

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 5, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday

11:00 AM

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Dufty

2nd and 4th Monday

10:30 AM

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

2nd and 4th Thursday

10:30 AM

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Monday

1:00 PM

Public Safety Committee

Supervisors Chiu, Mirkarimi, Elsbernd

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.

Volume 105 Number 33

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101036 [Contract with the State of California Office of Administrative Hearings to Provide Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

Resolution authorizing the Department of Emergency Management to enter into a contract with the State of California Office of Administrative Hearings to provide administrative law judges to serve as hearing officers on administrative appeals from certification actions by the San Francisco Emergency Medical Services Agency. (Department of Emergency Management)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

100526 [Gift Acceptance - Fire Department - Five Commercial Washer-Extractors - \$44,000]

Resolution authorizing the San Francisco Fire Department to accept a gift from the San Francisco Firefighters' Cancer Prevention Foundation of five commercial washer-extractors valued at approximately \$44,000 to clean personal protective equipment. (Fire Department)

ADOPTED

101149 [Liquor License, 1097 Howard Street, #209]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Christy Bergman for The Secret Wine Shop at 1097 Howard St., #209 (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

101160 [Accept and Expend Grant - Department of Public Health - Pierce's Disease Control and Organic Program - \$128,916.32]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreements Nos. 10-0347 and 10-153) totaling \$128,916.32 from the California Department of Food and Agriculture (CDFA) to fund the Pierce's Disease Control Program for the period of July 1, 2010, through June 30, 2012, and the Organic Program for the period of July 1, 2010, through June 30, 2011.

ADOPTED

101162 [Accept and Expend Grant - Department of Public Health - Project for Assistance in Transition from Homelessness - \$631,739]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the United States Department of Health and Human Services in the amount of \$631,739 to fund the project entitled "Project for Assistance in Transition from Homelessness" for the period July 1, 2010, through June 30, 2011.

ADOPTED

101163 [Accept and Expend Grant - Department of Public Health - Community Risk Reduction Plan - \$49,995]

Sponsors: Maxwell; Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$49,995 from the Bay Area Air Quality Management District, to support a project entitled "Community Risk Reduction Plan" for the period of July 1, 2010, through December 30, 2011.

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

ADOPTED

Recommendations of the Land Use and Economic Development Committee**100757 [Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]****Sponsor: Daly**

Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.

FINALLY PASSED**100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]****Sponsors: Chiu; Maxwell**

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED**100918 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]****Sponsor: Daly**

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED**The foregoing items were acted upon by the following vote:**

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

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

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

100865 [Establishing an Alcohol Cost Recovery Fee]

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

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

APPROVED OVER THE MAYOR'S VETO. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101103 [Appropriating \$2,188,777 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$2,188,777 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

100983 [Approve Modification of Lease - Airport Commission - Japan Airlines]

Resolution approving and authorizing the execution of Modification No. 1 to Lease No. L01-0297 with Japan Airlines Company Limited to reduce the demised premises and the annual rent at Building 944 on Plot 50B-1 at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

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

101202 [Annual Report - 2500 Block of Mission Street Business Improvement District]

Sponsor: Campos

Resolution receiving and approving the 2500 Block of Mission Street Business Improvement District Annual Reports for FYs2007, 2008, and 2009, as submitted, pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Contract with the City.

ADOPTED by the following vote:

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

Recommendations of the City Operations and Neighborhood Services Committee**100528 [Exempting Certain Nonprofits from Guide Permit Requirement]**

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Police Code by amending Section 1295 to exempt nonprofit organizations conducting educational tours from the requirement to obtain a guide permit.

PASSED, ON FIRST READING by the following vote:

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

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]

Sponsors: Alioto-Pier; Mar

Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

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

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED on Page 2, Line 16, by adding '3. This criteria, application, and selection process, should include a review and analysis of the restaurant's labor practices towards its employees including but not limited to employees' regular and overtime wage rates, the restaurants' break policies, tip policies, health and safety training protocols, worker's compensation insurance coverage plans, sick leave policies, health insurance or coverage options offered to employees, family leave policies, and non-discrimination policies or protocols.' The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

100645 [Naming the 17th Street Pedestrian Plaza in the Castro as Jane Warner Plaza]**Sponsor: Dufty**

Resolution naming the 17th Street pedestrian plaza located at the intersection of 17th Street, Castro Street, and Market Street as Jane Warner Plaza.

