

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, February 26, 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 Peskin, Ammiano, Dufty

City and School District Select Committee

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

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, Chu

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

Thursday
10:00 AM

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

Volume 102 Number 6

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, 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 2:03 p.m. On the call of the roll Supervisor Dufty was noted absent.

There was a quorum present.

Supervisor Dufty was excused from attending today's meeting.

Supervisor Dufty Excused from Attendance

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

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

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve January 29, 2008 and February 5, 2008 Board Meeting Minutes. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

080158 [Apply for Grants from a State Agency - Department of the Environment]
Supervisor Alioto-Pier

Resolution authorizing the Department of the Environment to apply for a grant of up to \$200,000 from the California Energy Commission for the purpose of studying the feasibility of the use of Geothermal Heat Pumps as a source of renewable energy for the City of San Francisco.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

080138 [Changing the official sidewalk width - Berry Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1577 to change the official sidewalk width on the northerly side of Berry Street between 7th and DeHaro Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee**080054 [Settlement of Lawsuits and Claims]**

Ordinance authorizing settlement of claims made by Plaintiffs Kurt Bruneman, Tom Feledy, Narda Gillespie, Michael Hughes, Gregory Mar, Donna Meixner, Mark Osuna, Frederick Schiff, Mark Sullivan, Dennis Quinn, Donald Woolard, Michael Zurcher in a multi-party action against the City and County of San Francisco for \$1,600,000.00, and City to credit Mark Sullivan with 125.5 compensation time hours; the three lawsuits for the above-mentioned plaintiffs were all filed in the United States District Court, Northern District, Case No. C03-4345 (filed on January 16, 2003 and entitled Frederick Schiff v. City and County of San Francisco, et al.), Case No. C04-2261 (filed on June 8, 2004 and entitled Narda Gillespie, et al. v. City and County of San Francisco, et al.), Case No. C04-2262 (filed on June 8, 2004 and entitled Mark Osuna v. City and County of San Francisco, et al.). (City Attorney)

FINALLY PASSED by the following vote:

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

080055 [Settlement of Lawsuit - Teresa Yeung]

Ordinance authorizing the settlement of a lawsuit filed by Teresa Yeung, against the City and County of San Francisco for \$87,500.00; the lawsuit was filed on July 23, 2007, in San Francisco Superior Court, Case No. 07-465400, entitled Teresa Yeung v. City and County of San Francisco.

FINALLY PASSED

080120 [Settlement of City's Lawsuit Against Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$1,000,000 to the City from defendants Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co. (City Attorney)

FINALLY PASSED

080136 [Approving Settlement with the California Independent System Operator and adopting the First Amended and Restated Operating Agreement]

Ordinance authorizing settlement of proceedings initiated by the California Independent System Operator before the Federal Energy Regulatory Commission in Docket No. ER06-227-000 to establish operational, scheduling and settlement requirements for certain City electrical transmission transactions and adopting the First Amended and Restated Operating Agreement. (City Attorney)

PASSED, ON FIRST READING

080183 [Appointment - Biodiesel Access Task Force]

Motion appointing Eric Smith, Kevin Clark, Michele Swiggers and Joe Burgard, terms ending December 31, 2009, to the Biodiesel Access Task Force.

Eric Smith, succeeding Melissa Hardy, term expired, seat 3, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Kevin Clark, succeeding Karri Ving, resigned, seat 5, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Michele Swiggers, new appointment, seat 6, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Joe Burgard, new appointment, seat 7, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Motion No. M08-31

APPROVED

080184 [Appointment - In-Home Supportive Services Public Authority]

Motion appointing Tatiana Kostanian, term ending March 1, 2010, to the In-Home Supportive Services Public Authority.

Tatiana Kostanian, succeeding Elizabeth Grigsby, resigned, seat 9, must be a member of the Mayor's Disability Council, recommended to the Board by the Council, for the unexpired portion of a three-year term ending March 1, 2010.

Motion No. M08-32

APPROVED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

080217 [Adopting findings related to affirming the categorical exemption issued for 652 Duncan Street]
 Motion adopting findings related to affirming the determination by the Planning Department that the 652 Duncan Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Motion No. M08-37

APPROVED by the following vote:

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

080254 [Adopting findings related to the conditional use appeal on property located at 3571 Sacramento Street]
 Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2007.0971CE (which authorized the establishment of a foreign language enrichment program for children) in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District, pursuant to Planning Code Sections 303 and 724.52, on property located at 3571 Sacramento Street (Lot 023 in Assessor's Block 1019).

Motion No. M08-38

APPROVED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

071593 [Agreement with King Security Services Inc. for Armed and Unarmed Security Guard Services]
Supervisor Elsbernd

Resolution authorizing a three year agreement, with option to renew for up to an additional two years, with King Security Services, Inc. for an amount not to exceed \$17,100,000.

(Supervisor Daly dissented in Committee.)

