

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 3, 2009 - 2:00 PM

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

DAVID CHIU, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee
Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee
Supervisors Campos, Daly, Alioto-Pier

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
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: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of October 6, 2009. The motion carried by the following vote:

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

AGENDA CHANGES

There were none.

COMMUNICATIONS

Clerk of the Board, Angela Calvillo, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 091032 which would amend the Sanctuary Ordinance. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of November 10, 2009.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

Ordinance No. 236-09

FINALLY PASSED

091169 [Accept and Expend Federal Grant - Police Department - \$16,562,750]**Sponsor: Mayor**

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of \$16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing \$14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

(Fiscal Impact.)

Ordinance No. 233-09

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee**091164 [Accept and Expend Grant - Department of Public Health - \$282,150]****Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health of the City and County of San Francisco to accept and expend retroactively a grant from the Health and Human Services Administration in the amount of \$282,150 to upgrade radiology equipment in the Trauma Center at San Francisco General Hospital; for the period of September 1, 2009, through February 28, 2011.

Resolution No. 439-09

ADOPTED

091170 [Accept and Expend State Grant - Urban Auto Fraud Interdiction Program - \$250,000]**Sponsor: Chiu**

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 \$250,000 through the California Department of Insurance, Fraud Division, Local Assistance Program, for a program entitled Organized Automobile Fraud Activity Interdiction Program ("Urban Auto") for FY 2009-2010.

Resolution No. 440-09

ADOPTED

091172 [Accept and Expend Federal Grant - Back on Track Re-entry Program Infrastructure and Replication Grant - \$400,000]**Sponsor: Chiu**

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 \$400,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Back On Track Re-entry Program Infrastructure and Replication Grant" for FY 2009-2012.

Resolution No. 433-09

ADOPTED

Recommendation of the Land Use and Economic Development Committee**090780 [Revisions to Division I of the San Francisco Transportation Code]**

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

Ordinance No. 231-09

FINALLY PASSED

Recommendations of the Rules Committee**090523 [Eastern Neighborhoods Citizens Advisory Committee]**

Sponsors: Daly; Campos

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

Ordinance No. 230-09

FINALLY PASSED

090833 [Lobbyist Ordinance Amendments]

Sponsor: Chiu

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

Ordinance No. 235-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Severed from the Consent Agenda

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

Recommendation of the Government Audit and Oversight Committee

091161 [Approving Issuance of a Request for Proposals for CleanPowerSF]

Sponsors: Mirkarimi; Mar, Campos and Dufty

Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

Ordinance No. 232-09

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

FINALLY PASSED by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

091254 [Adopting Findings Reversing the Exemption Determination for the 430 Main Street/429 Beale Street Project]

Motion adopting findings reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from further environmental review. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, on Page 2, Line 7, replacing "aare" with "are". The motion carried by the following vote:

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

Motion No. M09-178

Supervisor Daly requested to be added as sponsor.

APPROVED AS AMENDED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee**090931 [Rental Subsidy Program for Low-Income Families]****Sponsors: Avalos; Campos, Mar, Mirkarimi and Dufty**

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Ordinance No. 229-09

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

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee**090989 [Campaign Finance Reform Ordinance amendments]****Sponsors: Daly; Campos**

Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

Ordinance No. 234-09

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

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091166 [Approval of Management and Operations Agreement for the Cable Car Museum]

Sponsor: Chiu

Resolution approving Municipal Transportation Agency Management and Operations Agreement with the Friends of the Cable Car Inc., for the Cable Car Museum for a term of ten years with two five-year options to extend the term.

Resolution No. 432-09

ADOPTED by the following vote:

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

091178 [Approval of Lease for Pier 15 and a portion of Pier 17, related Parking Agreement and Licenses]

Sponsors: Mayor; Chiu and Alioto-Pier

Resolution approving and authorizing a 66-year Lease of Pier 15 and a portion of Pier 17 and a related Parking Agreement at Seawall Lot 321, two Curb Indent Licenses in front of Piers 15 and 17 and a Curb Space License at Green Street between the Exploratorium and the City and County of San Francisco acting by and through the San Francisco Port Commission.
(Fiscal Impact.)

Resolution No. 430-09

Supervisor Alioto-Pier requested to be added as a co-sponsor.

