

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - FINAL

Tuesday, April 13, 2010 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Wednesday

1:30 PM

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday

11:00 AM

City and School District Select Committee

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

1st and 3rd Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

2nd and 4th Monday

10:30 AM

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

2nd and 4th Thursday

1:00 PM

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Monday

1:00 PM

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

1st and 3rd Monday

10:00 AM

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

1st and 3rd Thursday

10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 16, 2010. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100147 [2010 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2010 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

ADOPTED

100325 [Approving Sixth Modification to Water Supply Contract]

Resolution approving a sixth modification to the water supply contract (Contract No. EY-76-C-03-0269), between the City and County of San Francisco and the Department of Energy, pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED

Recommendations of the Land Use and Economic Development Committee**091453 [Planning Code Amendment – Green Landscaping Ordinance]****Sponsors: Mayor; Chu, Dufty, Mar and Maxwell**

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for “vehicle use area,” “ornamental fencing,” and “permeable surface;” amending the Public Works Code Sections 805, 806 and 807 to create requirements for the establishment of new street trees, replacement of dead street trees, and removal of street trees and adding Section 802.1 to define climate appropriate standards for plantings in the public right-of-way; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED**091476 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]**

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing or decreasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets) and decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also known as Assessors block and lot numbers 3501004 and 3501003); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED**100093 [Housing Code – Residential Hotel Notice Posting Requirement]****Sponsors: Campos; Chiu and Maxwell**

Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

FINALLY PASSED**100102 [Requiring the Development and Maintenance of Stormwater Management Controls]****Sponsors: Mayor; Maxwell, Mar, Chiu, Dufty and Mirkarimi**

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, Sections 140 - 149.4, and adding Article 4.2, Sections 147 - 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

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

FINALLY PASSED

100265 [Urging the Treasury Oversight Committee to Ratify Socially Responsible Investment Goals in the City's Investment Policy to Encourage Investments Related to Foreclosure Mitigation]

Sponsors: Chiu; Mar and Maxwell

Resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's Investment Policy to encourage investments related to foreclosure mitigation.

ADOPTED

Recommendations of the Rules Committee

100392 [Appointments, Eastern Neighborhoods Citizens Advisory Committee - Toby Levy and Henry Karnilowitz]

Motion appointing Toby Levy and Henry Karnilowitz, terms to be determined, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Toby Levy, seat 10, new appointment, must be appointed by the Western SoMa Planning Area Task Force and confirmed by the full Board, for a term to be determined.

Henry Karnilowitz, seat 11, new appointment, must be appointed by the Western SoMa Planning Area Task Force and confirmed by the full Board, for a term to be determined.

APPROVED

100393 [Appointment, Market and Octavia Community Advisory Committee - Marius Starkey]

Motion appointing Marius Starkey, term ending December 16, 2010, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Marius Starkey, seat 1, succeeding Julian Davis, resigned, must be a resident renter and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2010.

APPROVED

100394 [Appointment, Local Homeless Coordinating Board - Erick Brown]

Motion appointing Erick Brown, term ending October 21, 2010, to the Local Homeless Coordinating Board. (Clerk of the Board)

Erick Brown, seat 4, succeeding Ginger Martin, resigned, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a five-year term ending October 21, 2010.

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

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

Sponsor: Mayor

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

PASSED, ON FIRST READING by the following vote:

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

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

Sponsor: Mayor

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

PASSED, ON FIRST READING by the following vote:

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

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

Sponsors: Mirkarimi; Chiu, Chu and Campos

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

Supervisor Campos 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

100331 [Approving Central Subway Final Design Contract Package - Not to Exceed \$32,294,319]

Sponsor: Chu

Resolution approving Municipal Transportation Agency Contract No. CS-155-3, Professional Architectural and Engineering Services for the Final Design and Construction Support of the Central Subway Project - Design Package No. 3 Systems Design for the Central Subway Project with HNTB - B&C JV, a joint venture of HNTB Corporation and B&C Transit, Inc. for an amount not to exceed \$32,294,319 for a term not to exceed ten years with an option to extend the term an additional two years.

(Fiscal Impact.)

