

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, April 12, 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

Meeting Days

Budget and Finance Committee

Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Wednesday

1:00 PM

Budget and Finance Sub-Committee

Supervisors Chu, Mirkarimi, Kim

Wednesday

10:00 AM

City and School District Select Committee

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

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Avalos, Mar, Elsbernd

2nd and 4th Monday

10:00 AM

Government Audit and Oversight Committee

Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday

10:00 AM

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

Public Safety Committee

Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday

10:30 AM

Rules Committee

Supervisors Kim, Elsbernd, Farrell

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: John Avalos, 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, Supervisor Mar was noted absent. There was a quorum.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 8, 2011, and the Special Board Meeting Minutes at the Budget & Finance Committee Meeting (File No. 100962) of March 9, 2011. The motion carried by the following vote:

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

Absent: 1 - Mar

Supervisor Mar was noted present at 2:11 p.m.

COMMUNICATIONS

There were none.

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

110342 [Formal Policy Discussions - April 12, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. What policies and ideas do you propose to create a framework where all neighborhoods and business districts get assistance and advantages in terms of job creation and community benefits? Additionally, how will you ensure the greatest possible community participation in the creation of a community benefits agreement in midmarket and any other community? (Supervisor Mar, District 1)
2. How do you view the relative levels of cuts that will be required in major areas of City government - for example, public health, public safety, social services, and parks - and the extent to which you plan to identify new revenues to close our significant deficit? (Supervisor Chiu, District 3)
3. Governor Brown's Bill, AB 109, shifts responsibility for housing tens of thousands of inmates to municipalities, but local funds do not exist to handle the additional inmates. What are your ideas for how San Francisco should deal with this issue? (Supervisor Mirkarimi, District 5)
4. What are your thoughts on reforms to City employee pensions, health care, and retiree health care? (Supervisor Elsbernd, District 7)
5. Given your recent tour and subsequent conversations we have had over the Balboa Park Station Area, what are your plans to develop and help realize the area as a true, full service transit hub that adequately services the residents and users, as opposed to its current priority by the City and SFMTA as a maintenance facility? (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

There were no items.

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Sub-Committee Without Recommendation

110155 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]

Sponsors: Mayor; Kim, Chiu, Farrell, Cohen, Wiener and Chu

Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over \$1,000,000 to enter into a Community Benefits Agreement with the City Administrator. (Fiscal Impact; Economic Impact.)

Supervisor Kim, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Noes: 3 - Avalos, Campos, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101537 [Planning Code - Urban Agriculture]

Sponsors: Mayor; Chiu, Cohen, Mirkarimi and Mar

Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34 to define urban agriculture, including neighborhood agriculture and large-scale urban agriculture, and amending Sections 204.1, 209.5, 227, 234.1, 234.2, and Articles 7 and 8 to regulate such uses in various zoning districts; and making findings including environmental findings and findings of consistency with General Plan and Section 101.1.

Ordinance No. 66-11

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110313 [Settlement Agreement and Lease Amendment - Forty Niners, Ltd.]**Sponsors: Mayor; Chiu, Cohen and Farrell**

Ordinance authorizing a settlement agreement and related lease amendment with the San Francisco Forty Niners, Ltd. (the 49ers) to settle a claim made by the 49ers on June 18, 2010, against the City and County of San Francisco relating to the condition of Candlestick Stadium; exempting any new City policy requirements that the City's Administrative Code would otherwise require for a material amendment to the lease.

Ordinance No. 65-11

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS**From the Budget and Finance Committee Without Recommendation****110225 [Park Code - Botanical Garden Non-Resident Fees]****Sponsor: Mayor**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents beyond June 30, 2011; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.
(Fiscal Impact.)

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

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

Noes: 2 - Avalos, Campos

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents until September 30, 2013; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110113 [Appropriating \$143,445 of General Fund Property Transfer Tax and Reducing Botanical Garden Fee Revenue for FY2010-2011]**Sponsor: Avalos**

Ordinance appropriating \$143,445 of General Fund from new property transfer tax and reducing botanical garden fee revenues, which will be rescinded as of the effective date of this ordinance, in the Department of Recreation and Park for FY2010-2011.

PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Mar, Mirkarimi

Noes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Recommendations of the Budget and Finance Sub-Committee**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.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110223 [Public Works Code - Waiver of Street Encroachment Permit Fees - Stairway Improvements on 48th Avenue at Balboa Street]**Sponsor: Mar**

Ordinance waiving the Street Encroachment Permit Fees in Public Works Code Section 2.1.1 and Public Works Code Sections 786 et seq. for stairway improvements on the unaccepted stairway located on the western side of 48th Avenue between Balboa and Anza Streets.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

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 FY2010-1011, 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.

Resolution No. 161-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

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 \$100,000 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.

Resolution No. 162-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110147 [General Plan Amendment - Mission District Streetscape Plan]

Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

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

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Kim, 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 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Cathy Chin in recognition of National Safety Telecommunicator's Week and for being named Department of Emergency Management's Employee of the Year. Anne Kronenberg, Department of Emergency Management Director, shared in the recognition.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Eagle Tavern in recognition of their accomplishments and continued community support. Supervisors Campos and Wiener shared in the recognition.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Ruth Mahaney, Kate Maxwell, and C. Kermit Berry-Skillen of the Modern Times Bookstore in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted absent at 4:42 p.m.

110261 [Public Hearing - Appeal of Final Environmental Impact Report - 350 Mission Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1524E, through its Motion No. 18265, for the proposed 350 Mission Street Project. (District 6) (Appellant: Alex DeGood, on behalf of the owners of 50 Beale Street). (Filed March 2, 2011; Companion File Nos. 110262, 110263, 110264.)

The President inquired as to whether any member of the public wished to address the Board. Alex DeGood (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Marc Gille; Walter Paulson; spoke in support of the appeal. Brett Bollinger (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dan Frattin (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. Alex DeGood (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110262 [Affirming Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Motion No. M11-53

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

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

Absent: 1 - Elsbernd

110263 [Reversing Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

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

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

Absent: 1 - Elsbernd

110264 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

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

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

Absent: 1 - Elsbernd

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted present at 5:33 p.m.

Supervisors Avalos, Elsbernd, Farrell, and Kim were noted absent at 6:47 p.m.

Supervisor Kim was noted present at 6:54 p.m.

Supervisor Avalos was noted present at 7:03 p.m.

Supervisors Elsbernd and Farrell were noted present at 7:08 p.m.

110307 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 1653 Grant Avenue (aka 501 Greenwich Street)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 3, 2010, that a project located at 1653 Grant Avenue (aka 501 Greenwich Street) (Building Permit Application No. 2009.0626.1437, Case No. 2010.0557D) is exempt from environmental review under Categorical Exemption, Class 3 of the CEQA Guidelines (14 Cal. Code Reg Public §15000 et seq.) The proposed project involves installation of a wireless telecommunications service facility to an existing building. The subject property is located in the RM-2 (Residential, Mixed Districts, Moderate-Density) District, the Telegraph Hill-North Beach Residential Special Use District and a 40-X Height and Bulk District, Lot No. 001 in Assessor's Block No. 0088 (District 3) (Appellants: Julie Jaycox and Termeh Yeghiazarian, on behalf of the Telegraph Hill Dwellers). (Clerk of the Board)

(Filed March 4, 2011 - Companion Measure to Files 110308, 110309, 110310.)

