

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, March 22, 2011 - 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

JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN
ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Budget and Finance Sub-Committee

Supervisors Chu, Mirkarimi, Kim

City and School District Select Committee

Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton

City Operations and Neighborhood Services Committee

Supervisors Avalos, Mar, Elsbernd

Government Audit and Oversight Committee

Supervisors Campos, Farrell, Chiu

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Public Safety Committee

Supervisors Mirkarimi, Cohen, Campos

Rules Committee

Supervisors Kim, Elsbernd, Farrell

Meeting Days

Wednesday

1:00 PM

Wednesday

10:00 AM

2nd and 4th Thursday

3:30 PM

2nd and 4th Monday

10:00 AM

2nd and 4th Thursday

10:00 AM

Monday

1:00 PM

1st and 3rd Thursday

10:30 AM

1st and 3rd Thursday

1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisors Avalos, Chu, and Kim were noted absent. There was a quorum.

Supervisor Avalos Excused from Voting

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

Ayes: 8 - Campos, Chiu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

Absent: 2 - Chu, Kim

AGENDA CHANGES

There were none.

Supervisors Chu and Kim were noted present at 2:10 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of February 15, 2011. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

110154 [Appropriating \$2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating \$2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.

(Fiscal Impact.)

Ordinance No. 57-11

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

110235 [Accept and Expend Grant - Medicare Improvements for Patients and Providers Act - \$143,128]

Sponsor: Campos

Resolution authorizing the Department of Aging and Adult Services to accept and expend a grant in the amount of \$143,128 from the Centers for Medicare and Medicaid Services and the Administration on Aging, passed through the California Department on Aging, to assist in expanding Medicare beneficiary enrollment and outreach activities aimed at preventing disease and promoting health.

Resolution No. 137-11

ADOPTED

Recommendation of the Land Use and Economic Development Committee**110070 [Planning Code - Zoning - Upper Fillmore Neighborhood Commercial District]****Sponsor: Farrell**

Ordinance amending the San Francisco Planning Code by amending Sections 703.3 and 718.1 and the Zoning Control Table for the Upper Fillmore NCD to: 1) allow as a conditional use on the first floor a new full-service restaurant, large fast food restaurant, small self-service restaurant or self-service specialty food establishment that is not defined as a formula retail use; and 2) add Specific Provisions to the Zoning Control Table to allow a bar associated with a full-service restaurant as a conditional use and require the Planning Commission to consider daytime usage on the block in conditionally approving a new restaurant; 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.

Ordinance No. 56-11**FINALLY PASSED****Recommendations of the Rules Committee****110146 [Settlement of Lawsuit - Liberato Primer, Jr. - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr., against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

Ordinance No. 58-11**FINALLY PASSED****110173 [Settlement of Lawsuit - Esther Downes, et al. - \$350,000]**

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

Ordinance No. 54-11**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

101523 [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by: 1) amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts; 2) amending Sections 413.6 and 415.5 to provide that the annual adjustments to the Jobs-Housing Linkage and Affordable Housing fees shall be made at the same time as the cost inflation adjustments are made to the other development fees; 3) amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; and 4) adding an uncodified section providing that (a) if a development fee was evaluated in 2010 or 2011, it need not be included in the 2011 five-year evaluation and (b) authorizing the Controller to make the 2011 Infrastructure Cost Inflation Adjustments to the development fees in April rather than January; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; and adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

Ordinance No. 55-11

FINALLY PASSED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110024 [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]

Sponsor: Mirkarimi

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Recommendation of the Rules Committee

110117 [Administrative Code - Publication Requirements]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

101564 [Memorandum of Understanding - 34th America's Cup]

Sponsors: Mayor; Chiu, Mirkarimi, Elsbernd and Chu

Resolution approving a Memorandum of Understanding between the City Controller and the Port Commission regarding the 34th America's Cup under Charter Section B7.320.
(Fiscal Impact.)

