

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, September 16, 2008 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

AARON PESKIN, PRESIDENT

***MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE MCGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL***

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors McGoldrick, Elsbernd, Mirkarimi

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Ammiano, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, Peskin

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty, Ammiano

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

Volume 103 Number 31

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, 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 McGoldrick was noted absent.

There was a quorum present.

Supervisor McGoldrick was noted present at 2:05 p.m.

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

080233 [Urban Forestry Council - Membership]
Supervisor McGoldrick

Ordinance amending the San Francisco Environment Code by amending Section 1202 to reconstitute the membership of the Urban Forestry Council to eleven members.

Ordinance No. 210-08
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080686 [Landmark tree designation of Monterey Cypress at 2626 Vallejo Street]
Supervisor Alioto-Pier

Ordinance designating the Monterey Cypress at 2626 Vallejo Street (Assessor's Block 0953, Lot 006) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Ordinance No. 211-08
FINALLY PASSED

**080687 [Landmark designation of Manzanita at 115 Parker Avenue]
Supervisor Alioto-Pier**

Ordinance designating the Manzanita at 115 Parker Avenue (Assessor's Block 1064, Lot 002) as a landmark notwithstanding the provisions contained in the Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark designation.

**Ordinance No. 212-08
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

**081014 [In-Home Supportive Services - Public Authority]
Supervisor Peskin**

Ordinance amending Administrative Code Chapter 70, regarding the In-Home Supportive Services Public Authority, to eliminate obsolete terms and amending Section 70.2 to provide compensation for members of the governing body for attending meetings.

Ordinance No. 213-08

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

**080235 [First Source Hiring Ordinance - expanding scope of covered permits in Market and Octavia Plan]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Sections 83.2, 83.4, and 83.6 to: (1) expand the scope of permits that the ordinance applies to in the Market and Octavia Area Plan; (2) place new reporting requirements on the First Source Hiring Administration that include reporting first source statistics on permittees, as defined under the ordinance, and (3) require contractors and permittees to cooperate with reasonable requests for information from the First Source Hiring Administration.

Supervisors Daly and Duffy were previously excused from voting on this matter.

Ordinance No. 214-08

FINALLY PASSED by the following vote:

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

Excused: 2 - Daly, Duffy

Recommendation of the Rules Committee

**080564 [Establishing a Reentry Council]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.1-1 through 5.1-6 to: establish a Reentry Council; set forth the Council's purpose, powers and duties; and establish membership criteria.

Ordinance No. 215-08

FINALLY PASSED by the following vote:

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

From the Rules Committee Without Recommendation

**080818 [Recreation and Park - San Francisco Zoo Policies and Oversight]
Supervisor Daly**

Ordinance adding Section 5.10 to the San Francisco Park Code to establish the San Francisco Zoo as a facility that primarily houses wildlife, domestic and exotic animals acquired from rescue situations, donations, and/or confiscations by law enforcement authorities; is committed to education and conservation, and makes animal welfare a priority; and to establish a Zoo Animal Welfare Oversight Advisory Committee appointed by the Board of Supervisors to advise the Board on policy priorities for ensuring that the needs of the animals are met.

(Supervisor Duffy dissented in committee.)

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

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

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

Noes: 7 - Alioto-Pier, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Peskin

NEW BUSINESS

Recommendations of the Budget and Finance Committee

- 081096 [Setting San Francisco's fiscal year 2008-2009 property tax rate and establishing pass-through rate for residential tenants]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:

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

- 081097 [Setting San Francisco Community College District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Community College District purposes for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:

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

- 081098 [Setting San Francisco Unified School District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Unified School District purposes for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:

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

- 081099 [Setting San Francisco Bay Area Rapid Transit District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:

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

081057 [Appropriating \$110,632 of Community Improvement Impact Fee revenue for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009]
Supervisor Maxwell

Ordinance appropriating \$110,632 of Community Impact Fee revenue from the Visitacion Valley Infrastructure Fund for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009.

PASSED ON FIRST READING by the following vote:

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

080948 [Amendment to Real Property Ownership Agreement]
Supervisor Elsbernd

Resolution approving an amendment to the Real Property Ownership Agreement between the Peninsula Corridor Joint Powers Board, San Mateo County Transit District, the City and County of San Francisco and the Santa Clara Valley Transportation Authority to fully resolve all outstanding financial issues related to repayment of SamTrans for its additional contribution for the acquisition of the Caltrain right-of-way, and to designate SamTrans as the managing agency of the Joint Powers Board.

