

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, April 27, 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, Maxwell, Campos

Wednesday
1:30 PM

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday
11:00 AM

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: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Maxwell was noted absent. There was a quorum.

Supervisor Maxwell Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that Supervisor Maxwell be excused from voting. The motion carried by the following vote:

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

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 30, 2010. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100310 [Airport Concession Lease - Terminal 2 Book Store with Books, Inc.]

Resolution approving the Terminal 2 Book Store lease between Books, Inc., (Compass Books, Inc.), and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100315 [Airport Concession Lease – Terminal 2 Specialty Store with Charles Chocolates, Inc.]

Resolution approving the Terminal 2 Specialty Store lease between Charles Chocolates, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100322 [Airport Concession Lease - Terminal 2 Spa with XpresSpa SF International, Inc.]

Resolution approving the Terminal 2 Spa lease between XpresSpa SF International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100389 [Professional Services Agreement - Energy Efficiency, Renewable Energy and Climate Change with ICF International - \$19,000,000]

Sponsor: Mirkarimi

Resolution approving a Professional Services Agreement with ICF International for Energy Efficiency, Renewable Energy, and Climate Professional Services at a total cost of \$19,000,000. (Environment)

ADOPTED

100431 [Accept and Expend Grant - Recovery Act Justice Assistance Grant - \$963,198]
Sponsors: Mayor; Dufty and Mirkarimi

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$963,198 from the California Emergency Management Agency, to assist with a project entitled "Recovery Act Justice Assistance Grant" for the period of October 1, 2009, through March 31, 2011.

ADOPTED

100474 [Accept and Expend Grant - American Recovery and Reinvestment Act GreenFinanceSF - \$2,080,000]

Sponsors: Mayor; Dufty and Mirkarimi

Resolution amending Resolution No. 59-10 retroactively to substitute the Public Utilities Commission, for the Department of the Environment, as the department authorized to accept and expend a grant in the amount of \$2,080,000 from the California Energy Commission's State Energy Program to provide financial assistance for GreenFinanceSF, the City and County of San Francisco's municipal financing program for energy and water retrofits of privately-owned buildings, and ratifying actions previously taken.

ADOPTED

Recommendations of the Public Safety Committee**100433 [Accept and Expend Grant - San Francisco Drug Elimination Team - \$533,810]****Sponsor: Chu**

Resolution authorizing the Department of Children, Youth & Their Families, to retroactively accept and expend grant funding in the amount of \$533,810 from the California Emergency Management Agency to fund the San Francisco Drug Elimination Team, a multi-disciplinary partnership, comprised of the San Francisco Police Department, the District Attorney's Office, and the Adult Probation Department for the period of July 1, 2009, through June 30, 2010.

ADOPTED**100435 [Accept and Expend Grant - Substance Abuse Offender Treatment Program - \$370,182]****Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Alcohol and Drug Programs in the amount of \$370,182 to fund the Substance Abuse Offender Treatment Program for the period July 1, 2009, through June 30, 2010.

ADOPTED**Recommendations of the Rules Committee****100421 [Settlement of Lawsuit - John Hartnett - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

PASSED, ON FIRST READING**100438 [Settlement of Lawsuit - Michelle Cody - \$105,000]**

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING**100439 [Settlement of Claim - Karin Novotna - \$125,000]**

Resolution approving the settlement of the unlitigated claim filed by Karin Novotna against the City and County of San Francisco for \$125,000; claim was filed on November 19, 2009. (City Attorney)

ADOPTED

100440 [Settlement of Claim - Pacific Gas and Electric Company - \$97,957.70]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against Pacific Gas and Electric Company for \$97,957.70; claim was filed on February 1, 2010. (City Attorney)

ADOPTED

100426 [Appointment, In-Home Supportive Services Public Authority - Kenzi Robi]

Motion appointing Kenzi Robi, term ending March 1, 2012, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

Kenzi Robi, seat 5, succeeding Mike Boyd, term expired, must be consumer at-large between the ages of 18 and 60, for the unexpired portion of a three-year term ending March 1, 2012.

APPROVED

100463 [Appointments, SRO Task Force - Charles Siron, Suresh Patel, Bruce Burge, Seth Katzman, Jorge Portillo, Jeff Buckley, Angela Chu, Matthias Mormino and Patrick Flanagan]

Motion appointing Charles Siron, Suresh Patel, Bruce Burge, Seth Katzman, Jorge Portillo, Jeff Buckley, Angela Chu, Matthias Mormino and Patrick Flanagan, terms ending December 31, 2012, to the SRO Task Force, residency requirement waived. (Clerk of the Board)

Charles Siron, seat 1, succeeding himself, term expired, must be a SRO tenant, for the unexpired portion of a three-year term ending December 31, 2012.

