

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, November 24, 2009 - 2:00 PM

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

Regular Meeting

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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

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## 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.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on November 17, 2009, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.*

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 3, 2009.*

## CONSENT AGENDA

### Recommendations of the Land Use and Economic Development Committee

#### **090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]**

##### **Sponsor: Mirkarimi**

Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

**FINALLY PASSED**

**091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]****Sponsor: Mirkarimi**

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

**FINALLY PASSED****Recommendations of the Public Safety Committee****091244 [Accept and Expend Grant - San Francisco Elder Abuse Project - \$300,000]****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 \$300,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Elder Abuse Project" for FY July 2009 through June 2012.

**ADOPTED****091245 [Accept and Expend Grant - Center for Academic Re-entry for Truant Students - \$238,000]****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 \$238,000 through the United States Department of Education, for a program entitled "Center for Academic Re-Entry Expansion Project for Truant Students" for the period from August 24, 2009, through August 31, 2011.

**ADOPTED****091253 [Accept and Expend Grant - H1N1 Swine Flu Information and Guidance Team - \$180,000]****Sponsor: Mayor**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$180,000 from the Metta Fund to support the Swine Flu Information and Guidance Team; for the period of October 6, 2009, through October 5, 2010.

**ADOPTED**

**Recommendations of the Rules Committee****090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - \$112,000]**

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

**FINALLY PASSED**

**091013 [Application of City's Conflict of Interest Laws to City Officers]****Sponsor: Elsbernd**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

**FINALLY PASSED**

**091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - \$650,000]**

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for \$650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**091080 [Settlement of Lawsuit - Duncan Briggs - \$65,000]**

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**091086 [Settlement of Lawsuit - Jeanne Schoenstein - \$225,000]**

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for \$225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

**FINALLY PASSED**

**091186 [Settlement of Lawsuit - Gavin Smith - \$55,000]**

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for \$55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

**FINALLY PASSED**

**091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]**

**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

**FINALLY PASSED**

**PASS THE CONSENT AGENDA**

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

**Severed from the Consent Agenda**

*Supervisor Maxwell requested that File No. 081509 be severed so that it might be considered separately.*

**081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]**

**Sponsor: Maxwell**

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

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

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc. and Sunset Scavenger Company; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

**FINALLY PASSED AS AMENDED**

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

**PREVIOUS VOTE RESCINDED**

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

**PASSED ON FIRST READING AS AMENDED**

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

**REGULAR AGENDA****NEW BUSINESS****Recommendations of the Budget and Finance Committee****091212 [Amendment to the FY 2009-2010 Redevelopment Agency Budget]****Sponsors: Mayor; Avalos**

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 to (1) authorize the expenditure in an amount not to exceed \$28,700,000 for payment to the Educational Revenue Augmentation Fund; (2) authorize an increase in expenditures in an amount not to exceed \$156,000 for additional grant reimbursements from the U.S. Department of Commerce, Economic Development Administration (EDA); and (3) authorize an increase in expenditures in an amount not to exceed \$1,033,417 for additional Housing Opportunities for Persons with AIDS (HOPWA) funding.  
(Fiscal Impact.)

**ADOPTED**

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

**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.

*Supervisor Chiu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING**

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

**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 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.

*Supervisor Chiu requested to be added as a co-sponsor.*

**ADOPTED**

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

**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.

*Supervisor Chiu requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING**

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

**090832 [Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]**

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

(Fiscal Impact.)

**ADOPTED**

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

**091243 [Support Goals for Federal Funding - Community Development Block Grant]****Sponsor: Avalos**

Resolution supporting FY 2010-2011 Community Development Block Grant Action Plan Goals.

**ADOPTED**

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

**091248 [Resolution of Intention to Establish Special Tax District No. 2009-1]****Sponsors: Mayor; Mar**

Resolution of Intention to establish special tax district to finance energy efficiency and renewable energy capital improvements to residential, commercial, industrial, or other property; to establish boundaries of the Special Tax District; to specify the rate or rates of Special Tax applicable to a parcel or parcels in the Special Tax District; to authorize the issuance of up to \$150,000,000 of Special Tax Bonds to finance the capital improvements; to call a public hearing on the establishment of the Special Tax District and provide for the publication of notice thereof; and other matters relating thereto.

