

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, December 15, 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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

*President Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.*

## CONSENT AGENDA

### 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.

**Ordinance No. 259-09**

**FINALLY PASSED**

**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.

**Ordinance No. 260-09****FINALLY PASSED****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)

**Resolution No. 500-09****ADOPTED****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)

**Ordinance No. 261-09****FINALLY PASSED****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.

**Ordinance No. 262-09****FINALLY PASSED**

**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 No. 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)

**Ordinance No. 263-09**

**FINALLY PASSED**

**Recommendations of the Public Safety Committee****091276 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$2,700,314]**

**Sponsor: Mayor**

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

**Ordinance No. 264-09**

**FINALLY PASSED**

**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.

**Resolution No. 501-09**

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

**ADOPTED**

**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.

**Resolution No. 502-09**

**ADOPTED**

**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.

**Resolution No. 503-09**

**ADOPTED**

**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.

**Ordinance No. 265-09**

**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)

**Ordinance No. 266-09**

**FINALLY PASSED**

**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)

**Ordinance No. 267-09**

**FINALLY PASSED**

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

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina 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)

**Ordinance No. 268-09**

**FINALLY PASSED**

**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)

**Ordinance No. 269-09**

**FINALLY PASSED**

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

Ordinance authorizing settlement of the lawsuit filed by the 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)

**Ordinance No. 270-09**

**FINALLY PASSED**

**091352 [Extending the Term of Service for the Power Plant Task Force]**

**Sponsor: Maxwell**

Resolution to extend the expiration date of the Power Plant Task Force from December 31, 2009, to December 31, 2010.

**Resolution No. 504-09**

**ADOPTED**

**091351 [Appointments, Workforce Investment Community Advisory Committee - Corrin Buchanan and Cameron McHenry]**

Motion appointing Corrin Buchanan and Cameron McHenry, terms to be determined, to the Workforce Investment Community Advisory Committee. (Rules Committee)

Corrin Buchanan, seat 1, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Cameron McHenry, seat 2, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

**Motion No.** M09-198

**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

**091353 [Appropriating \$6,071,836 to Fund the Restoration of Positions in the Department of Public Health for FY 2009-2010]**

**Sponsors:** Avalos; Daly, Mirkarimi, Campos and Mar

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 FTE 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.

**PASSED ON FIRST READING.** The motion **FAILED** by the following vote:

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

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

**091354 [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 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.

**Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be TABLED.**

**The motion FAILED by the following vote:**

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

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

**PASSED ON FIRST READING by the following vote:**

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

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

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

**Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

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



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 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); 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 AS AMENDED by the following vote:**

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

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

## **Recommendation of the Rules Committee**

### **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.

**Ordinance No. 271-09**

**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

**091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]**

**Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.50 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

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

**091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$7,739,300]**

**Sponsor: Mayor**

Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of \$7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

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

**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)

**Resolution No. 505-09**

**ADOPTED by the following vote:**

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

**091369 [Revenue Contract with PG&E Energy Conservation Programs]**

**Sponsor: Mayor**

Resolution authorizing the Department of the Environment under Charter Section 9.118 to enter into a contract for up to \$11,540,000 with Pacific Gas and Electric Company (PG&E), to implement an Energy Use and Demand Reduction through Energy Efficiency Program in the City and County of San Francisco.

**Resolution No. 481-09**

**ADOPTED by the following vote:**

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

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**Recommendations of the Land Use and Economic Development Committee****090962 [Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]****Sponsor: Chiu**

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**PASSED, ON FIRST READING by the following vote:**

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

**091284 [Mission Bay - Park P21 Improvements]**

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

**PASSED, ON FIRST READING by the following vote:**

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

**091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]**

Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

**Resolution No. 506-09****ADOPTED by the following vote:**

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

**091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]**

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

**Resolution No. 507-09**

**ADOPTED by the following vote:**

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

**Recommendations of the Rules Committee****091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**

**Sponsors: Mirkarimi; Campos, Avalos and Daly**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

(Supervisor Alioto-Pier dissented in committee.)

**Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Ordinance 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

(Supervisor Alioto-Pier dissented in committee.)

