

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, October 23, 2007 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 Peskin, Ammiano, Dufty

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Alioto-Pier, Chu

Government Audit and Oversight Committee

Supervisors Elsbernd, Alioto-Pier, Daly

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Ammiano, Elsbernd, Peskin

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

2nd and 4th 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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused From Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

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

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to approve Board Meeting Minutes of September 25, 2007. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

**071228 [Clean and Safe Neighborhood Parks General Obligation Bond Election]
Mayor, Supervisors Peskin, Elsbernd, Dufty**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, February 5th 2008, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: One Hundred and Eighty-Five Million Dollars (\$185,000,000) for the construction, reconstruction, purchase, and/or improvement of park, and recreation facilities within the City and County of San Francisco and all other structures, and improvements, and related costs necessary or convenient for the foregoing purposes and paying all other costs necessary and convenient for effectuating those purposes; authorizing landlords to pass-through fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that a portion of the proposed project is categorically exempt from the California Environmental Quality Act, and the remainder of the proposed project is excluded from the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

Ordinance No. 237-07

FINALLY PASSED

**071281 [Procurement of Construction Management and General Contractor services for the new Public Utilities Commission administrative building at 525 Golden Gate]
Supervisor McGoldrick**

Ordinance approving an Integrated Project Delivery Plan for the early procurement of a Construction Manager/General Contractor for the new Public Utilities Commission administrative building at 525 Golden Gate Avenue and modifying the competitive bid requirements of Administrative Code Chapter 6 to require an alternative competitive process based on experience, qualifications, and price. (Public Utilities Commission)

Ordinance No. 245-07

FINALLY PASSED

**071300 [Approving Agreement with Northern California Joint Pole Association]
Supervisor Peskin**

Ordinance approving an agreement between the City and County of San Francisco and the Northern California Joint Pole Association for a term potentially in excess of ten years and indemnifying the Northern California Joint Pole Association and its members from certain third-party claims for personal injury or property damage, and waiving certain requirements of the San Francisco Administrative Code with respect to the agreement.

Ordinance No. 243-07

FINALLY PASSED

**071375 [Public Employment - Department of Children Youth and their Families]
Supervisor Peskin**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of an 1823 Senior Administrative Analyst and the deletion of an 1822 Administrative Analyst in the Department of Children Youth and their Families.

Ordinance No. 239-07
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

070970 [Liquor License Transfer, 2480 San Bruno Avenue]

Resolution determining that the transfer of a Type 21 off-sale general license from 667-669 Geary Street to 2480 San Bruno Avenue to Hing Yue, Inc. dba San Bruno Supermarket will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 590-07
ADOPTED

070992 [Liquor License, 22 Peace Plaza, Space 525]

Resolution determining that the issuance of a Type 48 on-sale general public premises license in exchange for a Type 47 on-sale general eating place license to Wen Wen Lin dba Kabuki Night Club at 22 Peace Plaza, Space 525, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 589-07
ADOPTED

071192 [Liquor License Transfer - 1641 Fillmore Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 1669 Fillmore Street to 1641 Fillmore Street to John Kyoyoon Lee dba Fillmore Market will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 588-07
ADOPTED

071262 [Study of HIV transmission behavior in HIV-positive men]

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of \$37,906 with the University of California, San Francisco (UCSF), the primary contractor, to participate in a study to examine decisions to have high transmission-risk sex; study the efficacy of a prevention counseling intervention; and determine whether future episodes of unprotected sex are reduced, for the period of September 1, 2006 to August 31, 2007. (Public Health Department)

Resolution No. 587-07
ADOPTED

**071304 [Accept-Expend Federal/State Pass Through Grant - Department of Public Library]
Mayor**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$13,398 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

Resolution No. 586-07

ADOPTED

**071345 [Accept-Expend Federal Grant, Department of the Environment - \$200,000]
Mayor**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$200,000 from the U.S. Department of Energy for the Solar America Initiative in order to fund technical consultants, the development and publication of outreach materials and City staff time over a two-year period for the purpose of energy reduction.

Resolution No. 582-07

ADOPTED

**071381 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice]
Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of \$400,000 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY2007 Safe Havens: Supervised Visitation and Safe Exchange Program for the purpose of supporting supervised visitation and safe exchange options for families with a history of violence or abuse.

Resolution No. 580-07

ADOPTED

**071391 [Grant to fund child safety and occupant protection in San Francisco]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant for \$387,557 from the California Office of Traffic Safety (OTS), which includes contracts with the San Francisco Study Center for \$78,750 and O'Rorke, Inc. for \$80,000; for the period of January 1, 2008 through September 30, 2009.

Resolution No. 579-07

ADOPTED

**071392 [State Grant to support the Pierce's Disease Control Program]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the California Department of Food and Agriculture (CDFA) in the amount of \$191,664.48 in support of the Pierce's Disease Control Program, for the period of July 1, 2007 through June 30, 2010.