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee**100873 [Animal Care and Control Welfare Fund - Not to Exceed \$50,000]****Sponsors: Chu; Mar**

Ordinance amending the San Francisco Administrative Code, Chapter 10, by amending Section 10.100-23, to change the gift fund category for the Animal Care and Control Welfare Fund, and to authorize the Department of Animal Care and Control to accept gifts of cash, equipment, property, and services not to exceed \$50,000.

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

PASSED, ON FIRST READING by the following vote:

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

100877 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Sharing the Roadway: From Confrontation to Conversation"]**Sponsor: Mar**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Sharing the Roadway: From Confrontation to Conversation" and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

Supervisor Mar requested to be added as sponsor.

ADOPTED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that Supervisor Daly be excused from voting on File No. 100188. The motion carried by the following vote:

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

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

Sponsors: Dufty; Mirkarimi

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.

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

PASSED ON FIRST READING by the following vote:

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

SPECIAL ORDER 2:30 P.M.**101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)
(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

The President inquired as to whether any member of the public wished to address the Board. Sue Hestor and Armand Der-Hacobian (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Greg Patterson; Female Speaker; Will Peeler; Tom Amimotto; Edmond Juicye; spoke in support of the appeal. There were no other speakers in support of the appeal. John Rahaim, Director of the Planning Department, Michael Jacinto and Sarah Jones (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Andrew Junius (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Justin Bettercry; Michael Theriault; Joel Koppel; Victor Gonzalez; Carl Shannon; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Sue Hestor (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING**101032 [Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]**

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

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

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

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Noes: 4 - Avalos, Campos, Daly, Mar

101033 [Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

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

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

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Noes: 4 - Avalos, Campos, Daly, Mar

101034 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

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

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

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Noes: 4 - Avalos, Campos, Daly, Mar

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101249 [Public Hearing - Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Phillip Lessor; Edmond Juicye; spoke in support of the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101250 [Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Mission Mirale Mile BID was 82.56%, and the returned weighted ballots voting against the Mission Miracle Mile BID was 17.44%, further indicating there was no majority protest.

ADOPTED by the following vote:

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

Absent: 1 - Dufty

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

Privilege of the Floor

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

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

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Ron Blatman in recognition for his Saving the Bay series and continued community involvement.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Augustino Crotti of Tomasso's in recognition of the restaurant's 75th Anniversary and continued community involvement.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Pat Kausen of the Richmond District Neighborhood Center in recognition of the center's accomplishments and continued community involvement.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the members of the California Coalition for Domestic Worker's Rights in recognition of their campaign to pass a Domestic Worker Bill of Rights in California and continued community involvement.

SPECIAL ORDER 4:00 P.M.

101135 [Appeal of Conditional Use for 1268 Grant Avenue Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 5, 2010, Conditional Use Authorization identified as Planning Case No. 2010.0438C, by its Motion No. 18160, under Planning Code Section 790.38, to allow an Other Entertainment use, in an existing restaurant and bar (dba King of Thai Noodle House) located at 1268 Grant Avenue, within the North Beach Neighborhood Commercial District (NCD), the 40-X Height and Bulk District, and the North Beach Special Use District (SUD), in Assessor's Block No. 0145, Lot No. 032. (District 3) (Filed by Vedica Puri, on behalf of the Telegraph Hill Dwellers, and subscribed by Supervisors Chiu, Avalos, Campos, Mar, and Maxwell.)

(Filed September 7, 2010; Companion Measure to File Nos. 101136, 101137 and 101138.)

The President inquired as to whether any member of the public wished to address the Board. Vedica Puri (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Joan Wood; Howard Wong; Tara-May Herozarian; Mark Bitner; Judy Irving; Jeri Crawley; spoke in support of the appeal. There were no other speakers in support of the appeal. Tara Sullivan (Planning Department) and Commander Jim Dudley (Police Department) provided details of the project and responded to questions raised throughout the discussion. Arthur Lipton (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Stephen Cazala; Anthony Chaichana (Owner); spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Vedica Puri (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101136 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

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

101137 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

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

101138 [Preparation of Findings Related to the Conditional Use Appeal for 1268 Grant Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue. (Clerk of the Board)

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

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

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Dufty, seconded by Supervisor Chu, moved that Supervisor Elsbernd be excused from voting on File Nos. 101185, 101186, 101187, and 101188. The motion carried by the following vote:

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

101185 [Appeal of Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated September 7, 2010, affirming the approval of a Tentative Parcel Map for 4 lots subdivision project located at 0 Los Palmos Drive (vacant), Lot No. 116, in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117, in Assessor's Block No. 3027A. (District 7) (Appellant: Sina Tarassoly)

(Filed September 17, 2010; Companion Measure to File Nos. 101186, 101187 and 101188.)