Suresh Patel, seat 2, succeeding himself, term expired, must be a private SRO owner/operator, for the unexpired portion of a three-year term ending December 31, 2012.

Bruce Burge (residency requirement waived), seat 3, succeeding Dipak Patel, term expired, must be a private SRO owner/operator, for the unexpired portion of a three-year term ending December 31, 2012.

Seth Katzman, seat 4, succeeding himself, term expired, must be a non-profit SRO operator/owner, for the unexpired portion of a three-year term ending December 31, 2012.

Jorge Portillo, seat 5, succeeding himself, term expired, must be a representative of the Mission SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2012.

Jeff Buckley, seat 6, succeeding himself, term expired, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2012.

Angela Chu, seat 7, succeeding herself, term expired, must be a representative of the Chinatown SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2012.

Matthias Mormino, seat 8, succeeding himself, term expired, must be a representative of the Families SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2012.

Patrick Flanagan, seat 9, new appointment, must be a SRO tenant, for the unexpired portion of a three-year term ending December 31, 2012.

APPROVED

100423 [Appointment, Commission on the Aging Advisory Council - Elinore Luris]

Motion appointing Elinore Luris, term ending March 31, 2012, to the Commission on the Aging and Advisory Council. (Clerk of the Board)

Elinore Luris, seat 1, succeeding Lila McCarthy, must be nominee of District 2 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012

APPROVED

100424 [Appointment, Sweatfree Procurement Advisory Group - Alicia Culver]

Motion appointing Alicia Culver, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group, residency requirement waived. (Clerk of the Board)

Alicia Culver (residency requirement waived), seat 2, succeeding herself, term expired, must have significant experience acquiring goods or services for a public entity, for the unexpired portion of a two-year term ending December 17, 2011.

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Maxwell

Severed from the Consent Agenda

Supervisor Campos requested that File Nos. 100338 and 100339 be severed so that they may be considered separately.

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 \$33,735,421 of proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program for FY2010-2011 and FY2011-2012 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.

(Fiscal Impact.)

Privilege of the floor was granted to Cheryl Adams (City Attorney's Office) and Ed Harrington (Public Utilities Commission) who responded to questions raised throughout the discussion regarding File Nos. 100338 and 100339.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to CONTINUE File Nos. 100338 and 100339 to May 11, 2010.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to TABLE the motion to CONTINUE File Nos. 100338 and 100339 to May 11, 2010, made by Supervisor Campos.

Supervisor Daly, seconded by Supervisors Campos and Mirkarimi, moved to TABLE the motion to TABLE made by Supervisor Elsbernd. The motion to TABLE Supervisor Elsbernd's motion to TABLE FAILED by the following vote:

Ayes: 4 - Campos, Daly, Mar, Mirkarimi

Noes: 6 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to TABLE the motion to CONTINUE File Nos. 100338 and 100339 to May 11, 2010, made by Supervisor Campos. The motion to TABLE Supervisor Campos' motion to CONTINUE File Nos. 100338 and 100339 to May 11, 2010, PASSED by the following vote:

Ayes: 6 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd

Noes: 4 - Campos, Daly, Mar, Mirkarimi

Excused: 1 - Maxwell

FINALLY PASSED by the following vote:

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

Excused: 1 - Maxwell

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 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, grant funds, and fee revenues.

See File No. 100338.

FINALLY PASSED by the following vote:

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

Excused: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Sub-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.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

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

Excused: 1 - Maxwell

NEW BUSINESS

Recommendation of the Budget and Finance Committee

100430 [Ten Year Capital Expenditure Plan - FYs2011-2020]

Sponsors: Mayor; Chiu

Resolution adopting the City's ten year capital expenditure plan for FYs2011-2020.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that the attachment to the Resolution be **AMENDED** on Page 134 to read "Francisco Reservoir: Consistent with Board Resolution 502-08, the City will explore the preservation of the Francisco Reservoir as open space." The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Campos, Chiu, Dufty, Mar, Mirkarimi

Noes: 3 - Chu, Daly, Elsbernd

Excused: 1 - Maxwell

ADOPTED AS AMENDED by the following vote:

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

Excused: 1 - Maxwell

Recommendations of the Budget and Finance Sub-Committee

100251 [Approval of Contract with AT&T for City Telecommunications Services - \$75,000,000]

Ordinance approving, retroactively, a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000 for a four and one-half year term beginning on March 1, 2010. (Department of Technology)
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Maxwell

100311 [Airport Concession Lease - Amendment to Post-Security Master Retail/Duty Free Concession with DFS Group, L.P.]