Resolution No. 578-07

ADOPTED

**071400 [Retroactive Accept and Expend State Grant - Department of the Environment]
Supervisor Mirkarimi**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$206,125.00 from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

Resolution No. 577-07

ADOPTED

Recommendations of the Rules Committee

071350 [Settlement of Lawsuit - Elfie Jansel]

Ordinance authorizing settlement of the lawsuit filed by Elfie Jansel against the City and County of San Francisco for \$98,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. CGC06-452649; entitled Elfie Jansel v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 242-07

FINALLY PASSED

071351 [Settlement of Lawsuit - Marie Doe]

Ordinance authorizing settlement of the lawsuit filed by Marie Doe against the City and County of San Francisco for \$35,000; the lawsuit was filed on November 18, 2004 in United States District Court, Case No. C04-4914 MJJ; entitled Marie Doe, et al. v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 241-07

FINALLY PASSED

From the Land Use and Economic Development Committee Without Recommendation

**070947 [Exempting Wind Turbines from Bernal Heights Special Use District Height Limits]
Supervisor Ammiano**

Ordinance amending the San Francisco Planning Code by amending Section 242 (e)(1)(D) to allow certain wind power generators within the Bernal Heights Special Use District subject to height limitations set forth in Section 260(b)(1)(A), making environmental findings, general plan findings, and other required findings.

Ordinance No. 247-07

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS**From the Budget and Finance Committee Without Recommendation**

- 070961 [Recreation and Park Commission--Authorization to Modify Golf Course Hours and Fees; Creation of Golf Course Task Force]
Supervisor McGoldrick**

Ordinance adding Section 12.46 to Article 12 of the San Francisco Park Code to authorize the Recreation and Park Commission to modify golf course hours and fees; and to create a Golf Course Task Force that will evaluate measures to reduce General Fund support for operation and maintenance of golf courses, and explore alternative revenue sources.

(Supervisor Dufty dissented in committee.)

Continued to October 30, 2007

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

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

- 071296 [Appropriating \$100,000 of General Fund Reserve to General City Responsibility for Hurricane Relief in Nicaragua]
Supervisors Daly, Ammiano, Sandoval**

Ordinance appropriating \$100,000 from the General Fund Reserve to General City Responsibility for hurricane relief in Nicaragua for Fiscal Year 2007-2008.

Ordinance No. 244-07

FINALLY PASSED by the following vote:

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

- 071364 [Transit Shelter Advertising Agreement]
Ordinance approving Transit Shelter Advertising Agreement between the City and County of San Francisco and Clear Channel Outdoor Inc. (Municipal Transportation Agency)**

Ordinance No. 240-07

FINALLY PASSED by the following vote:

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval
Noes: 2 - Daly, Mirkarimi
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

From the City Operations and Neighborhood Services Committee Without Recommendation

**071258 [Urging the Golden Gate Bridge, Highway and Transportation District to Oppose the Golden Gate Bridge Partnership Program]
Supervisors McGoldrick, Maxwell, Mirkarimi**

Resolution urging the Golden Gate Bridge, Highway and Transportation District Board of Directors to Oppose the Golden Gate Bridge Partnership Program which would allow for the continued degradation of our public spaces by sanctioning, among other things, the placement of corporate logos on way-finding signage, posters, kiosks, and displays on Golden Gate Bridge property.

Continued to October 30, 2007

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

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

Recommendation of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

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

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

**071158 [Approving General Plan Amendments Related to Market & Octavia Area Plan]
Supervisor Mirkarimi**

Ordinance amending the San Francisco General Plan by adding a new area plan entitled the Market & Octavia Area Plan, and approving General Plan amendments to implement the Market and Octavia Neighborhood Plan by amending the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South of Market Area Plan, and the Land Use Index; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Supervisor Dufty was previously excused from voting on this matter.

Ordinance No. 246-07

FINALLY PASSED by the following vote:

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

Board of Supervisors Sitting as a Committee of the Whole

From the Rules Committee Without Recommendation

**071051 [Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]
Supervisor Alioto-Pier**

Charter Amendment (Third Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

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

Silvia Johnson

The President declared the public hearing closed,

(First Vote)

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Peskin, Sandoval

Noes: 3 - Daly, Maxwell, Mirkarimi

Excused: 1 - McGoldrick

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

Motion to rescind passed without objection.

(Second Vote)

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

Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

Excused 1 - McGoldrick

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote:

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

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

Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

Excused 1 - McGoldrick

NOT ORDERED SUBMITTED by the following vote:

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

Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin

Excused: 1 - McGoldrick

Recommendations of the Budget and Finance Committee

071326 [Public Employment - Department of Public Health]

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) reflecting the addition of 34.95 positions in the Department of Public Health pursuant to Ordinance 162-07 (Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Local 790 Staff and Per Diem Nurses) and Ordinance 164-07 (Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers Local 856 Supervising Registered Nurses Unit 11.B) using funding from the Salaries and Benefits Reserve as appropriated in Ordinance 174-07 (Consolidated Budget and Annual Appropriation Ordinance for Fiscal Year Ending June 30, 2008). (Human Resources Department)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - McGoldrick