The President inquired as to whether any member of the public wished to address the Board. Julie Jaycox and Termeh Yeghiazarian (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Victoria Robinson; Vedica Puri; Joan Wood; Female Speaker; Walter Paulson; David; Zack Stewart; Eric Brooks; Dave Vanka; Daniel Marshall; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Marlena Byrne, Deputy City Attorney, responded to questions raised throughout the discussion. Paul Albritton and Bill Hammett (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Tommy Tang; Ann Yuey; David; Joel Koppel; Geoffrey Winston; Ivria Benor; Jeff Ente; James Bishop; Regina Vana; Carl Hilsz; Marcia Smith; Female Speaker; Steve Ike; Ron Lee; Mike Leon; Marsha Garland; Stefan; David Cruise; Edmund Juicye; Rebekah Shapiro; Jose; Shirley; Mark Leace; spoke in support of the project and in opposition to the appeal. Julie Jaycox and Termeh Yeghiazarian (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

110308 [Affirming the Exemption Determination - 1653 Grant Street]

Motion affirming the determination by the Planning Department that the project located at 1653 Grant Street is exempt from environmental review. (Clerk of the Board)

Motion No. M11-54

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 2 - Mar, Mirkarimi

110309 [Reversing the Exemption Determination - 1653 Grant Street]

Motion reversing the determination by the Planning Department that the 1653 Grant Street project is exempt from environmental review. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 2 - Mar, Mirkarimi

110310 [Preparation of Findings to Reverse the Exemption Determination - 1653 Grant Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1653 Grant Street is exempt from environmental review. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 2 - Mar, Mirkarimi

COMMITTEE REPORT

Recommendation of the Land Use and Economic Development Committee

110410 [Opposing the Golden Gate National Recreation Area's Currently Proposed Draft Off-Leash Policy and Supporting the On-Going Dialogue between GGNRA and San Francisco]

Sponsors: Wiener; Avalos

Resolution putting the San Francisco Board of Supervisors on record as opposing the Golden Gate National Recreation Area's preferred alternatives for dog management.

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED to April 26, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

*Supervisors Elsbernd, Farrell, and Mirkarimi were noted absent at 7:42 p.m.
Supervisors Elsbernd and Farrell were noted present at 7:57 p.m.*

PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Susan Terrence; expressed support for California Poets in the Schools Day.
Susan Herran; expressed support for California Poets in the Schools Day.
Eric Oesterle; expressed concerns relating to the pending closure of the Eagle Tavern.
Michael Talley; expressed concerns relating to the pending closure of the Eagle Tavern.
Anaconda; expressed concerns relating to the pending closure of the Eagle Tavern.
Dee Leitner; expressed concerns relating to the pending closure of the Eagle Tavern.
Brian Morris; expressed concerns relating to the pending closure of the Eagle Tavern.
Peter Kane; expressed concerns relating to the pending closure of the Eagle Tavern.
Brian Morris; expressed concerns relating to the pending closure of the Eagle Tavern.
Wayne Heiss; expressed concerns relating to the pending closure of the Eagle Tavern.
Edmund Juicye; expressed various concerns.*

CLOSED SESSION

110420 [Closed Session - Pension, Health Care, and Retiree Health Care Reform]

Sponsor: Chiu

Motion for the Board of Supervisors to convene in closed session to consult with the Mayor and City's Labor Relations Negotiators for the purpose of reviewing the City's positions and the Mayor's instructions to the Negotiators relating to: (a) pension, health care, and retiree health care reform proposals, and the meet and confer process regarding wages, hours, benefits, and working conditions currently underway between the City and City employee bargaining units to address the costs associated with providing these benefits; and (b) pending labor negotiations with organizations representing employees in the two MOUs expiring June 30, 2011 (e.g., District Attorney Investigators Association and Committee on Interns and Residents), as well as the Unrepresented Ordinance.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Motion No. M11-52

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

(Employee Organizations: Automotive Machinists, Local 1414; Committee on Interns and Residents; Crafts Coalition; District Attorney Investigators Association; Deputy Probation Officers' Assoc.; District Attorneys' Investigators Assoc.; Deputy Sheriffs Association; Electricians, Local 6; Fire Fighters, Local 798; International Federation of Professional and Technical Engineers, Local 21; Institutional Probation Officers' Assoc.; Laborers, Local 261; Local 1414; Local 21; Municipal Attorneys' Association; Municipal Executives' Association; Operating Engineers Local 3; Plumbers, Local 38; Police Officers' Association; Service Employees International Union, Local 1021; Stationary Engineers, Local 39; Supervising Probation Officers' Assoc.; Supervising Registered Nurses; Teamsters Local 350; Teamsters Local 856; Union of American Physicians and Dentists.) These organizations represent police officers, firefighters, airport police, transit workers, nurses, miscellaneous employees, and other City employees.