ADOPTED by the following vote:

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

From Budget and Finance Sub-Committee Without Recommendation**100373 [Authorizing Expenditures from South of Market Community Stabilization Fund - \$1,844,273]****Sponsor: Daly**

Resolution approving the 2010 South of Market Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend South of Market Community Stabilization Fund dollars in the amount of \$1,844,273.

(Fiscal Impact.)

ADOPTED by the following vote:

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

Noes: 1 - Elsbernd

Recommendation of the Budget and Finance Committee**100248 [Creation of General Reserve and Budget Stabilization Reserve]****Sponsors: Chiu; Mayor, Chu and Mirkarimi**

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

(Controller)

Supervisors Chu and Mirkarimi 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

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

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

PASSED, ON FIRST READING by the following vote:

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

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

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

PASSED, ON FIRST READING by the following vote:

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

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

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

PASSED, ON FIRST READING by the following vote:

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

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

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

Supervisors Chiu and Mirkarimi 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 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Manfred Richter in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)

(Filed March 1, 2010; Companion Measure to File Nos. 100253, 100254, 100255.)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to May 11, 2010. The motion carried by the following vote:

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

Supervisor Campos, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

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

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to May 11, 2010. There were no speakers. The President continued the public hearing open to May 11, 2010.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to May 11, 2010. The motion carried by the following vote:

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

100253 [Affirming the Exemption Determination for 100 – 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 11, 2010. The motion carried by the following vote:

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

100254 [Reversing the Exemption Determination Issued for 100 – 32nd Avenue]

Motion reversing the determination by the Planning Department that the 100 - 32nd Avenue project is exempt from environmental review.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 11, 2010. The motion carried by the following vote:

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

100255 [Preparation of Findings Related to the Exemption Determination for the 100 – 32nd Avenue Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 11, 2010. The motion carried by the following vote:

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

SPECIAL ORDER 4:00 P.M.**100288 [Public Hearing - Appeal of Determination of Statutory Exemption from Environmental Review for San Francisco Municipal Transportation Agency Transit Service Reductions and Related Fiscal Emergency]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated February 4, 2010, Case No. 2010.0060E, that the San Francisco Municipal Transportation Agency transit service reductions and related fiscal emergency are statutorily exempt from environmental review as provided in California Public Resources Code Section 21080.32 and California Environmental Quality Act (CEQA) Guidelines Section 15285. (Appellant: David Pilpel)

(Filed March 2, 2010; Companion Measure to File Nos. 100289, 100290, 100291.)

The President inquired as to whether any member of the public wished to address the Board. David Pilpel (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Zack Stewart; Jerry Gruffin; Michael Chesney; Dorian Maxwell; Richard Becker; Colleen Bernal; Howard Wong; Male Speaker; Female Speaker; spoke in support of the appeal. Viktoriya Wise and Bill Wycko (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Sonali Bose (MTA) provided an overview of the service reductions and related fiscal emergency and responded to questions raised throughout the discussion. Kate Stacy (City Attorney's Office) responded to questions raised throughout the discussion. Female Speaker; spoke in support of the decision of the Planning Department and in opposition to the appeal. David Pilpel (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100289 [Affirming the Statutory Exemption Determination for the San Francisco Municipal Transportation Agency Fiscal Emergency]

Motion affirming the determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is statutorily exempt from environmental review.

Supervisor Campos, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Daly, Mar

Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

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

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

100290 [Reversing the Statutory Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]

Motion reversing the determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is statutorily exempt from environmental review. (Clerk of the Board)

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

Ayes: 4 - Avalos, Campos, Daly, Mar

Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

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

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

100291 [Preparation of Findings Related to the Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is exempt from environmental review. (Clerk of the Board)

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

Ayes: 4 - Avalos, Campos, Daly, Mar

Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

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

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to treatment of disabled seniors.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Dave Snyder; expressed various concerns.
Christopher Dahl; expressed concerns relating to MUNI service.
Walter Paulson; shared in song certain concerns with the Board.
Otto Duffy; expressed various concerns.
Ace Washington; spoke regarding interviewing the Mayor.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100462 [Regulations to Ensure that Reusable Bags are Suitably Durable and Do Not Contribute to the Landfill Waste Stream]

Sponsor: Mirkarimi

Resolution requesting the Director of Department of Environment, under the authority of Section 1704, of Chapter 17, of the San Francisco Municipal Environment Code, to promulgate new, or amend existing, regulations to ensure that reusable bags are suitably durable and do not contribute to the landfill waste stream.

