

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 10, 2009 - 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, 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 Mirkarimi, moved to approve the Board Meeting Minutes of October 20, 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

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091187 [Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to \$40 million]

Resolution authorizing the Office of Contract Administration to enter into the Second Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from \$12,475,000 to \$40 million. (Planning Department)
(Fiscal Impact.)

Resolution No. 451-09

ADOPTED

091188 [Authorizing the San Francisco Human Services Agency to apply for State funds available for fraud prevention and detection in the In-Home Supportive Services program]

Resolution authorizing Human Services Agency to submit plan for State funding for In-Home Supportive Services fraud investigations and program integrity efforts pursuant to the California State Budget Act of 2009. (Human Services Department)

Resolution No. 450-09

ADOPTED

**091204 [Accept and Expend State Grant - San Francisco Port Commission - \$5,771,340]
Sponsor: Chiu**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of \$5,771,340 from the California Emergency Management Agency for security enhancements at the Port of San Francisco.

Resolution No. 448-09

ADOPTED

**091205 [Accept and Expend State Grant - Airport Commission - \$1,700,000]
Sponsor: Chu**

Resolution authorizing the Airport Commission to retroactively accept and expend a grant of \$1,700,000 from the California Air Resources Board for the acquisition and operation of a hydrogen vehicle fueling station.

Resolution No. 449-09

ADOPTED

**091206 [Accept and Expend Grant - Airport Commission - \$1,399,709.57]
Sponsor: Chu**

Resolution authorizing the Airport Commission to retroactively accept and expend 3 grants totaling \$1,399,709.57 from the Bay Area Air Quality Management District (Air District) for the retrofit and acquisition of clean air vehicles and infrastructure.

Resolution No. 447-09

ADOPTED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

091032 [Confidentiality of Juveniles' Immigration Status]

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

Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.

(Supervisor Alioto-Pier dissented in committee.)

Ordinance No. 228-09

FINALLY PASSED OVER THE MAYOR'S VETO to APPROVED OVER THE MAYOR'S VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendations of the City Operations and Neighborhood Services Committee

Supervisor Campos was noted absent at 2:18 p.m.

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.

Ordinance No. 239-09

FINALLY PASSED by the following vote:

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

Noes: 1 - Elsbernd

Absent: 1 - Campos

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.

Ordinance No. 238-09

FINALLY PASSED by the following vote:

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

Noes: 1 - Elsbernd

Absent: 1 - Campos

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.

Ordinance No. 237-09

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Alioto-Pier, Elsbernd

Absent: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091217 [Appropriation ordinance to reflect Mayor's State Budget Plan for FY 2009-2010]**Sponsors: Mayor; Avalos**

Ordinance appropriating \$18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including \$9,589,000 for the Department of Public Health, \$9,600,000 for the Human Services Agency, \$350,000 for the Sheriff's Department, and \$150,000 for the General Fund Reserve; deappropriating \$3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan; and appropriating and placing \$1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010. (Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

Absent: 1 - Campos

Supervisor Campos was noted present at 2:29 p.m.

091246 [Appropriating \$7,057,111 to Restore Positions Effective November 16, 2009, in the Department of Public Health for FY 2009-2010]

Sponsors: Daly; Mirkarimi, Mar and Campos

Ordinance appropriating \$7,057,111 in General Fund Reserve to add 322.39 full-time equivalent positions and delete 272.95 full-time equivalent positions effective November 16, 2009, in the Department of Public Health for FY 2009-2010.

(Fiscal Impact.)

Privilege of the floor was granted to Ben Rosenfield, Controller, and Monique Zmuda, Deputy Controller, who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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

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

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion to rescind PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

091247 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Daly; Campos

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) in the Department of Public Health.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

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

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

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion to rescind PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

091260 [Payment of Award to John Doe - \$10,000]

Sponsor: Dufty

Ordinance authorizing payment of a \$10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

091261 [Payment of Award to John Doe - \$10,000]

Sponsor: Dufty

Ordinance authorizing payment of a \$10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

091185 [Approval to award a three-year lease for surface parking between the Port of San Francisco and Priority Parking-CA, LLC (Lease No. L-14747)]

Resolution approving a Port Commission Lease with Priority Parking-CA, a California Limited Liability Corporation in the City and County of San Francisco, for certain real property located at SWL 322-I bounded by Front Street and Broadway, SWL 323 bounded by The Embarcadero and Davis Street, SWL 321 bounded by Front Street and Green Street, and SWL 324 bounded by Davis Street, Front Street and The Embarcadero for a term of 3 years. (Port)

Resolution No. 446-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Campos

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

Privilege of the Floor

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

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

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to the Pancreatic Cancer Association in recognition of Pancreatic Cancer Month (November 2009).

