

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, March 18, 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

Budget and Finance Committee

Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu

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

Wednesday
1:00 PM

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.

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 2:01 p.m. On the call of the roll Supervisors Maxwell and Sandoval were noted absent.

There was a quorum present.

Supervisors Maxwell and Sandoval were noted present at 2:03 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

**080230 [Appropriating \$4,270,320 for Capital Improvements at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008]
Supervisor Chu**

Ordinance appropriating \$4,270,320 of General Fund Budget Savings Incentive Reserve Funding for capital improvements at San Francisco General Hospital associated with central service building seismic upgrades and electrical power distribution in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

**Ordinance No. 44-08
FINALLY PASSED**

Recommendations of the City Operations and Neighborhood Services Committee

**080039 [Landmark Tree Designation of Blue Elderberry located in the Bernal Heights Natural Area at Folsom Street and Bernal Heights Boulevard]
Supervisor Ammiano**

Ordinance designating the Blue Elderberry (*Sambucus mexicana*) in the Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) at Folsom Street and Bernal Heights Boulevard as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

**Ordinance No. 42-08
FINALLY PASSED**

**080040 [Landmark Tree Designation of Moreton Bay Fig at 3555 Cesar Chavez Street, facing Valencia Street]
Supervisor Ammiano**

Ordinance designating the Moreton Bay Fig (*Ficus macrophylla*) at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002), facing Valencia Street as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 43-08

FINALLY PASSED

**080041 [Landmark Tree Designation of Flowering Ash tree no. 1 at 500 Cortland Avenue]
Supervisor Ammiano**

Ordinance designating the Flowering Ash (*Fraxinus ornus*) tree no. 1 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the eastern side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 46-08

FINALLY PASSED

**080042 [Landmark Tree Designation of Flowering Ash tree no. 2 at 500 Cortland Avenue]
Supervisor Ammiano**

Ordinance designating the Flowering Ash (*Fraxinus ornus*) tree no. 2 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the western side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 47-08

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

**080236 [Repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code to conform to the requirements of Proposition A]
Supervisor Peskin**

Ordinance repealing the San Francisco Traffic Code and enacting Division I of a new San Francisco Transportation Code, setting forth requirements for the regulation of transit, traffic, streets and parking under the jurisdiction of the Board of Supervisors, including the regulation of news gathering vehicles, enforcement authority, parking control, rules for driving, bicycle registration, towing and impoundment, abatement of nuisance vehicles, procedures on the temporary use or occupancy of public streets and violations.

Ordinance No. 45-08

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

**071528 [Administrative Code - Amendments Creating Large Tourist Hotel Conversion Ordinance]
Supervisors Peskin, Ammiano, Daly, Maxwell, Mirkarimi, Sandoval**

Ordinance amending the Administrative Code to add Section 41F to limit conversion of Large Tourist Hotels into condominium projects, allowing the Planning Commission to approve conversion of up to 500 units before March 1, 2010, establishing conditions precedent and procedures for an annual lottery system for conversions after March 1, 2010, requiring applicants for conversions to provide the Planning Department with certain information regarding the conversion, creating a 120-month sunset period, and making environmental findings.

**Ordinance No. 41-08
FINALLY PASSED**

Recommendations of the Rules Committee

080178 [Settlement of Lawsuit - Lydia Jones]

Ordinance authorizing settlement of the lawsuit filed by Lydia Jones against the City and County of San Francisco for \$65,000.00; the lawsuit was filed on October 23, 2006 in San Francisco Superior Court, Case No. CGC-06-457229; entitled Lydia Jones v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 39-08
FINALLY PASSED**

080179 [Settlement of Lawsuit - Susan Sponseller]

Ordinance authorizing settlement of the lawsuit filed by Susan Sponseller against the City and County of San Francisco for \$100,000; the lawsuit was filed on January 24, 2007 in San Francisco Superior Court, Case No. 459858; entitled Susan Sponseller v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 49-08
FINALLY PASSED**

080180 [Settlement of Lawsuit - Kelly Medora]

