

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, August 11, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

*MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI*

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Campos, Daly, Alioto-Pier

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of July 14, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Clerk of the Board Angela Calvillo announced that she was in receipt of a communication from the Planning Department rescinding the department's December 19, 2008, categorical exemption on the appeal for 717 Battery Street/350 Pacific Avenue, which was the subject of the 4:00 p.m. Special Order. Board President Chiu announced that the withdrawal of the categorical exemption renders these items, by operation of law, no longer before the Board. File Nos. 090109, 090110, 090111, 090112 were filed pursuant to this communication.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090883 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

Resolution No. 344-09

ADOPTED

090930 [Renew Joint Powers Agreement with State and Accept and Expend up to \$2,249,136]

Supervisor Avalos

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to \$2,249,136 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2009, through June 30, 2012.

Resolution No. 346-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee

090555 [Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]
Supervisor Daly

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

Ordinance No. 193-09

FINALLY PASSED

Recommendations of the Rules Committee**090878 [Settlement of Lawsuits - John Tennison and Antoine Goff totaling \$7,500,000]**

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of \$7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of \$4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of \$2,900,000. (City Attorney)

PASSED, ON FIRST READING

090896 [Settlement of Lawsuit - John Williams - \$27,000]

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for \$27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090897 [Settlement of Lawsuit - Benson Chen - \$75,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090898 [Settlement of Lawsuit - Yue Kong Kam - \$102,327.06]

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for \$102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

090899 [Settlement of Lawsuits - United States of America - \$7,000,000]

Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for \$7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating \$7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

090868 [Bicycle Plan adoption and related General Plan amendments]

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

Ordinance No. 188-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090867 [Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

Ordinance No. 187-09

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS**Recommendations of the Budget and Finance Committee****090546 [Appropriating \$119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]**

Mayor

Ordinance appropriating \$119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing \$78,800,000 on Controller's reserve pending the sale of bonds.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090869 [Approval of SFPUC New Irvington Tunnel Construction Management Contract not to exceed \$15 million]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed \$15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)

(Fiscal Impact.)

Resolution No. 343-09**ADOPTED** by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090916 [Approving one fuel contract estimated to exceed \$10 million]

Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed \$10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

Resolution No. 345-09**ADOPTED** by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090461 [Providing members of the public with access to language services]
Supervisors Chiu, Daly, Chu, Campos, Mar, Avalos, Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

Supervisors Campos, Mar, and Avalos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090576 [Hearing - Hunters View - Street Vacation Order]

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance.

Barbara Moy (Department of Public Works) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

From the Land Use and Economic Development Committee Without Recommendation**090575 [Hunters View - Street Vacation Order]**

Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.**090956 [Public Hearing - Department of Public Health Delinquent Refuse Service Payment Liens (Garbage Liens)]**

Hearing of persons interested in or objecting to the report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating special assessments and liens based thereon.

Scott Nakamura (Department of Public Health) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed..

HEARD AT PUBLIC HEARING.

090957 [Unpaid Department of Public Health Delinquent Refuse Service Payments to become Special Assessments and liens billed with property taxes]

Resolution confirming report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

Resolution No. 341-09

ADOPTED by the following vote:

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

Noes: 1 - Daly

SPECIAL ORDER 3:00 P.M.**090958 [Public Hearing - Department of Building Inspection Special Assessment of Liens for Assessment of Costs]**

Hearing of persons interested in or objecting to the report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said department of costs thereof having accrued pursuant to code violations referenced above.

Alan Davison (Department of Building Inspection) provided an overview.

The President inquired as to whether any member of the public wished to address the Board. Yick Wong spoke expressing concerns relating to process. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090959 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said department of costs thereof having accrued pursuant to code violations referenced above.

Resolution No. 340-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

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

There were none.

SPECIAL ORDER 4:00 P.M.

See additional information under Communications above.

090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District, the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

FILED.

090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

FILED.

090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

FILED.

090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue 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 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

FILED.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

090895 [Settlement of Lawsuit - Linda Caratti - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for \$80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

090970 [Reappointment, Recreation and Parks Commission - Larry Martin]

Motion approving the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Motion No. M09-140

APPROVED by the following vote:

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

Recommendations of the Rules Committee

090973 [Reappointment, Recreation and Parks Commission - David Lee]

Motion rejecting the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

NOT APPROVED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

**090974 [Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]
Supervisor Elsbernd**

Motion approving the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – July 13, 2009.)

Supervisor Elsbernd requested to be added as sponsor.