- 071329 [Amending and Repealing Cash Revolving Funds and Cash Revolving Accounts]**
Ordinance amending and repealing various sections of Article XV, Part I of the San Francisco Municipal Code (Administrative Code), which established cash revolving funds and cash revolving accounts for the City and County of San Francisco departments. (Controller)
- PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick
- 071339 [Grant of Federal Funds, Municipal Transportation Agency - \$46,547,421]**
Supervisor Peskin
- Resolution authorizing the Municipal Transportation Agency to accept and expend \$46,547,421 of Federal Transit Administration Section 5309 fixed guideway capital assistance for various Municipal Railway capital projects and activities, excluding citywide indirect costs.
- (Fiscal Impact.)
- Resolution No. 585-07**
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick
- 071340 [Grant of Federal Funds, Municipal Transportation Agency - \$31,854,482]**
Supervisor Peskin
- Resolution authorizing the Municipal Transportation Agency to accept and expend \$31,854,482 of Federal Transit Administration Section 5307 capital assistance for various Municipal Railway capital projects and activities, excluding citywide indirect costs.
- (Fiscal Impact.)
- Resolution No. 584-07**
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick
- 071342 [Grant of Federal Funds, Municipal Transportation Agency - \$1,805,760]**
Supervisor Maxwell
- Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,805,760 of Federal Transit Administration Section 5309 Bus and Bus Facilities funding for design and construction of Muni's Islais Creek Facility and the purchase of Automatic Vehicle Locator (AVL) equipment.
- (Fiscal Impact.)
- Resolution No. 583-07**
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the City Operations and Neighborhood Services Committee

**070508 [Banning alcohol in children's play areas]
Supervisor Alioto-Pier**

Ordinance amending Section 4.10 of the Park Code to ban consumption of alcohol in children's play areas.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

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

**071089 [Warning on Cough and Cold Medicine for Infants and Young Children Ordinance]
Supervisors Alioto-Pier, Dufty**

Ordinance amending the San Francisco Health Code by adding Article 36, Sections 3601 through 3609, to: (1) require businesses located in the City and County of San Francisco to post point-of-sale warnings on administering cough and cold medicine to infants and children younger than 2 years, and (2) provide penalties for violations.

(Supervisor McGoldrick dissented in Committee.)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

**070851 [Polk Street Neighborhood Commercial District Zoning Controls]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 121.2 to move Polk Street from a 3,000 square foot lot size limit to a 2,000 square foot lot size limit and by amending Section 723 to provide that commercial and institutional uses in the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet and allowed as a conditional use for 2,000 square feet and above; adopting findings, including Section 302 findings, environmental findings, and findings of consistency with Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

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

**071376 [Initiate the Designation of 690 Market, the Chronicle Building, as a Landmark]
Supervisors Peskin, Mirkarimi**

Resolution initiating the designation of 690 Market, the Chronicle Building, Lot 6 in Assessor's Block 311, as a landmark pursuant to Section 1004.1 of the Planning Code and urging expedited consideration of the building's landmark status and a Mills Act contract associated with the building's rehabilitation and restoration.

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

Resolution No. 581-07

ADOPTED by the following vote:

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

**070738 [Planning - Inner Clement Street Neighborhood Commercial District - full-service restaurants and bars]
Supervisor McGoldrick**

Ordinance amending Planning Code Sections 716.1, 716.41, and 716.42 of the Inner Clement Street Neighborhood Commercial District to provide for a limited number of new full-service restaurants and new wine and beer bar uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

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

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, 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, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Alioto-Pier, welcomed, introduced and presented a Certificate of Honor to Bruce Billingham.

Recess

The Board recessed at the hour of 3:39 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:07 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval - 10

Supervisor McGoldrick was previously excused from attendance.

SPECIAL ORDER 4:00 P.M.

071248 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 700 Valencia Street]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on August 30, 2007, approving a Final Mitigated Negative Declaration (File Number 2005.0351E) for the proposed development at 700 Valencia Street. The proposal would demolish an existing vacant former used auto dealership and construct a five-story, 50 foot-tall mixed-use building of approximately 22,662 square feet containing nine dwelling units, nine parking spaces and one commercial unit. The project site is located at 700 Valencia Street, on the southwest corner of Valencia and 18th Streets in the Mission neighborhood (Assessor's Block 3588, Lot 001). (Appellant: Kim Malcheski on behalf of the Mission Anti-displacement Coalition.)

(Filed September 14, 2007; companion measure to File 071249, 071250, 071251; District 8.)

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

Ms. Ledbetter; Requested a continuance to December 11, 2007.

Robert Koeller; support of a continuance for the appellant

Alice Barkley; Attorney for project sponsor opposed to a continuance

John Conner; Project sponsor

Sean Keighran; support of the project sponsor

Silvia Johnson; support of the appellant

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING by the following vote:

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

Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration decision 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.)**071249 [Affirming adoption of the Final Mitigated Declaration for the 700 Valencia Street Project]**

Motion affirming Planning Commission adoption of the Final Mitigated Negative Declaration for 700 Valencia Street.