The President inquired as to whether any member of the public wished to address the Board. Sina Tarassoly (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Karen Bronsin; M.J. Parker; Otis Morgan; Ed Kelly; Rod Gunthry; Joseph Torrico; Male Speaker; Tony Arson; spoke in support of the appeal. There were no other speakers in support of the appeal. Bruce Storrs (Department of Public Works), Tara Sullivan and Scott Sanchez (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Brett Gladstone (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Public Works Department. There were no speakers in support of the project. Sina Tarassoly (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101186 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

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

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

101187 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

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

Excused: 1 - Elsbernd

101188 [Findings Related to the Tentative Parcel Map Disapproval for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

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

Excused: 1 - Elsbernd

COMMITTEE REPORTS

Recommendations of the Rules Committee

100906 [Appointment, Police Commission - R. James Slaughter]**Sponsor: Mayor**

Motion confirming the Mayor's nomination of, and appointing, R. James Slaughter to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2012. (Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - August 12, 2010.)

APPROVED by the following vote:

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

Noes: 1 - Daly

100776 [Reappointment, Planning Commission - Gwyneth Borden]

Motion approving the Mayor's reappointment of Gwyneth Borden to the Planning Commission term ending July 1, 2014. (Clerk of the Board)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 100777. Transmittal date - September 2, 2010.)

APPROVED by the following vote:

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

101212 [Outside Counsel for Mayoral Succession Issues]

Sponsor: Chiu

Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.

(Supervisor Alioto-Pier dissented in Committee.)

ADOPTED by the following vote:

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

Noes: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee**101115 [Directing the Director of the Office of Economic and Workforce Development to Prepare an Infrastructure Financing Plan]**

Sponsor: Mayor

Resolution authorizing and directing the Controller and his designee to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

This item was not sent as a Committee Report.

101116 [Resolution of Intention to Establish an Infrastructure Financing District]

Sponsor: Mayor

Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to call a public hearing on the formation of the district and to provide public notice thereof and other matters related thereto.

This item was not sent as a Committee Report.

101254 [Affirmation of Support of San Francisco's Bid for the 34th America's Cup and Endorsement of Host City]**Sponsors: Mayor; Chiu, Mirkarimi, Dufty, Alioto-Pier, Maxwell and Chu**

Resolution supporting the efforts of the City and the San Francisco America's Cup Organizing Committee to bring the 34th America's Cup to the San Francisco Bay and encouraging BMW Oracle Racing and the Golden Gate Yacht Club to select San Francisco as the official Host City for the 34th America's Cup in 2013 and endorsing the Term Sheet for hosting the 34th America's Cup in San Francisco.

Privilege of the floor was granted to Jennifer Matz, Director of the Mayor's Office of Economic and Workforce Development, Rich Hillis and Kyri McClellan (OEWD), Monique Moyer, Director of the Port of San Francisco, and Elaine Forbes (Port) who responded to questions raised throughout the discussion regarding File No. 101254.

ADOPTED by the following vote:

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

Noes: 2 - Avalos, Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.

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

Irene Krepps; expressed concerns relating to the proposed landfill contract.

Barbara Connolly; expressed concerns relating to the proposed landfill contract.

Jennifer Nicolletto; expressed concerns relating to an upcoming protest in Marin County.

Male Speaker; expressed various religious concerns.

Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Elsbernd was noted absent at 7:05 p.m. for the remainder of the meeting.

101253 [Grant Application - Department of Public Health - Ryan White HIV Emergency Relief Program - \$36,118,233]**Sponsors: Mayor; Dufty and Campos**

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV/AIDS Emergency Relief Grant Programs (Ryan White Programs, Part A)" Grant from the Health Resources Services Administration, requesting \$36,118,233 in HIV Emergency Relief Program funding for the San Francisco Eligible Metropolitan Area from March 1, 2011, through February 28, 2012.

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

ADOPTED by the following vote:

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

Absent: 1 - Elsbernd

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 101257 be severed so that it may be considered separately.

101257 [Condemning the September 24, 2010, FBI Raids]

Sponsors: Mar; Daly, Campos and Avalos

Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.