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.

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 2:42 p.m. to convene in closed session pursuant to the above motion.

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

Persons in attendance:

Mayor Edwin M. Lee

Steve Kawa, Mayor's Chief of Staff

Greg Wagner, Mayor's Budget Director

Micki Callahan, Director of Department of Human Resources

Martin Gran, Director of Employee Relations

Ben Rosenfield, Controller

Cheryl Adams, Deputy City Attorney

Angela Calvillo, Clerk of the Board

Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and Filed.

RECONVENING OF THE BOARD

The Board at the hour of 3:42 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, 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: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**110412 [Fare Schedule for Pedicabs Operated by SF Student Jobs Coalition]****Sponsor: Chiu**

Resolution approving the fare schedule for pedicabs operated by SF Student Jobs Coalition.

Resolution No. 164-11**ADOPTED****110413 [Accept and Expend Grant - Joint Use School Facilities Project - \$23,000]****Sponsors: Chu; Mar**

Resolution authorizing the Department of Children, Youth, and Families to retroactively accept and expend grant funding in the amount of \$23,000 from the California Department of Public Health to fund a collaborative project with the San Francisco Unified School District to develop a policy related to the joint use of school district facilities that will benefit the school district, city, and community by increasing access to space where educational, health, social services, sports, recreation, and other activities can be provided for the period of September 15, 2010, through January 31, 2012.

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

Resolution No. 165-11**ADOPTED****110414 [Accept and Expend Grant - Forensic Science Improvements - \$35,393]****Sponsor: Elsbernd**

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a Paul Coverdell Forensic Science Improvement Grant in the amount of \$35,393 from the California Emergency Management Agency.

Resolution No. 166-11**ADOPTED****110415 [California Poets in the Schools Day - April 16, 2011]****Sponsors: Mar; Chiu**

Resolution declaring April 16, 2011, as California Poets in the Schools Day in San Francisco.

Resolution No. 167-11**ADOPTED****110416 [Supporting Upward Bound Project]****Sponsors: Mirkarimi; Mar**

Resolution in support of the Upward Bound Project and affirming the City's continuing need for such a program, urging the University of San Francisco (USF) to use its best efforts to maintain the Upward Bound Program on the USF Campus thereby assuring that Upward Bound retains its eligibility to receive Federal funds.

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

Resolution No. 168-11**ADOPTED**

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 110411 be severed so that it may be considered separately.

110411 [Supporting California Assembly Bill 889 - Domestic Worker Bill of Rights]

Sponsors: Avalos; Mar

Resolution urging the California legislature and the Governor of California to pass Assembly Bill 889, the "Domestic Worker Bill of Rights," as an expression of respect for the dignity and equality of domestic workers and the importance of the work they perform.

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

Resolution No. 163-11

ADOPTED by the following vote:

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

Absent: 1 - Mirkarimi

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

110434 [Public Works Code - Waiver of Certain Temporary Street Space Occupancy Fees] **Sponsor: Avalos**

Ordinance waiving San Francisco Public Works Code Section 724.1(b), which imposes temporary street space occupancy fees, on Saturday, May 7, 2011, and Saturday, May 21, 2011, for certain streets in San Francisco, as part of Small Business Week Sidewalk Sales.

04/12/11; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/12/2011.