Motion No. M07-138

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

Ayes: 7 - Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Daly, Mirkarimi

Excused: 1 - McGoldrick

071250 [Reversing adoption of the Final Mitigated Negative Declaration for the 700 Valencia Street Project]

Motion reversing the Planning Commission adoption of the Final Mitigated Negative Declaration for 700 Valencia Street.

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

Ayes: 7 - Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Daly, Mirkarimi

Excused: 1 - McGoldrick

071251 [Preparation of findings to reverse adoption of the Final Mitigated Negative Declaration for 700 Valencia Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the Final Mitigated Negative Declaration for 700 Valencia Street.

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

Ayes: 7 - Ammiano, Dufty, Elsbernd, Chu, Maxwell, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Daly, Mirkarimi

Excused: 1 - McGoldrick

SPECIAL ORDER 4:30 P.M.**071319 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 376 Eureka Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 2, 2007, Case No. 2005.0365E, exempting from environmental review under Categorical Exemption Class 1 [State CEQA Guidelines, Sections 15301(a) and (e)]. The project would expand an existing one-story-plus attic, 1,056-square-foot single-family dwelling and minor alterations to an accessory rear one-story-plus-attic, 300-square-foot cottage on an approximately 3,250-square-foot lot. The proposed expansion consists of a two-story, approximately 24-foot-high, 22-foot-deep addition to the rear of the dwelling, which would add approximately 1,020 square feet of habitable area. In addition, the project includes raising the dwelling by 2 feet and constructing an approximately 800-square-foot below-grade garage and basement area increasing the building height from 16-1/2 feet to 18-1/2 feet. The existing front set back of 11-1/2 feet would not change. In addition, the proposal would alter an accessory rear one-story-plus-attic, 300-square foot cottage by removing a kitchen. The project site (Assessor's Block 2749, Lot 017) is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. (Appellant: F. Joseph Butler, AIA, on behalf of Susan Lally and Priscilla Botsford)

(Filed September 14, 2007; companion measure to 071320, 071321, 071322; District 8.)

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

Continued to November 13, 2007

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

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

Excused: 1 - 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.

Continued to November 13, 2007

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

- 071320 [Affirming the Categorical Exemption issued for the 376 Eureka Street Project]**
Motion affirming the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Continued to November 13, 2007
Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick
- 071321 [Disapproving the Categorical Exemption issued for the 376 Eureka Street Project]**
Motion disapproving the determination by the Planning Department that the 376 Eureka Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Continued to November 13, 2007
Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick
- 071322 [Preparation of findings related to the 376 Eureka 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 376 Eureka Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Continued to November 13, 2007
Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

COMMITTEE REPORTS

- 071411 [Settlement of Lawsuit - Robert Kellogg, Jr.]**
Ordinance authorizing settlement of the lawsuit filed by Robert Kellogg, Jr., against the City and County of San Francisco and Philip J. Welsh for \$150,000; the lawsuit was filed on January 6, 2006 in San Francisco Superior, Case No. 446-493; entitled Robert Kellogg, Jr. v. City and County of San Francisco, et al. (City Attorney)
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

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

*James Chaffee; expressed concern with issues relating to the SF Public Library
 Female speaker; expressed concern with issues relating to the Mayor's investments in local enterprises
 Katie Mulligan, Assessor/Recorder Office; expressed concern with issues relating to the mortgage foreclosures and provided an update from the Assessor/Recorders Office relating to this matter
 Male speaker; expressed concern with issues related to the Recreation and Park General Manager
 Abdula Megahed; expressed concern with issues relating to the homeless
 Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
 Female speaker; expressed concern with issues relating to traffic and parking problems
 Richard McCary; expressed concern with issues relating to the planning designs of buildings in San Francisco
 Male speaker; expressed concern with issues relating to the homelessness of Abdula Megahed and the tragedy of the fires in Southern California
 Douglas Yep; welcomed Supervisor Chu and expressed concern with issues relating to St. Luke's Hospital and SF General Hospital
 Silvia Johnson; expressed concern with issues relating to general issues
 Jim Adams; expressed concern with issues relating to discrimination existing in the USA
 Female speaker; expressed concern with issues relating to homeless individuals
 Richard Robinson; expressed concern with issues relating to homeless individuals
 Laura; expressed concern with issues relating to Michael Savage
 Male speaker; expressed concern with issues relating to Burma injustices
 Male speaker; expressed concern with issues relating to rent and evictions*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

This measure was introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

**071440 [Urging Wooden Windows and the Carpenters Union Local 2236 work together to find resolution to labor disputes]
 Supervisors Ammiano, Dufty**

Resolution urging Wooden Windows and the Carpenters Union Local 2236 to work together to find resolution to labor disputes and acknowledging recent events surrounding such disputes.

