

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, January 5, 2010 - 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.

Volume 105 Number 1

Members Present: David Campos, David Chiu, Carmen Chu, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisors Alioto-Pier, Avalos, and Daly were noted absent. There was a quorum.

Supervisors Alioto-Pier, Avalos, and Daly Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisors Alioto-Pier, Avalos, and Daly be excused from voting. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of October 27, 2009, November 3, 2009, November 10, 2009, November 17, 2009, November 17, 2009 (Special), November 24, 2009, December 8, 2009, and December 15, 2009. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

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.

Ordinance No. 1-10

FINALLY PASSED

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.

Ordinance No. 2-10

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091373 [Accept and Expend Grant - SF General Hospital Shuttle Bus Project - \$100,245]

Sponsor: Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant totaling \$100,245 from the Bay Area Air Quality Management District to implement a shuttle service connecting San Francisco General Hospital and Mission Bay campuses with major transit hubs in San Francisco; for the period of January 15, 2010, through January 15, 2012.

Resolution No. 4-10

ADOPTED

091375 [Accept and Expend Grant - Southeast Health Opportunities - \$450,000]**Sponsors: Maxwell; Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$450,000 to assist with a project entitled "Southeast Health Opportunities (SHOP);" for the period of September 30, 2009, through September 29, 2010.

Resolution No. 5-10**ADOPTED****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.

Ordinance No. 3-10**FINALLY PASSED****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)

Ordinance No. 4-10**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

091482 [Adopting Findings Related to Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]

Motion adopting findings related to 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. M10-1

APPROVED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

Recommendation of the Budget and Finance Committee

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 Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 12, 2010. The motion carried by the following vote:

Ayes: 5 - Campos, Chiu, Dufty, Mar, Mirkarimi

Noes: 3 - Chu, Elsbernd, Maxwell

Excused: 3 - Alioto-Pier, Avalos, Daly

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, Mirkarimi and Mar**

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.

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

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

NEW BUSINESS**Recommendation of the City Operations and Neighborhood Services Committee****091330 [Urging the Department of Social Services to Immediately Reverse the Policy Excluding a Person with Any Felony Conviction from Serving as an In-Home Supportive Services Homecare Provider]****Sponsors: Avalos; Mar, Dufty and Mirkarimi**

Resolution urging the Department of Social Services to immediately reverse the policy excluding a person with any felony conviction or serious misdemeanor from serving as an In-Home Supportive Services independent homecare provider.

Resolution No. 2-10

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

ADOPTED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

Recommendations of the Land Use and Economic Development Committee**090319 [Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]****Sponsor: Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED, ON FIRST READING by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

(Supervisor Maxwell dissented in Committee.)

Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

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

There were none.

SPECIAL ORDER 4:00 P.M.**091345 [Public Hearing - 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. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board) (Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

The President inquired as to whether any member of the public wished to address the Board concerning the motion to continue the Conditional Use Appeal for 1969 California Street. Sam Lauder (Anthony Meier Fine Arts Gallery) spoke in support of a proposed continuance. There were no other speakers. The President continued the public hearing open to January 12, 2010.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

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 Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

091347 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1969 California Street; Approving Conditional Use with additional conditions]

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 Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

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 Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

COMMITTEE REPORTS

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 Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

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

Ray Hart; expressed concerns relating to public comment.

Francisco Da Costa; expressed various concerns.

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

Mr. Lawrence; expressed concerns relating to public comment.

Male Speaker; expressed various concerns.

Male Speaker; expressed concerns relating to Muni and the Public Library.

Nancy Cross; expressed concerns relating to Healthy San Francisco.

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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)

Motion No. M10-2

APPROVED

091471 [Final Map - 83 - 85 Brady Street]

Motion approving Final Map 5548, a Six Residential Unit Condominium Project, located at 83 - 85 Brady Street being a subdivision of Lot 022 in Assessors Block No. 3505 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (District 6) (Public Works Department)

Motion No. M10-3

APPROVED

091484 [Committee of the Whole - Annulling the Privilege to Occupy Certain Subsidewalk Basement Encroachments to Accommodate the Central Subway Project]

Sponsor: Chiu

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 12, 2010, to hold a public hearing on File No. 091479, a resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project.

