

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, November 17, 2009 - 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

**Budget and Finance Committee**  
Supervisors Avalos, Mirkarimi, Chu

**City and School District Select Committee**  
Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas

**City Operations and Neighborhood Services Committee**  
Supervisors Dufty, Daly, Elsbernd

**Government Audit and Oversight Committee**  
Supervisors Mirkarimi, Mar, Maxwell

**Land Use and Economic Development Committee**  
Supervisors Maxwell, Mar, Chiu

**Public Safety Committee**  
Supervisors Chiu, Mirkarimi, Alioto-Pier

**Rules Committee**  
Supervisors Campos, Daly, Alioto-Pier

#### Meeting Days

Wednesday  
11:00 AM

1st and 3rd Thursday  
3:30 PM

2nd and 4th Monday  
10:30 AM

2nd and 4th Thursday  
1:00 PM

Monday  
1:00 PM

1st and 3rd Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

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

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:17 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

*President David Chiu inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

#### **091260 [Payment of Award to John Doe - \$10,000]**

**Sponsor: Dufty**

Ordinance authorizing payment of a \$10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the death of Jaquain Williams.  
(Fiscal Impact.)

**Ordinance No. 242-09**

**FINALLY PASSED**

#### **091261 [Payment of Award to John Doe - \$10,000]**

**Sponsor: Dufty**

Ordinance authorizing payment of a \$10,000 reward for supplying information leading to the arrest and conviction of the person(s) responsible for the deaths of Jovanie Banks and Michael Hill.  
(Fiscal Impact.)

**Ordinance No. 241-09**

**FINALLY PASSED**

**091217 [Appropriation ordinance to reflect Mayor's State Budget Plan for FY 2009-2010]****Sponsors: Mayor; Avalos**

Ordinance appropriating \$18,000,000 of an unallocated reduction to State revenues (State Budget Reserve), including \$9,589,000 for the Department of Public Health, \$9,600,000 for the Human Services Agency, \$350,000 for the Sheriff's Department, and \$150,000 for the General Fund Reserve; deappropriating \$3,448,652 of expenditures in the Department of Public Health consistent with the Mayor's Proposed State Budget Plan; and appropriating and placing \$1,759,652 of General City Responsibility General Fund on an appropriated reserve for FY 2009-2010. (Fiscal Impact.)

**Ordinance No. 240-09**

**FINALLY PASSED**

**Recommendations of the City Operations and Neighborhood Services Committee****091232 [Approval of the Ryan White HIV Emergency Relief Grant Program application]****Sponsors: Duffy; Campos**

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration, requesting \$36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area; from March 1, 2010, through February 28, 2011. (Public Health Department)

**Resolution No. 453-09**

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

**ADOPTED**

**091236 [Approval of contract for Personal Assisted Employment Services Program for the Department of Public Health]****Sponsor: Mar**

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

**Resolution No. 444-09**

**ADOPTED**

**Recommendations of the Rules Committee****091013 [Application of City's Conflict of Interest Laws to City Officers]****Sponsor: Elsbernd**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

**PASSED, ON FIRST READING**

**091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - \$650,000]**

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for \$650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**091080 [Settlement of Lawsuit - Duncan Briggs - \$65,000]**

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**091086 [Settlement of Lawsuit - Jeanne Schoenstein - \$225,000]**

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for \$225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**091186 [Settlement of Lawsuit - Gavin Smith - \$55,000]**

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for \$55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

**PASSED, ON FIRST READING**

**090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - \$112,000]**

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

**PASSED, ON FIRST READING**

**091129 [Appointment, Entertainment Commission - Neal Cavellini]**

Motion appointing Neal Cavellini, term ending July 1, 2013, to the Entertainment Commission. Neal Cavellini, succeeding Erik Joseph Pred, seat 3, term expired, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

**Motion No. M09-182**

**APPROVED**

**091194 [Appointment, Entertainment Commission - Al Perez]**

Motion approving the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013.

**Motion No. M09-183**

**APPROVED**

**091223 [Appointment, Immigrant Rights Commission - Angus McCarthy]**

Motion appointing Angus McCarthy, term ending June 6, 2011, to the Immigrant Rights Commission.