Resolution approving Amendment No. 8 to the Post-Security Master Retail/Duty Free Concession Lease No. 99-0035 between DFS Group, L.P., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

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

Excused: 1 - Maxwell

100321 [Airport Concession Lease - Terminal 2 and 3 Electronics and Technology Stores with Edge 1 Cellular, L.P.]

Resolution approving the Electronics and Technology Stores in Terminal 2 and Terminal 3 lease, between Edge 1 Cellular, L.P., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

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

Excused: 1 - Maxwell

Recommendations of the Land Use and Economic Development Committee**090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]****Sponsors: Dufty; Mayor and Chiu**

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.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Maxwell

091208 [24th Street - Noe Valley Neighborhood Commercial District - Conditional Use for New Full-Service and Small Self-Service Restaurants]**Sponsor: Dufty**

Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Maxwell

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 (Lot Nos. 040 and 073, Block No. 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.

ADOPTED by the following vote:

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

Excused: 1 - Maxwell

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

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

Excused: 1 - Maxwell

Supervisor Campos introduced, welcomed, and presented Certificates of Honor to Reverend Stephen A. Privette, S.J., accepted by Ana Perez, Executive Director of the CARECEN - Central American Resource Center, and Tessa Rouverol Callejo in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

Supervisor Chu Excused from Voting

Supervisor Chiu was noted absent at 7:02 p.m. Supervisor Chiu was noted present at 7:27 p.m.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that Supervisor Chu be excused from voting on File Nos. 100151, 100152, 100153, and 100154. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

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)). (Filed February 3, 2010; Companion Measure to File Nos. 100152, 100153, 100154.)

The President inquired as to whether any member of the public wished to address the Board. Stephen Williams (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Vincent Marsh; Harry Chia; Karen Mitchell; Shirley Eng; Buela Shamuda; Mike Lynch; Nancy Wuerfel; Female Speaker; Jerome Berelich; Eng Li; Larry Lyon; spoke in support of the appeal. AnMarie Rodgers and Michael Smith (Planning Department) provided an overview of the decision of the Planning Department. Bret Gladstone (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Alice Carey; Erica Schultz; Delly Wong; Male Speaker; Daisy Wong; Larry Barsetti; Paul Naisuler; Sam Yu; Gina Gomez; spoke in support of the project and in opposition to the appeal. Vincent Marsh and Stephen Williams (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

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

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

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

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

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

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

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Daly was noted absent at 3:19 p.m. Supervisor Daly was noted present at 3:59 p.m.

Supervisor Alioto-Pier was noted absent at 4:25 p.m. Supervisor Alioto-Pier was noted present at 6:21 p.m.

Supervisor Daly was noted absent at 5:37 p.m. Supervisor Daly was noted present at 5:54 p.m.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Colin Gallagher; expressed concerns relating to Arizona.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Marlene Tran; expressed concerns relating to violence.
Male Speaker; expressed concerns relating to violence.
Mr. Chao; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Sharen Hewitt; expressed concerns relating to violence in English and Chinese.
Female Speaker; expressed concerns relating to violence on MUNI in Chinese and English.
Female Speaker; expressed concerns relating to violence on MUNI in Chinese and English.
Female Speaker; expressed concerns relating to violence in Chinese and English.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Po King Wong; expressed concerns relating to violence.
Mable Seto; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence in Chinese and English.
Female Speaker; expressed concerns relating to violence in Chinese and English.
John DiDonna; expressed concerns relating to separation of church and State.
Sam Siu; expressed concerns relating to violence.
Tommy Tang; expressed concerns relating to violence.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence.
Vincent Pan; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence in Chinese and English.
James Pan; expressed concerns relating to violence.
Brandon Lee; expressed concerns relating to violence.
Zhao Xiong; expressed concerns relating to violence.
Jackie Norman; expressed concerns relating to violence.
Douglas Yep; expressed concerns relating to violence in Chinese and English.
Rachel Li; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Jenny Lim; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Sam Li; expressed concerns relating to violence.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Female Speaker (APACC); expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Larry Jones; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Fook Wong; expressed concerns relating to violence in Chinese and English.
Tony Leung; expressed concerns relating to violence in Chinese and English.
Francisco Da Costa; expressed various concerns in English and Chinese.
Male Speaker; expressed concerns relating to violence.
Otto Duffy; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100504 [Commending Dennis Morris, Assistant District Attorney, Upon his Retirement]

Sponsor: Elsbernd

Resolution commending Dennis Morris, Assistant District Attorney, upon his retirement.