(Fiscal Impact.)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

071371 [Taxicab gate cap; ratifying previous gate fees; gate surcharge for low emission vehicles; taxi fleet greenhouse gas emissions]
Supervisors Sandoval, Alioto-Pier, Peskin

Ordinance amending the San Francisco Police Code by: amending Section 1135.1, to raise the taxicab gate cap to \$96.50 and to ratify gate fees previously charged up to \$91.50 per shift for the period from January 1, 2003 to October 27, 2006; by repealing current Section 1135.2, as obsolete; by adding a new Section 1135.2, to authorize a \$7.50 surcharge on the gate cap for low emission vehicles; and by adding Section 1135.3, to require taxi companies to reduce average per vehicle greenhouse gas emissions by 20 percent from 1990 levels by 2012.

FINALLY PASSED by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
 Noes: 3 - Ammiano, Daly, Mirkarimi
 Excused: 1 - Duffy

Recommendation of the Rules Committee**080135 [Settlement of Lawsuit - Mark Chambers]**

Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

Continued to March 11, 2008 to be heard in Closed Session.

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

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

From the Rules Committee Without Recommendation**071663 [Charter Amendment - New hire qualifications for retiree health care; improved retirement benefits for miscellaneous employees retiring on or after January 10, 2009]**

Mayor, Supervisors Elsbernd, Peskin, Alioto-Pier, Mirkarimi, Chu

Charter Amendment (Third Draft) amending Section A8.428, to increase the years of service required for new employees to qualify for subsidized health benefits at retirement and to adjust the formula for calculating retiree health benefit subsidies for those new employees; adding Sections 12.204, A8.409-7, and A8.590-8, and amending Section A8.432, to fund retiree health benefits for the City and County of San Francisco and other participating employers; adding Sections A8.404-1 and A8.409-8 so that economic provisions, including wages, shall not be increased for miscellaneous City and County employees for the fiscal year commencing July 1, 2009 and ending on June 30, 2010, and recognizing certain ongoing economic expenditures by the City and County in future years; and adding Sections A8.526-2 and A8.526-3, and amending Sections A8.509, A8.587-2 and A8.587-13, to increase retirement benefits for retirees and employees who retire on or after January 10, 2009 to encourage longer employment and retention and improved cost of living benefits for all retirees and employees.

ORDERED SUBMITTED by the following vote:

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

Board of Supervisors Sitting as a Committee of the Whole

**071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys, investigators and the District Attorney to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

PASSED ON FIRST READING by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Excused: 1 - Duffy

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved to rescind the previous vote and amend the legislation.

Motion to rescind the previous vote passed without objection.

Amended on page 3, line 1, by removing the language "of the initial request".

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 2 - Chu, Elsbernd

Absent: 1 - Alioto-Pier

Excused: 1 - Duffy

NEW BUSINESS

Recommendations of the Budget and Finance Committee

**071671 [De-appropriating \$50,000 Golden Gate Park Stables General Fund project and Re-appropriating \$50,000 for Golf Course Recreational Study at Recreation and Park for Fiscal Year 2007-2008]
Supervisor McGoldrick**

Ordinance de-appropriating \$50,000 of General Fund from the Golden Gate Park Stables Project and re-appropriating \$50,000 of General Fund for a Recreational Opportunity Study at San Francisco Golf Courses in the Department of Recreation and Park for Fiscal Year 2007-2008.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Duffy

080098 [Appropriating \$55,000,000 of Commercial Paper revenue for Terminal Improvements T2 Boarding Area D renovations at the San Francisco Airport for Fiscal Year 2007-2008]**Mayor**

Ordinance appropriating \$55,000,000 of commercial paper revenues for Renovations to the terminal two boarding area D at the San Francisco Airport for Fiscal Year 2007-2008. (Mayor)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

080079 [Airport Environmental Review]

Resolution adopting CEQA Findings Related to the Terminal 2/ Boarding Area D Renovation Project at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

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

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following item.

080188 [Hiring of Recreation Directors]**Supervisors Ammiano, Duffy, Peskin, Daly**

Resolution urging the Mayor to reinstate hiring of all vacant Recreation Director positions.

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

ADOPTED by the following vote:

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

080122 [Approval of Mental Health Services Act (MHSA) Agreement and authorization to designate the Director of Community Behavioral Health Services (CBHS) to sign said agreement]

Resolution retroactively approving the Mental Health Services Act Contract No. 07-77338-000, incorporating Community Program Planning Funds in FY04-05 and Community Services and Supports Funds for Fiscal Years 05-08, with the Department of Mental Health for \$18,922,386 and authorizing the San Francisco Department of Public Health (SFDPH) - CBHS Director to sign said agreement and any and all amendments in the future, including increases to add other components of MHSA. (Public Health Department)

ADOPTED by the following vote:

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

080137 [Amending a contract with anticipated expenditures in excess of \$10 million]