**ADOPTED**

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

**091249 [Resolution of Intention to Incur Bonded Indebtedness in an Amount not greater than \$150,000,000]****Sponsors: Mayor; Mar**

Resolution of Intention to incur bonded indebtedness in an amount not greater than \$150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

**AMENDED**

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

**ADOPTED AS AMENDED**

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

**Recommendations of the Government Audit and Oversight Committee**

**091158 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Nonprofits, The Good, The Bad, The Ugly"]**

**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 "Nonprofits, The Good, The Bad, The Ugly," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

**ADOPTED**

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

**091159 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Pensions: Beyond Our Ability to Pay"]**

**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 "Pensions: Beyond Our Ability to Pay," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

**ADOPTED**

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

**091160 [Board Response to the 2008-2009 Civil Grand Jury Report Entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress"]**

**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 "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress," and urging the San Francisco Unified School District (SFUSD) to develop a comprehensive truancy reduction plan for use throughout the school district.

**ADOPTED**

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

**Recommendation of the Land Use and Economic Development Committee**



**091207 [Extending the Yerba Buena Center Redevelopment Plan]**

**Sponsor: Daly**

Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan.

**PASSED, ON FIRST READING**

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

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****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)

*The President inquired as to whether any member of the public wished to address the Board relating to acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County referenced in File No. 091279. Julie Labonte (Public Utilities Commission) provided an overview of the project and responded to questions raised throughout the discussion. 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**

**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.

**ADOPTED**

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

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

**091332 [Public Hearing - Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**

Hearing of persons interested in or objecting to proposed Resolution approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and Making Certain Public Benefit Findings for the Transbay Transit Center Program Under California Government Code Section 6586.5. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to approval of a loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority referenced in File No. 091333. Transbay Joint Powers Authority representative provided an overview. 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**

**091333 [Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**

**Sponsor: Daly**

Resolution approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

**ADOPTED**

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

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

### Privilege of the Floor

#### MOTION

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

*Supervisor Mar introduced, welcomed, and presented Certificates of Honor to Andrea Carmen and Morning Star Gali of the International Indian Treaty Council in recognition of their accomplishments and continued community support.*

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Carol Mo of the Beacon Center in recognition of her accomplishments and community support within the Sunset District.*

*Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Juanito Reyes in recognition of his community service to the Guatemalan American community in San Francisco and his continued efforts to preserve Guatemalan culture and arts.*

*Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Captain Michael J. Flynn in recognition of his accomplishments in the Marine Corps and his continued support to our Nation.*

## COMMITTEE REPORTS

### 091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Mares B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - \$1,750,000]

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Mares B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for \$1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Mares B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

#### PASSED, ON FIRST READING

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

### 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.

#### ADOPTED

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

**091202 [Appropriating \$1,881,896 to fund the restoration of positions for a two-month period in the Department of Public Health for FY 2009-2010]****Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar**

Ordinance appropriating \$7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release \$7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

*Supervisor Campos duplicated File No. 091202 (see File No. 091353).*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

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

Ordinance appropriating \$1,881,896 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 85.98 full-time equivalent (FTEs) positions and delete 72.79 full-time equivalent positions effective November 16, 2009, and ending January 16, 2010, and release \$1,881,896 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

**PASSED ON FIRST READING AS AMENDED**

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

**091353 [Appropriating \$6,071,836 to fund the restoration of positions in the Department of Public Health for FY 2009-2010]**

Ordinance appropriating \$7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release \$7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

*Duplicate of File No. 091202.*

**TABLED**

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

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

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

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

Ordinance appropriating \$6,071,836 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 236.42 full-time equivalent (FTEs) positions and delete 200.16 full-time equivalent positions effective January 17, 2010, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release \$6,071,836 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

**CONTINUED AS AMENDED ON FIRST READING**

Ayes: 6 - Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Avalos, Chu, Elsbernd, Maxwell

**091203 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health.]****Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar**

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) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010 through June 30, 2010) in the Department of Public Health.

