

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, March 16, 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

Meeting Days

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday
1:30 PM

City and School District Select Committee
Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

1st and 3rd Thursday
3:30 PM

City Operations and Neighborhood Services Committee
Supervisors Chu, Avalos, Elsbernd

2nd and 4th Monday
10:30 AM

Government Audit and Oversight Committee
Supervisors Mar, Chu, Maxwell

2nd and 4th Thursday
1:00 PM

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Monday
1:00 PM

Public Safety Committee
Supervisors Chiu, Mirkarimi, Dufty

1st and 3rd Monday
10:00 AM

Rules Committee
Supervisors Campos, Alioto-Pier, Mar

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: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Sophie Maxwell

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Alioto-Pier and Mirkarimi were noted absent. There was a quorum.

Supervisors Alioto-Pier and Mirkarimi Excused from Voting

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

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

Excused: 2 - Alioto-Pier, Mirkarimi

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 23, 2010. The motion carried by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

COMMUNICATIONS

There were none.

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

President, David 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

Recommendation of the Budget and Finance Committee

100113 [Private Ambulance Regulatory Fee Payments]

Sponsor: Avalos

Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

100207 [Accept and Expend Grant - Homeless Health and Wellness Training - \$108,600]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$108,600 from the San Francisco Community Clinic Consortium, to assist with a project entitled "Homeless Health and Wellness Training" for the period of March 27, 2009, through March 26, 2011.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

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

Sponsors: Mirkarimi; Mar, Campos and Chiu

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.

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

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee**091113 [Seismic Strengthening of Soft-Story, Wood-Frame Buildings]****Sponsors: Mayor; Campos and Chiu**

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

(Economic Impact.)

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

FINALLY PASSED

091406 [Street Encroachment at 1 Webster Street]**Sponsor: Dufty**

Ordinance granting revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]**Sponsor: Dufty**

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee**100068 [Settlement of Lawsuit - Marjorie Flores - \$57,500]**

Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for \$57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100069 [Settlement of Lawsuit - Yee Mei Hung - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for \$50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100085 [Settlement of Unlitigated Claim - Patricia Geary - \$80,000]

Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for \$80,000; claim was filed on September 16, 2009. (City Attorney)

ADOPTED

100118 [Settlement of Claim - Elisa Gill - \$50,000]

Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for \$50,000. (City Attorney)

ADOPTED

100166 [Settlement of Unlitigated Claim - Larkfield, Inc. - \$49,500]

Resolution approving the settlement of the unlitigated claim filed by Larkfield, Inc., against the City and County San Francisco for \$49,500; claim was filed on September 2, 2009. (City Attorney)

ADOPTED

100193 [Appointment, Sunshine Ordinance Task Force - Bruce Wolfe]

Motion appointing Bruce Wolfe, term ending April 27, 2010, to the Sunshine Ordinance Task Force. (Clerk of the Board)

APPROVED

100194 [Appointments, Eastern Neighborhood Citizens Advisory Committee - Cynthia Scully and Matthias Mormino]

Motion appointing Cynthia Scully, term ending October 19, 2013, and Matthias Mormino, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

APPROVED

100195 [Appointment, Children and Families First Commission - Twila Brown]

Motion appointing Twila Brown, for an indefinite term, to the Children and Families First Commission. (Clerk of the Board)

APPROVED

100196 [Appointments, Sweatfree Procurement Advisory Group - Jason Oringer and Sarah Church]

Motion appointing Jason Oringer and Sarah Church, terms ending December 17, 2011, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Section 37.2 and adding new Section 37.9D 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), when those units are subjected to foreclosure; and to provide for particular notice of rights to tenants in possession of a rental unit at the time of foreclosure, and that failure to provide the notice can be an affirmative defense in unlawful detainer proceedings; findings in support of the legislation; severability clause; technical corrections.

FINALLY PASSED by the following vote:

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

Recommendation of the Budget and Finance Committee

091344 [Redevelopment Agency Bond Authorization - \$28,000,000]

Sponsors: Mayor; Avalos

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

100160 [Appropriating \$400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]

Sponsor: Maxwell

Ordinance appropriating \$400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 3 - Avalos, Campos, Daly

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendations of the Land Use and Economic Development Committee**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]****Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Fiscal Impact.)