Ordinance authorizing settlement of the lawsuit filed by Kelly Medora against the City and County of San Francisco for \$235,000; the lawsuit was filed on January 27, 2006 in United States District Court, Northern District of California, Case No. C06-00558 EDL; entitled Kelly Medora, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 48-08
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080196 [Appropriating \$246,000 of General Fund Reserve to the Human Resources Department to fund the Workers' Compensation Clinic at San Francisco General Hospital]
Supervisors Mirkarimi, Ammiano, Daly

Ordinance appropriating \$246,000 from the General Fund Reserve to the Human Resources Department to fund the Workers' Compensation Clinic at San Francisco General Hospital for Fiscal Year 2007-2008.

(Supervisors Elsbernd and Chu dissented in committee.)
(Fiscal Impact.)

FINALLY PASSED by the following vote:

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

From the Rules Committee Without Recommendation

071661 [Menu Labeling At Chain Restaurants]
Supervisors Ammiano, Dufty, Mirkarimi, McGoldrick, Maxwell

Ordinance amending Sections 468 through 468.8 of the San Francisco Health Code to (1) require chain restaurants to disclose, per standard menu item, the total number of calories on menu boards and food tags, and the total amount of calories, saturated fat, carbohydrates and sodium on menus; (2) revise existing requirements for providing nutritional information on alternative disclosure media; and (3) authorize the Department of Public Health to impose a fee on chain restaurants for implementation of the ordinance.

Ordinance No. 40-08

FINALLY PASSED by the following vote:

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

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

071552 [Approving Water System Improvement Program (WSIP) Agreement]

Resolution approving Amendment No. 1 to Agreement No. CS-765 of the San Francisco Water System Improvement Program (WSIP) – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

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

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

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

Resolution No. 130-08

ADOPTED AS AMENDED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee**071518 [Standards of Care for City Shelters]**

Supervisors Ammiano, Mirkarimi, Peskin, Daly, Maxwell, Sandoval

Ordinance amending the San Francisco Administrative Code by adding a new Article 13 to Chapter 20 to: 1) mandate certain provisions in all contracts for City funded shelters, 2) require the City to take corrective enforcement measures against City-funded shelter contractors who fail to comply with contractual provisions that this Article requires; 3) require the Shelter Monitoring Committee to investigate complaints against City funded-shelters, and 4) require the Director of the Department of Public Health to determine if the imposition of liquidated damages is warranted against shelters who fail to comply with a corrective action plan.

(Fiscal Impact.)

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

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**080229 [Shelter Monitoring Committee]
Supervisors Ammiano, Peskin, Maxwell, Sandoval**

Ordinance amending sections 20.302 of the San Francisco Administrative Code to require the Department of Public Health to assign two full-time employees to staff the Shelter Monitoring Committee, subject to the fiscal and budgetary provisions of the Charter.

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

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

**071672 [Public Works Code - Landmark Trees]
Supervisor McGoldrick**

Ordinance amending Section 810 of the San Francisco Public Works Code to make clarifying changes, establish hearing notice provisions, and extend the term of temporary designation of nominated landmark trees; and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

From the Rules Committee Without Recommendation

080260 [Appointment, Planning Commission - Ryan Brooks]

Motion approving the Mayor's appointment of Ryan Brooks to the Planning Commission term ending June 30, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080261.)

Transmittal date - February 14, 2008.

The President informed the Board members that the Clerk of the Board was in receipt of a correspondence from the Mayor indicating that the nominee had withdrawn his application and therefore the Mayor was withdrawing his nomination.

President indicated that since the nomination was withdrawn there was nothing before them to consider.

FILED.

080261 [Appointment, Planning Commission - Ryan Brooks]

Motion rejecting the Mayor's appointment of Ryan Brooks to the Planning Commission term ending June 30, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080260.)

Transmittal date - February 14, 2008.

The President informed the Board members that the Clerk of the Board was in receipt of a correspondence from the Mayor indicating that the nominee had withdrawn his application and therefore the Mayor was withdrawing his nomination.

President indicated that since the nomination was withdrawn there was nothing before them to consider.

FILED.