Angus McCarthy, succeeding himself, seat 7, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

**Motion No. M09-184**

**APPROVED**

**091226 [Appointments, Pedestrian Safety Advisory Committee - Dahianna Lopez, Paul Supawanich, and Jay Lee]**

Motion appointing Dahianna Lopez and Paul Supawanich, terms ending March 28, 2010, and Jay Lee, term ending March 28, 2011, to the Pedestrian Safety Advisory Committee.

Dahianna Lopez, succeeding Shirley Bierly, seat 8, term expired, must be representative from a public health organization, for the unexpired portion of a two-year term ending March 28, 2010.

Jay Lee, succeeding Dan Brook, seat 9, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2011.

Paul Supawanich, succeeding William Riggs, seat 10, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2010.

**Motion No. M09-185**

**APPROVED**

**091227 [Appointment, Local Homeless Coordinating Board - Laura Guzman]**

Motion appointing Laura Guzman, term ending October 21, 2011, to the Local Homeless Coordinating Board.

Laura Guzman, succeeding herself, seat 1, term expired, must be a member of the disabled community, for the unexpired portion of a two-year term ending October 21, 2011.

**Motion No. M09-186**

**APPROVED**

**091229 [Appointment, Sweatfree Procurement Advisory Group - Julienne Fisher]**

Motion appointing Julienne Fisher, term ending December 17, 2011, to the Sweatfree Procurement Advisory Board.

Julienne Fisher, succeeding Jamie Crook, seat 4, resigned, must be a member of the public, for a two-year term ending December 17, 2011.

**Motion No. M09-187**

**APPROVED**

**091234 [Appointment, Veterans Affairs Commission - Stephen Noetzel]**

Motion appointing Stephen Noetzel, term ending January 31, 2011, to the Veterans Affairs Commission.

Stephen Noetzel, succeeding Bud Wilson, seat 8, deceased, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2011.

**Motion No. M09-188**

**APPROVED**

**091235 [Appointment, Child Care Planning and Advisory Council - Simon Lee]**

Motion appointing Simon Lee, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding himself, seat 4, term expired, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2011.

**Motion No. M09-189**

**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

## REGULAR AGENDA

## NEW BUSINESS

### Recommendations of the City Operations and Neighborhood Services Committee

**091122 [Liquor License Transfer - 1221 Polk Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1092 Post Street to 1221 Polk Street (District 3), to Steven Black for Lush Lounge Inc., will serve the public convenience and 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.

(Supervisor Daly dissented in committee.)

**Resolution No. 456-09**

**ADOPTED by the following vote:**

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

**Recommendations of the Government Audit and Oversight Committee****091242 [U.S. Navy - Public Participation in the Hunters Point Shipyard Restoration Project]****Sponsors: Maxwell; Mar**

Resolution urging the United States Navy to immediately reinstate the Hunters Point Shipyard Restoration Advisory Board of the Hunters Point Shipyard.

**Supervisor Daly, seconded by Supervisor Avalos, AMENDED, by replacing "and/or" with "or". The motion FAILED by the following vote:**

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi

Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

**Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

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

Noes: 4 - Avalos, Daly, Mar, Mirkarimi

Resolution urging the United States Navy to reinstate the Restoration Advisory Board of the Hunters Point Shipyard and/or provide other appropriate forums to ensure meaningful public participation in the cleanup process.

**Resolution No. 455-09**

*Supervisor Avalos requested to be removed as sponsor. Supervisor Maxwell requested to be added as sponsor.*

**ADOPTED AS AMENDED by the following vote:**

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

Noes: 2 - Avalos, Daly

**Recommendations of the Land Use and Economic Development Committee****081509 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]****Sponsor: Maxwell**

Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

**PASSED, ON FIRST READING by the following vote:**

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

**090678 [Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]**

Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised use districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

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

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

**090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]**

**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

**PASSED, ON FIRST READING by the following vote:**

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

**091093 [Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]**

**Sponsor: Mirkarimi**

Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

*Supervisor Mirkarimi 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

**Recommendations of the Rules Committee****091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]**

**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

**PASSED, ON FIRST READING by the following vote:**

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

**091128 [Appointment, Police Commission - James Hammer]**

Motion confirming the Rules Committee's nomination of, and appointing, James Hammer, term ending April 30, 2011, to the San Francisco Police Commission.