(Fiscal Impact.)

Resolution No. 389-08

ADOPTED by the following vote:

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

081077 [Approval of Mental Health Services Act (MHSA) FY08-09 Annual Community Services and Supports Plan Update]

Resolution authorizing adoption of the Mental Health Services Act Fiscal Year 2008-2009 Annual Community Services and Supports (CSS) Plan Update and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement and authorizing the Department of Public Health to accept and expend the additional State MHSA funds totaling \$1,766,236. (Public Health Department)

Resolution No. 391-08

ADOPTED by the following vote:

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

081090 [Issuance and Sale of Tax-Exempt Bonds - Pacific Primary - \$6,000,000]
Supervisor Mirkarimi

Resolution approving the issuance and sale of tax-exempt bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$6,000,000 to finance various capital facilities owned by Pacific Primary, a California nonprofit corporation, or an affiliate thereof.

Resolution No. 387-08

ADOPTED by the following vote:

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

**081128 [FY 2008-2009 California Constitution Appropriations Limit]
Supervisor Peskin**

Resolution establishing the appropriations limit for Fiscal Year 2008-09 pursuant to California Constitution Article XIII B.

Resolution No. 392-08

ADOPTED by the following vote:

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

From the Budget and Finance Committee Without Recommendation

**081019 [Public Employment - Deputy Chief 3 - Police Department]
Supervisor Duffy**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of 2 positions (1.50 FTE) Class 0402 – Deputy Chief 3 in the Police Department.

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

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Duffy, Elsbernd, Maxwell, Sandoval
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 3:00 P.M.

080913 [Hearing - Broadway Entertainment Corridor Community Benefit District]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

*The President inquired as to whether or any member of the public wished to address the Board.
Janette Biagini-Barroca; opposed to the Broadway Entertainment Community Benefit District
Patrick, Broadway Studios; opposed to the Broadway Entertainment Community Benefit District
Calvin Louie; opposed to the Broadway Entertainment Community Benefit District
Oliver Mar; opposed to the Broadway Entertainment Community Benefit District
Fred Martinez; opposed to the Broadway Entertainment Community Benefit District
Franchesca Valdez; opposed to the Broadway Entertainment Community Benefit District
Male speaker; opposed to the Broadway Entertainment Community Benefit District*

*The President declared the public hearing closed.
Heard at public hearing.*

FILED.

**080914 [Establishing the Broadway Entertainment Corridor Community Benefit District]
Supervisor Peskin**

Resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Broadway Entertainment Corridor Community Benefit District.

Voting For - 47.58%

Voting Against - 52.42%

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Resolution be TABLED. The motion carried by the following vote:

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

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

Privilege of the Floor

Supervisor Peskin, seconded by Supervisor Maxwell, 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, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor Dawn Trennert in recognition of the founder of the Middle Polk Neighborhood Association.

SPECIAL ORDER 4:00 P.M.

081137 [Public Hearing - Appeal of Final Supplemental Environmental Impact Report for Central Subway Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 7, 2008 certification of a Final Supplemental Environmental Impact Report identified as Planning File No. 1996.281E, through its Motion No. M-17668, for the proposed Central Subway Project, located along and under Fourth Street and under Stockton Street in the Downtown, Chinatown and North Beach Areas with a surface station at Fourth/Brannan and underground stations at Moscone, Union Square/Market Street and Chinatown and construction tunnel under Columbus Avenue to Washington Square. (Appellants: John Elberling filed on August 20, 2008; Gerald Cauthen and Howard Wong filed on August 27, 2008; and James W. Andrew filed on August 27, 2008.)

(Filed - August 20, 2008 and August 27, 2008; companion measure to Files 081138, 081139, 081140.)

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

Gerald Cauthen; Appellant

Howard Strassner; support of the appellant

Howard Wong; Appellant

Norman Rolfe; support of the appellant

Lee Goodin; support of the appellant

Bernard Choden; support of the appellant

Joan Wood; support of the appellant

Herb Kosivitz; support of the appellant

David Schonbrunn; support of the appellant

Zach Stuart; support of the appellant

Earl Tribodeau; support of the appellant

Eric Chase; support of the appellant

David Pilpel; support of the appellant

Bill Wycko and Joan Krugler, representatives from the Planning Department, reviewed with the Board the Planning Department's recommendation.