080265 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion approving the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, for the term ending January 15, 2012. (Mayor)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 080266, 080267.)

Transmittal date - February 20, 2008.

Motion No. M08-51

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

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

080266 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion rejecting the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, for the term ending January 15, 2012. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 080265, 080267.)

Transmittal date - February 20, 2008.

Supervisor Daly, seconded by Supervisor Elsbernd, 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

080267 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion taking no position concerning the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, for term ending January 15, 2012. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 080265, 080267.)

Transmittal date - February 20, 2008.

Supervisor Daly, seconded by Supervisor Elsbernd, 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

Recommendations of the Rules Committee**080294 [Confirming the re-appointment of London Breed to the San Francisco Redevelopment Agency] Mayor**

Motion confirming the re-appointment of London Breed to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2011.

Motion No. M08-50

APPROVED by the following vote:

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

080295 [Confirming the re-appointment of Darshan Singh to the San Francisco Redevelopment Agency] Mayor

Motion confirming the re-appointment of Darshan Singh to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2011.

Motion No. M08-49

APPROVED by the following vote:

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

080302 [Appointment, Mental Health Board - M. Lara Arguelles]

Motion appointing M. Lara Arguelles, term ending January 31, 2010, to the Mental Health Board.

M. Lara Arguelles, succeeding Robert Douglas, term expired, seat 13, must be a family member, for the unexpired portion of a three-year term ending January 31, 2010.

Motion No. M08-48

APPROVED by the following vote:

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

Supervisor Daly Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Daly at their request, because of possible conflict of interest, from voting. The motion carried by the following vote:

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

Excused: 1 - Daly

080270 [Appointment, Small Business Commission - Michael O'Connor]

Motion appointing Michael O'Connor, term ending January 6, 2012, to the Small Business Commission.

Michael O'Connor succeeding himself, term expired, seat 1, must be appointed by the Board of Supervisors. Must be an owner, operator, or officer of a San Francisco small business, for a four-year term ending January 6, 2012.

Motion No. M08-47

APPROVED by the following vote:

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

Excused: 1 - Daly

Recess

The Board recessed at the hour of 3:04 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:01 p.m.

Calling the Roll

The following Supervisors were noted present: Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval - 6

Supervisors Chu was noted present at 4:02 p.m.

Supervisor Daly was noted present at 4:05 p.m.

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

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

SPECIAL ORDER 3:30 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.)

Continued to April 29, 2008

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

Ayes: 6 - Duffy, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Absent: 5 - Alioto-Pier, Ammiano, Chu, Daly, McGoldrick

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 April 29, 2008

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

Ayes: 6 - Duffy, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Absent: 5 - Alioto-Pier, Ammiano, Chu, Daly, McGoldrick

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 April 29, 2008

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

Ayes: 6 - Duffy, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Absent: 5 - Alioto-Pier, Ammiano, Chu, Daly, McGoldrick

SPECIAL ORDER 4:00 P.M.

080250 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 9 Douglass Street]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated August 22, 2008, that a project at 9 Douglass Street (Building Permit Application No. 2007.01.11.1515, Case No. 2007.0306DD) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed project would construct a vertical addition to the rear portion of a one-story-over-garage, single-family dwelling and a 4-foot horizontal rear addition located in a RH-2 (Residential House, One Family) District, and a 40-X Height and Bulk District (Assessor's Block 2623, Lot 047).
(Appellant: Stephen M. Williams)

(Filed 2/8/08; Companion measure to 080251; 080252; 080253; District 8.)

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

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

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.)**080251 [Affirming the categorical exemption issued for the 9 Douglass Street project]**

Motion affirming the determination by the Planning Department that the 9 Douglass Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M08-52

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

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

080252 [Disapproving the categorical exemption issued for the 9 Douglass Street project]

Motion disapproving the determination by the Planning Department that the 9 Douglass Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

080253 [Preparation of findings related to the 9 Douglass 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 9 Douglass Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M08-53

