

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - FINAL

Tuesday, March 30, 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

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

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.

Members Present: 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 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 2, 2010. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100045 [Increasing Real Estate Recordation Fee]

Sponsor: Chiu

Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to \$3.00 from \$2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.

FINALLY PASSED

100080 [Repealing the Department of Technology Cash Revolving Fund]

Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

FINALLY PASSED

100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed \$282,400,000]

Sponsor: Dufty

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise 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.

(Fiscal Impact.)

FINALLY PASSED

100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$750,635]

Sponsors: Mayor; Dufty

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED

100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$166,981.50]**Sponsor: Mirkarimi**

Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of \$166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

FINALLY PASSED**100183 [Lease with the U.S. Government for Office Space for the U.S. Drug Enforcement Administration at the Airport]**

Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)

ADOPTED**100271 [Accept and Expend Grant - U.S. Department of Justice 2009 Community Oriented Policing Services Technology Initiative for the Expansion of a Gunshot Location System Project - \$1,000,000]****Sponsor: Mayor**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$1,000,000 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project.

ADOPTED**Recommendations of the City Operations and Neighborhood Services Committee****100229 [Accept and Expend Grant – Ogden Terrace Community Garden Landscape - \$88,000]****Sponsor: Campos**

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at \$88,000 from the San Francisco Conservation Corps, to replace landscape retaining walls and steps at Ogden Terrace Community Garden.

ADOPTED**100230 [Accept and Expend Grant - San Francisco Vaccine and Prevention Unit - \$47,759]**
Sponsors: Chu; Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$47,759 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "San Francisco Vaccine and Prevention Unit" for the period of January 1, 2010, through August 31, 2011.

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

ADOPTED

**100336 [Accept and Expend Grant – American Recovery and Reinvestment Act of 2009
Department of Energy Weatherization Assistance Program – \$2,581,152]**

Sponsors: Mayor; Mar

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act Weatherization Assistance Program funds from the U.S. Department of Energy, disbursed by the State of California's Department of Community Services and Development, in the amount of \$2,581,152.

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

ADOPTED

Recommendation of the Public Safety Committee

100112 [Dispatch Services in the Program for Additional Police Department Services]

Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4, and 10B.5, including dispatch services provided by the Department of Emergency Management, in the program for additional Police Department services. (Department of Emergency Management)

FINALLY PASSED

Recommendations of the Rules Committee

100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - \$25,750]

Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc., against the City and County of San Francisco for \$25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100179 [Settlement of Lawsuit - Vincente V. Vista - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100180 [Settlement of Lawsuit - Thomas Barnes - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100181 [Settlement of Lawsuit - Elbert Harris - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for \$100,000 plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]

Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

PASSED, ON FIRST READING

100249 [Settlement of Unlitigated Claim – Marlon Miranda - \$75,000]

Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for \$75,000; claim was filed on June 18, 2009. (City Attorney)

ADOPTED

100250 [Settlement of Unlitigated Claim – Thelma Jefferson - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for \$200,000; claim was filed on September 28, 2009. (City Attorney)

ADOPTED

100259 [Appointments, Pedestrian Safety Advisory Committee - Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich]

Motion appointing Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich, terms ending March 28, 2011, and March 28, 2012, to the Pedestrian Safety Advisory Committee, residency requirement waived. (Clerk of the Board)

APPROVED

100260 [Appointments, In-Home Supportive Services Public Authority - Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson]

Motion appointing Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson, terms ending March 1, 2013, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

APPROVED

100261 [Appointment, Urban Forestry Council - Rose Hillson]

Motion appointing Rose Hillson, term ending November 18, 2010, to the Urban Forestry Council. (Clerk of the Board)

APPROVED

100262 [Removal of Tommy Escarcega from the Reentry Council]

Sponsor: Campos

Motion removing Tommy Escarcega from the Reentry Council.

APPROVED

100293 [Appointments, Shelter Monitoring Committee - Mary Howe and Robert Weber]

Motion appointing Mary Howe and Robert Weber, terms ending November 23, 2010, to the Shelter Monitoring Committee, residency requirement waived. (Clerk of the Board)

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

Severed from the Consent Agenda

Supervisors Daly and Dufty requested that File No. 091475 be severed so that it may be considered separately.