**Supervisor Mirkarimi, seconded by Supervisor Campos, this Ordinance was RE-REFERRED to the Rules Committee. The motion was approved by the following vote:**

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

**Supervisors Avalos and Mar Excused from Voting**

**Supervisor Daly, seconded by Supervisor Campos, moved that Supervisors Avalos and Mar be excused from voting on File Nos. 091349 and 091350. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi

Excused: 2 - Avalos, Mar

**091349 [Appointment to San Francisco LAFCo - Supervisor John Avalos]**

Motion appointing Supervisor John Avalos, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

**Motion No. M09-200**

**APPROVED by the following vote:**

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi

Excused: 2 - Avalos, Mar

**091350 [Appointment to San Francisco LAFCo - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, as an alternate member, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

**Motion No. M09-199**

**APPROVED by the following vote:**

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi

Excused: 2 - Avalos, Mar

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****091419 [Committee of the Whole - Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]**

**Sponsors: Alioto-Pier; Chu and Maxwell**

Hearing of persons interested in or objecting to proposed resolution on file with the Clerk of the Board of Supervisors in File No. 091342 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.

*The President inquired as to whether any member of the public wished to address the Board.*

*Male Speaker, expressed various concerns.*

*Emily M. Murase, Executive Director, Commission on the Status of Women, expressed concerns with women's health services.*

*Walter Paulson, expressed his concerns in song.*

*Jazzie Collins, expressed concerns with women's health services.*

*The President declared public comment closed and adjourned the Committee of the Whole and reconvened as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

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

### Privilege of the Floor

Supervisor Campos, 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 Campos introduced, welcomed, and presented a Certificate of Honor to Manuel Sparati in recognition of his accomplishments and continued community support in his effort to promote physical education and succesful life through martial arts training.*

*Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Alfredo Pedroza of the Mayor's Office of Neighborhood Services in recognition of his accomplishment and continued community support.*

*Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the San Francisco Brown Bombers, Midget Football Team in recongnition of their acomplishments and continued community support.*

*Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Alex Randolph in recongnition of his accomplishments and continued community support.*

*Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Cornelius Thorne in recongnition of his accomplishments and 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 File Nos. 091314, 091315, 001316) (District 7)

*The President inquired as to whether any member of the public wished to address the Board.*

*Steve Williams, representing the appellant, provided an overview of the appeal and further requested the Board to approve the appeal.*

*Walter Paulson and Rose Tom Tsai (Appellant) spoke in support of the appellant.*

*Bruce Storrs, Department of Public Works, provided details of the project and responded to questions raised throughout the discussion.*

*David Silverman, representing the project sponsor, provided a rebuttal and further requested the Board to approve the appeal.*

*There were no other speakers.*

*The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING****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. (Clerk of the Board)

**Motion No. M09-203**

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. 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. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, 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. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:**

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

**SPECIAL ORDER 4:00 P.M.****091309 [Appeal of Determination of Exemption from Environmental Review for 2750 Vallejo Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 6, 2009, Case No. 2006.0339E, that a project located at 2750 Vallejo Street is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA, Guidelines, Section 15301(e)(1)]. The proposal would alter the facade and construct rear and side horizontal additions to an existing three-story, single-family residence in an RH-1(D) District and a 40-X Height and Bulk District, in Assessor's Block No. 0954, Lot No. 006. (Appellants: Robert A. Byrum and Dona S. Byrum) (Clerk of the Board)  
(Filed 11/6/09; Companion Measures to 091310, 0913911, 091312) (District 2)

*The President inquired as to whether any member of the public wished to address the Board.*

*Robert Brian, representing the appellant, provided an overview of the appeal and further requested the Board to approve the appeal.*

*Pam Byrant, Peter Warfield, Male Speaker, Walter Paulson, Richard Lagrini, and Mr. Arbeck spoke in support of the appellant.*

*Jeremy Battis; Shelly Caltagirone, Historic Preservation Planner; and Tina Tam, Preservation Coordinator, from the Planning Department, provided details of the project and responded to questions raised throughout the discussion.*