Resolution No. 134-11

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

110120 [2011 Annual Joint Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2011 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

Resolution No. 135-11

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

From the Budget and Finance Sub-Committee Without Recommendation**110184 [De-Appropriating \$15,479,251 of Market Rate Bond Proceeds and Re-Appropriating to Below Market Rate - Seismic Safety Loan Program - FY2010-2011]****Sponsor: Mayor**

Ordinance de-appropriating \$15,479,251 of Market Rate General Obligation Bond Proceeds, Series 2007A, and re-appropriating \$15,479,251 to the Below Market Rate Seismic Safety Loan Program in the Mayor's Office of Housing for FY2010-2011 and maintaining on Controller's reserve the appropriation equal to the unsold portion of the bonds.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Recommendation of the Government Audit and Oversight Committee**110241 [Setting the 2011 Budget and Legislative Analyst Services Work Plan]****Sponsor: Campos**

Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2011; (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2011 Annual Performance Evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

Motion No. M11-41**APPROVED by the following vote:**

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Recommendation of the Land Use and Economic Development Committee**110176 [CEQA Findings - Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]**

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No. CUW35302, part of the Water System Improvement Program for the improvements to the regional water supply system; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
(Public Utilities Commission)

Resolution No. 136-11**ADOPTED by the following vote:**

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

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

There were none.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that Supervisor Elsbernd be excused from voting on File Nos. 110041, 110042, 110043, and 110044. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 2 - Avalos, Elsbernd

110041 [Appeal of Determination of Exemption from Environmental Review - 795 Foerster Street, 203 Los Pamos Drive, 207 Los Pamos Drive, and 213 Los Pamos Drive]

Hearing of persons interested in or objecting to the decision of the Planning Department and Commission dated June 8, 2009, Case No. 2008.0558E, that a project located at 795 Foerster Street, 203 Los Pamos Drive, 207 Los Pamos Drive, and 213 Los Pamos Drive is exempt from environmental review under Categorical Exemption, Classes 1 and 3 (State Guidelines Sections 15301(l)(4) and 15303(a)). The proposed project involves the subdivision of two existing lots into four and the construction of three new single-family homes fronting on Los Pamos Drive, Lot Nos. 116 and 117 in Assessor's Block No. 3027A. (District 7) (Appellant: Stephen M. Williams, on behalf of the Miraloma Park Improvement Club).

(Filed January 7, 2011; Companion Measure to File Nos. 110042, 110043, 110044.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and requested the Board to approve the appeal. Kamal Obeid; Karen Brussler; Ed Kelly; Megan Taylor; Zina Marzolli; Paul Michaelson; Peter Rintera; spoke in support of the appeal. Lisa Gibson and Andrea Contreras (Planning Department) provided an overview of the decision of the Planning Department and Commission. Brett Gladstone (Project Sponsor) provided an overview of the project and requested the Board to uphold the decision of the Planning Department and Commission. Eddy Lau; spoke in support of the project and in opposition to the appeal. Steve Williams and Kamal Obeid (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110042 [Affirming the Exemption Determination - 795 Foerster Street, 203 Los Pamos Drive, 207 Los Pamos Drive, and 213 Los Pamos Drive]

Motion affirming the determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Pamos Drive, 207 Los Pamos Drive, and 213 Los Pamos Drive is exempt from environmental review. (Clerk of the Board)

Motion No. M11-44

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

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 2 - Avalos, Elsbernd

110043 [Reversing the Exemption Determination - 795 Foerster Street, 203 Los Palomos Drive, 207 Los Palomos Drive, and 213 Los Palomos Drive]

Motion reversing the determination by the Planning Department and Commission that the 795 Foerster Street, 203 Los Palomos Drive, 207 Los Palomos Drive, and 213 Los Palomos Drive project is exempt from environmental review. (Clerk of the Board)

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

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 2 - Avalos, Elsbernd

110044 [Preparation of Findings to Reverse the Exemption Determination - 795 Foerster Street, 203 Los Palomos Drive, 207 Los Palomos Drive, and 213 Los Palomos Drive]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palomos Drive, 207 Los Palomos Drive, and 213 Los Palomos Drive is exempt from environmental review. (Clerk of the Board)

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

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 2 - Avalos, Elsbernd

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Keith Dennis; expressed various concerns relating medical marijuana.

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.

Male Speaker; expressed various concerns.