ADOPTED by the following vote:

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

091179 [CEQA Findings in Connection with the Exploratorium Relocation Project]

Sponsors: Mayor; Chiu and Dufty

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and Administrative Code Chapter 31 in connection with the Exploratorium Relocation Project proposed to be located on Pier 15 and a portion of Pier 17 in the Port of San Francisco, City and County of San Francisco.

Resolution No. 431-09

ADOPTED by the following vote:

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

Recommendations of the City Operations and Neighborhood Services Committee**080323 [Place of Entertainment Permits and Board of Appeals Procedures]****Sponsors: Mayor; Dufty, Chiu and Campos**

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, 1060.34, 1060.35, 1060.36, and 1060.37, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

Supervisors Chiu and Campos requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Elsbernd

080324 [Extended-Hours Premises Permits]**Sponsors: Mayor; Dufty, Chiu and Campos**

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017.17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, 1070.33, 1070.34, 1070.35, and 1070.36; by repealing Sections 1070.4, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

Supervisors Chiu and Campos requested to be added as co-sponsors.

Supervisor Daly moved to divide the question relating to "Sec. 1070.36. Prospective Moratorium on Grant of Extended-Hours Premises Permits" located on Page 41, Line 17, through Page 44, Line 18.

The question relating to "Sec. 1070.36. Prospective Moratorium on Grant of Extended-Hours Premises Permits" PASSED as divided by the following vote:

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

Noes: 1 - Daly

PASSED ON FIRST READING AS DIVIDED by the following vote:

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

Noes: 1 - Elsbernd

091039 [Prohibiting Onychectomy (Declawing) and Tendonectomy Procedures on Cats]**Sponsors: Mirkarimi; Campos, Avalos and Maxwell**

Ordinance amending the San Francisco Health Code by adding Section 45 to prohibit onychectomy (declawing) and tendonectomy procedures on cats except when necessary for a therapeutic purpose.

PASSED ON FIRST READING by the following vote:

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

Noes: 2 - Alioto-Pier, Elsbernd

Recommendations of the Government Audit and Oversight Committee**091112 [Finding of Fiscal Feasibility; Retention and Expansion of the San Francisco Wholesale Produce Market]****Sponsors: Maxwell; Mayor, Dufty, Mirkarimi and Mar**

Resolution adopting finding that the retention and expansion of the San Francisco Wholesale Produce Market are fiscally feasible pursuant to Administrative Code Chapter 29. (Fiscal Impact.)

Resolution No. 434-09**ADOPTED by the following vote:**

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

091118 [Board response to the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San Francisco Unified School District"]**Sponsors: Mirkarimi; Campos**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "USE IT OR LOSE IT: A Report on the Surplus Real Property Owned by the San Francisco Unified School District.

Resolution No. 435-09*Supervisor Campos requested to be added as a co-sponsor.***ADOPTED by the following vote:**

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

091119 [Board response to the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned By The San Francisco Unified School District"]**Sponsor: Mirkarimi**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Being Propositioned By The San Francisco Unified School District," and urging the SFUSD to cause the implementation of accepted recommendations.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, on Page 2, Line 17, replacing "3" with "4". The motion carried by the following vote:

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

Resolution No. 436-09

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

ADOPTED AS AMENDED by the following vote:

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

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

Privilege of the Floor

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

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

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the Mission Peace Collaborative in recognition of their leadership and community service.

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.

Richard McRee; expressed various concerns.

Male Speaker; expressed various religious concerns.

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

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

Male Speaker; expressed concerns relating to hospital staffing.

Richard Robinson; expressed various concerns.

Male Speaker; expressed concerns relating to nutrition.

Francisco Da Costa, expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091255 [Declaring November 8th to November 14th, 2009, Radiology Week in San Francisco]

Sponsors: Dufty; Campos

Resolution declaring November 8th to November 14th, 2009 Radiology Week in San Francisco.

Resolution No. 441-09

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

ADOPTED

091256 [Celebrating the Cliff House on its Centennial of the 1909 building]

Sponsors: Mar; Alioto-Pier and Campos

Resolution celebrating the Cliff House on its Centennial of the 1909 building.

