

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 2, 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 36

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.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of September 28, 2010. The motion carried by the following vote:

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

COMMUNICATIONS

President, David Chiu, announced and congratulated the San Francisco Giants for winning the 2010 World Series; encouraged all citizens to vote at today's election; and recognized San Francisco's Court School 2010 youth in attendance. There were no other communications.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

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.

Resolution No. 523-10

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee**100296 [Liquor License - 2367-2371 Market Street]**

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Pornchai Hutachinda for P H Holdings, Inc., dba the Cafe, located at 2367-2371 Market Street (District 8), 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.

Resolution No. 518-10

ADOPTED

101196 [Gift Acceptance - Equipment and Furnishings - \$155,013]

Sponsors: Chiu; Elsbernd

Resolution authorizing the Recreation and Park Department to accept a gift of equipment and furnishings valued at \$155,013 from the San Francisco Parks Trust Gear-up Campaign to be used at Hamilton Recreation Center, Midtown Terrace Playground, Harvey Milk Center for the Recreational Arts, Sunnyside Conservatory, Sunnyside Clubhouse, and other Recreation and Park Department facilities.

Resolution No. 526-10

ADOPTED

101198 [Accept and Expend Grant - Screening, Brief Intervention, and Referral to Treatment Project - \$25,331]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$25,331 from the University of California, San Francisco, to fund the Screening, Brief Intervention, and Referral to Treatment project, and to enter into an agreement for the use of these funds for the period of September 30, 2009, through September 29, 2010.

Resolution No. 522-10

ADOPTED

101251 [Accept and Expend Grant - Youth Stewardship Program - \$165,000]

Sponsor: Maxwell

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of \$165,000 to support the San Francisco Recreation and Park Department's Youth Stewardship Program for the period of October 1, 2010, through October 1, 2015.

Resolution No. 521-10

ADOPTED

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.

Resolution No. 517-10**ADOPTED****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.

Resolution No. 525-10**ADOPTED****Recommendation of the Government Audit and Oversight Committee****101156 [Memorandum of Understanding, Amendment No. 2 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending the term of the parties' agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

Ordinance No. 254-10**FINALLY PASSED****Recommendations of the Land Use and Economic Development Committee****100878 [Fire Code - Repealing and Replacing]**

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

Ordinance No. 277-10**FINALLY PASSED**

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 276-10

FINALLY PASSED

100950 [Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 275-10

FINALLY PASSED

100952 [Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 274-10

FINALLY PASSED

101126 [Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 273-10

FINALLY PASSED

101127 [Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 272-10

FINALLY PASSED

101128 [Building Code - Green Building - Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

Ordinance No. 271-10

FINALLY PASSED

Recommendations of the Rules Committee**101292 [Appointments, Immigrant Rights Commission - Vera Haile, Samer Danfoura, Teresa Chee, and Elahe Enssani]**

Motion to appointing Vera Haile, Samer Danfoura, Teresa Chee, and Elahe Enssani, terms ending June 6, 2012, to the Immigrant Rights Commission. (Clerk of the Board)

Motion No. M10-155

APPROVED

101293 [Appointment, Commission on the Aging Advisory Council - Catherine Rose Russo]

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

Motion No. M10-156

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. 100899 be severed so that it may be considered separately.

100899 [Appointment, Entertainment Commission - Timothy Benetti]

Motion appointing Timothy Benetti, term ending July 1, 2014, to the Entertainment Commission.
(Clerk of the Board)

Motion No. M10-157

APPROVED by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Land Use and Economic Development Committee****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 Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101248 [Appropriating \$85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]

Sponsors: Mayor; Chiu

Ordinance appropriating \$85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including \$76,603,071 to the Department of Public Works, and \$8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller's Reserve pending the sale of the bonds.

PASSED, ON FIRST READING by the following vote:

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

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.

PASSED, ON FIRST READING by the following vote:

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

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.

PASSED, ON FIRST READING by the following vote:

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

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.