Dale Seymour; expressed concerns relating to drive-bys in the Tenderloin.

Leslie; expressed various concerns relating to smart meters.

Male Speaker; expressed various religious concerns.

Jonathan Gast, representing Congressman Jackie Speier; spoke acknowledging the work of the City and County of San Francisco.

Jamie Whittaker; expressed concerns relating to traffic control.

Ace Washington; expressed various concerns.

Charles Pitts; expressed concerns relating to appointments.

CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Existing Litigation

110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M11-42

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

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 3:08 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Vince Chhabria, Deputy City Attorney

Angela Calvillo, Clerk of the Board

Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and continued to April 5, 2011.

RECONVENING OF THE BOARD

The Board at the hour of 4:24 p.m. reconvened.

The following Supervisors were noted present: Supervisors Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]

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

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

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be CONTINUED AS APPROVED to April 5, 2011. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110319 [Accept and Expend Grant - Audiovisual Digitization Project - \$9,998]

Sponsor: Chu

Resolution authorizing the Public Library to accept and expend a grant in the amount of \$9,998 from the California State Library, as part of the Federal Library Services and Technology Act, for preserving and providing access to the Public Library's unique audiovisual collections and creating standard procedures for future audiovisual digitization projects.

Resolution No. 138-11

ADOPTED

110320 [Presidio Branch Library Reopening]

Sponsor: Farrell

Resolution recognizing the grand reopening of the Presidio Branch Library and commending the Public Library and its team for their hard work and commitment to San Francisco and its residents.

Resolution No. 139-11

ADOPTED

110321 [Accept and Expend Grant - Marina Green Bicycle Trail - \$97,339]**Sponsor: Farrell**

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$97,339 from the Association of Bay Area Governments for the Marina Green Bicycle Trail project between Laguna Street and Buchanan Street.

Resolution No. 140-11

ADOPTED

110322 [Accept and Expend Gift - Mayor's Annual Earth Day Breakfast - \$12,000]**Sponsor: Mayor**

Resolution authorizing the Department of the Environment to accept and expend a gift in the amount of \$12,000 from Wells Fargo Bank, to sponsor the Mayor's Annual Earth Day Breakfast on April 20, 2011, at City Hall.

Resolution No. 141-11

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 110329 be severed so that it may be considered separately.

110329 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 7, 2011, Consolidated Special Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 7, 2011, Consolidated Special Election.
(Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Line 16, by deleting 'Campos, Mar, Avalos, Chiu'; Line 21, by deleting 'Chu, Mar, Kim, Wiener'; on Page 2, Line 10, by deleting 'Chu, Farrell'; and by deleting lines 12-15. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

Motion No. M11-43

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Excused: 1 - Avalos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

110348 [Health Code - Regulation of Biological Agent Detectors]

Sponsor: Chiu

Ordinance amending the San Francisco Health Code by adding Article 35 to create a registration scheme and requirements for Biological Agent Detectors.

03/22/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 4/21/2011.

110349 [Accept and Expend Grant - Office of Financial Empowerment Direct Deposit Program - Citywide Electronic Pay and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$240,000]

Sponsor: Campos

Ordinance authorizing the Office of the Treasurer-Tax Collector to accept and expend a grant in the amount of \$240,000 from the Earned Assets Resource Network for implementing the Office of Financial Empowerment Direct Deposit Program, and amending Ordinance 191-10 (Annual Salary Ordinance, FY2010-2011) to provide for the creation of one (1) grant-funded position in the Office of Financial Empowerment.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Resolutions

110350 [Annual Reports - Yerba Buena Community Benefit District]

Sponsor: Kim

Resolution regarding Yerba Buena Community Benefit District Annual Reports to the City by receiving and approving the District's Annual Reports for FYs 2008-2009 and 2009-2010, which include the District's proposed budget for FY2010-2011, as submitted, pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110351 [Authorizing Expenditures from SOMA Community Stabilization Fund - \$100,000]