Supervisor Dufty provided an overview of the Veterans commendation proceedings. Introductions and Certificates of Honor, in recognition of Veterans Day, service to our community, and dedication to our Nation, were presented as follows:

Supervisor Chu to Commander Rudy Asercion and Captain Harry Carpentar Jr.;

Supervisor Daly to the Veteran's Equity Center;

Supervisor Mar to Ernesto Cinco;

Supervisor Maxwell to Corporal Harold Lee Drummer and Corporal William Loskutoff;

Supervisor Dufty to James "Robbie" Robinson and Zoe Dunning;

Supervisor Avalos to Gaudencio Valerio;

Supervisor Elsbernd to Elbert "Bud" Wilson; and

Supervisor Mirkarimi to Michael Blecker and Paul Cox, on behalf of the Swords to Plowshares.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed gratitude for Veteran's.

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

Nancy Cross; expressed various concerns.

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

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

Emil Lawrence; expressed various concerns.

John DiDonna; expressed concerns relating to the recently passed propositions.

Richard Robinson; expressed concerns relating to traffic deaths.

Male Speaker; expressed various concerns.

Male Speaker; expressed various religious concerns.

Male Speaker; expressed various concerns.

Janet Shirley; expressed support for pending non-violence legislation.

Female Speaker; expressed support for pending non-violence legislation.

Male Speaker; expressed support for pending non-violence legislation.

Bred Starr; expressed concerns relating to immediate disclosure requests.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**091268 [Final Map - 5156 Planned Development Mission Bay]**

Motion approving Final Map No. 5156 Planned Development, Mission Bay, a three (3) lot subdivision, being a merger and re-subdivision of Lot 15 of Assessor's Block 8720, Lot 2 of Assessor's Block 3841, and Lots 19, 20 and 21 of Assessor's Block 8721 as shown on that certain map entitled "FINAL MAP 4141 – PLANNED DEVELOPMENT MISSION BAY (26-28)" recorded on October 16, 2007 in Book BB of Maps, at Pages 179 through 183, filed for record in the office of the Recorder of the City and County of San Francisco, California; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)

Motion No. M09-180

APPROVED

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.

Motion No. M09-181

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 091281 be severed so that it might be considered separately.

091281 [Condemning Californians for Population Stabilization TV and Radio Ads]

Resolution condemning Californians for Population Stabilization (CAPS) TV and Radio Ads.

Resolution No. 445-09

ADOPTED by the following vote:

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

Supervisor Alioto-Pier requested that File No. 091282 be severed so that it might be considered separately.

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.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

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

Resolution No. 452-09

ADOPTED AS AMENDED by the following vote:

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

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091300 [SFMTA Fare Evasion Regulation Amendments]

Sponsor: Dufty

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 1.1, 7.2, and 7.2.101 to redefine requirements for the SFMTA Proof of Payment Program, eliminate the designation of Proof of Payment Zones, clarify that the prohibitions listed in Article 7 are violations of laws, and permit fare evasion enforcement for failure to display a valid fare receipt or valid fare media at the request of any authorized representative of the transit system or duly authorized peace officer after that person has been observed by the transit representative or peace officer on a public transit vehicle or in the paid area of an SFMTA transit station; and to make technical corrections.

11/10/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/8/2009.

091137 [Mills Act Contract Procedures]**Sponsor: Alioto-Pier**

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, expand the definition of "qualified historical property" to include properties listed on the California Register of Historical Resources, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

09/22/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

10/06/09; REFERRED TO DEPARTMENT.

10/06/09; SUBSTITUTED.

10/14/09; REFERRED TO DEPARTMENT.

11/09/09; SUBSTITUTED.

11/09/09; RECEIVED AND ASSIGNED to Rules Committee.

091136 [Mandatory prequalification, training and safety certification requirements for public works projects]**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.20(F), to require mandatory bidder prequalification for all public works contracts and set minimum requirements for prequalification; amending Section 6.22(O) to establish training requirements applicable to apprentices and journeymen; and amending Section 6.22(P) to establish minimum safety training and certification requirements for electricians working on a jobsite.

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

11/10/09; SUBSTITUTED.

