

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 19, 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 34

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 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101165 [Accept and Expend Grant - San Francisco Arts Commission - WritersCorps Program - \$50,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth for general operating support for WritersCorps.

ADOPTED

Recommendation 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.

FINALLY PASSED

Recommendation 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.

FINALLY PASSED**Recommendations of the Rules Committee****100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - \$105,000]**

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for \$105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING**100911 [Settlement of Lawsuit - Michael Lew - \$90,000]**

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for \$90,000, including re-employment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING**100959 [Settlement of Lawsuit - Carlos Garcia - \$2,400,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for \$2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING**100912 [Settlement of Lawsuit - Robin Leiter Cohen - \$31,000]**

Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for \$31,000; claim was filed on September 4, 2009. (City Attorney)

ADOPTED

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

ADOPTED

101003 [Settlement of Grievance - Bruce Dunlap - \$57,500]

Resolution authorizing the settlement of the grievances (ERD No. 45-09-1973 and ERD No. 45-09-1964) filed by International Federation of Professional and Technical Engineers, Local 21 (Union) on behalf of Grievant, Bruce Dunlap, against the City and County of San Francisco for \$57,500. (City Attorney)

ADOPTED

101133 [Appointments, Assessment Appeals Board No. 1 - Jeffrey Morris and Gregory Blaine]

Motion appointing Jeffrey Morris and Gregory Blaine, terms ending September 2, 2013, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Jeffrey Morris, seat 1, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Gregory Blaine, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

APPROVED

101134 [Appointments, Assessment Appeals Board No. 2 - Margaret Ruxton and Alfredo Perez]

Motion appointing Margaret Ruxton and Alfredo Perez, terms ending September 2, 2013, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Margaret Ruxton, seat 2, succeeding herself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Alfredo Perez, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

APPROVED

101146 [Appointment, Commission on the Aging Advisory Council - Ken Prag]

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

Ken Prag, succeeding himself, term expired, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012.

APPROVED

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)

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

ADOPTED

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)

ADOPTED

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)

ADOPTED

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)

ADOPTED

101243 [Appointments, Treasure Island Development Authority Citizen Advisory Board - James Heid and Scott Vedro]

Motion appointing James Heid and Scott Vedro, for indefinite terms, to the Treasure Island Development Authority Citizen Advisory Board. (Clerk of the Board)

James Heid, seat 2, succeeding Stephen Mattoon, resigned, must meet any of the following: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; and representative of residential tenants on Treasure Island, for a term indefinite.

Scott Vedro, seat 11, succeeding Elizabeth Strahlstrom, resigned, must meet any of the following qualification: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; or representative of residential tenants on Treasure Island, for a term indefinite.

APPROVED

101264 [Appointments, San Francisco Health Authority - Randall Low and Maria Luz Torre]

Motion appointing Randall Low, term ending January 15, 2012, and Maria Luz Torre, term ending January 15, 2013, to the San Francisco Health Authority. (Clerk of the Board)

Randall Low, seat 7, succeeding himself, term expired, must be physician, and nominee of SF Medical Society, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

Maria Luz Torre, seat 10, succeeding herself, term expired, must be a nominee of the Health Authority Beneficiary Advisory Committee who shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for the unexpired portion of a three-year term ending January 15, 2013.

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Consent Agenda

Supervisor Daly requested that File No. 100188 be severed so that it may be considered separately.

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, previously moved that Supervisor Daly be excused from voting on File No. 100188 at the Regular Meeting of October 5, 2010. The motion carried by the following vote:

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

Excused: 1 - Daly

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

FINALLY PASSED by the following vote:

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

Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation 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.)