Resolution No. 576-07

ADOPTED

**071442 [Urging the adoption of October 27, 2007 as "End The War in Iraq" Day in San Francisco]
Supervisors Ammiano, Mirkarimi**

Resolution urging the Board of Supervisors to designate October 27, 2007 as "End The War in Iraq" Day in San Francisco and to endorse the march and rally that are scheduled to commence on October 27, 2007.

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

Resolution No. 573-07

ADOPTED

**071443 [Urging the Mayor and Board of Supervisors provide city funding for the first annual Central American
"Festival de los Volcanes"]
Supervisor Ammiano**

Resolution urging the Mayor and Board of Supervisors to recognize November 4th, 2007 Central American Peoples Day, and to acknowledge Central American Resource Center's (CARECEN) contributions in organizing first annual Central American Community "Festival de los Volcanes" which celebrates the historical presence and contributions of Central Americans to San Francisco.

Resolution No. 575-07

ADOPTED

**071445 [Commending Respiratory Care Workers for their Contributions to the Medical Community and
Recognizing Respiratory Care Week 2007]
Supervisor Dufty**

Resolution commending Respiratory Care Workers for their Contributions to the Medical Community and Recognizing Respiratory Care Week 2007.

Resolution No. 574-07

ADOPTED

**071447 [Commending Warren Hellman and the Hardly Strictly Bluegrass Festival]
Supervisors Peskin, Dufty, Mirkarimi, Elsbernd**

Resolution commending Warren Hellman for his hard work and generosity in presenting the Hardly Strictly Bluegrass music festival in San Francisco for the last six years.

Supervisors Mirkarimi and Elsbernd requested to be added as co-sponsors.

Resolution No. 572-07

ADOPTED

**071448 [Commending Vice President Al Gore for winning the Nobel Peace Prize for his efforts to combat global
warming]
Supervisors Alioto-Pier, McGoldrick**

Resolution commending Vice President Al Gore for winning the Nobel Peace Prize for his efforts to combat global warming.

Resolution No. 571-07

ADOPTED

071453 [Final Map 4341 - 725 Pine Street]

Motion approving Final Map 4341, a 22 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 725 Pine Street being a subdivision of Lot 001C in Assessors Block No. 0272 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,168, District 3.)

Motion No. M07-137

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

**071441 [Urging banks to work with the City to address the affects of subprime lending and calling on the Federal Reserve to take action at the national level to end predatory loan practices]
Supervisor Ammiano**

Resolution urging banks to work with the City to address foreclosures and subprime loan practices; calling on the Federal Reserve to prohibit loans at unaffordable rates, end the misuses of stated loans, eliminate prepayment penalties, and designate failure to escrow taxes and insurance in subprime loans as a deceptive practice.

Supervisor Ammiano requested that this matter be referred to Committee.

(Requested to be heard with Files Nos. 071419 and 071446.

File No. 071419 is currently pending in the Land Use and Economic Development Committee.)

REFERRED to the Land Use and Economic Development Committee.

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

**071444 [Urging neighboring nations and major investors to defend peaceful pro-democracy demonstrators in Burma]
Supervisors Ammiano, Mirkarimi, Daly**

Resolution Urging the Governments of China, India, Thailand, Korea, Japan, and of the United States, as well as the Chevron and Daewoo Corporations to Take Action in Defense of Peaceful Pro-Democracy Demonstrators in Burma.

Amended on page 3, line 16, after "to" by inserting "San Francisco's Congressional delegation with requests to forward the resolution to the governments"

Supervisors Mirkarimi and Daly requested to be added as co-sponsors.

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

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

Resolution No. 569-07

ADOPTED AS AMENDED by the following vote:

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

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

071446 **[Urging the Mayor's Office of Housing to develop a homeownership preservation plan]**
Supervisor Sandoval

Resolution urging the Mayor's Office of Housing to create an emergency fund to prevent foreclosures and preserve home ownership.

Supervisor Elsbernd requested that this matter be referred to Committee.

(Requested to be heard with Files Nos. 071419 and 071441.

File No. 071419 is currently pending in the Land Use and Economic Development Committee.)

REFERRED to the Land Use and Economic Development Committee.

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

071449 **[Acceptance of the gift related to the improvement of a portion of the Lyon Street Stairs]**
Supervisor Alioto-Pier

Resolution acknowledging and accepting Richard C. Blum's gift to refurbish a portion of the Lyon Street Stairs and dedicating these improvements to public use.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

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

071450 **[Urging the Attorney General to clarify how Penal Code 3003 and the transient provision in Penal Code Section 290 apply to Jessica's Law (Proposition 83)]**
Supervisor McGoldrick

Resolution condemning the current policy of the California Department of Corrections and Rehabilitation of advising parolees who are unable to secure housing compliant with Proposition 83 ("Jessica's Law") to declare transience in order to avoid incarceration.

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

Resolution urging the Attorney General to clarify how Penal Code 3003 and the transient provision of Penal Code 290 apply to Jessica's Law (Proposition 83).

Continued as amended to October 30, 2007.