Resolution approving the Tenth Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by three (3) months to May 31, 2008 and increasing the total compensation to the Contractor by seven hundred fifty thousand dollars (\$750,000) to thirteen million six hundred fifteen thousand dollars (\$13,615,000), pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

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

080166 [Authorizing the execution and delivery of certificates of participation to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction and/or reconstruction of an office building located at 525 Golden Gate Ave]

Mayor

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction and/or reconstruction of an office building and related property located at 525 Golden Gate Avenue; approving the form of a trust agreement between the City and County of San Francisco (the "City") and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of a property lease between the City and a trustee relating to 525 Golden Gate Avenue; approving the form of a project lease between the City and a trustee (including certain indemnities contained therein); approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31 and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:

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

080167 [Approval of Amendment No. 4 to architectural design agreement for the new Public Utilities Commission administration building located at 525 Golden Gate Avenue, San Francisco]

Mayor

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 4 to architectural design agreement for the new San Francisco Public Utilities Commission administration building project located at 525 Golden Gate Avenue to increase the contract value by \$7,090,000 to bring the total contract value to \$11,550,000, and extend the contract duration by 26 months for a total duration of 44 months.

(Fiscal Impact.)

ADOPTED by the following vote:

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

**080151 [Accept-Expend Regional Grant - Airport Commission]
Supervisor Chu**

Resolution authorizing the Airport Commission to accept and expend two (2) grants totaling \$298,000 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators.

ADOPTED by the following vote:

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

Recommendations of the City Operations and Neighborhood Services Committee

080017 [Liquor License - 837 Divisadero Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Eric Whitaker for Mini Bar SF LLC, located at 837 Divisadero Street (District 5), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

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

**080047 [Continuum of Care: Five-Year Strategic Plan of the San Francisco Local Homeless Coordinating Board 2008-2013]
Supervisors Daly, Ammiano, Mirkarimi**

Resolution declaring the policy that the Five-Year Strategic Plan of the San Francisco Local Homeless Board titled "Toward Ending Homelessness in San Francisco: A Five Year Strategic Plan of the San Francisco Local Homeless Coordinating Board" is the City and County of San Francisco's official homeless policy document and governs the development of an integrated, effective and coordinated system of housing, health care, employment and support services to end homelessness.

Amended by replacing "2007-2012" with "2008-2013" throughout the legislation.

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

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

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Duffy

From the Land Use and Economic Development Committee Without Recommendation

080091 [Treasure Island Affordable Housing]

Resolution encouraging the Treasure Island Development Authority and Mayor's Office of Housing to explore how to increase the percentage of affordable housing to include 50% affordable housing in the Disposition and Development Agreement for the Former Naval Station Treasure Island.

Continued to June 10, 2008

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

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

Recommendations of the Rules Committee**071299 [Updating a statutory reference in provision regarding settlement of minors' claims]**

Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 10.22-1, to update a statutory reference in a Code provision regarding the settlement of claims made against the City by minors.

PASSED ON FIRST READING by the following vote:

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

080195 [Extending the Joint City and School District Committee for one year]

Supervisors Peskin, Duffy, Ammiano

Motion amending Rule 5.7 of the Board of Supervisors' Rules of Order to extend the term of the Joint City and School District Select Committee for one year.

Supervisor Ammiano requested to be added as co-sponsor.

Motion No. M08-33

APPROVED by the following vote:

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

080207 [Appointment, Municipal Transportation Agency Board - Bruce Oka]

Mayor

Motion confirming the appointment of Bruce Oka to the Municipal Transportation Agency Board of Directors, term ending March 1, 2012.

Motion No. M08-34

APPROVED by the following vote:

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

**080208 [Appointment, Municipal Transportation Agency Board - Malcolm Heinicke]
Mayor, Supervisor Dufty**

Motion confirming the appointment of Malcolm Heinicke to the Municipal Transportation Agency Board of Directors, term ending March 1, 2012.

Motion No. M08-35

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Sandoval

Noes: 3 - Daly, Mirkarimi, Peskin

Excused: 1 - Dufty

080215 [Appointment - Board of Appeals, Tanya Peterson]

Motion approving the Mayor's appointment of Tanya Peterson to the Board of Appeals for the term ending July 1, 2008.

(Section 4.106 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. Transmittal date - February 1, 2008).

Motion No. M08-36

APPROVED by the following vote:

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

Excused: 1 - Dufty

Supervisor Elsbernd Excused From Voting

Supervisor Chu, seconded by Supervisor McGoldrick, moved to excuse Supervisor Elsbernd from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 2 - Dufty, Elsbernd

**080165 [Appointment- Peninsula Corridor Joint Powers Board]
Supervisor Peskin**

Motion appointing Supervisor Sean R. Elsbernd to the Peninsula Corridor Joint Powers Board.

(Supervisor Elsbernd was excused from voting in Committee).

Motion No. M08-30

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 2 - Dufty, Elsbernd

From the Rules Committee Without Recommendation

Supervisor Alioto-Pier was noted absent at 4:23 p.m.