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

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

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
Eugene Gordon Jr.; expressed concern with various issues
John Di Donna; expressed concern with various issues
Female speaker; expressed concern with public health budget cuts
Tensin Dasang; expressed concern with human rights for Tibet citizens
Male speaker; expressed concern with human rights for Tibet citizens
Mr. Tauku; expressed concern with human rights for Tibet citizens
Male speaker; expressed concern with human rights for Tibet citizens
Ti Ton Kun; expressed concern with human rights for Tibet citizens
Tsewang; expressed concern with human rights for Tibet citizens
Dhonyo; expressed concern with human rights for Tibet citizens
Thedo Tulku; expressed concern with human rights for Tibet citizens
Abdullah Megaheed; expressed concern with issues relating to the homeless and public health
Male speaker; expressed concern with issues relating to the homeless and public health
Eric Quan; expressed concern with human rights for Tibet citizens
Diane Johnson; expressed concern with budget cuts*

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.

**080352 [Commending Emeric Kalman]
Supervisors Elsbernd, Peskin**

Resolution commending Emeric Kalman on his many years of service to his community and participation in local government.

**Resolution No. 124-08
ADOPTED**

**080353 [Commendation for Dr. Julianne Malveaux]
Supervisor Maxwell**

Resolution commending Dr. Julianne Malveaux on her appointment as the 15th President of Bennett College for Women and proclaiming March 24, 2008 Dr. Julianne Malveaux day in San Francisco.

Resolution No. 126-08

ADOPTED

**080354 [Save Candlestick State Recreation Area]
Supervisor Maxwell**

Resolution urging the California State Legislature to keep Candlestick State Recreation Area in the City of San Francisco open and allocate additional funding for the park to fulfill the general plan.

Resolution No. 123-08

ADOPTED

**080355 [Supporting University of California patient care and service employees in contract negotiations]
Supervisor Ammiano**

Resolution supporting University of California low-wage patient care and service employees and the findings of Failing California's Communities: How the University of California's Low Wages Affect Surrounding Cities and Neighborhoods.

Resolution No. 128-08

ADOPTED

**080356 [Grant funds to support worker health and safety - \$7,360]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$7,360 from the University of California, Berkeley for a project entitled "Worker Health and Safety in Chinatown Restaurants," for the period of September 1, 2007 through August 31, 2008.

Resolution No. 125-08

ADOPTED

**080357 [Approval of a 60 day extension for Planning Commission review]
Supervisor Alioto-Pier**

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

Resolution No. 127-08

ADOPTED

**080358 [Urging the State to pay expenses for special election]
Supervisors Peskin, Chu**

Resolution urging the California State Legislature to introduce and support legislation to pay for the expenses authorized and incurred in the preparation for and conduct of the special election proclaimed by the Governor, and the special primary election required by law, to fill the vacancy in the office of the Member of Congress from the 12th Congressional District.

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

Resolution No. 129-08

ADOPTED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**080379 [Regulating the conditions for purchasing prior public service credit through the Retirement System]
Supervisor Elsbernd**

Ordinance amending Administrative Code Sections 16.55-1 through 16.55-4 to allow miscellaneous members of the San Francisco Employees' Retirement System to purchase credit for prior public service at any time before retirement, to require the Retirement System to calculate the cost to purchase that service credit based on the normal cost percentage for that service as determined by the actuary, to require the member to pay for all of the normal cost for the service credit, to allow eligible members to choose to receive prorated service credit if they terminate an installment agreement to purchase prior public service, and to conform to changes in the applicable law and Retirement System practices.

3/18/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. 3/24/08 - Sent referral letter to the Retirement System.

**080380 [Unsolicited Print Publications--Stop Distribution Notice]
Supervisor Mirkarimi**

Ordinance requiring publishers of unsolicited print publications to provide a toll-free number or an e-mail address for residents who do not want to receive such print publications; prohibiting the distribution of such print publications to residents who request not to receive such print publications; and assessing penalties.

3/18/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**071002 [Laguna, Haight, Buchanan and Hermann Streets Special Use District]
Supervisors Mirkarimi, Ammiano**

Ordinance approving the Laguna, Haight, Buchanan, and Hermann Streets Special Use District (SUD) by amending the San Francisco Planning Code by adding Section 249.32 to create a new SUD bounded by Laguna, Haight, Buchanan and Hermann Streets (Assessor's Blocks 857 and portions of Assessor's Block 870) to permit a mixed-use project at the former UC Berkeley Extension property; and adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

7/10/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/9/2007.