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

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

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

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Mirkarimi

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

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to 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; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

FINALLY PASSED by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

NEW BUSINESS

Recommendation of the Budget and Finance Committee

100044 [Repealing Various Municipal Transportation Agency Special Funds; Appropriating \$70,687]

Sponsor: Chiu

Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code, by repealing Sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund) and appropriating \$70,687 from the Municipal Transportation Information Fund to the Municipal Transportation Agency.

PASSED, ON FIRST READING by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

100098 [Establishment of the Rainbow Honor Walk]

Sponsors: Dufty; Campos

Resolution establishing the Rainbow Honor Walk on Castro Street between 19th Street and Market Street, on Market Street between Castro Street and Octavia Street, on 19th Street between Diamond Street and Castro Street, on 18th Street between Collingwood Street and Hartford Street and initiating the process set forth in Public Works Code Sections 789 et seq. to provide for the creation of a program for and installation of commemorative plaques on the Rainbow Honor Walk.

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

ADOPTED by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

100136 [Floodplain Management Program]

Sponsor: Elsbernd

Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

PASSED, ON FIRST READING by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

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

Privilege of the Floor

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

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

Excused: 2 - Alioto-Pier, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Sandy Mori of the Kimochi Inc. Japanese Community Center in recognition of her accomplishments and continued community support.

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Hank Plant, acclaimed reporter, in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Campos, moved to excuse Supervisor Chu on File Nos. 100151, 100152, 100153, and 100154. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100151 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2462 - 27th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2009, Case No. 2009.0797E, that a project located at 2462 - 27th Avenue is exempt from environmental review under the California Environmental Quality Act (CEQA) as a Class 1(e) categorical exemption. The proposal would add a third floor and rear extension to the existing family home located in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District, in Assessor's Block No. 2399, Lot No. 026. (District 4) (Appellant: Stephen M. Williams on behalf of Sunset Parkside Education and Action Committee (SPEAK)).

The President inquired as to whether any member of the public wished to address the Board relating to the appeal of determination of exemption from environmental review for 2462 - 27th Avenue as referenced in File Nos. 100152, 100153, and 100154. There were no speakers. The President continued the public hearing open to April 27, 2010.

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100152 [Affirming the Determination of Exemption Issued for 2462 – 27th Avenue]

Motion adopting findings related to affirming the determination by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100153 [Reversing the Determination of Exemption Issued for the 2462 – 27th Avenue Project]

Motion reversing the determination by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100154 [Preparation of Findings Related to the Determination of Exemption Issued for 2462 – 27th Avenue Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of determination of exemption by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.

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

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

Christopher Dahl; expressed various concerns.

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

Drew Corey, expressed concerns relating to current budget deficit.

Francisco Da Costa, expressed various concerns.

CLOSED SESSION**CONFERENCE WITH LABOR NEGOTIATORS****100284 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

The Board recessed at the hour of 3:03 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Persons in attendance:

Buck Delventhal, Deputy City Attorney

Elizabeth Salvesson, Deputy City Attorney

Greg Wagner, Chief of the Mayor's Budget and Policy Office

Micki Callahan, Director of Department of Human Resources

Martin Gran, Director of Employee Relations

Ben Rosenfield, Controller

Angela Calvillo, Clerk of the Board

Supervisor Daly was noted absent at 3:15 p.m.

Matter was heard in Closed Session and Filed.

Reconvening of the Board

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

The Board at the hour of 4:09 p.m. reconvened.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Dufty, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

Absent: 1 - Daly

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100283 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

APPROVED

100274 [Commemorating the 75th Anniversary of the Works Progress Administration]**Sponsors: Mar; Avalos and Campos**

Resolution commemorating the 75th anniversary of the Works Progress Administration on April 10, 2010.

*Supervisor Campos requested to be added as a co-sponsor.***ADOPTED****100275 [Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation]****Sponsors: Mar and Campos**

Resolution supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation.

*Supervisor Campos requested to be added as a co-sponsor.***ADOPTED****100276 [Commending the Alice Fong Yu Chinese Immersion Alternative School Exchange Program]****Sponsors: Mar; Elsbernd and Campos**

Resolution commending the exchange program between the Experimental High School attached to Beijing Normal University and the Alice Fong Yu Chinese Immersion Alternative School in San Francisco.