*Other Speakers: Elaine Warren, Deputy City Attorney.*

*Tina Calliano and Jake Turnbull representing the project sponsor provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission.*

*Gregory Maylin (property owner), Bob Atone, Dan Birch, Female Speaker, David Perry, and T. Steele; spoke in support of the project and in opposition to the appeal.*

*Robert Brian, representing the appellant, provided a rebuttal and further requested the Board to approve the appeal.*

*There were no other speakers.*

*The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**



**091310 [Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]**

Motion affirming the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

**Motion No. M09-202**

**Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

**091311 [Reversing the Exemption Determination Issued for the 2750 Vallejo Street Project]**

Motion reversing the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

**Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

**091312 [Preparation of Findings Related to the Exemption Determination for the 2750 Vallejo Street Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project at 2750 Vallejo Street is exempt from environmental review. (Clerk of the Board)

**Motion No. M09-201**

**Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

## COMMITTEE REPORT

**091423 [Accept and Expend Grant - Public Health Emergency Response - \$2,151,772]**

**Sponsors: Mayor; Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$2,151,772 from the California Department of Public Health (CDPH), to assist with a project entitled "Public Health Emergency Response;" for the period of July 31, 2009, through July 30, 2010.

**Resolution No. 483-09**

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

**ADOPTED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

**PUBLIC COMMENT**

*Abdullah Megaheed; expressed various concerns.*

*James Chaffee; expressed concern with issues relating to the SF Public Library.*

*Richard McRee; expressed concern with issues relating to his design and patent.*

*Peter Warfield; expressed concern with issues relating to the SF Public Library.*

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

*Male Speaker; expressed various concerns.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****091410 [Accept and Expend Grant – High Risk Program - \$37,787]**

**Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Food and Agriculture (CDFA) in the amount of \$37,787 to prevent infestation of pests from incoming high-risk shipments of plant material from Hawaii, Florida and other southern states; for the period of July 1, 2009, through June 30, 2010.

**Resolution No. 508-09**

**ADOPTED**

**091411 [Seeking Reimbursement from the State of California for Funds Expended by the County]**

**Sponsors: Mar; Campos, Mirkarimi and Avalos**

Resolution urging state and local officials to obtain reimbursement for funds expended by the City and County of San Francisco to provide legal representation in homicide cases instituted by the Attorney General.

**Resolution No. 499-09**

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

**ADOPTED**

**091412 [Accept and Expend Grant - San Francisco's Clean Cities Coalition Program - \$60,000]**

**Sponsor: Mar**

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend funds from the United States Department of Energy's Office of Energy Efficiency and Renewable Energy Vehicle Technologies Program (being passed through Research and Development Solutions, LLC) in the amount of \$60,000 to support San Francisco's Clean Cities Coalition Program and its work related to reducing petroleum use and improving air quality in the City and County of San Francisco.

**Resolution No. 509-09**

**ADOPTED**

**091413 [Support for the First and Mission Site as the Preferred, Fully Environmentally Cleared Site for the California High Speed Rail Station]****Sponsor: Daly**

Resolution affirming the Board of Supervisors support for the First and Mission site as the preferred, fully environmentally cleared and under construction location for the California High Speed Rail Northern Terminus and encouraging the California High Speed Rail Authority to do likewise.

**Resolution No. 510-09**

**ADOPTED**

**091414 [Accept and Expend Grant – Probation Response Unit Pilot Project – \$100,000]****Sponsor: Maxwell**

Resolution authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of \$100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact (DMC) Support Project, administered by the Corrections Standards Authority (CSA), for calendar year 2010, to be used for design and implementation of a Probation Response Unit (PRU) pilot project.

**Resolution No. 485-09**

**ADOPTED**

**091415 [Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions]****Sponsor: Chiu**

Resolution Urging Continued Funding for ARRA SBA 7 (a) and 504 Loan Provisions as Part of the American Recovery and Reinvestment Act of 2009.