ADOPTED

100464 [Supporting Assembly Bill 2511 Regarding Limiting Annual Percentage Rate of Payday Loans]

Sponsors: Chiu; Campos

Resolution supporting Assembly Bill 2511 regarding limiting the annual percentage rate of payday loans to customers receiving unemployment benefits.

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 100459 be severed so that it may be considered separately.

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

Sponsors: Campos; Mar

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

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to April 20, 2010. The motion carried by the following vote:

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

Supervisor Mirkarimi requested that File Nos. 100460 and 100461 be severed so that they may be considered separately.

100460 [Urging the California Department of Corrections and Rehabilitations to Implement Guidelines to Ensure Voting Access for Eligible Offenders]

Sponsor: Mirkarimi

Resolution urging the California Department of Corrections and Rehabilitation's Corrections Standard Authority to adopt specific guidelines for County Sheriff's and Department of Corrections, in order to facilitate voting among eligible incarcerated individuals.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 2, Line 4, by adding 'county' before 'departments.' The motion carried by the following vote:

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

ADOPTED AS AMENDED by the following vote:

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

100461 [Commending the Golden Gate Yacht Club and BMW ORACLE Racing Team on Winning the 33rd America's Cup and Urging the City to Host the 34th America's Cup]

Sponsors: Mirkarimi; Dufty, Maxwell, Chiu, Mar, Chu, Elsbernd and Alioto-Pier

Resolution commending San Francisco's Golden Gate Yacht Club and BMW ORACLE Racing team, directing the Clerk of the Board to send a congratulatory letter regarding their significant achievement of winning the 33rd America's Cup, and urging the City to work diligently on a plan for a San Francisco waterfront venue to host the 34th America's Cup.

Supervisors Mar, Chu, Elsbernd, and Alioto-Pier requested to be added as co-sponsors.

ADOPTED by the following vote:

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

Supervisor Mar, seconded by Supervisor Alioto-Pier, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

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

Supervisor Mar, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

100468 [Proclaiming April 10 through April 18, 2010, Week of the Young Child]

Sponsor: Mar

Resolution proclaiming April 10 through April 18, 2010, Week of the Young Child in recognition of San Francisco's child care providers.

ADOPTED by the following vote:

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

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

100469 [Recreation and Park Department – Botanical Garden Non-Resident Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46, to establish admission fees to the Botanical Garden for non-San Francisco residents, and making environmental findings.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100470 [Appropriating Surplus Revenues and Expenditures to Support Cost Overruns in the Department of Public Health for FY2009-2010 - \$23,711,912]**Sponsor: Mayor**

Ordinance appropriating \$23,711,912, including appropriating \$22,828,000 of surplus San Francisco General Hospital revenue and \$7,500 of Laguna Honda Hospital revenues, de-appropriating \$876,412 of Laguna Honda Hospital and non-hospital operations expenditures, to fund cost overruns in the Department of Public Health, including \$16,280,391 at San Francisco General Hospital, \$6,058,521 at Laguna Honda Hospital, and \$1,373,000 in non-hospital operations, for FY2009-2010.

(Fiscal Impact.)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100471 [Accept and Expend Grant - American Recovery and Reinvestment Act Energy Efficiency Projects and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$875,957]**Sponsors: Mayor; Dufty**

Ordinance authorizing the Department of the Environment to expend a grant in the amount of \$875,957 from the California Energy Commission's State Energy Program through the Association of Bay Area Governments for the deployment of energy efficiency projects in the City and County of San Francisco and amend Ordinance Number 183-09 to reflect the addition of three (3) grant funded positions in the Department of the Environment.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]**Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

04/13/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/12/2010.

100488 [Recreation and Park Department - Coit Tower Non-Resident Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.06, to establish non-San Francisco Resident fees for the elevator at Coit Tower, and making environmental findings.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions**100468 [Proclaiming April 10 through April 18, 2010, Week of the Young Child]****Sponsor: Mar**

Resolution proclaiming April 10 through April 18, 2010, Week of the Young Child in recognition of San Francisco's child care providers.