Recommendation of the Land Use and Economic Development Committee

Supervisors Daly and Dufty Excused from Voting

Supervisor Campos, seconded by Supervisor Elsbernd, moved that Supervisors Daly and Dufty be excused from voting on File No. 091475. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Daly, Dufty

091475 [General Plan Amendment - Market and Octavia Area Plan]

Sponsor: Mirkarimi

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Daly, Dufty

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - \$5,000,000]

Sponsor: Elsbernd

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of \$5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100206 [Appropriating \$157,500 of General Fund Reserve for a Loan to the Community Center Project of San Francisco in the City Administrator's Budget for FY2009-2010]

Sponsors: Dufty; Campos

Ordinance appropriating \$157,500 of General Fund Reserve for a loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, in the City Administrator's Budget for FY2009-2010.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in Committee.)

Privilege of the floor was granted to Rebecca Rolfe, LGBT Center Executive Director, and Roberto Ordeñana, LGBT Center Director of Community Development, who provided an overview of the organization and future plans for the LGBT Center as referenced in File Nos. 100206 and 100133.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

100133 [Loan to the Community Center Project of San Francisco, Inc., at 1800 Market Street - \$157,500]**Sponsors: Dufty; Campos**

Resolution authorizing the City to make a \$157,500 loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, located at 1800 Market Street, and authorizing actions in the furtherance of this Resolution.

See File No. 100206.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

100277 [Reallocation of Grant - Capital Projects in Golden Gate Park - \$2,067,663]**Sponsor: Mar**

Resolution authorizing the reallocation of \$2,067,663 in Proposition 40 grant funds among two capital projects in Golden Gate Park.

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

Recommendation of the Rules Committee**091444 [Creating an Energy Efficiency Steering Committee]****Sponsors: Mar; Campos and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: (1) create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; (2) provide for the Committee's membership, organization, and duties; and (3) set a sunset date for the Committee.

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

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100375 [Committee of the Whole - Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

Hearing of persons interested in or objecting to the proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding streetscape improvements as referenced in File No. 100374. Lila Hussain (Redevelopment Agency) provided an overview of the project. Male Speaker spoke expressing various concerns. Francisco Da Costa spoke expressing various concerns. Female Speaker spoke expressing support for the project. Male Speaker spoke expressing various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation**100374 [Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

Sponsor: Maxwell

Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100380 [Committee of the Whole - Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

Hearing of persons interested in or objecting to the proposed Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunter's Point Shipyard Redevelopment Project Area. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding Community Facilities Demonstration Project as referenced in File No. 100334. Anne Taupier (Office of Economic and Workforce Development) and Guillermo Rodriguez (City Build) provided an overview of the project. Francisco Da Costa spoke expressing various concerns. May Isom spoke in support of the project. Marsha Daly spoke in support of the project. Pastor Jessiah spoke in support of the project. Male Speaker spoke in support of the project. Male Speaker spoke expressing various concerns. Walter Paulson shared in song certain concerns with the project. Richard McRee spoke expressing concerns relating to architectural design. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation**100334 [Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

Sponsor: Maxwell

Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 3, Lines 23-24, replacing 'Clerk of the Board of Supervisors in File No. 12-2009' with 'Secretary of the Agency Commission in File No. 15-2009.' The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

ADOPTED AS AMENDED by the following vote:

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

Excused: 1 - Alioto-Pier

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

Privilege of the Floor

Supervisor Avalos, 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: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Privilege of the Floor was granted to Kay Gulbengay (San Francisco Commission on the Status of Women) who provided an overview of the Commission and commended the Members of Board of Supervisors for their continued support.

Supervisor Avalos introduced, welcomed and presented a Certificate of Honor to Maria Bernardita Herrera in recognition of Women's History Month.

Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to La Shon Walker and Louise Winterstein in recognition of Women's History Month.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Mujeres Unidas y Activas in recognition of Women's History Month, in English and Spanish.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Judy Grossman in recognition of Women's History Month.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Celine Kennelly in recognition of Women's History Month.