Motion No. M09-141

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090976 [Reappointment, Civil Service Commission - Dennis Normandy]

Motion approving the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Motion No. M09-139

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

**090554 [Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]
Supervisors Chiu, Dufty, Mar, Avalos**

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

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

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090889 [Regulations for Mortgage Modification Consultants]
Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar, Avalos

Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

Supervisors Mar and Avalos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090966 [Opposing BART surcharge]
Supervisors Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos, Mar

Resolution opposing BART surcharge on SFO employees.

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

Resolution No. 347-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various concerns.

Walter Paulson; shared in song certain concerns with the Board.

John DiDonna; shared in poem certain concerns with the Board.

Female Speaker; expressed support for resolution regarding hate speech in the media.

Carmen; expressed support for resolution regarding hate speech in the media.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Male Speaker; expressed various religious concerns.

Peter Warfield; expressed concerns relating to the SF Public Library.

Francisco Da Costa, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

- 090995** [Urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media and to update the 1993 report on the Role of Telecommunications in Hate Crimes]
Supervisors Campos, Avalos, Chiu, Dufty, Daly, Mar, Mirkarimi, Maxwell

Resolution urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media, allowing public participation via public hearings, and to update the 1993 report on the Role of Telecommunications in Hate Crimes, including public participation via public hearings.

Resolution No. 348-09

ADOPTED

- 090996** [Recognizing and honoring Tim Reagan's contribution to social justice and workers' rights]
Supervisor Daly

Resolution acknowledging Tim Reagan's contributions to the struggle for social justice and workers' rights for more than two decades.

Resolution No. 349-09

ADOPTED

- 090395** [Final Map - 1355 Pacific Avenue]

Motion approving Final Map 5525, a 23 unit residential condominium project, located at 1355 Pacific Avenue being a subdivision of Lot 031 in Assessors Block No. 0184 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,260; District 3.)

Motion No. M09-138

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

090997 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Dufty, moved to assign former Supervisor Jake McGoldrick, as an individual voter who is eligible to vote, to write the official proponent argument for the Charter Amendment relating to legislative aides on behalf of the Board of Supervisors.

The motion PASSED without objection.

Supervisor Campos, seconded by Supervisor Avalos, moved to assign Supervisor Chiu to write the official proponent argument for the Charter Amendment relating to budgetary cycle on behalf of the Board of Supervisors.

The motion PASSED without objection.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to assign Supervisor Dufty to write the official proponent argument for the ordinance relating to Candlestick Point on behalf of the Board of Supervisors.

The motion PASSED without objection.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to delete the Charter Amendment relating to legislative aides thereby not assigning an opponent argument.

The motion PASSED without objection.

Supervisor Daly, seconded by Supervisor Campos, moved to assign Supervisor Daly to write the official opponent argument for the Charter Amendment relating to budgetary cycle on behalf of the Board of Supervisors.

The motion PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

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

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved to assign Supervisor Daly to write the official proponent argument for the ordinance relating to Candlestick Point on behalf of the Board of Supervisors.

The motion PASSED without objection.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

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

Motion No. M09-137

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

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

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**091013 [Application of City's conflict of interest laws to City officers]
Supervisor Elsbernd**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

8/11/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009. Referred to the Ethics Commission for comment on August 17, 2009.

**091014 [Planning Code-Conditional Use Requirement for Nail Salons in the West Portal Avenue Neighborhood Commercial District]
Supervisor Elsbernd**

Ordinance amending the Planning Code by amending Section 729 to add new Subsection 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/11/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/10/2009.

**091015 [Reimbursement to City for dignitary security provided during campaign-related travel by elected officials]
Supervisors Mirkarimi, Campos, Avalos, Daly**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

8/11/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009. Referred to the Ethics Commission for comment on August 17, 2009.

Resolutions**091012 [Board review and approval of 2009 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]****Supervisor Chiu**

Resolution approving the City and County of San Francisco 2009 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

8/11/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091016 [Contract between the Department of Public Health and the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program]**Mayor, Supervisor Avalos**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract with the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program for the term of July 1, 2009, through June 30, 2010.

(Fiscal Impact.)

8/11/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091017 [Supporting the Children's Defense Fund Health Coverage for All Children Campaign]**Supervisor Alioto-Pier**

Resolution supporting the Children's Defense Fund's Health Coverage for All Children Campaign.

8/11/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091018 [FY 2009-2010 California Constitution Appropriations Limit]**Supervisor Avalos**

Resolution establishing the appropriations limit for FY 2009-2010 pursuant to California Constitution Article XIII B.