ADOPTED

100505 [Support for Louis' Restaurant]

Sponsors: Mar; Mirkarimi, Daly, Alioto-Pier, Chu and Chiu

Resolution supporting Louis' Restaurant at 902 Point Lobos.

ADOPTED

100506 [Commemorating Adolph Sutro's 180th Birthday]

Sponsor: Mar

Resolution commemorating the 180th birthday of Adolph Sutro.

ADOPTED

100507 [Accept and Expend Gift - Jeanne Fontana Revocable Trust - \$25,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Animal Care and Control to accept and expend a gift of \$25,000 from the Jeanne Fontana Revocable Trust.

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Maxwell

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

100149 [Prohibiting Lying on Public Sidewalks]

Sponsor: Daly

Draft ordinance amending San Francisco Police Code by adding Section 168 to prohibit lying on a public sidewalk.

04/27/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100188 [Zoning – 1800 Market Street Community Center Project Special Use District]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

04/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/27/2010.

100189 [Transferring Responsibility for Crime Lab Services from the Police Department to the City Administrator]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 2A.25 and by amending and renumbering Section 10.100-170, all to transfer responsibility for providing crime laboratory services from the Police Department to the City Administrator, and setting an operative date.

04/27/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 5/27/2010.

Resolutions

100006 [Authorizing the Director of Elections to Make Confidential Certain Voter Registration Information Pertaining to Public Safety Officers]

Sponsor: Chiu

Resolution authorizing the Director of Elections to, upon proper application of a public safety officer, make confidential that officer's residential address, telephone number and e-mail address appearing on the affidavit of registration, in accordance with California Elections Code Section 2166.7.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100030 [Amendment to Contract - AnsaldoBreda, Inc., for Light Rail Vehicle Systems Overhaul - Not to Exceed \$68,749,421]**Sponsors: Chiu and Dufty**

Resolution approving Amendment One to Contract No. APT 591.01, light rail vehicle doors and steps reconditioning and systems rehabilitation, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda Inc. to rehabilitate the trucks of 34 light rail vehicles, at the cost of \$11,996,867 for a total contract amount not to exceed \$68,749,421 and to extend the term of the contract from five years to six years.

100222 [Authorizing the Acquisition of Real Property by Eminent Domain - Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project]**Sponsor: Mayor**

Resolution authorizing acquisition of the following interests in real property in Alameda County: (1) a temporary construction easement in a portion of Assessor's Parcel No. 513-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary construction easement in a portion of Assessor's Parcel No. 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary construction easement and a permanent subsurface soil nail easement in portions of Assessor's Parcel No. 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

04/27/10; ASSIGNED to Board of Supervisors.

100244 [Declaring May 2010 Building Safety Month]**Sponsor: Avalos**

Resolution declaring May 2010 as Building Safety Month in the City and County of San Francisco and urging support for supporting public safety efforts by the Department of Building Inspection and recognizing public employees for their contributions to San Francisco's structural safety and well-being.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100256 [Calling for a Boycott of the State of Arizona and Arizona-Based Businesses Until Arizona Repeals Senate Bill 1070]**Sponsors: Campos; Chiu, Avalos, Dufty, Daly, Mirkarimi and Mar**

Resolution denouncing Arizona State Senate Bill 1070, a law that seeks to implement Arizona's own scheme of immigration regulation and will inevitably lead to racial profiling of people of color and limited English proficient persons, calling for a boycott of the State of Arizona and Arizona-based businesses, and endorsing the City Attorney's offer to cooperate in a lawsuit challenging Arizona State Senate Bill 1070.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100257 [Calling for Comprehensive Immigration Reform and Condemning Immigration and Customs Enforcement Audits of San Francisco Businesses]**Sponsors: Campos; Mar, Avalos, Mirkarimi, Chiu, Dufty, Elsbernd, Daly, Alioto-Pier and Maxwell**