FINALLY PASSED by the following vote:

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

Recommendation of the City Operations and Neighborhood Services Committee

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]

Sponsors: Alioto-Pier; Mar and Campos

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 Campos requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee**100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]****Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

PASSED, ON FIRST READING by the following vote:

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

NEW BUSINESS**Recommendations of the Budget and Finance Committee****101104 [Public Employment - Department of the Environment]****Sponsor: Mayor**

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of two positions: one (1) Class 5640 Environmental Specialist, one (1) Class 5644 Environmental Manager in the Department of the Environment.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

101154 [Accept and Expend Grant - Office of the Public Defender - Rosenberg Foundation and Amendment to the Annual Salary Ordinance FY2010-2011 - \$47,000]**Sponsor: Mirkarimi**

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$47,000 from the Rosenberg Foundation, via Institute for Local Governance, to develop a California Reentry Council Network to assist in the development of statewide capacity to improve reentry policies and programs, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect addition of one (1) temporary Class 8173 Legal Assistant, grant-funded position (0.55 FTE), in the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

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

101159 [Taxable and/or Tax Exempt Certificates of Participation for Various Capital Improvements - Not to Exceed \$48,000,000]**Sponsor: Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed \$48,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements and of various disability access improvement projects; approving the form of a Second Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a Second Supplement to Property Lease between the City, as lessor, and the Trustee, as lessee; approving the form of a Second Supplement to Project Lease between the Trustee, as lessor, and the City, as lessee; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of a Purchase Contract between the City and the underwriter(s) selected in accordance herewith, if the Certificates of Participation are sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

101158 [Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) - Not to Exceed \$38,000,000]**Sponsor: Mayor**

Ordinance authorizing the execution and delivery of Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) in an aggregate principal amount not to exceed \$38,000,000 to finance certain capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); granting authorization for the selection of a trustee; approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the Mission Police Station, certain property generally known as the Bayview Station of the San Francisco Police Department and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by competitive sale; authorizing certain actions relating to the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by negotiated sale including approving the form of a Purchase Contract between the City and an underwriter named therein; approving the form of an Official Statement in preliminary form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF); approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

101192 [Appropriating \$38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]**Sponsors: Mayor; Maxwell**

Ordinance appropriating \$38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011. (Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

100692 [Lease of Port Real Property - Pier 26 Annex]

Resolution approving Port Commission Lease No. L-14796 with IDEO, LLC for office space located at Pier 26 Annex within the Southern Waterfront with a sixty month term and a sixty month option. (Port)

ADOPTED by the following vote:

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

100984 [Public Utilities Commission - Memorandum of Agreement with the National Park Service - Not to Exceed \$27,486,504]

Resolution approving the Memorandum of Agreement with the National Park Service for the Comprehensive Management of Yosemite National Park Watersheds that supply water to the San Francisco Regional Water System pursuant to Charter Section 9.118. (Public Utilities Commission) (Fiscal Impact.)

ADOPTED by the following vote:

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

101150 [Real Estate Department - Agreement to Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing an Agreement to Exchange Interests in Real Property to obtain an exclusive, subsurface easement from the Midpeninsula Regional Open Space District in exchange for a non-exclusive open space easement over real property owned by the City and County of San Francisco, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay 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)

ADOPTED by the following vote:

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

101166 [Amendment to Fire Department Cooperative Agreement with the Navy]**Sponsor: Mayor**

Resolution authorizing the San Francisco Fire Department to amend the Cooperative Agreement with the United States Navy to set the reimbursement rate for fire and emergency medical services to portions of the Hunters Point Shipyard for the period October 1, 2010, through September 30, 2011, and to accept and expend funds from the Navy as reimbursement for services under that Agreement.

(Fiscal Impact.)

ADOPTED by the following vote:

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

101167 [Accept and Expend Grant - Mayor's Office of Housing - Infill Infrastructure Program - \$30,000,000]**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Housing to enter into a standard agreement with the California State Department of Housing and Community Development to accept and expend \$30,000,000 of Infill Infrastructure Grant Program funds; the execution of a loan agreement with the Project Sponsor for disbursement of grant funds; and the execution of any related documents necessary to participate in the Infill Infrastructure Grant Program.