Motion No. M10-4

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 091463 be severed so that it may be considered separately.

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]

Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar

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.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by Supervisors or Mayor****Ordinances****100008 [Permit and License Fee Elimination]**

Sponsor: Chiu

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Sections 2.28 and 2.29, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/4/2010.

100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]

Sponsor: Duffy

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$50,000]

Sponsor: Maxwell

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100023 [Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 2/4/2010.

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

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 construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety 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 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, Sections 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.

01/05/10; SUBSTITUTED.

01/05/10; ASSIGNED to Budget and Finance Committee.

Resolutions**100007 [Approving Central Subway Final Design Contract Package No. 2 - Stations - Not to Exceed \$39,949,948]****Sponsor: Chu**

Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with, a Joint Venture of Parsons Brinkerhoff, Inc., in an amount not to exceed \$39,949,948 for a term not to exceed ten years with an option to extend the term an additional two years.
(Fiscal Impact.)

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100010 [Local Streets and Roads Needs Assessment]**Sponsor: Dufty**

Resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment.

01/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100011 [Accept and Expend Grant - HIV Prevention Programs - \$512,960]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$512,960 from the California Department of Public Health Office of AIDS to assist with a project entitled "HIV Prevention Programs;" for the period of July 1, 2009, through June 30, 2010.

01/05/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100012 [Supporting the Youth PROMISE Act]**Sponsors: Avalos; Mar**

Resolution supporting HR 1064 and SB 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act.

01/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100013 [International Human Trafficking Day and Human Trafficking Awareness Month]**Sponsors: Chu; Chiu**

Resolution supporting the San Francisco Collaborative Against Human Trafficking, International Human Trafficking Awareness Day and the month-long campaign to bring awareness to issue of human trafficking.

100014 [Accept and Expend Grant - National Endowment for the Arts Grant - \$50,000]**Sponsor: Mayor**

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts for WritersCorps' contracted teacher positions from the NEA's ARRA funds.

100015 [Accept and Expend Grant - CDC Kenya-Monitoring and Evaluation - \$48,837]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$48,837 from the Regents of the University of California, to assist with a project entitled "CDC Kenya-Monitoring and Evaluation;" for the period of November 1, 2009, through August 31, 2010.

100016 [Body Armor Prohibition]**Sponsor: Chiu**

Resolution urging the Supreme Court to review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

100017 [Declaring January 10, 2010, Lee Mallory Day in San Francisco]**Sponsor: Chiu**

Resolution Declaring January 10, 2010, Lee Mallory Day in San Francisco.

100018 [Extending the Term of Service for the Biodiesel Access Taskforce to December 31, 2010]**Sponsor: Mirkarimi**

Resolution extending the term of service for the Biodiesel Access Taskforce to December 31, 2010.

100019 [Accept and Expend Grant - Health Impact Assessment of Congestion Pricing Policy - \$96,415]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the Robert Wood Johnson Foundation in the amount of \$96,415 to assist with a project entitled Health Impact Assessment of Congestion Pricing Policy for the period of January 15, 2010, through January 14, 2011.

100020 [Penalties for Assaulting or Battering a Patrol Special Officer]**Sponsor: Dufty**

Resolution encouraging the Chief of the San Francisco Police Department to consider imposition of increased potential penalties for individuals who commit assault or battery on a patrol special police officer.

01/05/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100021 [Acceptance of Real Property - Dearborn Street]**Sponsor: Dufty**

Resolution authorizing an agreement under which the San Francisco League of Urban Gardeners will transfer title to real property located on Dearborn Street (Lots 040 and 073, Block 3577), the use of which is restricted to a community garden; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, accept the deeds to property and take certain actions in furtherance of this Resolution.

01/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100024 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not to Exceed \$305,000,000]**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed \$305,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010A, and City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010C (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds. (Fiscal Impact.)