Supervisor Daly introduced, welcomed and presented Certificates of Honor to Rachel Paras and the staff of Oasis for Girls in recognition of Women's History Month.

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Karen Crommie in recognition of Women's History Month.

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Lorri Ungaretti in recognition of Women's History Month.

Supervisor Chiu introduced, welcomed and presented a Certificate of Honor to Chang Jok Lee in recognition of Women's History Month.

Supervisor Chu, on behalf of Supervisor Alioto-Pier, introduced, welcomed and presented Certificates of Honor to Gail Goldyne and Chief Joanne Hayes-White in recognition of Women's History Month.

Supervisor Mar introduced, welcomed and presented a Certificate of Honor to Hene Kelly in recognition of Women's History Month.

Starr Terrell, on behalf of the Mayor, introduced, welcomed and presented a Certificate of Honor to Tangerine Brigham in recognition of Women's History Month.

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811, and 812, to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Mason Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure of four or more units without prior authorization by the Planning Commission; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]

Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Christopher Dahl; expressed various concerns.
Edmund Juicy; expressed various concerns.
John DiDonna; expressed various concerns.
Jay Bradshaw; expressed concerns relating to non-union contractors.
Mr. Rodriguez; expressed concerns relating to non-union contractors in English and Spanish.
Israel; expressed concerns relating to non-union contractors in English and Spanish.
Salvador Lopez; expressed concerns relating to non-union contractors in English and Spanish.
Brandon Sherron; expressed concerns relating to non-union contractors.
Emil Lawrence; expressed various concerns.
Cindy Ruiz; expressed concerns relating to the public library and social programs.
Female Speaker; expressed concerns relating to literacy programs.
Rudolfo Meyer; expressed concerns relating to social programs.
Melanie Shinn; expressed concerns relating to the public library and social programs.
Mary Mbugua; expressed concerns relating to domestic violence and support for literacy programs.
Female Speaker; expressed concerns relating to literacy and immigration reform.
Female Speaker; expressed concerns relating to fossil fuels and support for green energy.
Irene De La Rosa; expressed concerns relating to HIV/Aids awareness.
Marisa Hemenez; expressed concerns relating to obesity and diabetes awareness.
Irene Espericueta; expressed concerns relating to immigration reform.
Female Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.
Male Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.
Nour Chammas; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.
Homed Nader; expressed concerns relating to recent comments of the Police Chief regarding terrorism.
Boktar; expressed concerns relating to the recent comments of the Police Chief regarding terrorism.
Mohammad Abdullah; expressed concerns relating to racism of the Muslim community.
Jimmy Shamia; expressed concerns relating to the recent comments of the Police Chief regarding the middle eastern community.
Brandon Burke; expressed concerns relating to proposed MUNI reductions.
Walter Paulson; shared in song certain concerns with the Board.
Richard McRee; expressed concerns relating to technology, inventions and patents.
David Pilpel; spoke in support of proposed motion to reject MUNI fare changes.
Francisco Da Costa, expressed various concerns.
Adrian Simi; expressed support for union workers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100376 [Congratulating Assemblymember Fiona Ma]

Sponsors: Mirkarimi; Chiu, Dufty and Mar

Resolution congratulating Assemblymember Fiona Ma on her appointment as Speaker pro Tempore of the California State Assembly.

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

ADOPTED

100378 [Commending Speaker Nancy Pelosi for Her Work on Health Care Reform]

Sponsors: Mayor; Chiu, Maxwell, Alioto-Pier, Chu, Dufty, Mar, Elsbernd, Mirkarimi, Daly, Campos and Avalos

Resolution commending Speaker of the House of Representatives Nancy Pelosi for her courage as a champion for historic health care reform in the United States.

ADOPTED

100379 [Supporting Senate Bill 4 Banning Smoking at State Parks and Beaches]

Sponsor: Mar

Resolution supporting Senate Bill 4 Banning Smoking at State Parks and Beaches.

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 100377 be severed so that it may be considered separately.