John Funghi, representative of the Municipal Transportation Agency, reviewed with the Board members the MTA's recommendation.

David Chiu; support of the project sponsor

Jeremy Till; support of the project sponsor

Michael Kwok; support of the project sponsor

Krishna Ramanujam; support of the project sponsor

David Vasquez; support of the project sponsor

Male speaker; support of the project sponsor

Jackie Sachs; support of the project sponsor

Emilio Cruz, SPUR; support of the project sponsor

Male speaker; support of the project sponsor

Rebuttal Period

Gerald Cauthen, Appellant

The President declared the public hearing closed.

Heard at public hearing.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Supplemental Environmental Impact Report 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.)

Supervisor Sandoval was noted absent at 5:22 p.m.

081138 [Affirming certification of Central Subway Project Final Supplemental EIR]

Motion affirming the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the Central Subway Project.

Motion No. M08-145

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

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

081139 [Disapproving certification of Central Subway Project Final Supplemental EIR]

Motion disapproving the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for Central Subway Project.

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

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

081140 [Preparation of findings to disapprove certification of Central Subway Project Final Supplemental EIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the Central Subway Project.

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

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

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

James Pie; expressed concern with issues relating to violence and abuse to children

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

Walter; expressed concern with issues relating time?

Mike Annuzio; expressed concern with issues relating to the senior population in San Francisco

Ricardo Lopez; expressed concern with issues relating to the economy and requested the Board to pass a resolution supporting a federal bill for homeowners protection

Summer Shields; expressed concern with issues relating to the economy and requested the Board to pass a resolution supporting a federal bill for homeowners protection

Male speaker; expressed concern with issues relating to the economy and requested the Board to pass a resolution supporting a federal bill for homeowners protection

John di Donna; expressed concern with issues relating to situation ethics

Female speaker; expressed concern with issues relating to Access San Francisco, Channel 29

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

Dane Johnsten; expressed concern with issues relating to freedom of speech Francisco da Costa; expressed concern with issues relating to a Bayview Hunters Point developer

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.

Supervisor Ammiano was noted absent at 4:07 p.m.

Supervisor Ammiano was noted present at 4:50 p.m.

081206 [90 day extension for Planning Commission review - The Metro Theatre]
Supervisor Alioto-Pier

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

Resolution No. 393-08

ADOPTED

**081207 [Accept and Expend State Grant - Funding two Environmental Health programs - \$8,250]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a new grant in the amount of \$8,250 from the California Department of Food and Agriculture (CDFA) funding two programs, the Petroleum Products Compliance program and the Weighmaster Enforcement Program; for the period of July 1, 2008 through June 30, 2009.

Resolution No. 394-08

ADOPTED

**081208 [Sea Otter Awareness Week - September 21-27, 2008]
Supervisor Peskin**

Resolution declaring September 21-27, 2008 Sea Otter Awareness Week in San Francisco.

Resolution No. 395-08

ADOPTED

**081209 [Accept and Expend State Grant - To support pest exclusion activities - \$47,731.06]
Supervisor Duffy**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$47,731.06 from the California Department of Food and Agriculture (CDFA) to support the Light Brown Apple Moth Program; for the period of July 1, 2008 through June 30, 2009.

Resolution No. 396-08

ADOPTED

**081210 [Grant to fund a study through the HIV Prevention Section, Department of Public Health - \$13,242]
Supervisor Duffy**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of \$13,242 from the Public Health Foundation Enterprises (PHFE), the primary contractor, with funds from the National Institutes of Health, to support a study entitled "Aripiprazole Treatment for Methamphetamine Using MSM;" for the period of August 1, 2008 through July 31, 2009.

Resolution No. 397-08

ADOPTED

**081211 [Grant funds to support worker health and safety - \$7,580]
Supervisor Chu**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$7,580 from the University of California, Berkeley for year two of a project entitled "Worker Health and Safety in Chinatown Restaurants," for the period of September 1, 2008 through August 31, 2009.

Resolution No. 398-08

ADOPTED

**081212 [Extended Producer Responsibility Framework]
Supervisor McGoldrick**

Resolution urging the California State Legislature to enact legislation based on the Extended Producer Responsibility Framework policy adopted by the California Integrated Waste Management Board that will shift costs and responsibilities for waste management from local governments to the producers of products and incentivize product redesign.