ADOPTED by the following vote:

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

From the Budget and Finance Committee Without Recommendation**101201 [Petitions for City Parcels to Form the Proposed Civic Center Community Benefit District]****Sponsor: Mayor**

Resolution authorizing the Mayor to cast petitions in the affirmative for formation of the proposed Civic Center Community Benefit District, to sign on behalf of the City and County of San Francisco as the owner of certain parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

Privilege of the floor was granted to Rich Hillis (Mayor's Office of Economic and Workforce Development) who responded to questions raised throughout the discussion regarding File No. 101201.

Supervisor Avalos, seconded by Supervisor Daly, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**100881 [Zoning Map Amendment - 1717-17th Street to Conform with Lot Line Adjustment]****Sponsor: Maxwell**

Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17th Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

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

100917 [Planning Code - Area Plan Impact Fee and Jobs-Housing Linkage Program]**Sponsors: Avalos; Mar**

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Avalos requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

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

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold**Accompanied by Toys or Other Youth Focused Incentive Items]****Sponsors: Mar; Campos, Chiu and Avalos**

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 2, 2010. The motion carried by the following vote:

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

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]**Sponsors: Chiu, Maxwell and Mar**

Ordinance amending Section 128 of the San Francisco Planning Code to require approval of a plan for preservation, rehabilitation, and maintenance of a Preservation Lot property prior to receipt of a Statement of Eligibility for Transferable Development Rights (TDR), to establish reporting procedures regarding the preservation, 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.

PASSED, ON FIRST READING by the following vote:

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

Recommendation of the Public Safety Committee**100963 [Healthy Nail Salon Recognition Program]****Sponsors: Chiu; Maxwell, Alioto-Pier, Chu, Mirkarimi, Mar and Campos**

Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

Supervisors Mar and Campos 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

Recommendations of the Rules Committee**101008 [Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]****Sponsors: Chiu; Chu, Alioto-Pier and Mar**

Ordinance amending the San Francisco Administrative Code by adding Sections 1.57-1 through 1.57-5, to provide for the establishment and maintenance of a centralized and publicly accessible online database of information concerning appointments made by Appointing Authorities to City and County of San Francisco advisory bodies.

PASSED, ON FIRST READING by the following vote:

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

100995 [Appointment, City Hall Preservation Advisory Commission - Maureen "Pat" Kelley]

Resolution confirming the appointment of Maureen "Pat" Kelley to the City Hall Preservation Advisory Commission. (Mayor)

ADOPTED by the following vote:

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

100778 [Reappointment, Public Utilities Commission - Anson Moran]

Motion confirming the Mayor's reappointment of Anson Moran to the Public Utilities Commission, Seat 4, term ending August 1, 2014.

(Charter Section 4.112(a) provides that the Board of Supervisors shall confirm appointment by a majority (six votes) of the Board of Supervisors; companion measure to File 100779. Transmittal date - August 9, 2010.) (Clerk of the Board)

APPROVED by the following vote:

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

100905 [Appointment, San Francisco Redevelopment Agency - Rosario Anaya]**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Rosario Anaya to the San Francisco Redevelopment Agency for the unexpired portion of a four-year term ending September 3, 2011.

APPROVED by the following vote:

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

Supervisor Mar Excused from Voting

Supervisor Avalos, seconded by Supervisor Maxwell, moved that Supervisor Mar be excused from voting on File No. 101261. The motion carried by the following vote:

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

101261 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending June 30, 2012, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

APPROVED by the following vote:

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

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

Privilege of the Floor

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

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

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to De'Anthony Jones of the Environmental Services Learning Initiative in recognition of his accomplishments and continued community support. Supervisor Mirkarimi shared in the recognition.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Brian Gray of the 826 Valencia Program in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)

(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to November 16, 2010. There were no speakers. The President continued the public hearing open to November 16, 2010.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]

Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

SPECIAL ORDER 4:00 P.M.**101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)

(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to November 16, 2010. There were no speakers. The President continued the public hearing open to November 16, 2010.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations 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 Director of the Office of Economic and Workforce Development to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

ADOPTED by the following vote:

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

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 schedule a public hearing on January 25, 2011 at 3:00 p.m. on the formation of the district and to provide public notice thereof and other matters related thereto.