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100025 [Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - Not to Exceed \$65,000,000]**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed \$65,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010B, and City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010D (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

01/05/10; 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, Mirkarimi, Mar and Maxwell

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety 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 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.

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

01/05/10; SUBSTITUTED.

01/05/10; ASSIGNED to Budget and Finance Committee.

Request for Hearing**100026 [Hearing - Annuling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Hearing of persons interested in or objecting to proposed resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets to accommodate the construction of the Central Subway project. (Clerk of the Board)

01/05/10; ASSIGNED to Board of Supervisors.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****091475 [General Plan Amendment - Market and Octavia Area Plan]**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

091476 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase the heights of certain parcels and retain the current heights on other parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

PROPOSED RESOLUTIONS**091472 [Agreement to Purchase a Road Easement Over Portions of APN 011-001-028 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of a 0.48 acre permanent road easement over portions of Assessor's Parcel No. 011-001-028 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - \$83,251.89]

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for \$83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

12/28/09; RECEIVED AND ASSIGNED to Rules Committee.

091474 [Settlement of Claim - Devorah Joseph - \$49,000]

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for \$49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

12/28/09; RECEIVED AND ASSIGNED to Rules Committee.

091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]

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 Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091479 [Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

01/05/10; REFERRED TO BOARD SITTING AS A COMMITTEE OF THE WHOLE.

Requests Granted

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation that exempts any car sharing company from paying parking tax in the City and County of San Francisco for the spots or stalls that are used/reserved by the car sharing company.

The City Attorney's office should work with the Office of the Treasurer on this request.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: Intersection Webster and Grove, North side of street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Wood Poles

Northwest corner Oak and Buchanan

Southeast Page and Fell

Metal Poles

Northeast corner Geary and Scott

In front of 943 Haight

In front of 909 Haight

Southeast corner Post and Steiner

Southeast corner Page and Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

1756 Fillmore

600 Oak

447 Fillmore

330 Fillmore

525 Haight

533 Haight

485 Scott

1035 Haight

1055 Haight

573 Haight

699 Haight

499 Haight

800 Haight, on the Scott Street side

601 Haight

542 Haight

55 Laguna, on the Haight Street side

485 Haight

1775 Haight

1631 Haight

1556 Haight
1529 Haight
1301 Haight
955 Haight
799 Haight
587 Haight, on the West side of building
250 Laguna
1002 Scott, backside of building
600 Divisadero
507 Haight
741 Haight

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

Utility Boxes
Northwest corner Turk and Webster
Northeast corner 7th Avenue and Irving
Southeast corner Laguna and Fell
In front of 848 Webster

Bus Shelters
Southeast corner Geary and Laguna
Southwest corner Buchanan and Haight
Northeast corner Pierce and Hayes
Southwest corner Stanyan and Oak
On Haight near Stanyan, North side of street
Southeast Haight and Divisadero
Southeast corner Geary and Scott
Southeast corner Buena Vista East and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)

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

Garbage Cans
Northeast corner Buena Vista West and Haight
Southwest corner Haight and Buena Vista East
Southwest corner Haight and Buchanan
Southwest and Northeast corners Fillmore and Waller
Southwest corner Grove and Gough
Northwest corner Fillmore and Haight

Mailboxes
Northeast corner Fell and Buchanan
Northeast corner McAllister and Scott

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

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

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

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

SF Daily
Northwest corner of Hayes and Gough

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

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

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes and sidewalk issues at the following location: Intersection Webster and Grove, North side of street.

In Memoriams

Jeanette Scola Trapani – Entire Board
Sgt. David H. Gutierrez – Entire Board
John Philbrook – Supervisor Dufty
Elbert Rose – Supervisor Elsbernd
Annabelle Thomas – Supervisor Elsbernd
Robert H. Bodeman – Supervisor Chiu
Joseph Peter Tarantino – Supervisor Dufty
Veronica F. Mahoney – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:17 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 February 2, 2010.

Angela Calvillo, Clerk of the Board