7/13/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

10/2/07, Board adopted six month extension for review by Planning Commission; see File 071380.

2/13/08, RESPONSE RECEIVED. Planning Department Executive Summary; Planning Commission Resolution 17535.

3/4/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing the same title.

3/4/08, ASSIGNED to Land Use and Economic Development Committee.

3/18/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing the same title.

3/18/08, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

**080381 [Resolution commending Susan Leal on her 15 years of dedicated service to the citizens of the City and County of San Francisco]
Supervisors Dufty, Ammiano, Peskin, Maxwell, Chu, Elsbernd, Alioto-Pier, Sandoval, Mirkarimi, Daly, McGoldrick**

Resolution commending Susan Leal on her 15 years of dedicated service to the citizens of the City and County of San Francisco.

3/18/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080382 [Supporting storm water runoff requirements for federal development projects]
Supervisors Alioto-Pier, Ammiano, Dufty, Mirkarimi**

Resolution supporting the storm water runoff requirements for federal development projects.

3/18/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080383 [Condemning Oklahoma State Representative Sally Kerns' remarks directed toward the LGBT community]
Supervisors Ammiano, Dufty**

Resolution condemning Oklahoma State Representative Sally Kerns' remarks regarding the LGBT community.

3/18/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080384 [Gift of Funds to Office of Labor Standards Enforcement - \$33,892.65]
Supervisors Maxwell, Peskin**

Resolution authorizing the Office of Labor Standards Enforcement to accept and expend a gift in the amount of \$33,892.65 pursuant to the settlement agreement in Aubrey et al. v. Marriott International, Inc. et al. for the purpose of enforcement of the San Francisco Minimum Wage.
3/18/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080385 [Commending Breathe California Golden Gate Public Health Partnership]
Supervisor Maxwell**

Resolution recognizing Breathe California on its 100th anniversary of continuous service to the Bay Area community. Since 1908, Breathe California has been fighting lung disease through prevention, education, advocacy and patient services.
3/18/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080386 [Commending California Institute of Integral Studies]
Supervisor Maxwell**

Resolution commending California Institute of Asian Studies and proclaiming April 8, 2008 as California Institute of Integral Studies Day in San Francisco.
3/18/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**080364 [Budget Analyst's report titled "Evaluation of the City's Health Promotion Programs"]
Supervisor Elsbernd**

Hearing on the Budget Analyst's report titled "Evaluation of the City's Health Promotion Programs", released March 11, 2008.
3/18/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080365 [Asthma Task Force]
Supervisor Dufty**

Hearing on the status and implementation of Asthma Task Force recommendations and collaboration between the SFUSD and the San Francisco Asthma Task Force.
3/18/08, RECEIVED AND ASSIGNED to Rules Committee.

**080366 [Review of the Gartner report on Technology and Information Technology in the San Francisco Police Department]
Supervisor Dufty**

Hearing to review the findings and recommendations of the Gartner report, completed in May 2007, on current SFPD infrastructure and opportunities to improve performance, management and decision making. The hearing will also consider SFPD's plan to address and implement changes based upon these recommendations. 3/18/08, RECEIVED AND ASSIGNED to Public Safety Committee. Sponsor requests that the item be referred to Public Safety Committee.