071679 [Solar Energy Incentive Program]

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 3 - Daly, McGoldrick, Mirkarimi
Excused: 1 - Duffy

Board of Supervisors Sitting as a Committee of the Whole

080256 [Public Hearing - Certification of Appropriateness for alterations to the Board of Supervisors' Legislative Chamber]

Hearing on the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

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

Sophie Middlebrook; Planning Department Representative

Susan Mizner, Mayor's Office of Disability

Don L. Whitney; expressed concern with issues relating to the cost associated with making the Chamber ADA compliant

Male speaker; expressed concern with issues relating to the cost associated with making the Chamber ADA compliant

Don Martinelli; support of the legislation but expressed concern with issues relating to the cost to make Chamber ADA compliant

Richard McRee; expressed concern with issues relating to the cost associated to make the Chamber ADA compliant

Francisco di Costa; expressed concern with issues relating to the ADA standards

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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

080257 [Approving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Continued to March 4, 2008

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

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

080258 [Disapproving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Continued to March 4, 2008

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

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

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

Privilege of the Floor

It was decided 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.

Supervisor Mirkarimi introduced, welcomed and presented Certificate of Honors to Leola King, Carl Williams and Representatives of the Martin Luther King and Marcus Garvey Housing Cooperative Board in recognition of Black History Month.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to representatives of the Peace Corps.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to representatives of the Bay Area Red Cross in recognition of the Month of March as Red Cross Month.

SPECIAL ORDER 4:00 P.M.

071265 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2721 Pierce Street]
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007, Case No. 2006.1415D, (Building Permit Application No. 2006.07.03.5586) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The proposal consists of adding two windows on the facade, removing a rear sun porch and adding a two-story rear addition at 2721 Pierce Street, Lot 006 in Assessor's Block 0560. (Appellants: Susan Brandt-Hawley on behalf of Judge Carlos Bea and Louise Bea)

(Filed August 31, 2007; Companion Files to 071266, 071267, 071268; District 2.)

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

Cornelia Griffith, Architect, provided documentation that the building permit had been withdrawn.

Bill Wycko, Planning Department indicated that the Planning Department would withdraw the Categorical Exemption.

(File Nos. 071266, 071267 and 071268 will be tabled.)

The President declared the public hearing closed.

TABLED by the following vote:

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

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.)

071266 [Affirming the Categorical Exemption issued for 2721 Pierce Street]
Motion affirming the determination by the Planning Department that the 2721 Pierce Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:

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

071267 [Disapproving the Categorical Exemption issued for 2721 Pierce Street]
Motion disapproving the determination by the Planning Department that the 2721 Pierce Street project is categorically exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:

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

071268 [Preparation of findings related to the 2721 Pierce 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 2721 Pierce Street is exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:

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

SPECIAL ORDER 4:00 P.M.**070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

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

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

*The President inquired as to whether any member of the public wished to address the Board members.
Continued to March 11, 2008*

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

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

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

(Only one of the following two motions should be approved.)**070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

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

Continued to March 11, 2008

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

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

- 070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**
Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 11, 2008

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

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

- 070913 [Preparation of findings related to the 3424 Jackson Street project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 11, 2008

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

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

COMMITTEE REPORTS

- 080062 [Regulating the permitted locations of new liquor stores and their conditions of operation]**
Supervisors Sandoval, Daly

Motion ordering submitted to the voters an Ordinance authorizing amendment of the Planning Code by adding Section 226.5 to impose a distance requirement of 500 feet or more between new off-sale liquor stores and existing liquor stores, schools, public libraries and recreation centers and establishing conditions for operation of liquor stores at an election to be held on June 3, 2008.

(Economic Impact)

Supervisor Alioto-Pier requested to remove her name as a co-sponsor.

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

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

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Duffy

Ordinance authorizing amendment of the Planning Code by adding Section 226.5 to impose a distance requirement of 500 feet or more between new off-sale liquor stores and existing liquor stores, schools, public libraries and recreation centers and establishing conditions for operation of liquor stores.

*This matter was amended and referred to the Land Use & Economic Development Committee.
The new legislation will be referred to City Planning.*

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

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Duffy

**080190 [Approval of Amendment to Security Guard Services Contract]
Supervisor Elsbernd**

Resolution approving Amendment to Armed and Unarmed Security Services Contract for Municipal Railway Revenue and Cost Accounting Divisions.

(Fiscal Impact.)

Resolution No. 79-08

ADOPTED by the following vote:

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

Excused: 1 - Duffy

**080189 [Landmark Designation of 451 Jersey Street (Carnegie Noe Valley/Sally Brunn Branch Library)]
Supervisor Duffy**

Ordinance designating 451 Jersey Street, the Carnegie Noe Valley/Sally Brunn Branch Library, (Assessor's Block Number 6539, Lot Number 034), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Duffy

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.