(Fiscal Impact.)

*Supervisor Daly duplicated File No. 091203 (see File No. 091354).*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

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

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 85.98 FTEs in various job classes and delete 72.79 FTEs in various job classes for a two-month period (November 16, 2009, through January 16, 2010) in the Department of Public Health.

(Fiscal Impact.)

**PASSED ON FIRST READING AS AMENDED**

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

**091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health.]**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.16 FTEs in various job classes for 16.3 pay periods (November 16, 2009, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

*Duplicate of File No. 091203.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

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

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

**CONTINUED AS AMENDED ON FIRST READING**

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

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

**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.

*This item was not sent as a Committee Report.*

## 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.*  
*Male Speaker; expressed various concerns.*  
*Richard McRee; expressed concerns relating to technology, inventions and patents.*  
*Walter Paulson; shared in song certain concerns with the Board.*  
*Janet Shirley; spoke in support of non-violence legislation.*  
*Tan Mori; spoke in support of non-violence legislation.*  
*Ashley Ortiz; spoke in opposition to network neutrality principles legislation.*  
*Regina Casa; spoke in support of network neutrality principles legislation.*  
*Tracy Rosenberg; spoke regarding network neutrality principles.*  
*Ralph Neilon; spoke in support of network neutrality principles.*  
*Male Speaker; expressed concerns relating to environmental nutrition and food policy.*  
*Male Speaker; expressed various religious concerns.*  
*Peter Warfield; expressed concerns relating to the SF Public Library.*  
*Male Speaker; expressed concerns relating to current lay-offs.*  
*Joe Donahue; expressed various concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **091338 [Issuance and Sale of Revenue Bonds – 2235 Third Street Apartments not to exceed \$55,000,000]**

**Sponsor: Maxwell**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed \$55,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

**ADOPTED**

### **091339 [Issuance and Sale of Revenue Bonds – 178 Townsend Street Housing Project not to exceed \$33,000,000]**

**Sponsor: Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed \$33,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

**ADOPTED**

**091340 [Accept and Expend Grant – Screening, Brief Intervention, and Referral to Treatment – \$24,790]****Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$24,790 from the University of California San Francisco, to assist with a project entitled "Screening, Brief Intervention, and Referral to Treatment," for the period of September 30, 2008, through September 29, 2009.

**ADOPTED****PASS THE CONSENT AGENDA**

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

**Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Chiu requested that File No. 081509 be severed so that it might be considered separately.*

**091331 [Board of Supervisors Committee of the Whole – November 24, 2009 – 3:00 p.m. Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]****Sponsor: Daly**

Motion scheduling the Board to sit as a Committee of the Whole on November 24, 2009, to hear the approval of a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

**Motion No. M09-192**

*The President inquired as to whether any member of the public wished to address the Board relating to motion to sit as a committee of the whole referenced in File No. 091331. There were no speakers. The President declared public comment closed.*

**APPROVED**

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



Supervisor Daly requested that File Nos. 091337 and 091342 be severed so that they may be considered separately.

**091337 [Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]**

**Sponsors: Alioto-Pier; Daly**

Resolution urging the Federal Communications Commission to codify strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

*Supervisor Daly requested to be added as a co-sponsor.*

**REFERRED to RULES COMMITTEE**

**091342 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]**

**Sponsors: Alioto-Pier; Daly**

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

*Supervisor Daly requested to be added as a co-sponsor.*

**REFERRED to RULES COMMITTEE**

**IMPERATIVE AGENDA**

*There were none.*

**LEGISLATION INTRODUCED AT ROLL CALL**

**Introduced by Supervisors or Mayor**

**PROPOSED ORDINANCES**

*There were none.*

**PROPOSED RESOLUTIONS**

**091324 [Airport Concession Lease]**

Resolution approving the Pay Phone Lease between Pelican Communications, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/12/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091326 [CEQA Findings for San Francisco Public Utilities Commission New Irvington Tunnel Project in Alameda County and Fremont]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/16/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 5:34 p.m.*