James Hammer, succeeding Theresa Sparks, seat 1, resigned, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2011.

**Motion No.** M09-190

**APPROVED by the following vote:**

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

**Supervisors Avalos and Mar Excused from Voting**

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that Supervisors Avalos and Mar be excused from voting on File No. 091262. The motion carried by the following vote:

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

Excused: 2 - Avalos, Mar

**091262 [Appointments, California State Association of Counties - Supervisors Mar and Avalos (Alternate)]**

Motion appointing Supervisors Eric Mar and John Avalos (as an alternate member), terms ending November 28, 2010, to the California State Association of Counties.

Supervisor Eric Mar, seat 1, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, for a one-year term ending November 28, 2010.

Supervisor John Avalos, seat 2, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, serving as an alternate member, for a one-year term ending November 28, 2010.

**Motion No.** M09-191

**APPROVED by the following vote:**

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

Excused: 2 - Avalos, Mar

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

### **Privilege of the Floor**

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, 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 Linda Laws in recognition of 20 years of service to the City and County of San Francisco and her dedication to the Board of Supervisors Clerk of the Board's Office upon her retirement.*

*Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Al Casciato for his contributions to the City and County of San Francisco and his dedicated service as Captain of the Northern Station Police Department.*

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Valerie Ziegler, a teacher at Lincoln High School, in recognition of her accomplishments and for being San Francisco Unified School District's first ever "California Teacher of the Year."*

*Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Rea Dol and Euvonie Auguste, visitors of Haiti, in recognition of their involvement and activism in World education.*

*Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Roberto Alvarado, Lourdes Palacios, Tomas Minero, and Francisco Polanco, visitors of El Salvador, in recognition of their involvement and activism in World environmentalism.*

## **ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

## PUBLIC COMMENT

*James Chaffee; expressed concerns relating to the SF Public Library.*  
*Terry Landry; expressed concerns relating to recall efforts.*  
*Francisco Da Costa; expressed various concerns.*  
*Richard McRee; expressed concerns relating to technology, inventions, and patents.*  
*Female Speaker; expressed concerns relating to Bayview Hunters Point.*  
*Alex Torino; expressed concerns relating to recall efforts.*  
*Josh; expressed concerns relating to video surveillance.*  
*Walter Paulson; shared in song certain concerns with the Board.*  
*Eugene Gordon, Jr.; expressed various concerns.*  
*Daniel Solberg; expressed concerns relating to democracy.*  
*James Quioncini; expressed support for nonviolence legislation.*  
*Female Speaker; expressed various concerns.*  
*Donna Roma; expressed support for in-home services legislation.*  
*Linda Evans; expressed concerns relating to hiring reforms.*  
*Male Speaker; expressed support for in-home services legislation.*  
*Niecey Joshua; expressed concerns relating to Bayview Hunters Point.*  
*Male Speaker; expressed various religious concerns.*  
*Male Speaker; expressed various concerns.*  
*David Troppman; expressed concerns relating to taxi business regulations.*  
*Brad Weedmeyer; expressed concerns relating to Bayview Hunters Point.*  
*Janet Shirley; expressed support for nonviolence legislation.*  
*Richard Robinson; expressed various concerns.*  
*Peter Warfield; expressed concerns relating to the SF Public Library.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **091293 [Approval of a 30-Day Extension for Planning Commission Review]**

#### **Sponsor: Alioto-Pier**

Resolution extending by 30-days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Section 303(i) to require new applicants of formula retail establishments to appoint a community liaison, and making findings of consistency with the priority policies of the Planning Code Section 101.1, and environmental findings.

**Resolution No. 460-09**

**ADOPTED**

### **091299 [Extending the Single Room Occupancy Task Force to December 31, 2012]**

#### **Sponsors: Duffy; Campos, Chiu and Daly**

Resolution amending the Single Room Occupancy Task Force to extend it three (3) years beyond the current sunset date of December 31, 2009, to December 31, 2012, and increasing its membership by one (1) member to fourteen (14) to include one (1) additional tenant representative; nine (9) members appointed by the Board of Supervisors; four (4) appointed by designated department heads; and one (1) chair appointed by the Director of Health.

