

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 8, 2009 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 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 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

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.

FINALLY PASSED

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.)

FINALLY PASSED

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)

ADOPTED

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)

ADOPTED**Recommendation of the City Operations and Neighborhood Services Committee****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.

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

ADOPTED**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.

FINALLY PASSED

Recommendations of the Rules Committee**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)

FINALLY PASSED

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - \$97,500]

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrin Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for \$97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091290 [Settlement of Lawsuit - Lisa Anne Haller - \$230,000]

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for \$230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091291 [Settlement of Lawsuit - City and County of San Francisco - \$1,260,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) \$1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

PASSED, ON FIRST READING

091318 [Appointments, Graffiti Advisory Board - Nino Parker, David Crommie and Debbie Shea]

Motion appointing Nino Parker, David Crommie and Debbie Shea, terms ending April 10, 2011, to the Graffiti Advisory Board.

Nino Parker, succeeding himself, seat 12, term expired, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion.

David Crommie, succeeding Leigh Ann Baughman, seat 13, resigned, must represent nonprofit organizations that provide services related to the City's beautification and neighborhood cleanup programs.

Debbie Shea, succeeding Michael Cashion, seat 14, term expired, must represent business that operates in San Francisco and be a property owner.

APPROVED

091320 [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti]

Motion appointing Fernando Marti, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee.

Fernando Marti, succeeding Chris Durazo, seat 5, resigned, must be nominated by District 6 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2011.

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

091202 [Appropriating \$1,881,896 to Fund the Restoration of Positions for Two (2) Months in the Department of Public Health for FY 2009-2010]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

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 85.97 full-time equivalent (FTEs) positions and delete 72.79 FTE positions effective November 16, 2009, through 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.

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

091203 [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 85.97 FTEs in various job classes and delete 72.79 FTEs in various job classes for two months (November 16, 2009, through January 16, 2010) in the Department of Public Health. (Fiscal Impact.)

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

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. 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 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

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$32,510,600]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of \$32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

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

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$4,822,667]

Sponsor: Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of \$4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide \$167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

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

091267 [Lease of Property at 3801 Third Street]

Resolution approving, retroactively, 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)

ADOPTED by the following vote:

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

091285 [Amendment to Agreement with Owens Information Systems to Extend the Term]
Resolution authorizing the Department of Technology to enter into the Eighth Amendment of an agreement with Owens Information Systems to extend the term of the agreement to fifteen years. (Department of Technology)

Privilege of the floor was granted to Jon Walton and Walt Calcagno (Department of Technology) and representatives from the Office of the Mayor all of whom responded to questions raised throughout the discussion.

ADOPTED by the following vote:

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

Noes: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]
Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

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

091036 [Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.43 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

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

091059 [Correction to the Vacation of Former Trenton Street]

Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)

PASSED, ON FIRST READING by the following vote:

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

091335 [Establishing Infill Opportunity Zones for Congestion Management Planning]**Sponsors: Mirkarimi; Maxwell**

Resolution establishing Infill Opportunity Zones for Congestion Management Planning in the City and County of San Francisco under California Government Code Section 65088.

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**090960 [Honoring Small Local Businesses During Small Business Month]****Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

PASSED, ON FIRST READING by the following vote:

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

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.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, on Page 4, Line 9, after "The Planning Department" by inserting ", the Historic Preservation Commission,"; AMENDED, on Page 5, Line 15, after "The Historic Preservation Commission shall" by inserting "have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors. For this purpose, the Historic Preservation Commission shall"; AMENDED, on Page 5, Line 21, after "proposed preservation restrictions or maintenance requirements" by inserting "to be included in the historical property contract"; AMENDED, on Page 5, Line 22, after "Planning Department shall forward," by replacing "a" with "the"; AMENDED, on Page 6, Line 3, by replacing "approval" with "disapproval."; and AMENDED, on Page 6, Line 3, after "for the purposes of this subsection" by deleting ", and the Planning Department shall forward the application for the historical property contract to the Board of Supervisors for its action; provided, however, that the" and by inserting "and the Planning Department shall notify the property owner in writing of the Historic Preservation Commission's failure to act". The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

091152 [Confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency]**Sponsor: Mayor**

Motion confirming the appointment of Miguel Bustos to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2013.

