings at 501-505 Washington Street and 545 Sansome Street, and construction of a 38-story, approximately 390 foot-tall building topped with a mechanical penthouse and architectural screening reaching in height to approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 215 parking spaces plus 2 car share spaces, including vacation of Mark Twain Alley and conveyance of Redwood Park to the City and County of San Francisco, for project located at 555 Washington Street (aka 545 Sansome Street), Block No. 0207, Lot Nos. 33, 35, and 36. (District 3) (Appellants: Sue Hestor, on behalf of San Franciscan's for Reasonable Growth, and Vedica Puri, on behalf of Telegraph Hill Dwellers). (Clerk of the Board)  
(Filed April 2, 2010, Companion to File Nos. 100444, 100445, 100446)

*The President inquired as to whether any member of the public wished to address the Board. Susan Brandt-Hawley and Sue Hestor (Appellants) provided overviews of the appeal and further requested the Board to approve the appeal. Gerry Crowley; Mark Bittner; Bill Sugaya (Planning Commissioner); Arthur Levy; Linda Chapman; Ted Kipping; Male Speaker; Judy Irving; Stan Hayes; Phil Ryan; Andy Katz; Nancy Shanahan; Tom Radulovich; Tony Kelly; Michael Pedroni; Richard Reineccius; Eileen Boken; Male Speaker; Nan Roth; Jennifer Clary; Albert Einstein; Joe Luttrell; David Turner; Joan Wood; James Joannides; Pierre Gasztowtt; Paul Wermer; Jane Morrison; Katherine Howard; Joe Butler; Howard Wong; Zach Stewart; Tommy Day; Kevin Call; Ernestine Weiss; Vedica Puri; Dawn Turner; spoke in support of the appeal. Bill Wycko, Kevin Guy, and Tara Sullivan (Planning Department) provided an overview of the decision of the Planning Commission and responded to questions raised throughout the discussion. Andrew Segal, Kevin O'Connel, and Rachel Borsche (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Kate Stacy (City Attorney's Office) responded to questions raised throughout the discussion. Dr. Orobo Osagie; Richard Ow; Gian-Paolo Veronese; Tim Colin; Peter Scott; Dan Prince; Florence Kong; Female Speaker; Jeff Ente; Rin; Male Speaker; Mr. Lu; Regina Vann; Ruben Rivas; Roberto Rivas; Margaret Rowley; Joan Mathis; Angela Armstrong; Andrew McDevitt; Female Speaker; Mark Shelley; Adrian Simi; Male Speaker; Pak King Wu; Sandy Hong; Joshua Wyman; Mitchell; Panayea Roomel; Danny Campbell; Mark Leach; Ed Reyes; Michael George; David Krump; Kay Stegner; Rev. Richardson; Manual Flores; spoke in support of the project and in opposition to the appeal. Susan Brandt-Hawley (Appellant) provided rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**

**100444 [Affirming the Certification of the 555 Washington Street Project Final Environmental Impact Report]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project. (Clerk of the Board)

**Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:**

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

**100445 [Reversing the Certification of the 555 Washington Street Project Final Environmental Impact Report]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project. (Clerk of the Board)

*Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to CONTINUE to May 18, 2010.*

*The motion to CONTINUE to May 18, 2010, FAILED by the following vote:*

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

**Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

**100446 [Preparation of Findings to Reverse Certification of the 555 Washington Street Project Final Environmental Impact Report]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project. (Clerk of the Board)

*Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to CONTINUE to May 18, 2010.*

*The motion to CONTINUE to May 18, 2010, FAILED by the following vote:*

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

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

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

**APPROVED AS AMENDED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns in Arabic and English.  
James Chaffee; expressed concerns relating to the SF Public Library.  
Patricia Vaughn; expressed various concerns.  
Colin Gallagher; expressed concerns relating to Armenian Genocide Commemoration Day legislation.  
Peter Warfield; expressed concerns relating to the SF Public Library.  
Walter Paulson; shared in song certain concerns with the Board.  
Male Speaker; expressed concerns relating to legislative process.  
Christopher Dahl; expressed various concerns.  
Ernestine Weiss; expressed various concerns.  
Male Speaker; expressed concerns relating to appointment process.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **100459 [Supporting Senate Bill 1140 Regarding Allowing Voters to Register and Vote Up to and Including Election Day]**