*Supervisors Elsbernd and Campos requested to be added as co-sponsors.***ADOPTED****100278 [Supporting California Senate Bill 1225 Regarding Child Care Facilities]****Sponsors: Avalos; Dufty, Mar and Campos**

Resolution supporting Senate Bill 1225 which would extend until 2016 the subsidy program that allows San Francisco child care facilities to serve children from low-income families.

*Supervisors Mar and Campos requested to be added as co-sponsors.***ADOPTED****100279 [Accept and Expend Gift – Recreation and Park Department – \$15,000]****Sponsor: Chu**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift in the amount of \$15,000 to cover the staff overtime cost associated with the August 4th and 5th 2009 Maccabi Games volunteer event.

ADOPTED**100280 [Urging the Governor of California to Approve the Transit Assistance Funding Package]****Sponsors: Mayor; Chiu, Dufty, Avalos, Elsbernd, Mirkarimi, Mar, Maxwell, Campos and Chu**

Resolution urging the Governor of California to sign the transit assistance funding package as approved by the California State Legislature on March 4, 2010.

ADOPTED

100281 [Declaring March 23, 2010, as Gordon Park Li Day]**Sponsors: Dufty; Chiu, Elsbernd and Campos**

Resolution congratulating Mr. Gordon Park Li, on his outstanding career and thanking him for his exceptional service to the City of County of San Francisco over the past 37 years and declaring March 23, 2010, as Gordon Park Li Day in the City and County of San Francisco.

Supervisors Chiu, Elsbernd, and Campos requested to be added as co-sponsors.

ADOPTED

100258 [Final Map 5649: 445 – 701 Wawona Street]

Motion approving Final Map 5649, a Three Lot Subdivision Project, located at 445 - 701 Wawona Street being a subdivision of Lot 093 in Assessors Block No. 2540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that File No. 100282 be severed so that it may be considered separately.

100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

Supervisors Maxwell, Mar, Avalos, and Campos requested to be added as co-sponsors.

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:

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

Excused: 2 - Alioto-Pier, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by Supervisors or Mayor**

Ordinances**100330 [Veteran Commons Special Use District - 150 Otis Street]****Sponsor: Chiu**

Ordinance adding Planning Code Section 249.46 to establish the Veteran Commons Special Use District for property located at 150 Otis Street, Block No. 3513, Lot No. 07; amending the City's Zoning Map, Sheet Nos. HT07 and SU07 to change the height district from 85 to 125 feet and reflect the boundaries of the Veteran Commons Special Use District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

03/16/10; ASSIGNED to Land Use and Economic Development Committee.

100332 [Revisions to Integrated Project Delivery Construction Contracting Procedures]**Sponsor: Maxwell**

Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures.

03/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/15/2010.

100333 [Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts]**Sponsor: Maxwell**

Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprises that joint venture with other firms to bid on construction contracts.

03/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/15/2010.

100337 [Appropriating \$1,647,249,198 of Proceeds from Debt for the Water System Improvement Program at the Public Utilities Commission for FY2010-2011 through FY2015-2016]**Sponsor: Mayor**

Ordinance appropriating \$1,647,249,198 of proceeds from debt for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program for FY2009-2010, and placing the entire appropriation of \$1,647,249,198 by project on Controller's reserve subject to SFPUC's and Board of Supervisor's discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, placing on Budget and Finance Committee reserve the funds for construction costs of any project with costs in excess of \$100,000,000 and adopting environmental findings. (Fiscal Impact.)

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100338 [Appropriating \$33,735,421 of Proceeds from Debt and Fee Revenues for Water Capital Improvements at the Public Utilities Commission for FY2010-2011 and FY2011-2012]**Sponsor: Mayor**

Ordinance appropriating \$30,483,021 of proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program for FY2009-2010 and placing \$29,642,138 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and fee revenues.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100339 [Appropriating \$348,064,054 of State Grants Proceeds from Debt and Fee Revenues for Wastewater Capital Improvements at the Public Utilities Commission for FY2009-2010]**Sponsors: Mayor; Dufty**

Ordinance appropriating \$348,064,054 of state grants, proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program for FY2009-2010, and placing \$329,962,235 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, grant funds and fee revenues.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100340 [Wastewater Revenue Bond Issuance – Not to Exceed \$297,756,235]**Sponsors: Mayor; Dufty**