Abdulla Megaheed; expressed concern with issues relating to the homeless

James Chaffee; expressed concern with issues relating to the SF Public Library

Richard Stypmann; expressed concern with issues relating to SF Police violence

Dave Cohen; expressed concern with issues relating to the closure of patient's cooperative

Walter; expressed, in song, to the Board members general issues

John Di Donna; expressed concern with issues relating to violence against the youth

Reverend Webster; expressed concern with issues relating to the Community Centers

Terrie Frye; support of Item 52 (File No. 080198)

Liam Wood-Smith; support of Item 52 (File No. 080198)

Male speaker; support of Item 52 (File No. 080198)

Gilbert; support of Item 52 (File No. 080198)

Female speaker; expressed concern with issues relating to the Mayor's Housing and condominium conversions

Robert Magee; expressed concern with issues relating to the Mayor's Housing and condominium conversions

Ben Kuchiak; speaker; expressed concern with issues relating to the Mayor's Housing relating to the Gold Mine homeowners

Male speaker; expressed concern with issues relating to the Mayor's Housing relating to the Gold Mine homeowners

Marsh Wade; expressed concern with issues relating to the Mayor's Housing relating to the Gold Mine homeowners

Ms. Madulian; expressed concern with issues relating to the Mayor's Housing and condominium conversions

Richard McRee; expressed concern with issues relating to the his patent for the Sigmund Stern Grove

Female speaker, medical marijuana patient; support of Item 52 (File No. 080198)

Female speaker; expressed concern with issues relating to allowing the Blue Angels flying over San Francisco

Ann Garrison; expressed concern with issues relating to allowing the Blue Angels flying over San Francisco

Ron Templin; expressed concern with issues relating to medical marijuana users and providing safe places for these users

Don Martinelli; expressed concern with issues relating to medical marijuana users and providing safe places for these users

Michael Aldrich; support of Item 52 (File 080198)

Kathleen Bosnen; support of Item 52 (File 080198)

Female speaker; expressed concern with issues relating to the homeless

Ace Washington; expressed concern with issues relating to access to the Press Room for the African American media staff, Ella Hill Hutch and the Redevelopment Agency and issues relating to the Black Community

Male speaker; expressed concern with issues relating to the commercializing of Coit Tower

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.

**080241 [Red Cross Month - March 2008]
Supervisors Elsbernd, Chu**

Resolution proclaiming March 2008 as Red Cross Month in San Francisco.

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

ADOPTED

**080242 [Honoring Marge Gambelin for her dedication and her work with the Planning Department of the City and County of San Francisco]
Supervisor Duffy**

Resolution honoring Marge Gambelin for her dedication and her work with the Planning Department of the City and County of San Francisco.

ADOPTED

**080243 [Commendation of Equality California]
Supervisors Sandoval, Ammiano, Duffy**

Resolution commending Equality California, the statewide organization that is championing equality for Lesbian, Gay, Bisexual, and Transgender people in California, on a successful 10th Anniversary 2008 Equality Awards Gala.

ADOPTED

**080244 [Sidewalk Memorial Plaques]
Supervisors Daly, Mirkarimi**

Resolution urging the Department of Public Works to approve Mr. Ian Brennan's encroachment applications for installation of commemorative bronze sidewalk plaques.

ADOPTED

**080245 [Declaring intent of the City and County of San Francisco with regard to pending legislation amending the Medical Cannabis Act of 2005]
Supervisors Daly, Ammiano, Mirkarimi**

Resolution declaring the intent of the City and County of San Francisco not to take enforcement action against those medical cannabis dispensaries that have properly applied for the necessary permits before August 17, 2007, while current legislation is pending to extend the deadline for obtaining final MCD permits from the Department of Public Health.

ADOPTED

**080247 [Supporting Earth Hour - March 29, 2008]
Supervisors Alioto-Pier, Elsbernd, Dufty, Chu**

Resolution to support extinguishing all non-essential lighting in all city government buildings, public schools and public landmarks for the hour between 8:00 PM and 9:00 PM on March 29, 2008 to conserve energy as part of the city-wide energy conservation event: Earth Hour San Francisco, and establishing March 29, 2008 as Earth Hour San Francisco Day.

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

ADOPTED

**080248 [Approval of an additional 90 day extension for Planning Commission review in order to allow for a Recreation and Parks Commission hearing]
Supervisor Mirkarimi**

Resolution extending by an additional 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sectional Map 2 of the Zoning Map of the City and County of San Francisco to a date within two weeks of the environmental review hearing for the same action. The proposed Ordinance would specifically change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

**080249 [Supporting the California Prevention of Farm Animal Cruelty Act]
Supervisor Ammiano**

Resolution supporting the California Prevention of Farm Animal Cruelty Act.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Dufty

Severed from the Without Reference to Committee Agenda

080259 [Committee of the Whole - February 26, 2008 for hearing on the Planning Commission's Certification of Appropriateness for alterations to the Board of Supervisors' Legislative Chamber]

Motion to sit as a Committee of the Whole for hearing on the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

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

There were none.