**Resolution No. 511-09**

**ADOPTED**

**091416 [Accept and Expend Grant - Implementing Ten Sobriety Checkpoints - \$91,608]****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 \$91,608 from the Federal Department of Transportation through Office of Traffic Safety for the purpose of implementing ten Sobriety Checkpoints in the City and County of San Francisco.

**Resolution No. 512-09**

**ADOPTED**

**091417 [Urging the State Legislature to Amend the Costa Hawkins Act to Exempt Local Inclusionary Housing Ordinances]****Sponsor: Chiu**

Resolution urging the California Legislature to amend the Costa Hawkins Act to exempt local inclusionary housing ordinances.

**Resolution No. 513-09**

**ADOPTED**

**091425 [Commemorating the Bicentennial Year of the Latino Press in the United States]****Sponsor: Campos**

Resolution commemorating the Bicentennial Year of the Latino Press in the United States, and acknowledging the rich contributions of Latinos in the history of American journalism.

**Resolution No. 514-09**

**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

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

*Supervisor Chiu requested that File No. 091418 be severed so that it may be considered separately.*

**091418 [Committee of the Whole, December 15, 2009, at 3:00 P.M., Opposing Stupak-Ellsworth-Pitts]****Sponsors: Alioto-Pier, Chu and Maxwell**

Motion scheduling a Committee of the Whole at 3:00 P.M. on Tuesday, December 15, 2009, to consider opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice.

**Motion No. M09-205**

*The President inquired as to whether any member of the public wished to address the Board relating to the Board sitting as a Committee of the Whole to address opposing the Stupak-Ellsworth-Pitts amendment to restrict reproductive choice referenced in File No. 091419.*

*Speakers: Male Speaker; Emily M. Murase, Executive Director, Commission on the Status of Women; Walter Paulson; Jazzie Collins.*

*The President declared public comment closed.*

*Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND the Motion. The motion FAILED by the following vote:*

*Ayes: 3 - Avalos, Daly, Mar*

*Noes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi*

*Supervisor Alioto-Pier, seconded by Supervisors Elsbernd and Chu, moved to CALL THE QUESTION AND TERMINATE DEBATE. The motion carried by the following vote:*

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

*Noes: 2 - Campos, Daly*

**APPROVED by the following vote:**

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

Noes: 1 - Daly

Supervisor Avalos requested that File No. 091341 be severed so that it 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 Mar requested to be added as a co-sponsor.

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

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

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

**Motion No. M09-204**

**APPROVED AS AMENDED by the following vote:**

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

## IMPERATIVE AGENDA

### Imperative Item - Proclaiming December 19, 2009, International Migrants Day (File No. 091428)

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Avalos, seconded by Supervisor Mar, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

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

**Supervisor Avalos, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

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

### 091428 [Proclaiming December 18, 2009, International Migrants Day]

**Sponsors: Avalos; Campos and Mar**

Resolution proclaiming December 18, 2009, International Migrants Day.

**Resolution No. 515-09**

**ADOPTED by the following vote:**

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

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## Imperative Item - Opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice (File No. 091462)

### *[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

**Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 2 - Daly, Mirkarimi

### *[Brown Act Finding]*

*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 2 - Daly, Mirkarimi

*Supervisor Daly moved to Adjourn the meeting. The motion FAILED due to lack of a second.*

*Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:*

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

Noes: 2 - Daly, Mirkarimi

Absent: 1 - Dufty

### *[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

**Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Absent: 1 - Dufty

### *[Brown Act Finding]*

*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Absent: 1 - Dufty

**091462 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]****Sponsor: Alioto-Pier**

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.

*(A unanimous vote is required for the approval of a resolution on the Imperative Agenda.)*

**ADOPTION failed by the following vote:**

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Absent: 1 - Dufty

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by Supervisors or Mayor

#### Ordinances

**091435 [Child Care Planning and Advisory Council Membership]****Sponsor: Chiu**

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council ("Council") from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council members.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

**091436 [Accept and Expend Grant - U.S. Dept. of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY 2009-2010 - \$698,970]****Sponsor: Chiu**

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and 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 8129 Victim Witness Investigator at District Attorney's Office.