Resolution No. 437-09

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

ADOPTED

091257 [Approval of Additional Emergency Work at Midtown Park Apartments]

Sponsor: Mirkarimi

Resolution authorizing the Director of the Mayor's Office of Housing to take all necessary measures to protect the health and safety of the residents of Midtown Park Apartments by performing additional emergency repairs to the sewer systems and exterior staircases.

Resolution No. 438-09

ADOPTED

091258 [Proclaiming November 5, 2009, as Elaine Mikels Day]

Sponsors: Chiu; Campos

Resolution proclaiming November 5, 2009, as "Elaine Mikels Day" in San Francisco.

Resolution No. 442-09

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

ADOPTED

091259 [Approval of a 30 day extension for Planning Commission review.]

Sponsor: Chiu

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non use for a nonconforming Tobacco Paraphernalia Establishment use be deemed discontinued in the Polk Street NCD from three years to eighteen months, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

Resolution No. 443-09

ADOPTED

091239 [Final Map - 748 Innes Avenue]

Motion approving Final Map 5308, a Mixed-Use 6 Unit Residential and 1 Unit Commercial Condominium Project, located at 748 Innes Avenue being a subdivision of Lot 005A in Assessors Block No. 4644 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW No. 1278,382; District 10.)

Motion No. M09-179

APPROVED

The foregoing items were acted upon by the following vote:

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

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091269 [Payroll Expense Tax Biotechnology Exclusion Amendment]

Sponsor: Alioto-Pier

Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half years irrespective of the application date.
(Fiscal Impact.)

11/03/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/3/2009.

091271 [Zoning - Amending Planning Code to Create a Comprehensive and Consistent Set of Street Frontage Controls]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

091272 [Port Commission Revenue Bond Law]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091274 [Appropriating \$33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]

Sponsors: Mayor; Chiu

Ordinance appropriating \$33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing \$33,395,571 on Controller's reserve pending sale of bonds.
(Fiscal Impact.)

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091275 [Development Impact and In-Lieu Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, credits, notice, lien procedure, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number.
(Economic Impact.)

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$2,700,314]**Sponsor: Mayor**

Ordinance authorizing the Department of Children, Youth & Their Families (DCYF) to accept and expend grant funding in the amount of \$2,700,314 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs and amending Annual Salary Ordinance (183-09) and to create grant-funded position at DCYF.

11/03/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091251 [Development Fee Collection Procedure; Administrative Fee]**Sponsor: Mayor**

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefit benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings. (Economic Impact.)

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/03/09; REFERRED TO DEPARTMENT.

11/03/09; SUBSTITUTED.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

Resolutions

091270 [Accept and Expend Grant - Urban Trails of San Francisco - \$1,000,000]**Sponsors: Duffy; Campos**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration in the amount of \$1,000,000 to provide direct services for American Indian/Alaskan Native children and families; for the period of September 30, 2009, through September 29, 2010.

11/03/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091273 [Port Commission Revenue Bonds Not to Exceed \$45,000,000]**Sponsors: Mayor; Chiu**

Resolution authorizing the issuance of up to \$45,000,000 aggregate principal amount of Port Commission revenue bonds for the purpose of financing certain capital improvements related to the Port; approving the forms of documents relating thereto; approving the maximum interest thereon; and related matters.

(Fiscal Impact.)

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091279 [Resolution to Acquire Real Property Interests by Eminent Domain-Water System Improvement Program-Funded Bay Division Pipeline Reliability Upgrade Tunnel]**Sponsor: Mayor**

Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

11/03/09; ASSIGNED to Board of Supervisors.

091282 [Commending Del Monte for its Commitment to Keep its Headquarters in San Francisco]**Sponsors: Alioto-Pier, Dufty and Maxwell**

Resolution commending Del Monte Corporation for its continued commitment to keep its headquarters in San Francisco.

11/03/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**091263 [Biotechnology Payroll Tax Exclusion]****Sponsor: Alioto-Pier**

Hearing to consider the Controller's Report on the Biotechnology Payroll Tax Exclusion, required by Section 906.1(i) of Article 12-A of the San Francisco Business and Tax Regulations Code.

11/03/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091278 [Public Hearing - Acquisition of Property by Eminent Domain - Subsurface Tunnel Easements in Alameda County and San Mateo County]

Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

11/03/09; SCHEDULED FOR PUBLIC HEARING.