**Sponsors: Campos; Mar**

Resolution supporting Senate Bill 1140 to delete the arbitrary timelines which prevent eligible citizens from voting in elections by allowing voters to register and vote up to and including election day.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

### **100475 [Supporting Establishment of Statewide Extended Producer Responsibility System and Framework]**

**Sponsor: Mirkarimi**

Resolution urging the California State Legislature to enact an extended producer responsibility framework, requesting the City and County of San Francisco's lobbying efforts include extended producer responsibility advocacy, authorizing the City to become a member of the California Product Stewardship Council and recommitting the City to the goals of the Environmentally Preferable Purchasing Ordinance.

**ADOPTED**

### **100476 [Supporting Creation of and Declaring Asian Pacific Mental Health Day - May 10, 2010]**

**Sponsor: Mar**

Resolution supporting the creation of Asian Pacific Mental Health Day on May 10, 2010, and each May 10 thereafter.

**ADOPTED**

**100477 [Armenian Genocide Commemoration Day - April 24, 2010]**

**Sponsors: Elsbernd; Campos, Dufty, Alioto-Pier, Mar, Avalos, Chu, Maxwell, Mirkarimi, Daly and Chiu**

Resolution declaring April 24, 2010, as Armenian Genocide Commemoration Day in San Francisco.

**ADOPTED**

**100478 [Honoring Jane Morrison on the Occasion of her 90th Birthday]**

**Sponsors: Chiu; Mar**

Resolution honoring Jane Morrison on the occasion of her 90th birthday.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100479 [Commending Women's Sports Foundation Chief Executive Officer, Kathryn Olson]**

**Sponsor: Alioto-Pier**

Resolution commending Kathryn Olson on her selection as Chief Executive Officer of the Women's Sports Foundation.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

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

Excused: 1 - Maxwell

## **IMPERATIVE AGENDA**

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by Supervisors or Mayor

#### Ordinances

**100495 [California Environmental Quality Act Appeals of Certain Environmental Determinations and Providing Public Notice]**

**Sponsor: Alioto-Pier**

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

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

**100496 [Accept and Expend Grant - California Emergency Management Agency and Amendment to the Annual Salary Ordinance for FY2009-2010 - \$505,599]**

**Sponsor: Dufty**

Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of \$505,599 from the California Emergency Management Agency for a pilot program funded by Senate Bill 678 designed to improve outcomes for 18-25 year old probationers, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (0.25 FTE) in Class 8444 Deputy Probation Officer at the Department of Adult Probation.

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**091269 [Payroll Expense Tax Biotechnology Exclusion Amendment]**

**Sponsors: Alioto-Pier; Dufty**

Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half (7.5) years irrespective of the application date.

(Fiscal Impact.)

02/23/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/3/2009. (Referred to the Small Business Commission for comment and recommendation.)

02/23/10; SUBSTITUTED.

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

04/19/10; TRANSFERRED to Budget and Finance Sub-Committee.

04/20/10; SUBSTITUTED.

## **Resolutions**

### **100497 [Authorizing the Emergency Medical Services Agency to Conduct Criminal Background Checks]**

**Sponsor: Alioto-Pier**

Resolution authorizing the San Francisco Emergency Medical Services Agency to conduct criminal background checks pursuant to state law for the purpose of certifying emergency medical technicians.

04/20/10; RECEIVED AND ASSIGNED to Public Safety Committee.

### **100498 [Emergency Designation of the Director of Public Works, as Agent, to Apply for, Receive, and Expend Federal Disaster Relief Funds for the Great Highway]**

**Sponsor: Chu**

Resolution authorizing the Director of Public Works, to act as the agent of the City and County of San Francisco, as a non-state agency, to apply for, accept, and expend federal financial assistance under P.L. 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act to address the emergency condition of the severe erosion along the Great Highway.

04/20/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

### **100499 [Accept and Expend Grant - Green Business Tracking and Measurement Tool - \$74,500]**

**Sponsor: Chu**

Resolution authorizing the Department of the Environment of the City and County of San Francisco to accept funding in the amount of \$74,500 from the California Department of Toxic Substances Control to continue to develop and operate the green business tracking and measurement tool.