Sponsors: Mayor; Kim

Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization funds in the amount of \$120,000 to provide grants to nonprofit organizations for: 1) a SOMA Community Coordinator to coordinate and focus community participation related to the development of 333 Harrison; 2) assistance in reassessing and refining the SOMA Community Stabilization Fund Strategic Plan; and 3) a union journey-level instructor to provide employment training for SOMA residents.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110352 [Disproportionate Federal Cuts to the Community Development Block Grant Program]**Sponsors: Mayor; Chu, Avalos, Chiu, Mirkarimi, Kim and Mar**

Resolution urging the Federal government to minimize the cuts to the Community Development Block Grant Program proposed by the President and the United States Congress.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110353 [Multifamily Housing Revenue Indebtedness - Not to Exceed \$41,000,000]**Sponsor: Cohen**

Resolution declaring the intent of the City and County of San Francisco (City) to: 1) reimburse certain expenditures from proceeds of future indebtedness; 2) authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocations Committee (CDLAC) for an allocation of indebtedness (Allocation) in an aggregate principal amount not to exceed \$41,000,000 for Hunters View Phase IA; 3) authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; 4) authorizing the Director to certify to CDLAC that the City has on deposit the required amount; 5) authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to use such Allocation; 6) approving, for purposes of the Internal Revenue Code of 1986, as amended, the execution and delivery of a mortgage revenue note by the City in an aggregate principal amount not to exceed \$41,000,000; 7) authorizing and directing the execution of any documents necessary to implement this Resolution; and 8) ratifying and approving any action heretofore taken in connection with the Project as defined herein and the Application as defined herein.

03/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110354 [Extension of 30 Days for Planning Commission Review - Self-Service Restaurants]**Sponsor: Mirkarimi**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance amending the San Francisco Planning Code by amending Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; 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.

03/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110355 [Protection of Safely Produced and Well Managed Youth Events]**Sponsor: Wiener**

Resolution calling for the protection of safely produced and well managed youth events, including music oriented events, in the City and County of San Francisco.

03/22/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**110356 [Hearing - Budget, Labor, and Service Standards - Municipal Transportation Agency]****Sponsor: Chiu**

Hearing on the Municipal Transportation Agency, including, but not limited to, the budget, ongoing labor negotiations, the Agency's priorities across all modes, and key performance indicators such as recent customer surveys and on-time performance data from the Agency's Service Standards.

03/22/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110357 [Hearing - Executive Park Area Neighborhood Plan]**Sponsor: Cohen**

Hearing on the proposed neighborhood plan for the Executive Park area.

03/22/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110358 [Hearing - Education Fund Programs and Partnerships]**Sponsor: Cohen**

Hearing on the programs and partnerships of the San Francisco Education Fund.

03/22/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

110359 [Hearing - Controller's Budgetary Overtime Costs Status Report - Largest Departments/Users]**Sponsor: Campos**

Hearing on the Controller's report of the status of current and projected budgetary overtime costs for the largest departments and the largest users of overtime hours.

03/22/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110360 [Hearing - City Services Auditor's Report - Fire Department Payroll]**Sponsor: Campos**

Hearing on the Controller's Office, City Services Auditor's Report concerning the payroll of the San Francisco Fire Department, covering the period from July 1, 2009, through June 30, 2010.

03/22/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110361 [Hearing - Hospital Costs in the Bay Area]**Sponsor: Campos**

Hearing on comparative costs of hospitals in the San Francisco Bay Area addressing the following: 1) what are the trends and drivers of Hospital Costs in the San Francisco Bay Area; 2) how do the costs of services at different hospitals compare to one another; 3) is there a relationship between quality of care and costs; 4) will future development plans by San Francisco hospitals affect costs for members of the City and County Health Service system and for San Francisco residents that are self-insured or receive health insurance from private employers; and 5) how has the Health Service System worked to control costs and plan to control future cost increases, including its support for the launch of the accountable care organizations.

03/22/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110362 [Hearing - Fire Department Budget Update for FY2011-2012]**Sponsor: Chu**

Hearing to receive update on the Fire Department's budget for FY2011-2012.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110363 [Hearing - Police Department Budget Update for FY2011-2012]**Sponsor: Chu**

Hearing to receive update on the Police Department's budget for FY2011-2012.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110364 [Hearing - Recreation and Park Department Budget Update for FY2011-2012]**Sponsor: Chu**

Hearing to receive update on the Recreation and Park Department budget for FY2011-2012.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110365 [Hearing - Sheriff Department Budget Update for FY2011-2012]**Sponsor: Chu**

Hearing to receive update on the Sheriff Department's budget for FY2011-2012.