PASSED, ON FIRST READING by the following vote:

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

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)

Resolution No. 520-10**ADOPTED by the following vote:**

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

101255 [Issuance of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed \$412,300,000]**Sponsors: Mayor; Chiu**

Resolution providing for the issuance of not to exceed \$412,300,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010); authorizing the execution, authentication, and registration of said bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

Resolution No. 516-10**ADOPTED by the following vote:**

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

101256 [Sale of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed \$85,000,000]**Sponsors: Mayor; Chiu**

Resolution authorizing and directing the sale of not to exceed \$85,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010E (Tax-Exempt), and City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010F (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

Resolution No. 515-10**ADOPTED by the following vote:**

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

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.

Resolution No. 524-10**ADOPTED by the following vote:**

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

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.

Resolution No. 514-10**ADOPTED by the following vote:**

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

Noes: 1 - Daly

Recommendation of the City Operations and Neighborhood Services Committee**101009 [Environment Code - Healthy Air and Clean Transportation Program]****Sponsors: Mayor; Dufty**

Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.

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

PASSED, ON FIRST READING by the following vote:

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

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

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

Supervisor Daly, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 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

Recommendations of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that Supervisor Daly be excused from voting on File No. 100046. The motion carried by the following vote:

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

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance] Sponsors: Mayor; Chiu and Campos

Ordinance amending the Planning Code and Administrative Code by amending the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315, et seq.) (Program) and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Chiu, seconded by Supervisor Mar, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**. The motion carried by the following vote:

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

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

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

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

100829 [Planning Code - Car-Share Controls]**Sponsors: Chiu; Mar and Maxwell**

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

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

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on 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; 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 South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and 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; 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 South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; 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 South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

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**101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]**

Sponsor: Campos

Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.

PASSED ON FIRST READING by the following vote:

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

100907 [Appointments, San Francisco Relocation Appeals Board - Steven Jin Lee and Natividad M. Ramirez]

Sponsor: Mayor

Motion confirming the appointments of Steven Jin Lee and Natividad M. Ramirez to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

Motion No. M10-158

APPROVED by the following vote:

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

101234 [Confirming Reappointment, San Francisco Redevelopment Agency - Leroy King]

Sponsor: Mayor

Motion confirming the reappointment of Leroy King to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

Motion No. M10-159

APPROVED by the following vote:

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

Special Times of Business

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to suspend Rule 4.29 of the Rules of Order of the Board of Supervisors to allow the SPECIAL ORDER 3:30 P.M. - Recognition of Commendations to be heard earlier. The motion carried by the following vote:

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

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

Privilege of the Floor

Supervisor Maxwell, 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 Maxwell introduced, welcomed, and presented a Certificate of Honor to the members of the Food Guardian Project in recognition of their accomplishments and continued community support. Supervisor Mar shared in the recognition.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Supervisor Dufty was noted absent at 2:56 p.m.; was noted present at 3:05 p.m.

Abdallah Megahed; expressed various concerns.

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

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

Charlie Walker; expressed concerns regarding trucking rates.

LaVaughan Moore; expressed concerns regarding trucking rates.

Ace Washington; shared in song certain concerns with the Board.

John Caldera; congratulated the San Francisco Giants.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101367 [Accept and Expend Gift - Gene Friend Recreation Center - \$100,000]

Sponsor: Daly

Resolution authorizing the Recreation and Park Department to accept and expend a gift of \$100,000 from the San Francisco Parks Trust, on behalf of the Friend Family Foundation, for the renovation of the Gene Friend Recreation Center. (Recreation and Park Department)

Resolution No. 519-10

ADOPTED

101368 [Accept and Expend Gift - Music Concourse Trees - \$30,000]**Sponsor: Mar**

Resolution authorizing the Recreation and Park Department to accept and expend a gift of \$30,000 from the San Francisco Parks Trust on behalf of Chase Freedom for the purchase, planting, and care of approximately 40 London Plane trees in Golden Gate Park's Music Concourse. (Recreation and Park Department)

Resolution No. 527-10

ADOPTED

101353 [Committee of the Whole - Public Hearing to Establish the Ocean Avenue Community Benefits District]**Sponsor: Avalos**

Motion directing the Board of Supervisors to hold a public hearing on November 16, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to Establish the Ocean Avenue Community Benefits District.