110435 [Business and Tax Regulations Code - Citizen's Advisory Committee - Central Market Street and Tenderloin Area]**Sponsors: Kim; Chiu**

Ordinance amending Article 12-A of the San Francisco Business and Tax Regulations Code by adding Section 906.3-1 to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

04/12/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

110436 [Public Employment - Office of the Public Defender]**Sponsor: Mirkarimi**

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of 0.25 Social Worker in the Office of the Public Defender.

04/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110437 [Appropriating \$6,209,064 of General Fund Reserve and Re-Appropriating \$2,821,843 for Salaries, Disability, and Workers' Compensation - Sheriff's Department for FY2010-2011]**Sponsor: Mayor**

Ordinance appropriating \$6,361,808 of General Fund Reserve and re-appropriating \$2,821,843 of expenditure contingency and debt service savings to fund salary expenditures due to fewer retirements than anticipated, disability pay, and workers' compensation claims in the Sheriff's Department for Fiscal Year 2010-2011.

(Fiscal Impact.)

04/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110229 [Planning Code - Zoning - Treasure Island/Yerba Buena Island - Special Use District]**Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Treasure Island/Yerba Buena Island districts; amending Section 105 relating to height and bulk limits for Treasure Island/Yerba Buena Island; adding Section 249.52 to establish the Treasure Island/Yerba Buena Island Special Use District; adding Section 263.26 to establish the Treasure Island/Yerba Buena Island Height and Bulk District; amending the bulk limits table associated with Section 270 to refer to the Treasure Island/Yerba Buena Island Height and Bulk District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

03/01/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/31/2011.

04/05/11; REFERRED TO DEPARTMENT.

04/12/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**110438 [Agreement - Administration/Management of Ocean Avenue Community Benefits District]****Sponsor: Avalos**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Ocean Avenue Community Benefits District," pursuant to Section 36651 of the California Streets and Highways Code.

04/12/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110439 [Accept and Expend Grant - U.S. Department of Housing and Urban Development Economic Development Initiative Special Projects - \$750,000]**Sponsors: Mayor; Cohen**

Resolution authorizing the Director of the Mayor's Office of Housing to accept and expend an Economic Development Initiative Special Projects Grant from the U.S. Department of Housing and Urban Development in a total amount of \$750,000 to assist with the redevelopment of the Sunnydale public housing site into a mixed-income community.

04/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110440 [Armenian Genocide Commemoration Day - April 24, 2011]**Sponsors: Elsbernd; Chiu**

Resolution declaring April 24, 2011, as Armenian Genocide Commemoration Day in San Francisco.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110441 [Extension of 90 Days for Planning Commission Review - 2301 Market Street]**Sponsor: Wiener**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code by amending Sectional Map HT07 of the Zoning Map of the City and County of San Francisco to: rezone the property located at 2301 Market Street on the corner of Market and Noe Streets from a 50-X height and bulk limit to a 65-X height and bulk limit; making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110445 [Supporting California Assembly Bill 877 - Non-Felony Vehicle Code Violations]**Sponsor: Mirkarimi**

Resolution supporting Assembly Bill 877, which would remove one of the major barriers to self sufficiency for formerly incarcerated people by increasing their chances of obtaining a drivers license.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

110403 [Committee of the Whole - Redevelopment Right-of-Way Improvements - Arelious Walker Drive Stairway]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on April 26, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed \$61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110406 [Committee of the Whole - Redevelopment Improvements - Bayview Opera House and Plaza]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on April 26, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a \$400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a \$785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearings

110442 [Hearing - Comprehensive Report on Family Violence]

Sponsor: Campos

Hearing to review and discuss the Comprehensive Report on Family Violence in San Francisco 2010.

04/12/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110443 [Hearing - Library Card Partnership]

Sponsor: Cohen

Hearing to review and discuss the student library card program involving a partnership between the San Francisco Unified School District and San Francisco Public Library.

04/12/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

110444 [Hearing - Assembly Bill 109 - Criminal Justice Realignment]**Sponsor: Mirkarimi**

Hearing on Assembly Bill 109 regarding the Community Justice Realignment and San Francisco absorbing additional inmates into the County Jails.