03/22/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of a Department**PROPOSED RESOLUTION****110247 [Acceptance of Easement - Stanislaus County - San Joaquin Pipeline System Project]**

Resolution approving and authorizing an acceptance of an Easement Deed for a perpetual exclusive easement for the installation, construction, operation, inspection, maintenance, repair, and replacement of water pipelines, utilities and related appurtenances in the real property, being a portion of River Road, located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

03/11/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests Granted

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

*Utility Boxes
95 Delmar
Southwest corner of 6th Avenue and Lincoln
Northeast corner of Oak and Masonic
Northwest corner of Fillmore and Hermann
Southwest corner of Waller and Steiner*

*Emergency Boxes
Northeast corner of 3rd Avenue and Irving
Southeast corner of Cole and Frederick*

*Parking Meters
1608 Irving*

*Parking and Traffic Signs
1237 Masonic
Approximately 10 Beulah*

*Potholes
1636 Irving
Intersection 16th Avenue and Irving*

*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
Northwest corner of 16th Avenue and Irving
Northwest corner of Funston and Irving*

*San Francisco Chronicle
701 Cole*

*Common Ground
Northwest corner of Funston and Irving*

*USA Today
Northwest corner of Funston and Irving*

*Auto Weekly
Northwest corner of Funston and Irving*

*Advertiser
400 Irving*

*SF Weekly
Southeast corner of 19th Avenue and Lincoln*

*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:*

1053 Haight St.
1081 Haight St.
930 Haight St., on side
1328 Haight St.
1327 Haight St.
323 Lincoln
1621 Lincoln
1707 Lincoln
522 Frederick
840 Stanyan
800 Irving, on 19th Ave.
400 Irving
400 Duboce, on the Fillmore and Church side
1777 Haight St.
1789 Haight St.
1795 Haight St.
1347 Oak
350 Laguna
300 Laguna
546 Haight St.
542 Haight St.
418 Haight St.
1167 Oak
100 Scott

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

Metal Pole
367 Haight
Southwest corner of Fillmore and Laussant
Near 109 Fillmore
Southeast corner of Haight and Fillmore, on Haight
Southeast corner of Fillmore and Haight, on Fillmore
200 block of Haight, 2 poles near the UC campus
870 Haight St.
930 Haight St.
962 Haight St.
1016 Haight St.
1126 Haight St.
Approximately 1165 Haight St.
1292 Haight St.
1340 Haight St.
15 Frederick
130 Frederick
390 Frederick
Approximately 494 Frederick
Approximately 630 Frederick
1049 Lincoln

1641 Lincoln
123 Beulah
Approximately 105 Beulah
Northwest corner of Beulah and Cole

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

Garbage Cans
1601 Lincoln
Southeast corner of 19th Avenue and Lincoln (one on 19th Ave., one on Lincoln)
Northeast corner of 11th Avenue and Irving
Southeast corner of Cole and Haight
Southwest corner of Haight and Fillmore
Southeast corner of Fillmore and Page

Mailboxes
Northeast corner of Baker and Haight
Southeast corner of Frederick and Stanyan
Southwest corner of Funston and Lincoln
Southwest corner of Octavia and Page

Street Walls and Overpasses
Southeast corner of 19th Avenue and Irving
Approximately 1280 Irving
Statue of William McKinley, east side of Panhandle

Public Benches
Southwest corner of Masonic and Haight
Opposite 1865 Oak, in Panhandle
Opposite 1809 Oak, in Panhandle
Opposite 1665 Oak, in Panhandle

In Memoriams

Florence Brown – Supervisor Cohen
Nicholas Armanino – Supervisor Elsbernd
Cameron Beach – Full Board
Peter Nardoza – Full Board
Brian Samuel Connolly Heron – Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:26 p.m.

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

Approved by the Board of Supervisors on April 26, 2011.

Angela Calvillo, Clerk of the Board