**Resolution No. 457-09**

**ADOPTED**

**091301 [Approval of a Three (3) Month Extension for Planning Commission Review]****Sponsor: Elsbernd**

Resolution extending by three (3) months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Section 729 to add new Sub-section 729.52A and adding new Section 790.115 to require conditional use authorization in the West Portal Avenue Neighborhood Commercial District for certain personal service nail salons, as defined; and making findings of consistency with the General Plan, the priority policies of the Planning Code Section 101.1, and environmental findings.

**Resolution No. 459-09**

**ADOPTED**

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 Alioto-Pier requested that File No. 091292 be severed so that it may be considered separately.*

**091292 [Commending Northern Station Police Captain Al Casciato]**

**Sponsors: Alioto-Pier; Mirkarimi, Avalos, Elsbernd, Dufty, Chiu and Campos**

Resolution Commending Captain Al Casciato for his contributions to the City and County of San Francisco, and his dedicated service as Captain of the Police Department's Northern Station.

**Resolution No. 458-09**

*Supervisors Elsbernd, Dufty, Chiu, and Campos requested to be added as co-sponsors.*

**ADOPTED by the following vote:**

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

*Supervisor Mar requested that File No. 091304 be severed so that it may be considered separately.*

**091304 [Endorsement of World March for Peace and Nonviolence]**

**Sponsors: Mar; Campos, Dufty and Avalos**

Resolution endorsing the first World March for Peace and Nonviolence, calling for the end of war and nuclear arms, and the elimination of violence of all kinds.

**Resolution No. 454-09**

*Supervisors Campos, Dufty, and Avalos requested to be added as co-sponsors.*

**ADOPTED by the following vote:**

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

Supervisor Maxwell requested that File No. 091319 be severed so that it may be considered separately.

**091319 [Commending Linda Laws and Declaring November 20 2009, "Linda Laws Day"]**

**Sponsors: Maxwell; Chiu and Campos**

Resolution commending Linda Laws on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 20 years of service to the City and County of San Francisco and declaring November 20, 2009, "Linda Laws Day."

**Resolution No. 461-09**

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

**ADOPTED 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 Supervisors or Mayor

### Ordinances

**091334 [Booths and Other Private Spaces in Places of Entertainment and Extended Hours Premises]**

**Sponsor: Mar**

Ordinance amending Sections 1060.10 and 1070.13 of the Police Code to state the visibility requirement applicable to booths and other private spaces in Places of Entertainment and Extended-Hours Premises; to state the purpose of the visibility requirement; and to authorize the Entertainment Commission to adopt regulations implementing the visibility requirement.

11/17/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/17/2009.

**091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]**

**Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.63 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

11/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Resolutions****091330 [Urging the Department of Social Services to Immediately Reverse the Policy Excluding a Person with Any Felony Conviction from Serving as an In-Home Supportive Services Homecare Provider]****Sponsors: Avalos; Mar, Dufty and Mirkarimi**

Resolution urging the Department of Social Services to immediately reverse the policy excluding a person with any felony conviction or serious misdemeanor from serving as an In-Home Supportive Services independent homecare provider.

11/17/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**091333 [Approving a Loan Not to Exceed \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]****Sponsor: Daly**

Resolution approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

11/17/09; RECEIVED AND ASSIGNED to Board of Supervisors.

**091335 [Establishing Infill Opportunity Zones for Congestion Management Planning]****Sponsors: Mirkarimi; Maxwell**

Resolution establishing Infill Opportunity Zones for Congestion Management Planning in the City and County of San Francisco under California Government Code Section 65088.