04/12/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110404 [Public Hearing - Redevelopment Right-of-Way Improvements - Arelious Walker Drive Stairway]**Sponsor: Cohen**

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed \$61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; ASSIGNED to Board of Supervisors.

110407 [Public Hearing - Redevelopment Improvements - Bayview Opera House and Plaza]**Sponsor: Cohen**

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a \$400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a \$785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; ASSIGNED to Board of Supervisors.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCE****110397 [General Plan Amendments - 2009 Housing Element Update]**

Ordinance amending the San Francisco General Plan by adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan; making findings, including environmental findings and findings of consistency with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

04/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/4/2011.

PROPOSED RESOLUTION

110396 [Airport Lease Agreement - Asiana Airlines, Ltd - Building 648]

Resolution approving and authorizing the execution of Lease No. 11-0049 with Asiana Airlines, Inc., for cargo warehouse and support office space to be occupied by Asiana Airlines, Inc., in Building 648 at the San Francisco International Airport. (Airport Commission)

03/30/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-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 at the following private property locations:

Residential and Commercial Buildings

847 Haight Street

595 Waller Street

524 Waller, on the side

587 Haight Street

577 Haight Street

575 Haight Street

525 Haight Street

505 Haight Street

420 Haight Street

426 Haight Street

428 Haight Street

478 Haight Street

484 Haight Street

542 Haight Street

546 Haight Street

631A Haight Street

627 Haight Street

632 Haight Street

794 Haight Street

796 Haight Street

798 Haight Street

923 Haight Street

904 Haight Street

940 Haight Street

1051 Haight Street

1530 Haight Street

1515 Haight Street

1555 Haight Street

1557 Haight Street

1597 Haight Street

1325 Haight Street

1463 Haight Street

1391 Haight Street

1369 Haight Street

1371 Haight Street

690 Page Street, on east side

399 Steiner Street, on Page

285 Divisadero Street

297 Divisadero Street, on awning

301 Divisadero Street, on awning

550 Divisadero Street

736 Divisadero Street

838 Divisadero Street

848 Divisadero Street

845 Divisadero Street

Approximately 9 Wilmot

Southeast corner of Buchanan and Haight

Billboards
Southwest corner of Divisadero and 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 newsstands at the following locations:

San Francisco Bay Guardian
Northwest and Southwest corners of Fillmore and Post
Southwest corner of Divisadero and Sutter
347 Judah Street
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight
Southwest corner of Hayes and Divisadero
Northeast corner of Post and Divisadero
Southwest corner of Geary and Divisadero
Northeast corner of Broderick and Geary
2825 California Street
Southwest corner of Sutter and Bush
Southwest corner of Post and Buchanan
San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southwest corner of Steiner and Waller
Northeast corner of Steiner and Haight
Southwest corner of Baker and Haight
1451 Haight Street
Southeast corner of Divisadero and Haight
Southwest corner of Geary and Divisadero
Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Northwest corner of Pierce and Haight
Southwest corner of Divisadero and Haight
Southwest corner of McAllister and Divisadero
Southwest corner of California and Divisadero
Southwest corner of Geary and Divisadero
Northeast corner of Broderick and Geary
Southwest corner of Sutter and Bush
SF Weekly
Northeast corner of Post and Buchanan
Southeast corner of Haight and Fillmore
Southwest corner of Divisadero and Haight
Northwest corner of Pierce and Haight
444 Divisadero
Northwest corner of Hayes and Divisadero
838 Divisadero Street
Northeast corner of McAllister and Divisadero
Advertiser
Northeast corner of Ashbury and Haight
Southwest corner of Hayes and Divisadero
Southwest corner of Divisadero and Geary
Northeast corner of Broderick and Geary