04/20/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

### **100500 [Apply for, Accept and Expend Grant - HOME Investment Partnership Program Entitlement, FY2010-2011 - \$8,580,153]**

**Sponsor: Mayor**

Resolution approving the FY2010-2011 HOME Investment Partnership Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$8,580,153 and to expend program income in the amount of \$301,605.

04/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### **100501 [Apply For, Accept and Expend Grant - Emergency Shelter Grants Program Entitlement, FY2010-2011 - \$926,523]**

**Sponsor: Mayor**

Resolution approving the FY2010-2011 Emergency Shelter Grant Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$926,523 and to expend reprogrammed funds in the amount of \$35,703.

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100502 [2010 Equipment Lease Supplement No. 16 - Not to Exceed \$11,500,000]****Sponsor: Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an Equipment Lease Supplement No. 16 (Series 2010A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$11,500,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith. Fiscal Impact.)

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100503 [Apply for, Accept and Expend Grant - Community Development Block Grant Entitlement, FY2010-2011 - \$22,267,380]****Sponsor: Mayor**

Resolution approving the FY2010-2011 Community Development Block Grant Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$22,267,380 and to expend program income in the amount of \$4,886,000.

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100504 [Commending Dennis Morris, Assistant District Attorney, Upon his Retirement]****Sponsor: Elsbernd**

Resolution commending Dennis Morris, Assistant District Attorney, upon his retirement.

04/20/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100505 [Support for Louis' Restaurant]****Sponsors: Mar; Mirkarimi, Daly, Alioto-Pier, Chu and Chiu**

Resolution supporting Louis' Restaurant at 902 Point Lobos.

04/20/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100506 [Commemorating Adolph Sutro's 180th Birthday]****Sponsor: Mar**

Resolution commemorating the 180th birthday of Adolph Sutro.

04/20/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100507 [Accept and Expend Gift - Jeanne Fontana Revocable Trust - \$25,000]****Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Animal Care and Control to accept and expend a gift of \$25,000 from the Jeanne Fontana Revocable Trust.

04/20/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Motion

### **100508 [Directing the Budget and Legislative Analyst to Audit the Department of Children, Youth and Their Families]**

**Sponsor: Alioto-Pier**

Motion directing the Budget and Legislative Analyst to audit the Department of Children, Youth and Their Families.

04/20/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## Hearings

### **100509 [Audit Schedule and Department Selection Criteria]**

**Sponsor: Alioto-Pier**

Hearing to discuss the current audit schedule and criteria for selecting departments for audit.

04/20/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **100510 [Golden Gate Park Safety]**

**Sponsors: Chu; Mar**

Hearing on park safety within Golden Gate Park including lighting of paths and other security measures, coordination and communication between Recreation and Park staff and the San Francisco Police Department, and the level of park patrol staffing in the current year and upcoming budget year as proposed.

04/20/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

### **100511 [Youth Commission Budget Priorities, FY2010-2011]**

**Sponsor: Avalos**

Hearing to consider the Youth Commission's budget priorities for FY2010-2011.

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **100512 [City and County of San Francisco's Budget for FY2010-2011 Impact on Children, Youth and Family Services]**

**Sponsor: Avalos**

Hearing on the impact of the City and County of San Francisco's budget for FY2010-2011 on children, youth and family services.

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **100513 [Status of the Election Campaign Fund]**

**Sponsor: Avalos**

Hearing to consider the status of the Election Campaign Fund in regards to the 2010 and 2011 elections.

04/20/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**Introduced by President at Request of Department**

**PROPOSED RESOLUTIONS**

**100492 [Supplemental Agreement to Install an Additional Water Pipeline Over Union Pacific Railroad Company Property in Stanislaus County]**

Resolution approving and authorizing a Supplemental Agreement with Union Pacific Railroad Company to install an additional water pipeline within an existing easement area over Railroad property near the City of Oakdale in Stanislaus County required for the San Joaquin Pipeline System Project No. CUW37301 for a fee of \$2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

04/12/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100493 [Finding of Fiscal Feasibility of Runway Safety Area Project at San Francisco International Airport]**

Resolution finding the proposed Runway Safety Area project at San Francisco International Airport fiscally feasible pursuant to Administrative Code Chapter 29. (Airport Commission)