11/17/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091337 [Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]****Sponsors: Alioto-Pier; Daly**

Resolution urging the Federal Communications Commission to codify strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**091338 [Issuance and Sale of Revenue Bonds – 2235 Third Street Apartments not to exceed \$55,000,000]****Sponsor: Maxwell**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed \$55,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**091339 [Issuance and Sale of Revenue Bonds – 178 Townsend Street Housing Project not to exceed \$33,000,000]****Sponsor: Daly**

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed \$33,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**091340 [Accept and Expend Grant – Screening, Brief Intervention, and Referral to Treatment – \$24,790]****Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$24,790 from the University of California San Francisco, to assist with a project entitled "Screening, Brief Intervention, and Referral to Treatment;" for the period of September 30, 2008, through September 29, 2009.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**091342 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]****Sponsors: Alioto-Pier; Daly**

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing****091327 [Review of the Salary Scale and Growth in Number of Positions of Management Classifications in the City]****Sponsor: Avalos**

Hearing to review salary scale and growth in number of positions of management and administrative classifications in the City and to consider strategies to achieve budget savings.

11/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091328 [Local and Disadvantaged Business Enterprise Participation in the San Francisco Public Utilities Commission and the San Francisco General Hospital Rebuild]****Sponsor: Dufty**

Hearing on the Local and Disadvantaged Business Enterprise and Local Workforce participation in the San Francisco Public Utilities Commission 525 Golden Gate Building and the San Francisco General Hospital rebuild.

11/17/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**091329 [Annual Review and Approval of the FY 2010-2011 Board of Supervisors/Clerk of the Board Annual Budget Guidelines]**

Hearing to consider the annual review and approval of the FY 2010-2011 Board of Supervisors/Clerk of the Board Annual Budget Guidelines. (Clerk of the Board)

11/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091332 [Public Hearing - Approving a Loan Not to Exceed \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**

Hearing of persons interested in or objecting to proposed Resolution approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and Making Certain Public Benefit Findings for the Transbay Transit Center Program Under California Government Code Section 6586.5. (Clerk of the Board)

11/17/09; SCHEDULED FOR PUBLIC HEARING.

**Motions****091331 [Board of Supervisors Committee of the Whole – November 24, 2009 – 3:00 p.m. Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**

**Sponsor: Daly**

Motion scheduling the Board to sit as a Committee of the Whole on November 24, 2009, to hear the approval of a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**091341 [2010 Board of Supervisors Regular Meeting Schedule]**

Motion approving the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, May 25, July 6, September 7, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 18 through September 7, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

11/17/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Introduced by the President at the Request of Departments****PROPOSED ORDINANCES****091284 [Mission Bay - Park P21 Improvements]**

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091289 [Settlement of Lawsuits - David Spears and Sabrina Wigfall - \$97,500]**

Ordinance authorizing settlement of the lawsuits filed by David Spears and Sabrina Wigfall against the City and County of San Francisco and Kyle Adams against the City and County of San Francisco for \$97,500; the lawsuits were filed on February 6, 2004, and August 1, 2008, in the United States District Court for the Northern District of California, Case Nos. 06-cv-04968 VRW and 08-vc-03696 PJH; entitled David Spears and Sabrina Wigfall v. City and County of San Francisco, et al. and Kyle Adams v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

**091290 [Settlement of Lawsuit - Lisa Anne Haller - \$230,000]**

Ordinance authorizing settlement of the lawsuit filed by Lisa Anne Haller against the City and County of San Francisco for \$230,000; the lawsuit was filed on March 20, 2007, in San Francisco Superior Court, Case No. 461-498; entitled Lisa Anne Haller, et al. v. City and County of San Francisco, et al. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

**091291 [Settlement of Lawsuit - City and County of San Francisco - \$1,260,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the Design Partnership and Del Campo and Maru, Joint Association of Architects, for (a) \$1,260,000 payable to the City and County of San Francisco and (b) mutual releases; the lawsuit was filed on March 20, 2009, in San Francisco Superior Court, Case No. 09-486423; entitled City and County of San Francisco v. The Design Partnership and Del Campo and Maru, Joint Association of Architects. (City Attorney)

11/05/09; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

**091285 [Amendment to Agreement with Owens Information Systems to Extend the Term]**

Resolution authorizing the Department of Technology to enter into the Eighth Amendment of an agreement with Owens Information Systems to extend the term of the agreement to fifteen years. (Department of Technology)

11/09/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]**

Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091287 [Tenderloin Housing Clinic Contract Approval - \$82,286,121]**

Resolution approving the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide master-leased housing for formerly homeless single adults to the Human Services Agency for the period of January 1, 2010, to June 30, 2015, in the amount of \$82,286,121. (Human Services Department)