04/13/10; ASSIGNED to Board of Supervisors.

04/13/10; ADOPTED.

100473 [Adopting Five Year Financial Plans Submitted by the Port and the Airport]**Sponsor: Mayor**

Resolution adopting the five year financial plans submitted by the Port, the Airport, and the Public Utilities Commission under Charter Section 9.119.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100474 [Accept and Expend Grant - American Recovery and Reinvestment Act GreenFinanceSF - \$2,080,000]**Sponsors: Mayor; Dufty and Mirkarimi**

Resolution amending Resolution No. 59-10 retroactively to substitute the Public Utilities Commission, for the Department of the Environment, as the department authorized to accept and expend a grant in the amount of \$2,080,000 from the California Energy Commission's State Energy Program to provide financial assistance for GreenFinanceSF, the City and County of San Francisco's municipal financing program for energy and water retrofits of privately-owned buildings, and ratifying actions previously taken.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100475 [Supporting Establishment of Statewide Extended Producer Responsibility System and Framework]**Sponsor: Mirkarimi**

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

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

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

04/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100477 [Armenian Genocide Commemoration Day - April 24, 2010]**Sponsors: Elsbernd; Campos, Dufty, Alioto-Pier, Mar, Avalos, Chu, Maxwell, Mirkarimi, Daly and Chiu**

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

04/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100478 [Honoring Jane Morrison on the Occasion of her 90th Birthday]**Sponsors: Chiu; Mar**

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

04/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100479 [Commending Women's Sports Foundation Chief Executive Officer, Kathryn Olson]
Sponsor: Alioto-Pier

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

04/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

100480 [HOPE SF Program - Rebuilding Distressed Public Housing]

Sponsor: Maxwell

Hearing on the progress of the Hope San Francisco Program.

04/13/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100481 [Department of Aging and Adult Services Budget FY2010-2011]

Sponsor: Mar

Hearing on the Department of Aging and Adult Services Budget for FY2010-2011.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100482 [Summer Programming Plans for School Children]

Sponsor: Dufty

Hearing to consider how we are addressing the need of programming and activities for youth in the City and County of San Francisco in the absence of summer school in 2010.

04/13/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

100483 [Status of Parks and Associated Standards]

Sponsor: Chu

Hearing on the status of the City and County of San Francisco's parks, including findings from City Services Auditors' recent Park Standards Six-Month Report from 3-1-1 on number of service requests for park issues in each district/neighborhood and response time, a report from Recreation and Parks Department on the plan for continually low performing parks and equity in allocation of resources.

04/13/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100484 [Municipal Transit Agency Two-Year Budget for FY2010-2011 and FY2011-2012]

Sponsor: Chu

Hearing on the Municipal Transit Agency Two-Year Budget for FY2010-2011 and FY2011-2012.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100486 [Status of Workforce Development through the Public Utilities Commission's Water System Improvement Project]

Sponsor: Avalos

Hearing on the status of workforce development and fulfillment of local hiring goals through the Public Utilities Commission's Water System Improvement Project.

04/13/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100487 [Update on the San Francisco Police Department Crime Lab]**Sponsors: Mirkarimi; Chiu**

Hearing on the current status of the San Francisco Police Department Crime Lab, including information on the current backlog of DNA and drug testing, the budget of the crime lab, costs for outsourcing crime lab tasks, and a discussion of possible long-term solutions to create an effective and efficient crime lab.

04/13/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100491 [Recreation and Park Department Budget FY2010-2011]**Sponsor: Alioto-Pier**

Hearing to consider the impacts on the Recreation and Park Department FY2010-2011 Budget on neighborhoods in Districts 1, 2, 4, 5 and 7.

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by President at Request of Department**PROPOSED ORDINANCES****100421 [Settlement of Lawsuit - John Hartnett - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

100438 [Settlement of Lawsuit - Michelle Cody - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**100419 [Airport Concession Lease with Wells Fargo Bank, N.A.]**

Resolution approving the Domestic Terminals Automated Teller Machines Lease "A," between Wells Fargo Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100420 [Airport Concession Lease with JPMorgan Chase Bank, N.A.]