**Resolution No. 390-08
ADOPTED**

**081214 [Health plans that provide health insurance coverage to San Francisco employees to provide comprehensive smoking cessation benefits]
Supervisor Daly**

Resolution urging all health plans that provide health insurance coverage to employees in the City and County of San Francisco to offer comprehensive smoking cessation benefits.

**Resolution No. 388-08
ADOPTED**

080711 [Final Map - 480 14th Street]

Motion approving Final Map 4547, a 12 Unit Residential Condominium Project, located at 480 14th Street being a subdivision of Lot 166 in Assessors Block No. 3533 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No. M08-144
APPROVED**

080763 [Final Map - 901 Bush Street]

Motion approving Final Map 5181, a 38 Unit Residential Condominium Project, located at 901 Bush Street being a subdivision of Lot 001 in Assessors Block No. 0282 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No. M08-143
APPROVED**

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

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

**081213 [Celebrating the success of the Outside Lands Music and Arts Festival]
Supervisor Mirkarimi**

Resolution commending Another Planet Entertainment, Superfly Presents, Starr Hill Presents, the Recreation and Park Department, the Mayor's Office, the San Francisco Bicycle Coalition, the San Francisco Police Department, the Municipal Transportation Agency, the Department of Public Works, and the Department of Parking and Traffic for the outstanding success of the Outside Lands Music and Arts Festival.

Continued to September 23, 2008

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

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**080658 [General advertising on City buildings and street furniture]
Supervisor McGoldrick**

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of July 1, 2007 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings; adopting environmental and other findings.

(9/16/08 - Supervisor McGoldrick submitted a substitute ordinance bearing new title.)

5/13/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 6/12/2008. (Referred to Planning Department for environmental review.)

9/16/08, ASSIGNED to City Operations and Neighborhood Services Committee.

9/16/08, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

**081226 [Accept-Expend Metropolitan Transportation Commission Grant and Amendment to the Annual Salary Ordinance, FY 2008-2009]
Supervisor Alioto-Pier**

Ordinance authorizing the Department of the Environment to accept and expend a grant up to the amount of \$210,000 over the next three fiscal years from the Metropolitan Transportation Commission to provide Transportation Demand Management services to employers on behalf of the 511 Regional Rideshare Program, with the City providing 11.47% of the project costs, and amending Annual Salary Ordinance Number 141-08 to reflect the addition of one (1) grant funded position at the Department of the Environment.

9/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081227 [Voting Systems Task Force]
Supervisor Ammiano**

Ordinance amending the Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force comprised of individuals with backgrounds in good government, computer science or the computer industry, election administration, and accommodations of persons with disabilities, to make recommendations to the Board of Supervisors about voting system standards, design and development.

9/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2008.

**081228 [Appropriating \$498,304 General Fund Reserve for Mission District violence prevention and reduction grants in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009]
Supervisor Ammiano**

Ordinance appropriating \$498,304 from the General Fund Reserve for high risk youth violence prevention and reduction grants focusing on intensive case management, outreach and programming in the Mission District in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009.

(Fiscal Impact.)

9/16/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**081230 [Medical Cannabis Dispensary Permits]
Supervisor Daly**

Ordinance amending Section 3308 of the San Francisco Health Code to include the installation of platform lifts under the minimum disability access standards for Medical Cannabis Dispensaries.

9/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2008.

**081231 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]
Supervisor Maxwell**

Ordinance amending the San Francisco Administrative Code by amending Section 14B.8 to direct the Human Rights Commission to assign numeric point values to the good faith outreach steps that bidders must undertake for all public work/construction, architect/engineering, professional service and general service contracts that exceed the minimum competitive amount or threshold amount.

9/16/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**081232 [Zoning - Requiring a Conditional Use Permit for Formula Retail Uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts]
Supervisor McGoldrick**

Ordinance amending the Planning Code by amending Section 209.9, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

9/16/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/16/2008.

**081234 [Zoning - Prohibiting Formula Retail Uses in the Chinatown Mixed Use Districts]
Supervisor Peskin**

Ordinance amending the Planning Code by amending Section 803.6 to prohibit formula retail uses in the Chinatown Mixed Use Districts; amending Section 803.2 to refer to this prohibition, and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(9/19/08 - Economic Impact.)

9/16/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

9/17/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment; Planning Department for environmental review; Small Business Commission for comment and recommendation.