11/10/09; TRANSFERRED to Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/8/2009.

091113 [Seismic strengthening of soft-story, wood-frame buildings]**Sponsor: Mayor**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

Economic Impact

09/15/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

11/10/09; SUBSTITUTED.

11/10/09; TRANSFERRED to Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/10/2009.

Resolutions

091292 [Commending Northern Station Police Captain Al Casciato]

Sponsors: Alioto-Pier; Mirkarimi, Avalos, Elsbernd, Dufty, Chiu and Campos

Resolution Commending Captain Al Casciato for his contributions to the City and County of San Francisco, and his dedicated service as Captain of the Police Department's Northern Station.

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

091293 [Approval of a 30-Day Extension for Planning Commission Review]

Sponsor: Alioto-Pier

Resolution extending by 30-days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Section 303(i) to require new applicants of formula retail establishments to appoint a community liaison, and making findings of consistency with the priority policies of the Planning Code Section 101.1, and environmental findings.

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

091297 [Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]

Sponsors: Chiu; Dufty and Daly

Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

11/10/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091298 [Accept and Expend Grant - Mortgage and Investment Fraud Project - \$1,066,026]

Sponsors: Chiu; Chu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend grant funds from the American Recovery and Reinvestment Act in the amount of \$1,066,026 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "Mortgage and Investment Fraud Prosecution and Education Project" for the period from August 1, 2009, through July 31, 2011.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091299 [Extending the Single Room Occupancy Task Force to December 31, 2012]

Sponsors: Dufty; Campos, Chiu and Daly

Resolution amending the Single Room Occupancy Task Force to extend it three (3) years beyond the current sunset date of December 31, 2009, to December 31, 2012, and increasing its membership by one (1) member to fourteen (14) to include one (1) additional tenant representative: nine (9) members appointed by the Board of Supervisors; four (4) appointed by designated department heads; and one (1) chair appointed by the Director of Health.

11/10/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091301 [Approval of a Three (3) Month Extension for Planning Commission Review]**Sponsor: Elsbernd**

Resolution extending by three (3) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Section 729 to add new Sub-section 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings of consistency with the General Plan, the priority policies of the Planning Code Section 101.1, and environmental findings.

11/10/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091302 [Accept and Expend Grant - Police Department Emergency Operations Center - \$1,000,000]**Sponsor: Elsbernd**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend an earmark grant in the amount of \$1,000,000 from the California Emergency Management Agency through the Federal Emergency Management Agency for the purchase of equipment and construction of the San Francisco Police Department Emergency Operations Center.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091303 [Accept and Expend Grant - California Multi-Jurisdictional Methamphetamine Enforcement Team Program - \$346,785]**Sponsor: Elsbernd**

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 \$346,785 from the Governor's Office of Emergency Services for a project entitled "California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET)" Program.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091304 [Endorsement of World March for Peace and Nonviolence]**Sponsors: Mar; Campos, Dufty and Avalos**

Resolution endorsing the first World March for Peace and Nonviolence, calling for the end of war and nuclear arms, and the elimination of violence of all kinds.

11/10/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091305 [Accept and Expend Grant - Point Lobos Streetscape Improvements Project - \$461,000]**Sponsor: Mar**

Resolution authorizing the Department of Public Works to accept and expend a Federal grant in the amount of \$408,123 and a State grant in the amount of \$52,877 from the Metropolitan Transportation Commission for the Point Lobos Streetscape Improvements Project.

11/10/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests for Hearing**091296 [Backlog in the Police Disciplinary Process and Potential Reforms]****Sponsors: Chiu; Elsbernd**

Hearing to discuss the backlog in the police disciplinary process and potential reforms.

11/10/09; RECEIVED AND ASSIGNED to Public Safety Committee.

091306 [San Francisco's African American Infant Health Program]**Sponsor: Maxwell**

Hearing on the disproportionately high fetal and infant mortality rates in San Francisco's African American population.

11/10/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091307 [Sharp Park Restoration Alternatives]**Sponsor: Mirkarimi**

Hearing to review the "Sharp Park Conceptual Restoration Alternatives" and "Sharp Park Mitigation Bank Financial Viability and Analysis" Reports, which were prepared by the Recreation and Parks Department in response to Ordinance No. 85-09.