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

**091438 [De-Appropriating Police and Fire Department Salaries and Fringe Benefits for FY 2009-2010 - \$20,705,195]****Sponsor: Daly**

Ordinance de-appropriating \$20,705,195 including \$13,870,901 of salaries and fringe benefits representing 102.64 FTEs, or 366.98 annualized positions, of sworn officers in the Police Department, and \$6,834,294 of salaries and fringe benefits representing 49.70 FTEs, or 177.69 annualized positions, of firefighters in the Fire Department, effective March 20, 2009, for FY 2009-2010.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091441 [Recreation and Park Department—Animal Protections; Increasing Penalties for Park Code Violations]****Sponsor: Elsbernd**

Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to \$500 maximum for an infraction and up to \$1000 for a misdemeanor.

12/15/09; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 1/14/2010.

**091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]****Sponsor: Mar**

Ordinance amending Articles 19F and 19G of the San Francisco Health Code by amending Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, 1009.29, 1009.30, 1009.31, and 1009.32, and repealing Section 1009.24, to update findings and prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) unenclosed dining areas of restaurants, 7) service waiting areas, 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley, 9) farmers markets, and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; and making conforming changes in the Health Code.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

**091444 [Creating an Energy Efficiency Steering Committee]****Sponsor: Mar**

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

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.



**091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY 2009 2010 - \$660,615]  
Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY 2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

**091446 [Modifying the Membership of the Food Security Task Force]  
Sponsor: Maxwell**

Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010. 12/18/09 - President Chiu waived the 30-day rule.

**091447 [Ordinance Levying Special Taxes within Special Tax District No. 2009-1 San Francisco Sustainable Financing]  
Sponsors: Mayor; Mar and Dufty**

Ordinance to authorize and levy special taxes within City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the Special Tax Rate and Amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091453 [Planning Code Amendment – Green Landscaping Ordinance]  
Sponsors: Mayor; Chu and Dufty**

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" amending the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

**091454 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]  
Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091455 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$2,079,703]****Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY 2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 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 Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

**091458 [Earthquake Safety and Emergency Response General Bond Obligation Bond Election - \$652,070,000]****Sponsors: Mayor; Chiu, Avalos, Campos, Dufty and Mirkarimi**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the rehabilitation of Neighborhood Fire Stations, the Auxiliary Water Supply System and the construction of a Public Safety Building and a Forensic Sciences Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by the San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Section 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]**

**Sponsor: Mayor**

Ordinance approving City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091461 [Payroll Expense Tax; Exclusion for Certain Employers Under the Health Care Security Ordinance]**

**Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Business and Tax Regulations Code, Payroll Expense Tax Ordinance, by adding Section 906.3 to defray the cost of compliance with the Health Care Security Ordinance for certain employers by making them eligible for the exclusion of up to \$133,333 per year in taxable payroll from the calculation of the payroll expense tax.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]**

**Sponsors: Mayor; Chiu**

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091251 [Development Fee Collection Procedure; Administrative Fee]**

**Sponsor: Mayor**

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

10/27/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/03/09; REFERRED TO DEPARTMENT.

11/03/09; SUBSTITUTED.

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

11/23/09; REFERRED TO DEPARTMENT.

11/24/09; RESPONSE RECEIVED.

12/15/09; SUBSTITUTED.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

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

Ordinance amending the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, reductions, and refunds, notice, lien procedures, annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; providing that the ordinance's operative date is March 15, 2010; and instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number.

(Economic Impact.)

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

11/18/09; REFERRED TO DEPARTMENT.

12/15/09; SUBSTITUTED.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

**Resolutions****091428 [Proclaiming December 18, 2009, International Migrants Day]****Sponsors: Avalos; Campos and Mar**

Resolution proclaiming December 18, 2009, International Migrants Day.

12/15/09; ADOPTED.

**091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]****Sponsor: Chiu**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

12/15/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**091439 [Paratransit Broker Agreement - Not to Exceed \$118,599,710]****Sponsor: Dufty**

Resolution approving a Paratransit Broker Agreement with Veolia Transportation, Inc., in an amount not to exceed \$118,599,710 for a five-year term ending June 30, 2015, with an optional five-year extension.