**081235 [Subdivision Code - notice and appeal procedures, DBI review fee]
Supervisor Peskin**

Ordinance amending the Subdivision Code Section 1313 to modify noticing procedures for subdivision applications and delete the Department of Public Works appeal hearing on engineering and surveying matters; amending Section 1314 concerning appellants so that it conforms with the California Subdivision Map Act; amending Section 1359 to conform with the abovementioned amendments; amending Section 1315 to include a processing fee for all subdivisions that the Department of Building Inspection reviews; and making environmental findings.

9/16/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/16/2008.

**081236 [Appropriating \$130,462.77 of unappropriated fund balance for the Pier 43 Bay Trail Link in the Port of San Francisco for Fiscal Year 2008-2009]
Supervisors Peskin, Elsbernd**

Ordinance appropriating \$130,462.77 of unappropriated fund balance for the construction of the Pier 43 Bay Trail Link public promenade from Powell to Taylor streets in the Port of San Francisco for Fiscal Year 2008-2009.

9/16/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Resolutions

**081229 [Accept and expend EPA West Coast Collaborative FOG to Biodiesel Grant funds - \$175,000]
Supervisor Chu**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend an EPA FOG to Biodiesel Grant in the amount of \$175,000 through the West Coast Collaborative.

9/16/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081233 [Urging the Department of Public Works to revisit the street sweeping reductions]
Supervisors McGoldrick, Alioto-Pier**

Resolution urging the Department of Public Works to revisit the current Mechanical Sweeping Program improvements program, in order to perform thorough public outreach to community groups and integrate public feedback from those who live in affected neighborhoods into the citywide plan to reduce the mechanical street sweeping schedule.

9/16/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081237 [Appointments, Treasury Oversight Committee, Dr. Don Griffin, Ben Rosenfield, Todd Rydstrom]
Supervisor Peskin**

Resolution appointing Dr. Don Griffin, Ben Rosenfield, Todd Rydstrom, terms ending June 5, 2009, to the Treasury Oversight Committee.

9/16/08, RECEIVED AND ASSIGNED to Rules Committee.

**081238 [Extending sunset date of the Peak Oil Preparedness Task Force]
Supervisor Mirkarimi**

Resolution extending the sunset date of the Peak Oil Preparedness Task Force for not more than six months.

9/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081239 [Commending Yomi Agunbiade, General Manager of the Recreation and Park Department, for his dedicated service]
Supervisors Elsbernd, Chu, Mirkarimi, Maxwell, Peskin, Alioto-Pier, Dufty**

Resolution commending Yomi Agunbiade, General Manager of the Recreation and Park Department, for his dedicated service.

9/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081240 [30 day halt to Department of Public Works' mechanical street sweeping changes]
Supervisor Alioto-Pier**

Resolution urging the Department of Public Works to immediately halt the implementation of the changes to the mechanical street sweeping program for 30 days.

9/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081241 [Accept-Expend State Grant - Life and Annuity Consumer Protection Program - \$25,000]
Supervisor Chu**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$25,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for fiscal year July 2008 through June 2009.

9/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**081221 [Department of Public Works (DPW) Mechanical Street Cleaning Changes]
Supervisor Alioto-Pier**

Hearing on Department of Public Works (DPW) Mechanical Street Cleaning Changes. The hearing shall explore the changes DPW has proposed for mechanical street cleaning in residential neighborhood, the community outreach done in advance and community response received, and what alternatives DPW has studied before deciding on these changes.

9/16/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081223 [Status of Memorandum of Understanding (MOU) for renovation of Dolores Park Children's Playground]
Supervisor Dufty**

Hearing to receive an update from the Recreation and Parks Department (RPD) on the status of the Memorandum of Understanding (MOU) concerning the renovation of the Dolores Park Children's Playground. The hearing will also consider the expenditure plan for funds provided for this project in the 2008-2009 budget and the 2008 Park Bond.

9/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081224 [San Francisco Zoo - Office of the Legislative Analyst Report]
Supervisor McGoldrick**

Hearing to discuss the report written by the Office of the Legislative Analyst which compares the San Francisco Zoo's current practices in the areas of animal welfare, education and conservation against standards and policies promulgated by the USCA and various zoo associations.

9/16/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081225 [Hayes Street two-way restoration]
Supervisor Mirkarimi**

Hearing on the status of the Municipal Transportation Agency's restoration of Hayes Street to a two-way thoroughfare pursuant to Board of Supervisors Resolution No. 619-07.