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

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED to October 19, 2010. The motion carried by the following vote:

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

Absent: 1 - Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

101268 [Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]

Sponsor: Elsbernd

Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

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

101269 [Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$300,000]

Sponsor: Maxwell

Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of \$300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

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

101270 [Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$500,000]

Sponsor: Mirkarimi

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of \$500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

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

101271 [Appropriating \$9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]**Sponsor: Mayor**

Ordinance appropriating \$9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

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

101272 [Conflict of Interest Code Amendments]

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending Sections 3.1-107, 3.1-140, 3.1-150, 3.1-155, 3.1-175, 3.1-190, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-240, 3.1-245, 3.1-250, 3.1-251, 3.1-267, 3.1-275, 3.1-312, 3.1-315, 3.1-320, 3.1-325, 3.1-355, 3.1-362, 3.1-365, 3.1-390, 3.1-422, 3.1-445, 3.1-450 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories and deleting Section 3.1-235 to reflect the current composition of City departments. (Clerk of the Board)

10/05/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/5/2010.

Resolutions**101273 [Accept and Expend Grant - Department of Public Library - Staff Education Program - \$10,512]****Sponsor: Chu**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$10,512 from the California State Library as part of the Federal Library Services and Technology Act for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

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

101274 [Accept and Expend Grant - Arts Commission - Koret Foundation for ArtCare Program - \$15,000]**Sponsor: Dufy**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$15,000 from the Koret Foundation for general operating support of the ArtCare program.

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

101275 [Accept and Expend Grant - Illegal Dumping Abatement Project - Not to Exceed \$350,000]**Sponsor: Maxwell**

Resolution authorizing the Director of the Department of Public Works to apply for, accept and expend a grant in the amount of up to but not to exceed \$350,000 from the Solid Waste Disposal Clean-up Site Trust Fund for clean-up of illegal dumping sites in San Francisco.

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

101276 [Preventing Bullying and Suicide of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth]**Sponsors: Campos; Dufty, Alioto-Pier, Mar and Avalos**

Resolution affirming the importance of maintaining a safety net for LGBTQ youth, and encouraging schools, colleges, and universities to prevent bullying and raise awareness about LGBTQ suicide prevention services.

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

101278 [Proclaiming November 5, 2010, as Angels in America Day]**Sponsors: Dufty; Campos**

Resolution proclaiming November 5, 2010, as Angels in America Day in San Francisco to recognize the tremendous worldwide impact Tony Kushner's play has had since it first premiered at San Francisco's Eureka Theater in 1991.

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

101279 [Accept and Expend Grant - Arts Commission - Tulsa Community Foundation for ArtCare Program - \$5,000]**Sponsor: Dufty**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$5,000 from the Tulsa Community Foundation for general operating support of the ArtCare program.

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

101280 [Supporting Greenhouse Gas Reduction Targets]**Sponsor: Mar**

Resolution supporting the California Air Resources Board's leadership in developing and implementing strategies for meeting California's greenhouse gas reduction targets, and in promoting emission reductions from motor vehicles.

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

101281 [Issuance and Sale of Revenue Bonds - 2235-3rd Street Apartments - Not to Exceed \$60,000,000]**Sponsor: Maxwell**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed \$60,000,000 for financing the acquisition, construction and rehabilitation of 2235-3rd Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors.

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

101282 [Accept and Expend Grant - The ARTery Project - \$250,000]**Sponsors: Mayor; Dufty**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$250,000 from the National Endowment for the Arts for the Mid Market Cultural District Partnership, now called The ARTery Project.

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

Requests for Hearing**101283 [San Francisco Public Utilities Commission's Community Benefits Program]****Sponsor: Maxwell**

Hearing on the status of the San Francisco Public Utilities Commission's Community Benefits Program.

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

101284 [Review of Fiscal Impacts of Hosting the America's Cup]**Sponsor: Mirkarimi**

Hearing before the Budget and Finance Committee to review the fiscal feasibility and responsibility, including analysis from the Budget Analyst, of the City hosting the America's Cup Regatta under the conditions contemplated and set forth in the "Term Sheet" to fully understand and define the City's expectations for both the short term and long term benefits that would accrue to the City for the purposes of negotiating a formal Host City Agreement.
(Economic Impact.)

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

Motions**101277 [Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2010, Consolidated General Election]****Sponsor: Chiu**

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2010, Consolidated General Election.

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

101285 [Confirming Reappointment, Edwin Lee as City Administrator]**Sponsor: Mayor**

Motion confirming the reappointment of Edwin Lee to a five-year term as City Administrator under Charter Section 3.104.