100377 [Rejecting the San Francisco Municipal Transportation Agency's Proposed Fare Changes to Create New Premium Monthly MUNI Passes]

Sponsors: Mirkarimi; Chiu, Campos, Dufty and Mar

Motion rejecting the San Francisco Municipal Transportation Agency's proposed fare changes to create Premium Monthly San Francisco Municipal Railway Passes for express bus routes and cable cars.

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

APPROVED by the following vote:

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

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinance

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

Sponsors: Mirkarimi; Chiu and Chu

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.

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

Resolutions

100397 [Accept and Expend Grant - Pesticide Reduction - \$49,971]

Sponsor: Chu

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$49,971 from the US Environmental Protection Agency Office of Pesticide Reduction to create guidelines on building design and retrofit features that will prevent pest infestations, specifically with regards to existing and future green building reference standards.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100398 [Accept and Expend Grant - AIDS Office Space Renovation - \$9,508,907]

Sponsors: Mayor; Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the National Institutes of Health in the amount of \$9,508,907 to fund the AIDS Office Space Renovation for the period March 4, 2010, through March 3, 2015.

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

100399 [Contract Modification with Acumen Fiscal Agent LLC for the Jobs Now Program - \$19,995,000]

Sponsor: Mayor

Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent, LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now Program for qualified Jobs Now participants during the period of March 25, 2010, to June 30, 2011, in the additional amount of \$10,000,000 for a total modified contract amount of \$19,995,000.

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

100401 [Accept and Expend Grant - Bio-Rad Clinical Trial - \$159,876]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Bio-Rad Laboratories in the amount of \$159,876 to fund the Bio-Rad Clinical Trial project for the period of February 1, 2010, through June 30, 2010.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100402 [Accept and Expend Grant - China MSM Technical Assistance - \$52,803]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$52,803 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "China MSM Technical Assistance" for the period of January 1, 2010, through December 31, 2010.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100403 [Accept and Expend Grant - Medical Monitoring Project - \$401,770]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$401,770 to support a project entitled, "Medical Monitoring Project" for the period of June 1, 2010, through May 31, 2011.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100408 [MUNI Youth Lifeline Discount Pass]**Sponsors: Mirkarimi; Maxwell, Chiu, Duffy and Mar**

Resolution requesting the San Francisco Municipal Transportation Agency to create a Youth Lifeline Discount Fast Pass for qualified low-income youth.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100409 [Intent to Install a Commemorative Plaque at 575 Castro Street Recognizing Harvey Milk]**Sponsors: Duffy; Campos, Mirkarimi and Chiu**

Resolution to provide for the installation of a second plaque at 575 Castro Street, the location of Harvey Milk's former camera shop in the Castro Neighborhood, to identify his significant contributions to San Francisco and to the Lesbian, Gay, Bisexual, and Transgender Community.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100410 [Accept and Expend Grant - Pesticide Use Reporting - \$2,880]**Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$2,880 from California Department of Pesticide Regulation to assist with a project entitled "Pesticide Use Reporting" for the period of July 1, 2010, through June 30, 2011.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100411 [Supporting Senate Bill 677 Regarding Human Trafficking]**Sponsors: Chu; Chiu**

Resolution supporting Senate Bill 677 regarding Human Trafficking, allowing courts to seize any property used in the commission of human trafficking and adding civil penalties.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100412 [Supporting Senate Bill 1108 Regarding Annual Small Business Participation Goal for State Funded Contracts]**Sponsor: Chiu**

Resolution supporting Senate Bill 1108 to codify Governor Schwarzenegger's Executive Order S-02-06 to ensure that the State continues to meet or exceed the 25 percent overall annual small business participation goal for state funded contracts.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100413 [Meat-Free Mondays]**Sponsors: Maxwell; Mar**

Resolution declaring every Monday as "Vegetarian Day" to urge all restaurants, grocery stores, and schools to offer a variety of plant based options to improve the health of San Francisco residents.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100414 [Commending San Francisco Businesses that Use Only Cage-Free Eggs]**Sponsors: Maxwell; Mar**

Resolution commending businesses in San Francisco that use only cage-free eggs, and encouraging all businesses to join them in going cage-free.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**100404 [Potrero Power Plant Closure]****Sponsor: Maxwell**

Hearing on the status of the closure of Mirant Corporation's Potrero Power Plant.