Resolution calling upon United States Congress to pass Comprehensive Immigration Reform that will solve the problem of undocumented immigration at its roots instead of through piecemeal enforcement-only measures, and condemning Immigration and Customs Enforcement audits of San Francisco businesses, including a unionized company.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100285 [Federal Disaster Corps Grants Administered by the California Volunteers]**Sponsor: Mayor**

Resolution authorizing designated City and County of San Francisco officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance through the federal Disaster Corps Grant administered by California Volunteers.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100286 [Supporting Assembly Bill 1900 Relating to Inmates]**Sponsor: Mirkarimi**

Resolution urging the State Legislature to pass Assembly Bill 1900 relating to inmates.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**100004 [Sunset Reservoir Solar Project First Source Hiring Agreement]****Sponsor: Mar**

Hearing to discuss compliance with the First Source Hiring Agreement for the Sunset Reservoir Solar Project.

04/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100005 [Low-Achieving Schools and the Student Improvement Grant]**Sponsors: Campos; Dufty**

Hearing on the status of persistently low-achieving schools in San Francisco and the student Improvement Grant.

04/27/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

100221 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain - Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project]

Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of the following interests in real property in Alameda County: (1) a temporary construction easement in a portion of Assessor's Parcel No. 13-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary construction easement in a portion of Assessor's Parcel No. 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary construction easement and a permanent subsurface soil nail easement in portions of Assessor's Parcel No. 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

04/27/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Motion**100220 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interests by Eminent Domain]**

Sponsor: Mayor

Motion that the Board of Supervisors hold a public hearing on May 18, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of: (1) a temporary interest in real property in Alameda County known as Assessor's Parcel #513-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary interest in real property in Alameda County known as Assessor's Parcel # 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary interest and a permanent interest in portions of real property in Alameda County known as Assessor's Parcel # 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

04/27/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by President at Request of Department

PROPOSED ORDINANCE

100515 [Settlement of Lawsuit - Blackhawk Parent, LLC - \$250,000]

Ordinance authorizing settlement of tax refund lawsuit filed by Blackhawk Parent, LLC, against the City and County of San Francisco for \$250,000; the lawsuit entitled Blackhawk Parent, LLC, v. City and County of San Francisco, Case No. 478-160 filed August 1, 2008, in San Francisco Superior Court. (City Attorney)

04/14/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

100516 [Lease Agreement with the California State Lands Commission]

Resolution approving and authorizing a 25 year lease with the California State Lands Commission for a portion of the San Francisco Bay in Alameda and San Mateo Counties, at no rent, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

04/19/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

*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
Irvine 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 removing graffiti from the following private property locations:*

*208 Scott
357 Oak
1529 Fulton
745 Buchanan
1428 Grove
743 Grove
590 Divisadero
601 Divisadero
1023 Haight
1550 Haight
537 Shrader
989 Haight
563 Haight*

546 Haight
535 Haight
522 Haight
557 Haight
528 Haight
295 Buchanan
201 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 utility poles at the following locations:

Metal Poles
Northeast corner Fell & 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 the following public property locations:

Utility Boxes
Southeast corner Broderick & Fulton
Northeast corner Linden & Buchanan
Southeast corner Divisadero & Fulton
Southeast corner Fulton & Masonic
Northeast corner Steiner & Oak
Northeast corner Fulton & Steiner
Northwest corner Fillmore & Hermann
Northeast corner Central & Haight

Bus Shelters
Southeast corner Buchanan & Haight
Southwest corner Masonic & Golden Gate
Southeast corner Laguna & Grove
Northeast corner Buena Vista East & Haight
Southwest corner Haight & Pierce
Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Box
Northwest corner Turk & Pierce

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
Southwest corner Lyon & Haight
Northwest corner Post & Steiner
Northeast corner Clayton & Haight

Mailbox
Southeast corner Ellis & Pierce
Northeast McAllister & Pierce
Northeast corner Baker & Haight

*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 locations: On Steiner & Golden Gate, South of Golden Gate, east side of street.*

*From: Supervisor Mar
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation that outlaws fast food restaurants from including toys with meals marketed at children that are high calorie, high sugar and high in fat.*

In Memoriams

*Alicia Parlette – Entire Board
Kevin Restani – Supervisor Elsbernd
Tricia Taborn – Supervisor Mirkarimi*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:39 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 May 25, 2010.

Angela Calvillo, Clerk of the Board