CONTINUED AS AMENDED by the following vote:

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

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

- 071451 [Authorization for City to enter into Memorandum of Understanding with other Bay Area cities and counties to govern expenditure of federal homeland security funds]
Supervisor Alioto-Pier

Resolution authorizing City and County officials to enter into a Memorandum of Understanding that (1) establishes procedures for application, allocation and distribution of federal Urban Areas Security Initiative Program grant funds for fiscal year 2007 and future fiscal years, (2) continues an Urban Area Working Group with other Bay Area governmental entities, and (3) continues San Francisco as the primary grantee and fiscal agent for Urban Areas Security Initiative Program grant funds; further authorizing designated City and County officials to negotiate, execute and file on behalf of the City and County of San Francisco any and all agreements and documents and to take any other action necessary to apply for and receive grant funds under the Federal Urban Areas Security Initiatives Program.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

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

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

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

[Brown Act Finding]

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

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

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

**071463 [Celebrating the 150th anniversary of the founding of the Slavonic Mutual and Benevolent Society]
Supervisor Sandoval**

Resolution commending the Croatian American Cultural Center, Home of the Slavonic Mutual and Benevolent Society, on the occasion of its sesquicentennial anniversary.

Resolution No. 570-07

ADOPTED by the following vote:

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

Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**071464 [Zoning - Ordinance creating the Excelsior Alcohol Restricted Use District and the North Beach Alcohol Restricted Use District]
Supervisors Sandoval, Peskin**

Ordinance amending the San Francisco Planning Code by adding Section 785 to create an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; adding Section 786 to create a North Beach Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; amending Sectional Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Excelsior Alcohol Restricted Use District, which generally consist of the blocks fronting both sides of Mission Street from Silver Avenue to the Daly City border; amending Section Map SU 01 to establish the boundaries of the North Beach Alcohol Restricted Use District, which consists of the properties within the North Beach Neighborhood Commercial District; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/23/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**071467 [Public Employment]
Supervisors Peskin, Maxwell, Sandoval**

Draft Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the deletion of all positions, except class 0962 - Department Head II, at the Department of the Environment.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee. 10/31/07 - Referred to City Attorney for approval as to form.

**071469 [Accept-Expend Federal Grant - Sheriff's Department]
Supervisor Alioto-Pier**

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance 2007-2008) to reflect the addition of a .50 FTE 8420 Program Rehabilitation Services Coordinator in the Sheriff's Department, and a .50 FTE 2586 Health Worker II and .50 FTE 2803 Epidemiologist in the Department of Public Health, and authorizing the Sheriff's Department to accept and expend a 12-month grant in the amount of \$391,556 from the U.S. Department of Health and Human Services for the Women's Integrated Skills (WISH) Project.
10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

**071058 [Support for development of City-controlled electric generation project]
Supervisors Maxwell, Dufty, Ammiano, Peskin**

Resolution supporting the Combustion Turbine project proposed by the Public Utilities Commission for the development of a City-controlled combustion turbine project to promote the goals of the City's Electricity Resource Plan, and endorsing the financial term sheet for the CT project.

7/17/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/24/07, REFERRED to Land Use and Economic Development Committee. Supervisor Daly requested that this matter be referred to Committee.

Supervisors Dufty and Ammiano requested to be added as co-sponsors.

10/23/07, SUBSTITUTED. Supervisor Maxwell submitted a substitute resolution bearing new title.

10/23/07, ASSIGNED to Land Use and Economic Development Committee.

**071463 [Celebrating the 150th anniversary of the founding of the Slavonic Mutual and Benevolent Society]
Supervisor Sandoval**

Resolution commending the Croatian American Cultural Center, Home of the Slavonic Mutual and Benevolent Society, on the occasion of its sesquicentennial anniversary.

10/23/07, ADOPTED.

**071465 [Directing the controller transfer funds that were previously budgeted for the Office of the Legislative Analyst to the Budget Analyst]
Supervisors Sandoval, Mirkarimi, Peskin**

Resolution directing the controller to transfer funds that were previously budgeted for the Office of the Legislative Analyst to the Budget Analyst for actuary services.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071466 [Funding Agreement for 2007 Spare the Air Campaign]
Supervisor Ammiano**

Resolution approving the Funding Agreement between the Metropolitan Transportation Commission and the City and County of San Francisco for the 2007 Spare the Air/Free Transit campaign.

10/23/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**071468 [Confirmation - San Francisco Redevelopment Agency]
Mayor**

Resolution confirming the appointment of Richard Swig by the Mayor to the San Francisco Redevelopment Agency.

10/23/07, RECEIVED AND ASSIGNED to Rules Committee.

**071470 [State grants to fund food and agricultural projects]
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend three grants totaling \$2,877.43, from the California Department of Food and Agriculture (CDFA); for the period of July 1, 2007 through June 30, 2008.