(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - \$600,000]****Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of \$600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010.

12/15/09; RECEIVED AND ASSIGNED to Public Safety Committee.

**091442 [Contract to Transfer Airport Police Service, Assets and Liabilities from California Public Employees' Retirement System to San Francisco Employees' Retirement System]****Sponsor: Elsbernd**

Resolution approving contract to transfer airport police service and associated assets and liabilities from the California Employees' Retirement System to the San Francisco Employees' Retirement System.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091448 [Resolution Determining Necessity to Incur Bonded Indebtedness - \$150,000,000]****Sponsors: Mayor; Mar and Dufty**

Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of \$150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091449 [Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]****Sponsors: Mayor; Mar and Dufty**

Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto.

12/15/09; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**091451 [Resolution Authorizing Sale of Special Tax Bonds - Not to Exceed \$10,000,000]****Sponsors: Mayor; Mar and Dufty**

Resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed \$10,000,000 and approving the form of a Fiscal Agent Agreement, a Purchase Contract and a Security Agreement and authorizing and approving other related actions in connection therewith.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091452 [Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]****Sponsors: Mayor; Mar and Dufty**

Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000]****Sponsors: Mayor; Chiu, Avalos, Campos, Dufty and Mirkarimi**

Resolution determining and declaring that the public interest and necessity demand the rehabilitation of Neighborhood Fire Stations, the Auxiliary Water Supply System and the construction of a Public Safety Building and a Forensic Sciences Center and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.  
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091462 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]****Sponsor: Alioto-Pier**

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.

12/15/09; RECEIVED AND ASSIGNED to Board of Supervisors.

12/15/09; ADOPTED.

**091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]****Sponsor: Daly**

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

12/15/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Motions****091466 [Revising the 2010 Board of Supervisors Regular Meeting Schedule]**

Motion revising the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, June 1, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010 and December 15 through December 31, 2010. (Clerk of the Board)

12/15/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Charter Amendments****091429 [Establishing Film Commission, its Membership, Qualifications, and Powers]****Sponsor: Alioto-Pier**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.



**091430 [Allowing the Board of Supervisors to Designate Certain Appropriations as Mandates to Expend the Money Appropriated]****Sponsor: Avalos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and (2) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

**091431 [Setting Minimum 52-Hour Work Week for Firefighters]****Sponsors: Avalos; Daly and Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the current Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language regarding holiday schedules and compensation; and by adding Section A8.590-9 to provide that the minimum work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

**091432 [Zero Tolerance for Firefighters Drinking on Duty]****Sponsor: Daly**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.126 to make it unlawful for any uniformed member of the Fire Department to consume an alcoholic beverage while on duty, and making violation grounds for dismissal and a misdemeanor.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

**091433 [Reducing Employer Retirement Benefit Costs]****Sponsor: Elsbernd**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.409-5, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to prohibit the City and County from paying any required employee contributions to the San Francisco Employees' Retirement System or the California Public Employees' Retirement System; require the difference between the City and County's contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into either the Retiree Health Care Trust Fund, Retirement System Trust Fund, or both, the allocation to be determined jointly by the Controller, Treasurer and Retirement System Executive Director; establish an employee contribution rate of nine percent for all employees hired after June 8, 2010, who become members of the California Public Employees' Retirement System; require all contracts with CalPERS for persons hired after June 8, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; create a new retirement plan for miscellaneous officers and employees hired after June 8, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and create new retirement plans for safety members hired after June 8, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

**091434 [Setting Transit Operator Wages and Benefits Solely Through Collective Bargaining]****Sponsor: Elsbernd**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.104, A8.409-1, A8.409-4 and A8.428 and deleting Section A8.404 of the Charter to eliminate the formula setting a floor for transit operator wages and providing that wages and benefits for transit operators shall be set through collective bargaining and that any impasse in collective bargaining shall be resolved through interest arbitration.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

**PROPOSED ORDINANCE****091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]**

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

12/02/09; RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS**

*There were none.*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 7:32 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.*

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Angela Calvillo, Clerk of the Board