03/30/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100405 [FY2010-2011 Budget Hearings - Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department]**Sponsor: Avalos**

Hearings on the proposed FY2010-2011 budget of the Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department and on the impact of potential cuts to City services and programs on neighborhoods in Districts 6, 8, 9, 10, and 11.

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

100406 [Implementation of Laura's Law - Funding Treatment for Persons with Severe Mental Illness]

Sponsor: Alioto-Pier

Hearing to review the assisted outpatient treatment for persons with severe mental illness and "Laura's Law" implementation.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100407 [Risks of Using Metal Bats in High School Baseball]

Sponsor: Alioto-Pier

Hearing regarding the risks associated with the use of metal bats in organized high school baseball.

03/30/10; RECEIVED AND ASSIGNED to Public Safety Committee.

Introduced by President at Request of Departments

PROPOSED RESOLUTIONS

100349 [Lease of Real Property – 1390 Market Street]

Resolution authorizing the exercise of a five year option to extend the lease of approximately 9,397 square feet of space at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)
(Fiscal Impact.)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100350 [Contract Amendment with ARAMARK Correctional Services, LLC, for Jail Food Services – Not to Exceed \$27,000,000]

Resolution authorizing the Sheriff's Department to enter into a Third Amendment to the Agreement between the City and County and ARAMARK Correctional Services, LLC, formally known as ARAMARK Correctional Services, Inc., to increase the contract amount from \$24,000,000 to an amount not to exceed \$27,000,000 and to extend the contract term to June 30, 2011. (Sheriff)

03/22/10; 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 the following private property locations:

600 Irving on the 7th Avenue side

1252 7th Avenue

1628 Post

350 Laguna

65 Haight

87 Oak

295 Buchanan

55 Laguna, on the Haight and Buchanan street sides

527 Haight

27 Steiner

796 Haight

965 Haight

981 Haight

1400 Judah

1422 Haight

793 Haight

418-420 Haight

482 Haight

422 Haight

400 Haight, on the Webster street side

525 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

In front of 1405 Broderick

Northwest corner Laguna and Hayes

Metal Poles

Northeast corner Scott and Waller

Northeast corner Divisadero and Haight

In front of 445 Fillmore

In front of 173 Haight

In front of 1297 Haight

In front of 224 Haight

In front of 796 Haight

In front of 1742 Haight

Northwest corner Laguna and Post

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

Northwest corner Masonic and Haight

Northwest corner 10th Avenue and Kirkham

Southeast corner Golden Gate and Scott

Southwest corner Post and Scott

Southwest corner Webster and Fulton

Southeast corner Buchanan and Oak

Northeast corner Post and Steiner

Northwest corner Grove and Webster

Northeast corner Fell and Gough

Bus Shelters

Southeast corner Divisadero and Haight

Southwest corner Buchanan and Haight

Northeast corner Pierce and Hayes

Southwest corner Buena Vista East and Haight

Northeast corner Haight and Buena Vista West

Northwest corner Laguna and Hayes

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

Fire Hydrant

Southeast corner Buchanan and Haight

Emergency Box

Southwest corner Buchanan and 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 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 locations:

Garbage Cans

Northwest corner Gough and Fell

Southeast corner Haight and Buena Vista East

Southwest corner Haight and Buchanan

Southeast corner Buena Vista West and Haight

Northeast Lyon and Haight

Across the street from 10 Sutter

Mailboxes

Northwest Geary and Divisadero

Northeast corner Buchanan and Haight

Northeast corner Stanyan and Haight

Southwest corner Post and Broderick

Southeast Webster and O'Farrell

Northeast corner McAllister and Laguna

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Potholes and Sidewalk issues

Intersection Webster and Grove, North side of street

In Memoriams

Bill McCool – Supervisor Dufty

Edna Gilchrist – Supervisor Dufty

Jim Marshall – Supervisor Dufty

Melvin Baker – Supervisor Dufty

Joe Jachetta – Supervisor Chiu

Herbert Gee – Supervisor Chu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:10 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 April 27, 2010.

Angela Calvillo, Clerk of the Board