Ordinance approving the issuance and sale of wastewater revenue bonds in an aggregate principal amount not to exceed \$297,756,235 by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100341 [Water Revenue Bond Issuance - Not to Exceed \$1,737,724,038]**Sponsor: Mayor**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program and the Capital Improvement Program, including but not limited to the Commission's Advance Meter Infrastructure System, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]

Sponsor: Dufty

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D, Sections 1301D through 1311D, to require commercial buildings to increase efficiency of fluorescent lighting by the year 2011; amending the San Francisco Environment Code by dividing Section 705 into Sections 705 through 705.5 and amending them to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

05/12/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/11/2009.
1/5/10 - Supervisor Dufty requested this file remain open for an additional six months; 7/5/10.

05/20/09; REFERRED TO DEPARTMENT.

05/26/09; RESPONSE RECEIVED.

01/26/10; RESPONSE RECEIVED.

03/16/10; SUBSTITUTED.

100103 [Prohibition on Tobacco Sales Within 1,000 Feet of a School]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

01/26/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/25/2010.

02/04/10; REFERRED TO DEPARTMENT.

03/16/10; SUBSTITUTED.

Resolutions**100331 [Approving Central Subway Final Design Contract Package - Not to Exceed \$32,294,319]****Sponsor: Chu**

Resolution approving Municipal Transportation Agency Contract No. CS-155-3, Professional Architectural and Engineering Services for the Final Design and Construction Support of the Central Subway Project - Design Package No. 3 Systems Design for the Central Subway Project with HNTB - B&C JV, a joint venture of HNTB Corporation and B&C Transit, Inc. for an amount not to exceed \$32,294,319 for a term not to exceed ten years with an option to extend the term an additional two years.
(Fiscal Impact.)

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100334 [Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**Sponsor: Maxwell**

Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area.

03/16/10; ASSIGNED to Board of Supervisors.

100336 [Accept and Expend Grant – American Recovery and Reinvestment Act of 2009 Department of Energy Weatherization Assistance Program – \$2,581,152]**Sponsors: Mayor; Mar**

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act Weatherization Assistance Program funds from the U.S. Department of Energy, disbursed by the State of California's Department of Community Services and Development, in the amount of \$2,581,152.

03/16/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100342 [Accept and Expend Gift - Hayes Valley Playground Project - \$1,500,000]**Sponsors: Mayor; Mirkarimi**

Resolution accepting and expending a gift valued up to \$1,500,000 from The Trust for Public Land to the Recreation and Parks Department for the Hayes Valley Playground project.

03/16/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100343 [Accept and Expend Grant - Clinical and Transnational Science Institute - \$56,019]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$56,019 from the Public Health Foundation Enterprises, Inc. to assist with a project entitled "Clinical and Transnational Science Institute" for the period of September 29, 2009, through September 28, 2011.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100346 [Supporting Reauthorization of San Francisco Unified School District's Mello-Roos Community Facilities District on the June 8, 2010, Ballot]**Sponsors: Chiu; Mar**

Resolution supporting the San Francisco Unified School District's proposal to reauthorize its Mello-Roos Community Facilities District Assessment on the June 8, 2010, Ballot.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100347 [Recognizing the Bay Area Air Quality Management District]**Sponsor: Mar**

Resolution recognizing the Bay Area Air Quality Management for their support of San Francisco's efforts to promote environmentally preferable garment cleaning technologies among local dry cleaners.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100348 [Accept and Expend Grant - Youth Stewardship Program - \$20,000]**Sponsor: Avalos**

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in the amount of \$20,000 to support the San Francisco Recreation and Park Department Youth Stewardship Program for FY2009-2010.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**100327 [HIV Drug-Resistant Strains]****Sponsor: Dufty**

Hearing request about the inflammatory article Evolutionary article "Evolutionary Dynamics of Complex Networks of HIV Drug-Resistant Strains: The Case of San Francisco" (Science - February 5, 2010 - 5;327(5966):697-701), stating that drug resistant strain of HIV had emerged in San Francisco are posing a global public health threat. Further, requesting that the authors of the study appear in front of a committee to discuss their study in order to determine whether or not a public health crisis truly looms in San Francisco.