10/23/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**071472 [Declaring November 14, 2007 as World Diabetes Day in the City and County of San Francisco]
Supervisors Dufty, Peskin, Elsbernd**

Resolution declaring November 14, 2007 as World Diabetes Day in the City and County of San Francisco.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071473 [Accept and expend gift in the amount of \$50,000]
Supervisor Chu**

Resolution retroactively accepting and expending a gift in the amount of \$50,000 from the San Francisco Parks Trust.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071474 [Accept and expend gift in the amount of \$25,000]
Supervisor Chu**

Resolution accepting and expending an estate bequest gift of \$25,000 from the estate of Dr. Dorothee Haken to the Recreation and Park Department for the San Francisco Botanical Garden.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071475 [Landmark designation nomination for tree located in Bernal Heights Natural Area]
Supervisor Ammiano**

Resolution of intent initiating the nomination of the Blue Elderberry Tree (*Sambucus mexicana*) located at Folsom Street and Bernal Heights Boulevard in Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071476 [Landmark designation nomination for tree located at 3555 Cesar Chavez Street]
Supervisor Ammiano**

Resolution of intent initiating the nomination of the Moreton Bay Fig tree (*Ficus macrophylla*) located at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071477 [Landmark designation nomination for two trees located at 500 Cortland Street in front of Bernal Heights Library]
Supervisor Ammiano**

Resolution of intent initiating the nomination of two Flowering Ash trees (*Fraxinus ornus*) located at 500 Cortland Street, in front of Bernal Heights Library (Assessor's Block 5707, Lot 027) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071478 [Catholic Charities CYO]
Supervisors Peskin, Elsbernd**

Resolution commending Catholic Charities CYO for 100 Years of Service.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**071479 [Urging Speaker Nancy Pelosi to continue to support and immediately schedule a vote on HR 106, which reaffirms the proper recognition of the Armenian genocide]
Supervisors Peskin, Dufty, Daly, Maxwell, Elsbernd, Mirkarimi, Ammiano, Sandoval, McGoldrick, Chu**

Resolution urging Speaker Nancy Pelosi to continue to support and immediately schedule a vote on House Resolution 106, which reaffirms the U.S. record of the Armenian Genocide.

10/23/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendment

**071471 [Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]
Supervisor Alioto-Pier**

Charter Amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

10/23/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/26/2007.

PROPOSED ORDINANCES

- 071417 [Settlement of Lawsuit - CCSF v. Michael Levine and What Do We Do? Inc.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Michael Levine and What Do We Do? Inc. for \$30,000; the lawsuit was filed on May 26, 2006 in San Francisco Superior Court, Case No. 452-470; entitled City and County of San Francisco, et al., v. Michael Levine, et al.; other material terms of said settlement are that Judgment is to be entered against Michael Levine personally in the amount of \$30,000, that payment of \$15,000 is to be made at the time of finalization of the settlement of this matter, that the remaining payment of \$15,000 is to be in monthly installments over a period of 18 months, and if any payment is late, the entire amount is immediately due, payable and collectible. (City Attorney)
10/12/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

- 071418 [Approval of the Ryan White HIV/AIDS Treatment Modernization Act grant application]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an application by the deadline of November 5, 2007, to the Health Resources Services Administration (HRSA) to continue to receive funding for the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Programs, Part A); for the next grant year, March 1, 2008 through February 28, 2009, with an expected amount of approximately \$36,118,233 in funding for the San Francisco Eligible Metropolitan Area (EMA). (Public Health Department)
10/12/07, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

PROPOSED MOTIONS

Requests Granted

From: Supervisor Duffy

To: City Attorney

Requesting/Inquiring: Requests that the City Attorney prepare legislation amending the City Administrative Code to create an Office of Special Events pursuant to recommendations in the report from the Controller's Office and of the Legislative Analyst.

In addition, requests that the Controller's report and recommendations for the Office of Special Events be sent to the Entertainment Commission and scheduled for a hearing at the Entertainment Commission. Also requests that the Controller's report be sent to the Citizen's Advisory Committee for Grants for the Arts and San Francisco's Convention and Visitor's Bureau for their reaction and comment to the Controller's recommendation on establishing an Office of Special Events.

From: Supervisor Daly

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requests that the Municipal Transportation Agency provide to the Clerk of the Board an analysis of hires, promotions, and disciplinary action within the MTA broken down by race and ethnicity for each separate department and division of the Municipal Transportation Authority.

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: As we are aware, climate change presents a serious threat to San Francisco in a myriad of ways. One way to locally combat carbon emissions that are contributing to overall global warming and its devastating effects is to require the San Francisco Public Utilities Commission to make certain that our public schools meet their energy needs through solar power. Thus, I am introducing a request that the City Attorney draft a resolution urging the SFPUC and the SFUSD to enter into a Memorandum of Understanding to undertake an audit program to evaluate power and water use and requirements of the SFUSD facilities. The purpose of the audit is to identify opportunities to increase efficiency of SFUSD resource consumption and assess opportunities for SFPUC to achieve conservation objectives at our public school facilities. The goal for any implementation necessary to achieve optimal energy efficiency at each facility should be December 31, 2009.