The President declared the public hearing closed.

Motion No. M08-39

APPROVED by the following vote:

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

Excused: 1 - Dufty

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

- 080198 [Condemning Drug Enforcement Agency Actions Against Property Owners Leasing Space to Medical Cannabis Dispensaries]**
Supervisors Daly, McGoldrick, Mirkarimi, Ammiano, Peskin

Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

Supervisor Elsbernd, seconded by Supervisor Daly, moved to waive the Board Rule 3.11.

Motion to waive Board Rule 3.11 was passed without objection.

ADOPTED by the following vote:

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

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

- 080246 [Lifting time limits in rental subsidy program for low income families]**
Supervisors Daly, Ammiano, Mirkarimi

Resolution calling on the Human Services Agency (HSA) to remove the arbitrary time limit in its local housing subsidy for homeless families and to make the timeline for this subsidy need-based.

Continued to March 4, 2008

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

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

OFF-AGENDA LEGISLATION

Ordinances

- 080272 [Requiring registered lobbyists to wear identification badges when making lobbying contacts]**
Supervisor Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by adding section 2.113 to require registered lobbyists to wear identification badges distributed by the Ethics Commission when making lobbying contacts.

2/26/08, RECEIVED AND ASSIGNED to Rules Committee.

**080273 [Incentives for Family-sized Affordable Housing Units]
Supervisors Dufty, Peskin, Maxwell, Mirkarimi**

Ordinance amending the Residential Inclusionary Affordable Housing Program, including Planning Code Section 315.9 to allow for density bonuses to project applicants who develop on-site, affordable family-sized units as defined herein as part of their inclusionary housing requirements; and the addition of Planning Code Section 315.10 regarding severability.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/24/2008.

**080274 [Administrative Code Revision: Health Service System]
Supervisor Elsbernd**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

2/26/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080277 [Administrative Code Chapter 6 - technical amendments and amendments to contracting procedures]
Supervisor Chu**

Ordinance amending San Francisco Administrative Code Chapter 6 to correct typographical errors in subsections 6.22(B) and 6.22(H)(2)(d), to clarify and revise subsection 6.22(J) concerning retention of progressive payments, to clarify and revise subsection 6.23(C) concerning the rejection or failure of bids, to revise section 6.61 concerning design-build contracting procedures, and to add a new section 6.28 authorizing the use of integrated project delivery.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 3/24/2008.

**080278 [Clarifying when the Ethics Commission must raise the individual expenditure ceilings in the partial public financing program for candidates for Mayor and the Board of Supervisors, and correcting minor drafting errors]
Supervisor Daly**

Ordinance amending sections 1.108, 1.134.5, and 1.144 of the Campaign and Governmental Conduct Code, to clarify when the Executive Director of the Ethics Commission shall raise the Individual Expenditure Ceiling for a candidate for Mayor or the Board of Supervisors and to make technical corrections.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/24/2008.

**080279 [Landmark Designation of 900 Innes Avenue (Hunter's Point School)]
Supervisor Maxwell**

Ordinance designating 900 Innes Avenue (Hunter's Point School) as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

2/26/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080280 [Zoning - Repeal of the interim moratorium on institutional uses in the Western SoMa]
Supervisor Peskin**

Ordinance repealing the interim zoning moratorium that prohibits the establishment of specified new institutional uses in the Western SoMa Planning Area Special Use District.

2/26/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080281 [Building Code - Slope Protection Act]
Supervisor Peskin**

Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4 et seq. to establish the Slope Protection Act and create procedures that require the Structural Advisory Committee to review and make recommendations on specified permit applications for all property within the City that exceeds an average slope of 25% grade, and to require mandatory denial of the permit by the Building Official under specified circumstances; amending Section 105A.6.2 to specify the composition of the Structural Advisory Committee for permit applications subject to the Slope Protection Act; amending Building Code Section 106A.3.2 to require that the applicant for certain permit applications subject to the Slope Protection Act provide substantial documentation that there exists sufficient infrastructure to support the proposed residential development and that the proposed emergency access routes meet standards in effect at the time of the application; amending Building Code Section 1701A.5 to require special inspections throughout the construction process for sites subject to the Slope Protection Act.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/24/2008.

**080282 [Off-Site Residential Inclusionary Affordable Housing Requirements]
Supervisor Sandoval**

Ordinance amending Section 315.5 of the Planning Code to provide that twenty-five percent of off-site units given site permits annually may be built outside of the currently-required one-mile radius from the market-rate project, and to provide that off-site units cannot be located in industrially-zoned areas or within a quarter mile of developments containing 200 or more publicly-owned and operated affordable housing developments.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/24/2008.

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

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

2/26/08, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 3/24/2008.

**080231 [Driving-experience requirements for taxi medallion applicants]
Supervisor Daly**

Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants.