APPROVED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****091361 [Approving the Redevelopment Agency's Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]****Sponsor: Daly**

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

The President inquired as to whether any member of the public wished to address the Board relating to the approval of the Redevelopment Agency's lease of land at 249 Eddy Street, and 161-165 Turk Street, to Turk & Eddy Associates, L.P., for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons referenced in File No. 091360. Olson Lee (Redevelopment Agency) provided an overview of the project and responded to questions raised throughout the discussion. Don Falk spoke in support of this matter. There were no other speakers. The President declared the public hearing closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING**091360 [Redevelopment Agency Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]****Sponsor: Daly**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

ADOPTED by the following vote:

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

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

Privilege of the Floor

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

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

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Terry Chan of the Bethel Grace Lutheran Ministries in recognition of their accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented Certificates of Honor to Officers Feliks Gasanyan and Maria Donati of the Taraval Police Station in recognition of their fine work in the apprehension of the MUNI stabber and their continued community support.

SPECIAL ORDER 4:00 P.M.

091313 [Appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 29, 2009, affirming the approval of the Tentative Parcel Map to construct a new 2 unit condominium project located at 1673 through 1675 - 11th Avenue, Lot No. 013 in Assessor's Block No. 1932. (Appellant: Rose Tom Tsai) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to Files 091314, 091315, 001316; District 7.)

The President inquired as to whether any member of the public wished to address the Board relating to the appeal of Tentative Parcel Map for 1673 through 1675 - 11th Avenue as referenced in File Nos. 091314, 091315, and 091316. David Silverman; spoke in support of a proposed continuance. There were no other speakers. The President continued the public hearing open to December 15, 2009.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

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

091314 [Approving decision of the Department of Public Works and approving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 11th Avenue, Assessor's Block No. 1932, Lot No. 013.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

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

091315 [Disapproving decision of the Department of Public Works and disapproving the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 11th Avenue, Assessor's Block No. 1932, Lot No. 013.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

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

091316 [Findings related to the Tentative Parcel Map for 1673 through 1675 - 11th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-unit new construction condominium subdivision located at 1673 through 1675 11th Avenue, Assessor's Block No. 1932, Lot No. 013.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to December 15, 2009. The motion carried by the following vote:

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

SPECIAL ORDER 4:00 P.M.**091345 [Public Hearing - Appeal of Conditional Use Appeal for 1969 California Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Child Support Services) (Filed 11/9/09 - Companion Measure to Files 091346, 091347, 001348; District 5.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance of the appeal of Conditional Use for 1969 California Street as referenced in File Nos. 091346, 091347, and 091348. There were no speakers. The President closed public comment on the proposed continuance and continued the public hearing open to January 5, 2010.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

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

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

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

091347 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

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

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Hearing be CONTINUED to January 5, 2010. The motion carried by the following vote:

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

COMMITTEE REPORTS

091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance in the amount of \$2,700,314 and Amend Annual Salary Ordinance FY 2009 - 2010]

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.

PASSED, ON FIRST READING by the following vote:

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

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

PASSED ON FIRST READING by the following vote:

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

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

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 religious concerns.

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

Andre Spearman (SEIU); expressed concerns relating to FY 2009/2010 budget shortfall.

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

Julian Lagos; expressed concerns relating to closure of Channel 29 television station.

Steve Zelzer; expressed concerns relating to closure of Channel 29 television station.

Pam Sower; expressed concerns relating to closure of Channel 29 television station.

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

Otto Duffy; expressed concerns relating to upcoming campaign.

Richard Robinson; expressed various concerns.

Marilyn Amini; expressed concerns relating to Board rules.

Male Speaker; expressed concerns relating legislative process.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

091355 [Accept and Expend Grant - eLearning Modules to Support HIV Research - \$35,125]

Sponsors: Duffy; Campos

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$35,125 from the Fred Hutchinson Cancer Research Center to assist with a project entitled "eLearning Modules to Support HIV Research;" for the period of June 1, 2009, through May 31, 2010.

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

ADOPTED

091356 [Authorizing the Director of Public Works or Designee to Request a Cooperative Work Agreement from the California Department of Finance]

Sponsor: Mayor

Resolution authorizing the Director of Public Works or his or her designee to request a Cooperative Work Agreement from the California Department of Finance to extend the expiration date for a Federal transportation grant expiring on June 30, 2010.