**080367 [Three-Year Budget Projection for FY 2008-2009 through FY 2010-2011]
Supervisor McGoldrick**

Hearing on the Three-Year Budget Projection for FY 2008-2009 through FY 2010-2011 (Joint Report). 3/18/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080368 [Back Streets Business Advisory Board]
Supervisor Maxwell**

Hearing on the findings and recommendations of the Back Streets Business Advisory Board and presentation of the Board's final report, Made In San Francisco. 3/18/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Motion

**080369 [Directing the Office of Legislative Analyst to process suggestions by City employees on reducing or eliminating City expenditures]
Supervisor McGoldrick**

Motion directing the Office of Legislative Analyst to process suggestions by City employees on reducing or eliminating City expenditures and creating efficiencies and reporting their recommendations to the Budget and Finance Committee. 3/18/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED ORDINANCES

080334 [Settlement of Lawsuit - CCSF v. Pacific Gas & Electric Company, et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against PACIFIC GAS AND ELECTRIC CO., et al. on June 20, 2005, in San Francisco Superior Court, Case No. CGC-05-442416, entitled, CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation v. PACIFIC GAS & ELECTRIC CO., a corporation, STACY AND WITBECK/ESQUIVEL, a joint venture, STACY AND WITBECK, INC., a corporation, ESQUIVEL GRADING AND PAVING, INC., a corporation, BAUMAN LANDSCAPE, INC., a corporation, and DOES 1 to 25, inclusive. (City Attorney) 3/5/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080332 [Security Services Contract Approval - Guardsmark LLC]

Resolution approving the contract between the City and County of San Francisco and the Guardsmark LLC to provide security services to the Human Services Agency for the period from May 1, 2008 to April 30, 2013, in the amount of \$20,300,257. (Human Services Department)

3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080333 [Ten Year Capital Expenditure Plan 2009-2018]

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2009-2018. (City Administrator)

3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080371 [Department of Human Resources contract for implementation of services]

Resolution approving the award and execution of a \$13,563,250 29-month contract by the City and County of San Francisco, through its Department of Human Resources, to CIBER, Inc., for implementation services to integrate the City's human resources and payroll functions. (Human Resources Department)

(Supervisors Daly and Mirkarimi dissented in committee.)

3/10/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor McGoldrick

To: Director, Department of Environment

Requesting/Inquiring: Requesting information from the Department of the Environment regarding the Urban Forest Council. Please provide our office with the UFC meeting schedules, agendas, attendance records, staffing support requirements, and budget information (all costs associated with staffing the UFC) from January 2007 to March 2008.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requests that the Department of Public Works report on the status of repairing potholes at the following locations:

Potholes

Numerous potholes on the 200 Block of Haight Street

Crosswalk collapsing on Fillmore and Waller (South side of Fillmore Street)

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Phone Switch Boxes

Northeast corner of Oak and Fillmore

Northeast corner of Octavia and Ivy

Southeast corner of Fell and Pierce

Southwest corner of Steiner and Waller

Northeast corner of Fell and Laguna (mailbox)

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Emergency Boxes

Northeast corner of Page and Buchanan

Southeast corner of Page and Fillmore

Southeast corner of Page and Steiner

Southwest corner of Steiner and Hayes

Southwest corner of Divisadero and Oak

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Wood

Across 370 Page

728 Page

Southeast corner of Fillmore and Oak

490 Page

Southwest corner of Ivy and Gough

Southeast corner of Octavia and Gough

Southeast corner of Fell and Buchanan

Northeast corner of Laguna and Lily

Tree on southeast corner of Ivy and Gough

490 Hayes
Bus shelter on Buchanan and Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requests that the Department of Public Works report on the status of removing graffiti at the following private property locations:
661 Divisadero
546 Haight Street
294 Haight Street
352 Buchanan
451 Hayes Street
425-431 Buchanan
451 Octavia
457-459 Hayes

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requests that the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:
San Francisco Bay Guardian
Southeast corner of Laguna and Page
Northwest corner of Fillmore and Hayes
Southeast corner of Fillmore and Haight
San Francisco Chronicle
Southeast corner of Laguna and Page
Northwest corner of Fillmore and Hayes
Examiner
Northwest corner of Fillmore and Hayes
Northwest corner of Hayes and Gough
SF Daily
Northwest corner of Hayes and Gough
City Star
Northwest corner of Hayes and Gough
Onion
Northeast corner of Fillmore and Waller
Northwest corner of Hayes and Gough
Southeast corner of Divisadero and Page
SF Weekly
Southwest corner of Hayes and Webster
Southeast corner of Masonic and Haight

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:05 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 April 8, 2008.



Angela Calvillo
Clerk of the Board