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ace Washington; expressed various concerns.
Denise Dorey; expressed support for the Axis of Love Program.
Shona Gochenaur; expressed support for the Axis of Love Program.
Carey Stohl; expressed support for the Axis of Love Program.
Gregory Ledbetter; expressed support for the Axis of Love Program.
Dr. Ahimsa Porter Sumchai; expressed concerns relating to childhood obesity.
Walter Paulson; shared in song certain concerns with the Board.
John Martinelli; expressed support for the Axis of Love Program.
Denise Minter; expressed support for the Axis of Love Program.
Michael Lamis; expressed support for the Axis of Love Program.
Male Speaker; expressed support for the Axis of Love Program.
Hector; expressed support for the Axis of Love Program.
Vince Turner; expressed support for the Axis of Love Program.
Catherine Smith; expressed support for the Axis of Love Program.
Michael Goldman; expressed support for the Axis of Love Program.
John DiDonna; shared in poem certain concerns with the Board.
Alise; expressed support for the Axis of Love Program.
Carmen; expressed support for the Axis of Love Program.
Lisa; expressed support for the Axis of Love Program.
Trevor White; expressed support for the Axis of Love Program.
Naksul; expressed support for the Axis of Love Program.
Erland; expressed support for the Axis of Love Program.
Gwendlyn Reese Callow; expressed support for the Axis of Love Program.
Evan Cross; expressed support for the Axis of Love Program.
Male Speaker; expressed various concerns.
Yvette Hernandez; expressed support for the Axis of Love Program.
Teresa Cooper; expressed support for the Axis of Love Program.
Cathleen Bosner; expressed support for the Axis of Love Program.
Flint Rodgers; expressed support for the Axis of Love Program.
Linda Ramos; expressed support for the Axis of Love Program.
Frank Hogan; expressed support for the Axis of Love Program.
Tony; expressed support for the Axis of Love Program.
Catherine Valdez; expressed support for the Axis of Love Program.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*Supervisor Alioto-Pier was noted absent at 3:22 p.m. and noted present at 3:49 p.m.
Supervisor Daly was noted absent at 3:22 p.m. and noted present at 3:54 p.m.*

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.

ADOPTED

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

Sponsor: Dufty

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.

ADOPTED

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.

Supervisors Mar and Avalos requested to be added as a co-sponsors.

ADOPTED

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.

ADOPTED

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.

ADOPTED

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.

ADOPTED

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.

ADOPTED

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.

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

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

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101308 [Health Code - Assisted Mental Health Pilot Project]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Section 114.1 and Section 114.2 to require that the Health Department and Department of Aging and Adult Services adopt a pilot project to provide further care for mentally ill community members.

10/19/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/18/2010.

101309 [Planning Code - Upper Fillmore Neighborhood Commercial District]**Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Planning Code by amending Section 718.1 and Sections 718.42, 718.44, and 718.69A 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 to amend Section 718.41 and add a specific provision for full-service restaurants to allow a bar in conjunction with a full-service restaurant with conditional use authorization; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]**Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from \$60 to \$50.

10/19/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/18/2010.

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]**Sponsor: Avalos**

Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) providing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.

(Economic Impact.)

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

101312 [Administrative Code - Creating Police Department Modernization and Training Fund]**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-171 to create the Police Department Modernization and Training Fund and to authorize the Police Department to accept gifts of cash, equipment, property, and services for specified purposes.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 11/18/2010.