9/16/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED ORDINANCES**081165 [Settlement of Lawsuit - Twylah Sperka - \$49,000]**

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for \$49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

081166 [Settlement of Lawsuit - J. Hadley Louden - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Louden against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Louden v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)

9/4/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

081164 [Amending the agreement between the CCSF and Office Depot for office supplies to \$17,540,000]

Resolution approving the Fifth Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to \$17,540,000, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

9/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081167 [Lease of Real Property at 1700-1740 17th Street and 1415 16th Street, San Francisco]

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 52,125 square feet of improvements upon a lot area of 62,373 square feet, located at 1700-1740 17th Street and 1415 16th Street (Assessor's Block 3955, Lot 002) in San Francisco for the San Francisco Police Department. (Real Estate Department)

(Fiscal Impact.)

9/8/08, RECEIVED AND ASSIGNED to Budget and Finance Committee. 9/17/08 - Referred to Planning for determination of environmental impact. 09/23/08 - Response Received, Not a project per section 15060(c)(3) of the CEQA guidelines.

081168 [Agreement with PRWT Services, Inc. for Citation Processing Services]

Resolution authorizing a five year agreement, with option to renew for up to an additional five years, with PRWT Services, Inc. for an amount not to exceed \$53.5 million. (Municipal Transportation Agency)

(Fiscal Impact.)

9/9/08, RECEIVED AND ASSIGNED to Budget and Finance 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 utility poles at the following locations:

Wood

945 Linden

Metal Pole

Northeast corner Broderick and Fell

Haight and Buena Vista West, south side of street

Northeast corner of 7th Avenue and Irving

Mailboxes

Southwest corner of 9th Avenue and Lincoln

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:

Utility Boxes

Northeast corner Linden and Buchanan

Southeast corner Linden and Buchanan

Southwest corner 9th Avenue and Lincoln

Bus Shelters

Southwest corner of Haight and Baker

Northeast corner of Baker and Haight

Southeast corner of Fillmore and Haight, graffiti and needs power washing

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 Hayes and Scott

Northeast corner of Buchanan and Haight

Northeast corner of Buena Vista West

On Haight Southside between Masonic and Buena Vista West

Southwest corner of 5th Avenue and Lincoln

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:

At Haight and Stanyan, McDonald's brick wall

465 Lincoln

501 Haight

55 Laguna, UC Berkeley campus, on the Haight and Laguna Street sides

901 Haight

1301 Haight
1421 Haight
1541 Haight
1793 Haight
299 Webster
398 Haight
338 Haight
99 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:

*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
Southeast corner of Haight and Fillmore*

From: Supervisor Dufty

To: Controller

Requesting/Inquiring: Supervisor Dufty request the assistance of the Controller's audit management team in evaluating the challenges facing the Immune Enhancement Project (IEP). Specifically, DPH funding for IEP was reduced 50% and there may also be problems with state Medi-Cal reimbursements for IEP. The Controller's review should outline financial and other challenges to IEP's continued operation and services.

From: Supervisor Dufty

To: Controller

Requesting/Inquiring: Requesting assistance of the Controller in reviewing the closure of Recreation and Parks Department (RPD) facilities based upon staff shortages and minimum staffing recommendations to keep facilities open during scheduled times.

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation developing a pharmaceutical disposal program. The program will offer the public a convenient, viable and environmentally friendly alternative to flushing pills or medicinal liquids into the wastewater stream or placement in municipal landfills.

The program shall also address law enforcement issues centered on the dangerous, recreational use of pharmaceuticals, plus health and safety concerns involving citizens-especially seniors-with multiple prescriptions resulting in large amounts of look-alike pills presenting potential dosage errors.

The program's goals are to help seniors avoid dangerous medication dosage errors, help reduce or prevent recreational pharmaceutical use and to help stop the continuing contamination of the environment by a myriad of medicines flushed down countless drains everyday.

From: Supervisor Dufty

To: Director, Department of Public Health

Requesting/Inquiring: Requesting that a letter be sent to the Director of the Department of Public Health (DPH) requesting the assistance of the AIDS office in expediting the 2008-2009 grant funding for the Immune Enhancement Project (IEP).

In Memoriams

Robert J. "Bob" McCarthy - Entire Board

Mazie Cecilia McDermott Nevin - Entire Board

Royshawn Holden - Supervisor Mirkarimi

Peter Camejo - Supervisor Mirkarimi

W. Deen Muhammed - Supervisor Mirkarimi

Del Martin - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:24 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 October 21, 2008.

A handwritten signature in black ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo
Clerk of the Board