Motion**091277 [Motion to Hold Public Hearing on Adopting a Resolution to Acquire Property by Eminent Domain]****Sponsor: Mayor**

Motion directing the Board of Supervisors to hold a public hearing on November 24, 2009, with the Board sitting as a committee of the whole, to consider adopting a Resolution of Necessity to authorize acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-002-08 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

11/03/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****091230 [Department of Building Inspection Cash Revolving Fund]**

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Commission)

10/22/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/21/2009.

091231 [Authorizing the Municipal Transportation Agency to implement on-street parking meter and parking control pilot projects]

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

10/23/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/22/2009.

PROPOSED RESOLUTIONS

090679 [Amendment to the John Stewart Company Sublease]

Resolution approving and authorizing the execution of a Fifth Amendment to Sublease with the John Stewart Company to discontinue Earthquake and Flood Insurance. (Treasure Island Development Authority)

10/22/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091232 [Approval of the Ryan White HIV Emergency Relief Grant Program application]
Sponsors: Duffy; Campos**

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration, requesting \$36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area; from March 1, 2010, through February 28, 2011. (Public Health Department)

10/26/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091236 [Approval of contract for Personal Assisted Employment Services Program for the Department of Public Health]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

10/26/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Campos

To: Director, Juvenile Probation Department

Requesting/Inquiring: We respectfully request that the Juvenile Probation Department [hereinafter "the Department"] respond to and provide any and all information and documentation, in whatever form, including, hard copies, electronic form, email or any other correspondence regarding the following:

- 1. An accounting of how the Department uses city funds to comply with Juvenile Probation Department policy 8.12, the Department's policy regarding the intake, processing and release of undocumented minors (effective date August 2008).*
 - 2. All intake and processing forms used by the Department at the referral and booking stage.*
 - 3. All information regarding the Department's caseload for the last two years, broken out by month.*
 - 4. An explanatory memorandum and any relevant Department materials related to answering the following questions:
 - a. Does the Department consider itself and/or intend to act as a de facto arm of the United States Bureau of Immigration and Customs Enforcement? How is the Department ensuring that probation officers are not doing the work of federal immigration officials?**
- I kindly request the Department deliver this information within thirty days.*

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 Fillmore & Haight

Northeast corner Clayton & Haight

Southwest corner Baker & Haight

Mailboxes

Southwest corner Post & Broderick

Northeast corner Laguna & Grove

Street Wall and Overpasses

On Geary & Webster, middle of overpass, East side of street

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

San Francisco Bay Guardian

Southeast corner of Fillmore & Post

Southwest corner of Divisadero & Sutter

9th Avenue & Judah (near bus stops)

7th Avenue & Irving (near bus stops)

Northwest corner of Hayes & Fillmore

Southeast corner of Fillmore & Haight

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

Examiner
Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore

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

628 Divisadero
1310 Turk
1067 Oak
499 Steiner (on the Oak Street side)
489 Grove
298 Pierce
774 Page
778 Page
509 Haight
442 Haight
501 Waller
444 Haight
525 Haight
533 Haight
799 Haight
401 Duboce (on the Duboce & Fillmore side of building)
900 Haight
901 Haight
1301 Haight
1667 Haight

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

Metal Poles

*Southwest corner Haight & Fillmore
Southwest corner Waller & Fillmore
Northeast corner Fillmore & Hermann*

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

*Northeast corner Post & Broderick
Northwest corner of Duboce & Church*

Bus Shelters

*Northeast corner Masonic & Haight
Southeast corner Fillmore & Oak (500 block of Fillmore)
Southwest corner Buena Vista West & Haight
Southwest corner Buchanan & Haight
Fillmore & Haight (all 4 bus stops, graffiti & grime)*

In Memoriams

*Florence Vivian Sarrett – Supervisor Dufty
Warren H. van Eck – Supervisor Dufty
Steven Patrick Dub – Supervisor Chu
Lawrence Halprin – Supervisor Alioto-Pier
Eric Knudtson – Supervisor Dufty
Nancy M. Daly – Supervisors Alioto-Pier and Dufty*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:36 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 January 5, 2010.

Angela Calvillo, Clerk of the Board