8/11/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091019 [Reaffirming the Board of Supervisors' support for the expeditious completion of the Mexican Museum Project at the Yerba Buena Garden site]**Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi**

Resolution reaffirming the Board of Supervisors' support for the Mexican Museum project, and calling upon all parties, including the San Francisco Redevelopment Agency, Millennium Partners, the San Francisco Arts Commission, and Fort Mason to support the expeditious completion of the project, including helping the Mexican Museum retain its lease with Fort Mason concurrent with and through the development, construction and actualization of the Mexican Museum project at the Yerba Buena Garden site.

8/11/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**091010 [Department of Children, Youth, and their Families' Children's Services Allocation Plan FY 2010-2013]
Supervisor Avalos**

Hearing on Department of Children, Youth, and their Families' Children's Services Allocation Plan for FY's 2010-2013 "Raising San Franciscans Together."

8/11/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091011 [Training center in the Bayview]
Supervisors Daly, Mirkarimi, Avalos, Campos, Maxwell**

Hearing on the GoSolarSF and SolarCity's promise to develop a training center in the Bayview.

8/11/09, RECEIVED AND ASSIGNED to Rules Committee.

Motion**090942 [Closed Session - Potential litigation regarding proposed State Constitutional Amendment No. 09-0015]
Supervisor Mirkarimi**

Motion to convene in closed session for the purpose of receiving a briefing from the City Attorney regarding potential litigation regarding proposed initiative State Constitutional Amendment No. 09-0015 "New two-thirds vote requirement for local public electricity providers."

7/28/09, RECEIVED AND ASSIGNED to Rules Committee.

8/5/09, TRANSFERRED to Government Audit and Oversight Committee.

8/11/09, ASSIGNED to Government Audit and Oversight Committee.

8/11/09, SUBSTITUTED. Supervisor Mirkarimi submitted a motion bearing new title.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****090791 [Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

7/31/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090780 [Revisions to Division I of the San Francisco Transportation Code]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

6/8/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

8/3/09, SUBSTITUTED.

8/3/09, ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS**090879 [Approving amendment to engineering services agreement for SFPUC New Irvington Tunnel Project]**

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by \$3,900,000, for a total revised agreement amount of \$13,898,561, and extend the agreement term by one year for a total revised agreement term of eight years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)

(Fiscal Impact.)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090979 [CEQA findings for SFPUC Water System Improvement Program, Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090980 [CEQA findings for SFPUC Water System Improvement Program, San Joaquin Pipeline System Project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project, Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

8/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance that amends the Equal Access to Language Services law to require the provision of American Sign Language to members of the public.

From: Supervisor Daly

To: Controller

To: City Attorney

To: Mayor's Budget Office

Requesting/Inquiring: Letter of inquiry concerning the process for addressing state and local revenue shortfalls.

The California State Budget was passed on July 28, 2009. According to Section 9.3 of the Administrative Provisions outlines a process for addressing state or local revenue shortfall. Please indicate the dates as prescribed by Section 9.3 for reporting, implementing reductions in spending, etc. and your offices plan to implement the prescribed timeline.

From Supervisor Mirkarimi

To: Director, Department of Public Works

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

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

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

*Garbage Cans
Southwest corner of Eddy and Scott
Northwest corner Masonic and Hayes
Northeast corner Masonic and Fell*

*Mailbox
Southeast corner Fulton and Laguna*

*Vacant Lots
Northeast corner of Eddy and Scott*

*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 the following locations:*

*Potholes and Sidewalk issues
Near 1321 Fulton
In front of 485 Waller, south side of 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 the following private property locations:*

*240 Clayton
1061 Oak
55 Laguna (Haight and Buchanan Street sides)
485 Scott
478 Haight
350 Laguna
355 Laguna
546 Haight*

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

*Metal Pole
Northeast corner Boswell and Geary
On Eddy between Divisadero and Scott, 4 metal poles*

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

Utility Boxes

Southeast corner Fell and Scott

Near 1140 Oak

Northeast corner Stanyan and Fell

Northeast corner Broderick and Oak

Bus Shelters

Northeast corner Masonic and Turk

Southwest Oak and Masonic

Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes

Northwest corner Post and Webster

In Memoriams

Alexander Foreman - Supervisor Mar

Vahram Takvorian - Supervisor Mar

Lee Cole - Supervisor Mirkarimi

Ralphie - Supervisor Mirkarimi

Michael B. Wilson - Supervisor Dufty

Debra Heller Stein - Supervisors Elsbernd and Chu

Peter Burns - Supervisor Chu

Mary Ryan - Supervisor Dufty


ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:25 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 15, 2009.



Angela Calvillo
Clerk of the Board