101313 [Zoning Map and Planning Code - Bayshore Boulevard Home Improvement Special Use District]**Sponsors: Maxwell; Campos and Dufty**

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]**Sponsors: Mirkarimi; Chiu**

Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/9/2010. 9/9/10 - Recommendation letter received from the Planning Department.

9/29/10 - Recommendation letter received from the Planning Department.

10/19/10; SUBSTITUTED AND ASSIGNED to Rules Committee.

100761 [Environment Code - Restrictions on Pesticide Use]**Sponsors: Mayor; Alioto-Pier**

Ordinance amending the San Francisco Environment Code by amending Sections 300, 301, 302, 303, 304, 305, 306, and 308, adding Section 310, and repealing Section 307, all to strengthen restrictions on the use of pesticides on City property, and making environmental findings.

06/08/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 7/8/2010.

06/15/10; REFERRED TO DEPARTMENT.

10/19/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions**101314 [Accept and Expend Grant - Environmental Assessment Heat Wave and Air Quality Project - \$106,526]****Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$106,526 to fund the Environmental Health Assessment of Vulnerability to Heat Wave and Air Quality Project for the period September 1, 2010, through August 30, 2011.

10/19/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101315 [Accept and Expend Grant - 2010 County Coverage Expansion Planning Project - \$225,000]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$225,000 from the Blue Shield of California Foundation to fund the 2010 County Coverage Expansion Planning Project for the period of September 1, 2010, through August 31, 2011.

10/19/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101316 [Board Review and Approval of 2010 United States Department of Housing and Urban Development Continuum of Care Programs Application]**Sponsor: Mayor**

Resolution approving the City and County of San Francisco 2010 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors' review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

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

101317 [Accept and Expend Grant - San Francisco Re-entry Center Program - \$750,000]**Sponsor: Chiu**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$750,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Re-entry Center" for the grant period of October 1, 2010, through March 31, 2012.

10/19/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101318 [Resolution of Intention to Form the Civic Center Community Benefit District]**Sponsor: Mayor**

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Civic Center Community Benefit District" and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; (5) directing environmental findings; and (6) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

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

101319 [Encourage a Goal of 20% of Trips by Bicycle by 2020]**Sponsors: Chiu; Dufty, Mirkarimi, Maxwell, Mar and Campos**

Resolution encouraging departments and agencies of the City and County of San Francisco to adopt a goal of 20% of trips by bicycle by 2020.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101320 [Parkside Branch Library Reopening]**Sponsors: Chu; Campos**

Resolution recognizing the Grand Reopening of the Parkside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101321 [Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street]**Sponsor: Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principle amount not to exceed \$11,000,000 for financing the acquisition, construction, and rehabilitation of Crescent Manor - 467 Turk Street, subject to the policies for such approvals adopted by the Board of Supervisors.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101322 [Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - \$7,993]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$7,993 from the University of California San Francisco (UCSF), to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of May 1, 2010, through June 29, 2010.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101323 [Accept and Expend Grant - Tanzania Support President's Emergency AIDS Plan - \$27,062]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$27,062 from the University of California San Francisco (UCSF), to participate in a program entitled "Tanzania UCSF Technical Assistance to Support the President's Emergency Plan for AIDS" for the period of April 1, 2010, through September 29, 2010.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101328 [Urging the Governor of California to Reinstate Stage 3 Child Care Funding]**Sponsors: Mar; Chiu, Campos and Dufty**

Resolution urging the Governor of California to reinstate Stage 3 child care funding of \$256,000,000 to protect 1,214 children in San Francisco and 81,000 children in California and to save thousands of jobs and urge the First 5 Commission to provide bridge funding until December 2010.

10/19/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

101324 [Ongoing Budget Updates]**Sponsor: Avalos**

Hearing to consider various updates and presentations regarding the City budget.