Motion No. M10-160

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

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or Mayor****Ordinances****101385 [Administrative Code - Health Service System Eligibility]****Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Section 16.700 to identify additional members of boards, commissions, and councils eligible for membership in the San Francisco Health Service System.

11/02/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]**Sponsors: Avalos; Campos, Mar and Chiu**

Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010. 11/21/2010 - 14-day fee ad published.

01/19/10; REFERRED TO DEPARTMENT.

01/20/10; RESPONSE RECEIVED.

08/03/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

08/31/10; REFERRED TO DEPARTMENT.

10/26/10; RESPONSE RECEIVED.

11/02/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**101386 [Water Revenue Bonds Issuance for 2010 - Not to Exceed \$600,000,000]****Sponsor: Elsbernd**

Resolution approving the issuance of water revenue bonds and water revenue refunding bonds in an aggregate principal amount not to exceed \$600,000,000 to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

11/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101387 [Design Agreement - Public Safety Building, Earthquake Safety, and Emergency Response Bond Program - Not to Exceed \$17,205,152]**Sponsor: Mayor**

Resolution authorizing the Director of Public Works to execute an amendment to the professional services agreement for the design of a new public safety building under the Earthquake Safety and Emergency Response Bond Program to increase the not to exceed amount from \$3,997,600 to \$17,205,152.

11/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101388 [Denouncing the Deportation of Shing Ma "Steve" Li and Urging Congress to Pass the DREAM Act]**Sponsors: Mar; Chiu, Avalos, Campos, Mirkarimi and Dufty**

Resolution denouncing the deportation of Shing Ma "Steve" Li, a DREAM Act student at City College of San Francisco, calling for Immigration and Customs Enforcement to grant him deferred action status, and urging Congress to pass the DREAM Act.

11/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion**101376 [2011 Board of Supervisors Regular Meeting Schedule]**

Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 10 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

11/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****101303 [Settlement of Lawsuit - Viz Media, LLC - \$219,000]**

Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for \$219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

10/18/10; RECEIVED AND ASSIGNED to Rules Committee.

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive \$3,717,096.52]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of \$3,717,096.52, including previous initial payment of \$2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

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

101341 [Settlement of Lawsuit - Toni Battle - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

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

PROPOSED RESOLUTIONS

101346 [Airport Concession Leases - Lori's Diner, Andale, Meyers Holdings, and H. Young Enterprises]

Resolution approving Amendment No. 1 to Domestic Terminals Food and Beverage Lease No. 03-0178 with Lori's Diner International; No. 03-0179 with Andale Airports; No. 03-0181 with Meyers Holdings, LLC; and No. 03-0188 with H. Young Enterprises, and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

10/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

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 from the public property located at the following locations:

Utility Boxes

On Stanyan Street, between Fulton & Hayes, on East side of street.

Southwest corner Central & Fulton

Bus Shelter

Southwest corner Buena Vista East & Haight

Southwest corner Divisadero & Haight

Southwest corner Pierce & Haight

Southwest corner Buchanan & Haight

Southeast corner Hayes & Buchanan

Fillmore and Haight (all 4 bus stops (including canopies) – graffiti and grime).

Emergency Boxes
Southeast corner Hayes & Broderick
Northeast Lyon & 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 utility poles at the following locations:

Metal Pole
In front of 438 Haight

Wood Pole
In front of 437 Oak

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:

512 Laguna
1689 Fulton
542 Haight
546 Haight
1172 Fell
2277 Fulton
208 Scott
798 Haight
747 Haight
160 Pierce
606 Haight
537 Haight
509 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 at the following locations:

Garbage Cans
Southeast corner Fell & Fillmore

Mailbox
Southwest corner Oak & Webster
Southwest corner Divisadero & Grove
Northeast corner Baker & Haight

In Memoriams

Judge Raymond D. Williamson, Jr. – Supervisor Elsbernd
Philip McRae Robertson – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:10 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 December 7, 2010.

Angela Calvillo, Clerk of the Board