2/12/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/13/2008.

2/26/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/13/2008.

2/26/08, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

Resolutions

**080275 [Establishing Monthly Contribution Amount]
Supervisor Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

2/26/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080276 [Accept-Expend Grant, Mayor's Office of Criminal Justice (MOCJ)]
Supervisor Elsbernd**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$287,150 from the California Corrections Standards Authority for the purpose of enhancing the capacity of San Francisco to implement an effective continuum of response to juvenile crime and delinquency.

2/26/08, RECEIVED AND ASSIGNED to Public Safety Committee.

**080284 [Bond Sale of Branch Library General Obligation Bonds]
Mayor, Supervisors Peskin, Alioto-Pier**

Resolution Authorizing and Directing the Sale of Not to Exceed \$31,065,000 City and County of San Francisco General Obligation Bonds (Branch Library Facilities Improvement Bonds, 2000) Series 2008A; Prescribing the Form and Terms of Said Bonds; Authorizing the Execution, Authentication and Registration of Said Bonds; Providing for the Appointment of Depositories and Other Agents for Said Bonds; Providing For the Establishment of Accounts Related Thereto; Approving the Forms of Official Notice of Sale and Notice of Intention to Sell Bonds; Directing the Publication of the Notice of Intention to Sell Bonds; Approving the Form and Execution of the Official Statement Relating Thereto; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications to Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority to City Officials to Take Necessary Actions in Connection with the Authorization, Issuance, Sale and Delivery of Said Bonds.

2/26/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080285 [Noe Valley/Sally Brunn Branch Library re-opening]
Supervisor Dufty**

Resolution recognizing the grand re-opening of the Noe Valley/Sally Brunn Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080286 [Support of bill designating safety enhancement-double fine zones]
Supervisors Chu, Elsbernd, McGoldrick, Mirkarimi**

Resolution supporting SB 1419, a bill to designate safety enhancement-double fine zones along State Highway Route 1 from Junipero Serra Boulevard to Lake Street and urging the California Legislature to pass the bill.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080287 [Adopting the U.S. Cool Counties Climate Stabilization Declaration]
Supervisor Daly**

Resolution adopting the U.S. Cool Counties Climate Stabilization Declaration

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080288 [Commending the American Academy of Orthopedic Surgeons, the Friends of Balboa Park Playground, KaBOOM! and the Neighborhood Parks Council]
Supervisor Sandoval**

Resolution commending the American Academy of Orthopedic Surgeons, the Friends of Balboa Park Playground, KaBOOM! and the Neighborhood Parks Council for their efforts to replace the Balboa Park Playground.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080289 [Mountain Lake Park - Toxic Issues]
Supervisors Alioto-Pier, McGoldrick**

Resolution urging the Presidio Trust and Caltrans to immediately resolve the toxicity issue at Mountain Lake through further testing, clean up and diversion measures; and urging the Recreation and Park Department to immediately post signs warning residents that Mountain Lake has been designated a toxic clean up site.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080292 [Grant funds to support HIV vaccine trials]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of \$78,943, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trials Network (VTN) Scholars Group/Public Health Foundation Enterprises (PHFE); for the period of June 1, 2007 through May 31, 2008.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080293 [Accept-Expend Private Foundation Grant - Department of the District Attorney]
Supervisor Alioto-Pier**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of \$64,500 from the Kaiser Permanente Northern California Community Grants Program for a program entitled "Back on Track" for fiscal year 2007/2008.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**080271 [CitiApartment]
Supervisor Daly**

Hearing on CityApartment's rate of property acquisition, tenant relations, code violations, and the status report from the City Attorney's office on the City's pending litigation.

2/26/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Motions

**080291 [Amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst]
Supervisor Mirkarimi**

Motion amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst to include a survey of City Departments and analysis of the number and cost of positions performing public relations – public information including the justification for such positions.

2/26/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

2/26/08, RECEIVED AND ASSIGNED to Rules Committee.

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.

2/27/08, RECEIVED AND ASSIGNED to Rules Committee.

080296 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 3, 2008 Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 3, 2008 Election.

PROPOSED ORDINANCES**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)

2/7/08, RECEIVED AND ASSIGNED to Rules Committee.

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)

2/7/08, RECEIVED AND ASSIGNED to Rules Committee.