11/10/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****091264 [Settlement of Lawsuits - Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox - \$217,000]**

Ordinance authorizing settlement of two lawsuits, which were filed by Earnest Henderson, Janel Gotta, Aaron Rauls, Michael Perez, Arturo Pleitez, and Mack Woodfox against the City and County of San Francisco and its employees for a total amount of \$217,000; the first lawsuit was filed on January 14, 2005, in the United States District Court for the Northern District of California, Case No. C05-0280 VRW/WAF, entitled Earnest Henderson, et al., v. City and County of San Francisco, et al.; the second lawsuit was filed on October 18, 2005, in the United States District Court for the Northern District of California, Case No. C05-4220 VRW; entitled Mack Woodfox v. City and County of San Francisco, et al.; the above total settlement amount also includes all claims for costs and attorneys' fees. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

091265 [Settlement of Lawsuits - Joanne Lozenski, Juanita Stockwell, and Susan Rolovich - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Joanne Lozenski, Juanita Stockwell, and Susan Rolovich against the City and County of San Francisco, Alex Fagan, and Rod Nakanishi for \$95,000; the lawsuit was filed on December 14, 2004, in San Francisco Superior Court, Case No. 04-436254; entitled Lozenski, et al., v. City and County of San Francisco, et al. (City Attorney)

10/27/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091266 [Prevailing Wages for Workers on Public Works/Improvement Projects, Janitorial Services, Public Off-Street Parking Lots, Garages, or Auto Storage Facilities, Theatrical Services, Moving Services and Hauling Solid Waste]

Sponsor: Mirkarimi

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

10/30/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Supervisor Mirkarimi requested to be added as sponsor.

091267 [Lease of Property at 3801 Third Street]

Resolution approving a lease at Bayview Plaza, 3801 Third Street, at Evans Street, for the Human Services Agency under Administrative Code Section 23.27. (Real Estate Department)

11/02/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Elsbernd

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to examine the City and County of San Francisco Park Code and identify language to deter individuals from entering animal enclosures at the San Francisco Zoo and other Recreation and Park Department property, including, but not limited to punishment by fine and/or imprisonment.

From: Supervisor Duffy

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation that provides requirements that all capital development projects that receive Government Funds (Local, State, or Federal) must develop and present a feasibility study that considers the build out of an on-site child care facility when constructing, rehabilitating, improving, or providing major renovations to the building.

The feasibility study will determine the need for on-site child care within the building based on the child care needs of the City's employees to be housed in the building and in the immediate surrounding area. And in order to promote the provision of high quality, affordable child care, the feasibility study shall explore options to mitigate rental and development costs for the space allocated for the child care facility; furthermore the development of the child care facility shall include the finishes, furnishings, and equipment required for use in both the interior and exterior spaces for such facilities as required by State Community Care Licensing.

From: Supervisor Daly

To: Controller

Requesting/Inquiring: Letter of Inquiry for Office of the Controller. Does Mayor Gavin Newsom's payment of a "Life Coach" and or "Corporate Facilitator" include any use of public funds?

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 Cole & Haight

Northwest corner Fulton & Gough

Mailboxes

On Geary between Fillmore & Steiner, south side of street

Southwest corner Turk & Lyon

Northeast corner Hayes & Buchanan

Southwest corner Central & Waller

Southwest corner Fulton & Gough

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 at the following private property locations:

469 Fell
350 Laguna
355 Laguna
525 Cole
451 Cole
401 Cole
1407 Oak
600 Divisadero
850 Divisadero
998 Divisadero
1007 Divisadero
497 Fulton
1355 Fulton
580 Hayes
587 Haight
420 Haight
839 Haight
928 Haight
DeAvila School, on Haight between Central & Masonic
1686 Haight
1575 Haight

1486 Haight
1449 Haight
1556 Haight
1619 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 the following public property locations:*

*Utility Boxes
Northwest corner McAllister & Webster
Northwest corner Divisadero & Oak
Northwest corner Fulton & Fillmore
Northwest Baker & Fulton*

*Bus Shelter
Southwest corner Masonic & Haight
Southeast corner Geary & Laguna
Fillmore & Haight (all 4 bus stops, graffiti & grime)*

*Fire Hydrant
Southwest corner O'Farrell & Scott*

*Emergency Box
Northeast corner McAllister & Steiner*

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

*Metal Pole
Southeast corner Geary & Scott
In front of 1881 Sutter
In front of 940 Hayes
Southwest corner Lassuant & Buchanan
Northeast corner Waller & Webster*

*Wood Pole
In front of 40 Fillmore*

In Memoriams

Loretta Florence Phillips – Supervisor Daly

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:04 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