03/16/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100328 [2009 Citizens' General Obligation Bond Oversight Committee Annual Report]**Sponsor: Mar**

Hearing on 2009 Citizens' General Obligation Bond Oversight Committee Annual Report.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions**100329 [Off-Site Budget and Finance Committee Meeting on April 14, 2010, 4:00 p.m. at Horace Mann Middle School]****Sponsor: Avalos**

Motion ordering the April 14, 2010, meeting of the Budget and Finance Committee be held at Horace Mann Middle School, 3351 - 23rd Street, auditorium in the Mission district of San Francisco.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100344 [Committee of the Whole – Hearing on the Submission of a Design-Build Application to the California State Public Works Board]**Sponsor: Maxwell**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the Redevelopment Agency submission of a Design-Build application to the California State Public Works Board.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100345 [Committee of the Whole – Hearing on the Expenditure of Tax Increment Funds for Certain Streetscape Improvements in the Bayview Hunter's Point Redevelopment Project Area]**Sponsor: Maxwell**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the expenditure of tax increment funds, by the Redevelopment Agency, for a set of City owned streetscape improvements of the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by President at Request of Department**PROPOSED RESOLUTIONS****100298 [Freeway Maintenance Agreement for the Interchange at Highways 101 and 280]**

Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the interchange at Highways 101 and 280 and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

03/01/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100299 [Freeway Maintenance Agreement for the Bay Bridge Anchorage Security Measures]

Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the San Francisco-Oakland Bay Bridge Beale Street anchorage security measures and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

03/01/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100301 [Approve Limit on Indemnification Liability of Prospective Consultant]

Resolution approving proposed limit on indemnification liability of prospective construction management consultant for the proposed Calaveras Dam Replacement Project, pursuant to Administrative Code Section 6.42(C). (Public Utilities Commission)
(Fiscal Impact.)

03/08/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to prepare legislation amending the City Administrative Code to require the Controller to prepare a monthly report listing the five City departments using the most comp time in the preceding month. This report should be included in the monthly overtime report required by Administrative code Section 18.13-1 and 18.13-5.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

Northeast corner Geary & Divisadero

Southeast corner Webster & Fell

Southwest corner 7th Avenue & Lincoln

Southwest corner Haight & Fillmore

Northeast corner Masonic & Waller

Northeast corner Linden & Buchanan

Northwest corner Fell & Buchanan

Bus Shelters

Southwest corner 9th Avenue & Irving

Northeast corner Laguna & Hayes

Southeast corner Buena Vista East & Haight

Northeast corner Haight & Buena Vista East

Fillmore & Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes

Northwest corner Pierce & Haight

Southeast corner Fulton & Scott

Northwest corner Ashbury & Fell

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

Southwest corner Fillmore & Hayes, by bus shelter

Southwest corner Baker & Fell

Metal Poles

Northwest corner Grove & Laguna

Southeast corner Hayes & Buchanan

Southeast corner Golden Gate & Broderick

Northwest corner Turk & Laguna

On Sutter, south side of street, between Broderick & Divisadero

*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 private property locations:*

*959 Divisadero
2436 Bush
2498 Sutter
1401 Baker
Rosa Parks Senior Center, corner Golden Gate & Webster
1200 Laguna
548 Octavia
550 Octavia
605 Webster
299 Webster
689 Fulton
422 Grove, side of building
378 Fillmore
546 Haight
533 Haight
901 Haight
698 Haight
433 Haight
598 Waller*

*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 locations:*

*Potholes and Sidewalk issues
Irving & 10th Avenue, north side of the street
Sink hole in front of 588 Haight 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 the following locations:*

*Garbage Cans
Northeast corner Webster & Fulton
Southeast corner Haight & Buena Vista East
Southwest corner Eddy & Buchanan*

*Mailboxes
Northeast corner Scott & Haight
Northeast corner Haight & Fillmore
Southwest corner Pierce & Haight
Southwest corner McAllister & Buchanan*

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

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

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

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

SF Daily
Northwest corner of Hayes & Gough

City Star
Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight
SF Weekly
Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore

In Memoriams

Gerard Joseph Page – Supervisor Avalos
Aldo Peter Figone – Supervisor Alioto-Pier
Dr. George W. Davis – Supervisors Maxwell and Dufty
Dr. Edgar Wayburn – Supervisor Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:21 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 April 13, 2010.

Angela Calvillo, Clerk of the Board