Resolution approving the Domestic Terminals Automated Teller Machines Lease "B," between JPMorgan Chase Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100439 [Settlement of Claim - Karin Novotna - \$125,000]

Resolution approving the settlement of the unlitigated claim filed by Karin Novotna against the City and County of San Francisco for \$125,000; claim was filed on November 19, 2009. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

100440 [Settlement of Claim - Pacific Gas and Electric Company - \$97,957.70]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against Pacific Gas and Electric Company for \$97,957.70; claim was filed on February 1, 2010. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

100441 [Approval of FY2010-2011 Expenditure Plan for the Human Services Care Fund]

Resolution approving the FY2010-2011 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100442 [Contract Approval with Global Tel*Link for Inmate Telephone Services]

Resolution approving a contract for operating the Sheriff's Inmate Telephone Services, between Global Tel*Link and the City and County of San Francisco, acting by and through the Sheriff's Department. (Sheriff)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Requests Granted

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

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

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

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

*SF Daily
Northwest corner of Hayes and Gough*

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

*SF Weekly
Southeast corner of Masonic and Haight 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 private property locations:*

*350 Laguna
300 Buchanan
55 Laguna
424 Haight
533 Haight
525 Haight
312 Divisadero
428 Haight
295 Laguna
333 Haight
221 Oak
1369 Haight
670 Stanyan*

1964 Hayes
442 Haight

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

Wood Poles
Northwest corner Ivy & Gough
Northeast corner Waller & Steiner

Metal Poles
Southeast corner Clayton & Hayes
Northeast corner Divisadero & Haight
In front of 244 Fillmore
In front of 508 Haight
Northwest corner Fillmore & Waller

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 Divisadero & Fell
Southeast corner Hayes & Shrader
Southeast corner Central & Hayes
Northeast corner Oak & Scott
Southeast corner Divisadero & Fulton
Southwest corner Oak & Divisadero
Southwest corner Steiner & Haight

Bus Shelters
Southeast corner Buchanan & Haight
Southeast corner Stanyan & Oak
Southeast corner Masonic & Hayes
Northeast corner Pierce & Hayes
Southwest corner McAllister & Haight
Northwest corner Haight & Baker
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Box
Southwest corner Buchanan & Oak

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
Northeast corner Lyon & Hayes
Southeast corner Haight & Buena Vista East
Southwest corner Haight & Buchanan
Southeast corner Buena Vista West & Haight
Southeast corner Hayes & Buchanan
Southwest corner Cole & Haight

Mailboxes
Northwest Baker & Haight
Southeast Cole & Hayes

From: Supervisor Mirkarimi
To: Controller

Requesting/Inquiring: Requesting the Controller to review the City's investments to verify compliance with Board resolution 849-00, which resolved that the City would not purchase bonds issued by the International Bank for Reconstruction and Development (known as the World Bank) or invest money in any investment fund that holds World Bank bonds, with the exception of investments issued by and through the U.S. Treasury Bank.

From: Supervisor Avalos
To: Director, Public Utilities Commission

Requesting/Inquiring: Supervisor Avalos inquires of the Public Utilities Commission information regarding workforce development and implementation of local hiring policy.

Questions and background information attached to request.

From: Supervisor Daly
To: Office of Economic Analysis

Requesting/Inquiring: Supervisor Daly requests a report from the Office of Economic Analysis on the cumulative economic impact on San Francisco, including the impact on jobs, of the 10 pieces of legislation identified in the Chamber of Commerce's "2009 Paycheck and Pinkslips" survey compared to the economic impact on San Francisco of the financial meltdown and recession stemming from deregulation of markets and the "subprime mortgage crisis".

Background information attached to request.

In Memoriams

President Lech Kaczynski and victims of the Polish plane crash – Supervisor Mar
Chief Wilma Mankiller – Supervisor Mar
Rita D'Amico – Supervisors Dufty and Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:08 p.m.

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

Approved by the Board of Supervisors on May 11, 2010.

Angela Calvillo, Clerk of the Board