ADOPTED

091357 [Accept and Expend Grant - HPV Epidemiology and Responses To Screening - \$12,760]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$12,760 from the University of California San Francisco (UCSF), to assist with a project entitled "HPV Epidemiology and Response to Screening;" for the period of August 11, 2009, through July 31, 2010.

ADOPTED

091358 [Urging the San Francisco State Lobbyists to Facilitate the Implementation of AB 1383]**Sponsors: Daly; Campos**

Resolution urging City of San Francisco Lobbyists to facilitate the implementation of AB 1383, and establishing a general framework of the quality assurance fee and increased Medi-Cal payments to hospitals.

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

ADOPTED

091362 [Commemorate the 40th Anniversary of the Occupation of Alcatraz Island]**Sponsors: Mar; Campos**

Resolution commemorating the 40th Anniversary of the Occupation of Alcatraz Island from November 20, 1969, to June 11, 1971.

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

ADOPTED

091363 [California Master Plan for Education]**Sponsors: Mirkarimi; Campos**

Resolution Calling on the State, the UC Regents, the CSU Board of Trustees, and the Board of Governors of the California Community Colleges to recommit to the California Master Plan for Higher Education.

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

ADOPTED

091364 [Urging the United States to Enter into a Strong International Treaty to Address Climate Change]**Sponsors: Mirkarimi; Campos**

Resolution urging the President of the United States, at the UN Climate Change Conference scheduled for December 2009 in Copenhagen, to negotiate and sign, the Senate to ratify and the Congress of the United States to support legislatively a strong treaty to address climate change.

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

ADOPTED

091366 [Approval of a 30-Day Extension for Planning Commission Review of the Telegraph Hill-North Beach Residential Special Use District]**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 require a Conditional Use Authorization for the installation of a garage opening in existing buildings, reduce the parking requirements in certain Northeast Neighborhoods, and creating the Telegraph Hill-North Beach Residential Special Use District, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

ADOPTED**091378 [Declaration of Election Results of November 3, 2009, Municipal Election]****Sponsor: Chiu**

Resolution declaring the results of the November 3, 2009, Municipal Election

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 091359 be severed so that it may be considered separately.

091359 [Committee of the Whole – December 8, 2009 - 3:00 p.m. - to Hold a Public Hearing on the Approval of a Redevelopment Ground Lease of Land at 249 Eddy Street, and 161-165 Turk Street]**Sponsor: Daly**

Motion scheduling the Board to sit as a Committee of the Whole on December 8, 2009, to hold a public hearing on the approval of Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

The President inquired as to whether any member of the public wished to address the Board relating to sitting as a committee of the whole for the approval of a Redevelopment Ground Lease of land at 249 Eddy Street, and 161-165 Turk Street as referenced in File No. 091359. There were no speakers. The President closed public comment.

APPROVED by the following vote:

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

Supervisor Mirkarimi requested that File No. 091365 be severed so that it may be considered separately.

091365 [Supporting the Recommendations Contained in the Report of the Peak Oil Preparedness Task Force]

Sponsors: Mirkarimi; Mar

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

REFERRED.

Supervisor Avalos requested that File Nos. 091367 and 091367 be severed so that they may be considered separately.

091341 [2010 Board of Supervisors Regular Meeting Schedule]

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, September 7, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 18 through September 7, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be CONTINUED to December 15, 2009. The motion carried by the following vote:

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

091367 [Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture]

Motion authorizing the Clerk of the Board of Supervisors to enter into a Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture and approving said agreement, pursuant to Charter Section 2.117. (Clerk of the Board)

APPROVED by the following vote:

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

Noes: 1 - Maxwell

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

091381 [Settlement of Lawsuit - Marco Maestrini - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for \$40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

11/18/09; RECEIVED AND ASSIGNED to Rules Committee.

091382 [Settlement of Lawsuit - Ben H. Lyon - \$47,500]

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for \$47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - \$158,000]

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for \$158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

091384 [Settlement of Unlitigated Claim - David Cleary - \$225,000]

Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for \$225,000; claim was filed on May 22, 2009. (City Attorney)

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091385 [Approving the City and County's Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]

Sponsor: Mirkarimi

Resolution approving the extension of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

11/30/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:23 p.m.