11/09/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]**

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/09/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**Requests Granted**

*From: Supervisors Dufty & Campos  
To: Attorney General, Eric Holder  
Requesting/Inquiring: Requesting a letter to:*

*Mr. Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001*

*At the November 17, 2009, Board of Supervisors meeting, Supervisors Bevan Dufty and David Campos inquired about the leadership by the U.S. Department of Justice and the Federal Bureau of Investigation to ensure that the terrible murder of Jorge Steven Lopez Mercado be thoroughly investigated as a possible Hate Crime.*

*Enactment of the Matthew Shepard Hate Crimes Act provides important tools to ensure that justice occurs in cases involving hate directed violence and murder because of a victim's sexual orientation or gender identity.*

*It is disturbing that there are reports that the investigating officer made statements that Mr. Lopez Mercado deserved being murdered because of the "type of lifestyle" he was leading.*

*Supervisors Dufty and Campos request that the Justice Department advise the San Francisco Board of Supervisors of steps to investigate applicability of new federal civil rights violations covered by hate crime protections.*

*Thank you for addressing these concerns.*

*Very truly yours,*

*Angela Calvillo  
Clerk of the Board*

*cc: Supervisor Dufty  
Supervisor Campos*

*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:*

*Utility Boxes  
Northwest corner McAllister & Webster  
Southeast corner Geary & Webster*

*Garbage Cans  
Northeast corner Buchanan & Haight  
Southeast corner Central & Haight*

*Recreation & Park  
Entrance wall in Buena Vista West*

Mailbox  
Southeast corner Bush & Buchanan

Emergency Box  
Northeast corner Hayes & Broderick

Potholes & Median Walls  
On Fillmore near Hayes, west side of street  
Median wall on Geary & Webster

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:

1301 Haight  
799 Haight  
1035 Haight  
501 Haight  
55 Laguna  
485 Scott  
1519 Haight  
604 Haight  
587 Haight  
533 Haight  
557 Haight  
122 Webster  
429 Webster  
901 Haight  
208 Scott  
160 Pierce  
147 Buchanan

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

San Francisco Bay Guardian  
Southeast corner of Fillmore & Post  
Southwest corner of Divisadero & Sutter  
9th Avenue & Judah (near bus stops)  
7th Avenue & Irving (near bus stops)  
Southeast corner of Fillmore & Haight

San Francisco Chronicle  
Southeast corner of Haight & Fillmore  
Irving & 9th Avenue  
Irving & 7th Avenue  
Southwest corner of Haight & Clayton  
Southeast corner of Haight & Masonic

Examiner  
Northwest corner of Fillmore & Hayes  
Southeast corner of Haight & Fillmore

*SF Daily*  
*Northwest corner of Hayes & Gough*

*City Star*  
*Southeast corner of Fillmore & Haight*

*SF Weekly*  
*Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore*

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

*Metal Poles*  
*Southeast corner 10th Avenue & Irving*  
*Southwest corner Laguna & Grove*  
*In front of 367 Haight*

*Wood Pole*  
*In front of 20 Fillmore*

*Bus Shelters*  
*Northeast corner Sutter & Fulton*  
*Northwest corner Divisadero & Haight*  
*Southeast corner Buena Vista East & Haight*  
*Northeast corner Buena Vista East & Haight*  
*Southwest corner Hayes & Fillmore*  
*Southeast corner Pierce & Haight*  
*Northeast corner McAllister & Laguna*  
*All four bus shelters on Haight & Fillmore (graffiti & grime)*

### **In Memoriams**

*James Jefferson – Entire Board*  
*John Kovacs – Supervisor Mirkarimi*  
*Louis K. Cherin – Supervisor Dufty*  
*Zoe Ann Sheehy – Supervisor Dufty*  
*Effie Lee Morris Jones – Supervisor Maxwell*  
*Joseph Thomas Elsbernd – Entire Board*  
*James Rogers – Supervisor Elsbernd*  
*Andrea Lewis – Supervisors Mar, Avalos, and Mirkarimi*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 4:32 p.m.*

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

*Approved by the Board of Supervisors on January 5, 2010.*

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Angela Calvillo, Clerk of the Board