Southwest corner of Divisadero and Bush
Northeast corner of Post and Buchanan
Southwest corner of Sutter and Bush
Jobs and Careers
Southwest corner of Hayes and Divisadero
Northwest corner of Post and Buchanan
Open Exchange
Southwest corner of Hayes and Divisadero
803 Divisadero Street
Western Edition HP Journal
Northeast corner of Fulton and Laguna
Northwest corner of Pierce and Haight
Real Estate Times
Southwest corner of Bush and Divisadero

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
Northwest corner of Divisadero and Haight
Northwest corner of Ashbury and Haight
1298 Haight Street
Southeast corner of Masonic and Haight
Southeast corner of Lyon and Haight
Southwest corner of Baker and Haight
Southeast corner of Divisadero and Haight
Southeast corner of Oak and Divisadero
Northwest corner of Hayes and Divisadero
Northeast corner of Golden Gate and Divisadero
Approximately 1980 Divisadero Street
Southwest corner of California and Divisadero
Mailboxes
2299 Post Street
Northeast corner of Divisadero and Haight
1401 Haight Street
Southwest corner of Oak and Divisadero
Northeast corner of McAllister and Divisadero
Northwest corner of Geary and Divisadero
Southeast corner of Broderick and California
Northeast corner of Fell and Buchanan
Public Benches
Beiderman and O'Farrell Mini-Park
Street Walls and Overpasses
Opposite of 553 Linden
Fire Hydrants
Northeast corner of Pierce and Haight
Northeast corner of Webster and Waller
Southeast corner of Page and Divisadero
Southeast corner of Baker and Divisadero
Curbstones
Southeast corner of McAllister and Laguna

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 public property locations:

Utility Boxes

Northeast corner of Post and Broderick
Northeast corner of Waller and Pierce
Southwest corner of Turk and Laguna
Southeast corner of Fell and Buchanan
Northwest corner of Ashbury and Haight

Bus Shelters

Northwest corner of Divisadero and Haight
1080 Haight Street
Southeast corner of Divisadero and Haight
Southwest corner of Geary and Divisadero

Parking Meters

529 Haight Street
432 Haight Street
454-66 Haight Street
1519 Haight Street
837 Divisadero Street

Parking and Traffic Signs

518 Waller Street
904 Haight Street
399 Steiner Street
940 Page Street
2396 Pine Street
Approximately 1260 Divisadero Street
1310 Divisadero Street
Northeast corner of Pine and Broderick
1015 Laguna Street
485 Oak Street

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 poles at the following locations:

Metal Poles

1035 Haight Street
1059 Haight Street
110 Webster Street
1126 Haight Street
1234 Divisadero Street
1292 Haight Street
1364 Haight Street
1369 Haight Street
1391 Haight Street
1426 Haight Street
1444 Haight Street
1475 Haight Street
1750 Divisadero Street
2374 Pine Street
2716 Pine Street
2729 Pine Street
2793 Pine Street
2801 Pine Street
2814 Pine Street
2817 Pine Street

2852 Pine Street
528 Waller Street
532 Waller Street
655 Divisadero Street
707 Haight Street
847 Haight Street
875 Haight Street
902 Haight Street
908 Page Street
930 Haight Street
936 Page Street
937 Haight Street
962 Haight Street
973 Haight Street
Approximately 1004 Haight Street
Approximately 1115 Haight Street
Approximately 1145 Haight Street
Approximately 1167 Haight Street
Approximately 1201 Haight Street
Approximately 1211 Haight Street
Approximately 1251 Haight Street
Approximately 1280 Divisadero Street
Approximately 1580 Divisadero Street
Approximately 2105 O'Farrell
Approximately 3 Wilmot Street
Approximately 35 Inca Lane, within Rosa Parks Elementary playground
Approximately 780 Laguna Street
Approximately 96 Wilmot Street
Northeast corner of Fulton and Laguna
Southeast corner of Buchanan and Fell
Southeast corner of California and Divisadero

In Memoriams

William J. "Bill" Lowenberg—Supervisors Mirkarimi and Wiener
Andy Zeng – President Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:05 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 May 17, 2011.

Angela Calvillo, Clerk of the Board