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

101325 [San Francisco Local Hiring Policy for Construction]**Sponsor: Avalos**

Informational hearing on the San Francisco Local Hiring Policy for construction and related matters.

10/19/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101326 [Tax Increment Financing Inquiry]**Sponsor: Chu**

Hearing requesting for the Office of Economic and Workforce Development and Controller's Office to provide: 1) a summary of existing use of tax increment financing in San Francisco; 2) the dollar value of these increments; and 3) an accounting of uses for tax increment funds.

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

101327 [Alemany Farmers' Market Performance Audit]**Sponsor: Maxwell**

Hearing on the findings and recommendations of the Performance Audit of the Alemany Farmers' Market, conducted by the Budget and Legislative Analyst Office.

10/19/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED ORDINANCES

101288 [Settlement of Lawsuit - Cheryl Austin - \$268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for \$268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101289 [Settlement of Lawsuit - Nyree Monroe - Up to \$31,000]

Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to \$31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101290 [Settlement of Lawsuit - Edward Kriete - \$575,000]

Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for \$575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101291 [Endorsement of Term Sheet - Port Commission - Seawall Lot 351/8 Washington Project at Washington/The Embarcadero]

Resolution endorsing the proposed Seawall Lot 351/8 Washington Project at Washington/The Embarcadero Term Sheet between San Francisco Waterfront Partners II, LLC, and the San Francisco Port Commission. (Port)

10/06/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101294 [Professional Services Agreement - FSP PPM Management, LLC - Curbside Management Program - Not to Exceed \$10,450,000]

Resolution approving the Professional Services Agreement, Airport Contract 8994 - to Manage and Staff the Curbside Management Program between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$26,000,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

10/07/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101298 [Gift Acceptance - Two Automobiles from KKI Productions - \$31,239.30]

Resolution authorizing the San Francisco Police Department to accept as gifts from KKI Productions a 2007 Honda Accord with mileage of 33,681 valued at \$15,571.44 and a 2008 Toyota Corolla S-Type with mileage of 32,518 valued at \$15,667.86. These automobiles will be placed into the general fleet of vehicles assigned to the San Francisco Police Department.

10/08/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services 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:

Hayes Valley Playground, Hayes & Buchanan on side of wall, Hayes street side

555 Linden Alley

545 Linden Alley

546 Haight

418 Haight

798 Haight, also on side of Scott Street

507 Divisadero

796 Haight

684 Haight

1668 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 of Page & Stanyan*

*Mailbox
Southeast corner of Oak 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 utility poles at the following locations:*

*Metal Poles
In front of 443 Haight
In front of 242 Fillmore
In front of 448 Fillmore
Southwest corner of Ashbury & Haight
Southwest corner of Grove & Gough
Southwest corner of Hayes & 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 of Laguna & Fulton
Southeast corner of Fell & Pierce*

*Bus Shelters
Northeast corner of Laguna & McAllister
Northeast corner of Oak & Fillmore
Southwest corner of Haight & Pierce
Southeast corner of Divisadero & Haight
Southwest corner of Buchanan & Haight
Fillmore & Haight (all 4 bus stops, graffiti and grime, canopies have graffiti)*

*Emergency Box
Northeast corner of Haight & Fillmore*

In Memoriams

*Gladys L. Jones Joubert – Entire Board
Derek Allen – Supervisor Mar
Elaine McKenna - Supervisor Elsbernd
Marzieh nee Ashraf os-Sadat Mortezaei – Supervisor Mirkarimi
Nick Zlatunich – Supervisor Chu
Lauren Marie Nelson – Supervisor Alioto-Pier
Pauline Rueda – Supervisors Dufty & Avalos
Patricia Potter – Supervisor Dufty
Matthew Douglas Goodin – Supervisor Dufty
Alvin Cheim Cohen – Supervisor Dufty
Henry G. Pengel – Supervisors Dufty & Elsbernd*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:18 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 23, 2010.

Angela Calvillo, Clerk of the Board