10/05/10; RECEIVED AND ASSIGNED to Rules Committee.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]****Sponsor: Alioto-Pier**

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]

Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - \$700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for \$700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101232 [Settlement of Lawsuit - Jeri D. Sessler - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for \$75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101222 [Settlement of Unlitigated Claim - Lily Martene Baxter - \$45,000]

Resolution approving the settlement of the unlitigated claim filed by Lily Martene Baxter against the City and County of San Francisco for \$45,000; claim was filed on February 10, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101223 [Settlement of Unlitigated Claim - Adam Feibelman - \$55,000]

Resolution approving the settlement of the unlitigated claim filed by Adam Feibelman against the City and County of San Francisco for \$55,000; claim was filed on February 10, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101224 [Settlement of Unlitigated Claim - McLarens Young International - \$70,000]

Resolution approving the settlement of the unlitigated claim filed by McLarens Young International against the City and County of San Francisco for \$70,000; claim was filed on May 25, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101225 [Approving Landfill Disposal and Facilitation Agreements - Department of the Environment - Recology San Francisco]

Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118. (Environment)

09/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101227 [Street Artist Spaces - 17th Street at Castro and Market Streets]

Resolution approving continued designation of eight (8) former temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists. (Arts Commission)

09/24/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101228 [Contract Modification - Hamilton Family Center - \$180,000]

Resolution concurring with the Human Services Agency's Declaration of Emergency to modify the contract between the City and County of San Francisco and Hamilton Family Center to provide emergency elevator repairs for the family shelter in the amount of \$180,000. (Human Services Department)

09/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101233 [Settlement of Unlitigated Claim - Danielle J. Rinsler - \$215,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle J. Rinsler against the City and County of San Francisco for \$215,000; Government Code Claim was filed on November 24, 2009, (Govt. Claim No. 10-01422) and California Department of Fair Employment & Housing charge was filed on January 11, 2010, (Charge No. E200910A0351-rsc). (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101258 [Functional Classification Change for Local Streets]

Resolution approving the Department of Public Works recommended changes to the Functional Classification of local streets and roads and directing the Department to submit this resolution to the State of California, Department of Transportation. (Public Works Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development 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

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

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 at the following private property locations:

998 Oak, on side of building, Scott street side

815 Fell

1170 Fell

890 Page, on Scott street side

798 Haight

208 Scott

250 Scott

1668 Haight

500 Divisadero, on the Fell street side

1151 Fell

949 Fell

350 Laguna

457 Haight
533 Haight
446 Haight
448 Haight
673 Haight
681 Haight

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

Garbage Can
Northeast corner Grove and Webster
Northeast corner Hayes and Fillmore
Southeast corner Fell and Fillmore
Southwest corner Lyon and Haight

Mailbox
In front of the DMV, Fell street side
Southeast corner Oak and Fillmore
Southwest Fillmore and Hermann

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 Pole
In front of 973 Haight
In front of 943 Haight
Northeast corner Webster and McAllister
Northeast corner Masonic and Waller
Southwest corner Broderick and Haight
Southeast corner Lyon and Haight
Across the street from 937 Buena Vista East
Across the street from 1216 Haight
Across the street from 1250 Haight

Wood Pole
East of 530 Grove
Northwest corner Ivy and Gough

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

Utility Boxes
Northeast corner Buchanan and Fell
Northeast corner Linden and Buchanan
Northeast corner Oak and Buchanan
Northeast corner Masonic and Waller
Southeast corner Fell and Fillmore

Bus Shelter
Northeast and Southwest corners Laguna and McAllister

Southwest corner Divisadero and Haight
Southwest corner Grove and Gough
Southwest corner Buena Vista East and Haight
Southwest corner Buchanan and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti)

From: Supervisor Mirkarimi

To: City Attorney

To: Director, Department of Building Inspection

To: Director, Department of Real Estate

To: Director, Municipal Transportation Agency

To: Director, Office of Economic and Workforce Development

To: Director, Recreation and Park Department

To: Director, Redevelopment Agency

Requesting/Inquiring: Requesting the following City agencies to identify staff contacts for the purpose of participating in a Japantown City Agency Work Group to coordinate efforts between the City, consultants and the community on the Planning Department's Japantown Better Neighborhoods Plan.

From: Supervisor Chiu

To: City Attorney

Requesting/Inquiring: Requesting the City attorney to draft legislation restricting the use of amplified sound systems on open-air sightseeing buses in San Francisco.

In Memoriams

Tyler Clementi - Entire Board

Rod Billings - Supervisor Duffy

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:32 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 9, 2010.

Angela Calvillo, Clerk of the Board