04/12/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**Requests Granted**

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

*San Francisco Bay Guardian  
Southeast corner of Fillmore and Post  
Southwest corner of Divisadero and Sutter  
9th Avenue and Judah (near bus stops)  
7th Avenue and Irving (near bus stops)  
Northwest corner of Hayes and Fillmore  
Southeast corner of Fillmore and Haight*

*San Francisco Chronicle  
Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore  
Irving and 9th Avenue  
Irvine and 7th Avenue  
Southwest corner of Haight and Clayton  
Southeast corner of Haight and Masonic*

*Examiner  
Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore*

*SF Daily  
Northwest corner of Hayes and Gough*

*City Star  
Northwest corner of Hayes and Gough  
Southeast corner of Fillmore and Haight*

*SF Weekly  
Southeast corner of Masonic and Haight  
Southeast corner of Haight and Fillmore*

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

*1000-1098 Hayes (hate graffiti on wall)  
300 Buchanan  
400 Page  
501 Fillmore  
400 Fillmore  
799 Haight  
400 Duboce  
1825 Haight  
1562 Haight  
1564 Haight  
1342 Haight  
911 Haight*

900 Haight  
418-420 Haight

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

Wood Poles  
Northeast corner Clayton & Grove

Metal Poles  
Southwest corner Octavia & Haight  
Northeast corner Webster & Waller  
In front of 342 Haight  
In front of 547 Haight  
Northwest corner Buchanan & Haight

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

Utility Boxes  
Southeast corner Fillmore & Fell  
Northeast corner Hayes & Broderick  
Southwest corner Scott & Haight  
Southwest corner Fulton & Broderick

Bus Shelters  
Southeast corner Buchanan & Haight  
Southwest corner Broderick & Hayes  
Northeast corner Fillmore & Hermann (in canopy)  
Northwest corner Baker & Hayes  
Northwest corner Haight & Divisadero  
Fillmore and Haight (all 4 bus stops, graffiti and grime)

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

Garbage Cans  
Southwest corner Grove & Gough  
Northwest corner Ashbury & Haight

Mailbox  
Southwest corner Lyon & Hayes

From: Supervisor Elsbernd  
To: Director, San Francisco Public Utilities Commission  
To: Local Agency Formation Commission  
Requesting/Inquiring: Inquiring of the San Francisco Public Utilities Commission and Local Agency Formation Commission (LAFCo) the status of the Community Choice Aggregation (CCA) contract. In particular, when is the completed contract expected to be submitted to the Board of Supervisors?

*From: Supervisor Mirkarimi*

*To: City Attorney*

*Requesting/Inquiring: Requesting the City Attorney to draft an ordinance establishing a San Francisco County Adult Reentry Court which would be an alternative sanction to a return to jail or prison for parolees and/or probationers. The population eligible for such a reentry court would be parolees and/or probationers who would otherwise be returned to custody through a parole revocation, probation violation, and/or new offense. The Court would be a collaborative partnership of Adult Probation, State Parole, Public Defender, District Attorney, Sheriff, Superior Court, Department of Public Health, and select NGOs. A judge, parole commissioner, probation commissioner or other individual would oversee such a court. The overarching goals for the San Francisco Adult Reentry Court shall be: 1) reduction in frequency and length of use of incarceration; 2) reduction in recidivism and re-offense rates; 3) increase in health and self-sufficiency of parolee/probationer; 4) successful completion of parole/probation.*

*From: Supervisor Alioto-Pier*

*To: City Attorney*

*Requesting/Inquiring: Requesting the City Attorney to draft legislation to make it illegal to withhold wages for work, and to authorize the Office of Labor Standards Enforcement to work with the District Attorney and Police Department to prosecute such cases.*

## **In Memoriams**

*Len Connacher – Supervisor Elsbernd*

*Huan Chen – Entire Board*

*Tian Sheng Yu – Entire Board*

*Enrique Manrique – Supervisor Mirkarimi*

*Lidiuvina Gallegos Hernandez – Supervisor Mirkarimi*

*Maureen Mona – Supervisor Elsbernd*

*Michael J. Heneghan – Supervisor Elsbernd*

*Gilbert H. Boreman – Entire Board*

*Dr. Dorothy Height – Entire Board*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 9:23 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 May 18, 2010.*

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Angela Calvillo, Clerk of the Board