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)

2/7/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**080181 [Gift - Private, Department of Public Health - \$104,538]**

Resolution authorizing the Department of Public Health to retroactively accept a gift from the San Francisco General Hospital Foundation with a monetary value of \$104,538 to back fill-staff attending training designed to decrease the risk of cardiovascular events (heart attacks and strokes) for the period of January 1, 2008 though December 31, 2010. (Public Health Department)

2/6/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 080222 [Gift - Private, Public Health Department - Data Center and Electronic Medication Administration Record System]**
Resolution authorizing the Public Health Department to accept a gift of a Data Center and an Electronic Medication Administration Record System for the San Francisco General Hospital (SFGH) from the San Francisco Hospital Foundation (SFGH Foundation). (Public Health Department)
2/6/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 080223 [Street Encroachments on Ocean Avenue at Granada Avenue]**
Resolution granting revocable permission to San Francisco Arts Commission to occupy a portion of the public right-of-way to install and maintain two mosaic sun spheres, one three feet, and one four feet in diameter near the northeasterly and southwesterly corners of Ocean Avenue and Granada Avenue, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)
2/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 080224 [Gift of Equipment to Fire Department]**
Resolution authorizing the San Francisco Fire Department to accept a gift of a fifteen Porto2Vent Continuous Positive Air Pressure Devices and Backpacks valued at \$19,050 from Emergent Technologies for use by Fire Department employees who provide ambulance services in the City. (Fire Department)
2/11/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 080262 [Approval of the Substance Abuse and Crime Prevention Act of 2000-Implementation Plan]**
Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2007-2008. (Public Health Department)
2/14/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Department requests that the item be referred to Budget and Finance Committee.
- 080263 [Lease of Real Property at 1740 Cesar Chavez Street]**
Resolution authorizing a new lease of approximately 7,680 square feet at 1740 Cesar Chavez Street for the Department of Human Resources (DHR) for a term of five years. (Real Estate Department)

(Fiscal Impact.)
2/15/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Light Boxes:

-Northeast corner of Page and Divisadero

Phone Switch Boxes:

-Northwest corner of Grove and Webster

-Northeast corner of Webster and Hayes

-Southeast corner of Fell and Webster

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

SF Weekly:

-Northeast corner of Divisadero and McAllister

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Fire Hydrant:

-Southeast corner of Octavia and Grove

Curb Edge:

-Northwest corner of Grove and Webster

-Southeast corner of Hayes and Steiner

Walkways/Stairwells:

-Near 1145 Hayes Street

-Across from 1145 Hayes Street on the Alamo Park side of the street

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from mailboxes and garbage cans at the following locations:

Mailboxes:

-Southwest corner of Hayes and Fillmore

-Northwest corner of Steiner and Fulton

-Northeast corner of McAllister and Scott

-Southeast corner of McAllister and Pierce

-Southeast corner of Fillmore and Oak

-Northeast corner of Oak and Gough

-Southwest corner of Haight and Gough

Garbage Cans:

-Northeast corner of McAllister and Broderick

-Southwest corner of Hayes and Buchanan

-Northeast corner of Grove and Fillmore

-Southwest corner of Fulton and Steiner

-Northwest corner of Hayes and Steiner

-Southeast corner of Fillmore and Hayes

-Near 700 Hayes

From: Supervisor Mirkarimi

To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

- 650 Steiner
- 906-916 Hayes
- 957 Hayes
- 929-931 Hayes
- 867 Fell
- 661-665 Fillmore (plus ATM sign)
- 539 Octavia
- 899 Grove
- 668-678 Lyon
- 1372 McAllister
- 1555-1559 McAllister
- 1577 McAllister
- 1670 McAllister
- 1697 McAllister
- 1849 McAllister

From: Supervisor Mirkarimi

To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at following locations:

Potholes:
Numerous potholes on the 800 block of Fell

From: Supervisor Mirkarimi

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

- Wood:
- Southwest corner of Fulton and Broderick
- Metal:
- 969 Hayes
- 690 Hayes
- 1249 Hayes
- 1856 McAllister
- 1712-1722 McAllister
- 1677 McAllister
- 815 Webster
- Northwest corner of Fulton and Broderick

From: Supervisor Mirkarimi

To: Director, Department of Recreation and Park
Requesting/Inquiring: Requesting the Department of Recreation and Park to report on the status of removing graffiti from Hayes Valley Playground walls.

From: Supervisor Sandoval

To: Clerk, Board of Supervisors
To: Director, Planning Department
Requesting/Inquiring: Requesting the Clerk of the Board of Supervisors to write a letter to the Planning Department requesting the Planning Department to respond to the following questions concerning the legislated setback at 679 Lisbon Street (Planning Code Section 132):

- (a) What is the history of this legislated setback?
- (b) Why does this setback require a legislated abolishment rather than having the option of appeal before the Planning Commission by the project sponsor?

*(c) Would the Planning Department support legislation abolishing the legislated setback at 679 Lisbon Street?
Requesting the Clerk of the Board of Supervisors to send a copy of the letter to:*

*Robert Trumbull, Homeowner
679 Lisbon Street
San Francisco, CA 94112*

*Bill Mahar
Mahar Architects
2411 Carlmont Drive, #108
Belmont, CA 94002*

In Memoriams

*Fergus McEleny - Supervisor Elsbernd
Bill Wolf - Supervisor Ammiano
Bob Young - Supervisor Peskin
Lawrence King - Supervisor Sandoval*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:43 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 March 11, 2008.



Angela Calvillo
Clerk of the Board