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: Requests that the City Attorney draft legislation establishing a Special Events Office. The Special Events Office will be charged with:

- a) Attracting, hosting, and supporting special events in San Francisco*
- b) Provide streamlined permitting processes for special events*
- c) Conducting appropriate outreach to stakeholders and neighbors about events*
- d) Monitor payment of event fees and make sure that all fees are paid*
- e) Working to identify facilities, accommodations and local businesses to provide related commercial support for events and participants*
- f) Measuring and reporting on the economic impact of special events to city officials and the community at large*
- g) Ensuring that the appropriate marketing, organizational, administrative and volunteer support systems are in place to enhance the ultimate success of new and existing events in San Francisco.*

Departmental Collaboration

The Special Event Office will work closely with the Department of Recreation and Parks, Office of Convention and Facilities Management, Entertainment Commission, Port, ISCOTT, the Mayor's Office of Protocol and the Mayor's Office of Economic and Workforce Development to achieve its mission.

From: Supervisor Ammiano, Mirkarimi

To: Director, Human Services Agency

Requesting/Inquiring: The Shelter Monitoring Committee in their quarterly reports has spelled out a number of measures that the H.S.A. could adopt to ensure that a standard of care be observed in all shelters. Where

exactly is the H.S.A. in the process of adopting a standard of care for all shelters?

From: Supervisor Mirkarimi

To: Director, Public Utilities Commission

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

Wooden:

2548 Sutter

Metal:

2611 California

2020 Fillmore

657 Fillmore

Northwest corner of Fillmore and Oak

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requests that the Department of Parking and Traffic report on the status of removing graffiti from the following DPT/MTA property:

STOP Signs:

Northwest corner of Waller and Fillmore

Pedestrian Crossings

Westside of intersection of Gough and Hayes

Westside of intersection of Gough and Fell

Pedestrian Signals

All four corners of Buchanan and Sutter

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requests that the Department of Parking and Traffic report on the status of removing graffiti from parking signs at the following locations:

Divisadero between Sutter and Bush

Pierce between California and Bush

Bush between Laguna and Divisadero

Sutter between Buchanan and Laguna

Sutter between Fillmore and Scott

Post between Pierce and Fillmore

Fillmore between Grove and McAllister

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requests that the Department of Parking and Traffic report on the status of removing graffiti from at the following locations:

Light Switch Boxes

Northeast corner of Post and Baker

Phone Switch Boxes

Northeast Corner of Bush and Divisadero

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:

Jobs and Careers

Northeast corner of Divisadero and Post

Onion

Northwest corner of Divisadero and Sutter

Examiner

Northwest corner of Divisadero and Sutter

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requests that the Department of Public Works report on the status of repairing the sidewalk at 501 Fillmore.*

*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 locations:
Fire Hydrant
Northeast corner of Grove and Divisadero
Emergency Box
Southwest corner of Fillmore and Geary*

*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:
2507 Bush
2076 Bush
2105 Bush
1900 Divisadero
1536 Broderick
1100 Block of Divisadero - towards the northeast end of the block*

*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:
2401 Post
Wells Fargo Sign near 1750 Divisadero
Southeast corner of Divisadero and Pine (1700)
515 Fillmore*

*From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Requests the City Attorney draft legislation to effect a city-wide policy of capturing, utilizing the existing capacity of the City Hall Media Services computer audio system, every official meeting held in a City Hall hearing room not currently recorded by SFGTV. The legislation drafted should also require such audio recordings to be digitized and posted on the City's web site in the same manner as video capture is archived and made available for streaming on the web.*

*From: Supervisor Chu
To: Director, Recreation and Parks Department
Requesting/Inquiring: Letter of Inquiry to Recreation and Parks Department: What is the schedule for the replacement of the burnt play structure at Parkside Square and when will the damaged restrooms repair be completed?*

*From: Supervisor Chu
To: Director, Recreation and Parks Department
Requesting/Inquiring: Letter of Inquiry to the Recreation and Parks Department regarding the scheduled opening time of the Sunset Recreation Center:
1) What time is the Center scheduled to be opened each morning?
2) What has been the time the Center is actually opened?
3) Does the Department intend to open the Center at the scheduled time in the future?*

From: Supervisor Chu

To: Director, Public Utilities Commission

Requesting/Inquiring: Letter of Inquiry to the PUC regarding plans this year to check and clear storm drains ahead of the rainy seasons in order to prevent and/or minimize flooding.

From: Supervisor Chu

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Letter of Inquiry to the MTA regarding the status of installation schedule for the left-turn signal on Sloat Boulevard at 19th Avenue.

In Memoriams

Charles W. Mosser - Supervisor Elsbernd

Loretta Serventi - Supervisor Elsbernd

Jack H. Maddan Sr. - Supervisor Elsbernd

Robert F. Neil - Supervisor Elsbernd

Soo Ying Chung - Supervisor Peskin

Jim Rivaldo - Supervisors Dufty, Ammiano

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:32 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 November 13, 2007.



Angela Calvillo
Clerk of the Board