

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, May 10, 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, Commissioners 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

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.*

## **AGENDA CHANGES**

*There were none.*

## **APPROVAL OF MEETING MINUTES**

**Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of April 5, 2011, and Special Board Meeting Minutes at the Budget & Finance Committee Meeting (File Nos. 110225 and 110113) of April 6, 2011. The motion carried by the following vote:**

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

## **COMMUNICATIONS**

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, regarding the 2010 biennial census data, and from Ben Rosenfield, Controller, regarding the Deferred Retirement Option Program. There were no other communications.*

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

### 110545 [Formal Policy Discussions - May 10, 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 2, 4, 6, 8, and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. What, if any, are the status of discussions with the San Francisco 49ers to keep them in our City, and with the Golden State Warriors to potentially draw them to San Francisco? (Supervisor Farrell, District 2)
2. The Board of Supervisors has considered, and is in the process of considering, several proposals to attract and to keep large businesses in our City. How do you think our City can proactively help smaller businesses in our many local business corridors? (Supervisor Chu, District 4)
3. In 1989, voters approved San Francisco's Sanctuary City Ordinance which prohibits our Police Department and local government officials from assisting in the prosecution of immigration enforcement unless it is absolutely required under Federal or State law. In 2009, this body, under Supervisor Campos' leadership, passed-by a supermajority-a clarification to that ordinance to prohibit our law enforcement from reporting undocumented youths unless they are convicted of a felony. To date, this ordinance has not been followed by the City. What is your plan to implement this Ordinance to prohibit the Juvenile Probation Department from reporting undocumented youths at the time of arrest? (Supervisor Kim, District 6)
4. We in San Francisco do a very good job building market rate housing and, while we need to do more, we build almost 80% of our state goal for low-income housing. We do a poor job building moderate income housing, meeting only 12% of our state goal. Since middle-income housing is not reported separately from market rate housing, it is unknown how much middle-income housing we produce. Implementing our local hiring ordinance will be very difficult if we don't produce the needed moderate and middle income housing for these local hires. How do you propose increasing the amount of housing affordable to middle income people, so that we can house our workforce locally? (Supervisor Wiener, District 8)
5. The Potrero Power Plant ceased operations on February 28, 2011, a day that came after many years of work and struggle involving the City and many community partners. Now that the closure of the plant has been achieved, the dialogue must shift to the objectives of cleaning-up, and ultimately, reusing the site. Much of the responsibility for remediating the site lies with the Pacific Gas and Electric Company. What will be your approach to ensure that this clean-up is achieved in a timely manner? How can the Mayor's Office help drive the process of remediation and redevelopment forward? (Supervisor Cohen, District 10)

*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

### Recommendation of the Budget and Finance Sub-Committee

**110151 [Appropriating \$6,995,000 of State Loans - West Marina Yacht Harbor Renovations for FY2010-2011]**

**Sponsor: Farrell**

Ordinance appropriating \$6,995,000 of loan funding from the California Department of Boating and Waterways for the renovation of the West Harbor of the San Francisco Marina Yacht Harbor in the Department of Recreation and Park for FY2010-2011.

(Fiscal Impact.)

**Ordinance No. 76-11**

**FINALLY PASSED**

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

**110281 [Public Works Code, Administrative Code, and Health Code - Consolidate Existing Department of Public Works' Nuisance Enforcement, Abatement, and Cost Collection Processes]**

**Sponsors: Mirkarimi; Wiener and Cohen**

Ordinance amending portions of the San Francisco Public Works Code, Administrative Code, and Health Code to: 1) consolidate and streamline Department of Public Works' enforcement, abatement, and cost collection processes for public nuisances, including amendments to Administrative Code Chapter 80, Sections 80.3 and 80.8, Public Works Code Sections 170, 174.1, 707.1, 727, 735, and Health Code Article 6, Section 291.2; 2) repealing Public Works Code Sections 174.2 through 174.13, 728 through 734, and 735.1 through 735.4; 3) renumbering Public Works Code Section 707.1 as 706.9; and 4) to make environmental and other required findings.

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

**Ordinance No. 77-11**

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Land Use and Economic Development Committee

#### **110114 [Environment Code - Yellow Pages Distribution Pilot Program]**

**Sponsors: Chiu; Mar, Mirkarimi, Wiener and Cohen**

Ordinance adding Chapter 20 to the Environment Code to establish a three-year pilot program to reduce waste in the distribution of Yellow Pages phone directories to private residences and businesses in San Francisco, and to reduce neighborhood blight, by restricting distribution to circumstances where: 1) there is personal delivery of the directory to a human being, 2) there has been a request for delivery of the directory to the residence or business, or 3) directories are maintained for pick-up at a distribution center or business open to the public; mandating a public outreach program to educate the public about the environmental harms associated with excessive distribution of Yellow Pages phone directories, develop and publicize alternatives to private possession of such directories, and inform the public of the option and means of obtaining such directories; and making environmental findings.

(Economic Impact.)

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

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

Noes: 1 - Elsbernd

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**110330 [Administrative Code - Public Work Construction Contractor/Subcontractor Appeal Hearing Procedures for Non-Compliance with Prevailing Wage Requirements]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code, Section 6.22, Public Work Construction Contract Terms and Working Conditions, by amending Subsection 6.22(E)(8) to further delineate due process procedures for administrative hearings on appeals by public work contractors and/or subcontractors from a Certification of Forfeiture made by the City's Labor Standards Enforcement Officer or responsible department head for non-compliance with prevailing wage requirements; and to additionally conform distribution of forfeiture provisions to State law.

**Supervisor Chiu, seconded by Supervisor Chu, moved that this Ordinance be AMENDED on Page 10, Lines 5-8, specifying that Administrative Law Judges will require at least 10 year's employment with the City as an Administrative Law Judge, including two year's experience in labor law, prevailing wage, and or wage and hour matters.**

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

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

**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.

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

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

**110520 [Accept and Expend Grant - Electric Vehicle Infrastructure - \$100,000]**

**Sponsors: Mayor; Mar**

Resolution authorizing the San Francisco Department of the Environment to accept and expend a grant of \$100,000 from the Bay Area Air Quality Management District to contribute to the cost of installing 60 publicly available electric vehicle chargers.

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

**Resolution No. 198-11**

**ADOPTED by the following vote:**

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

**From the Budget and Finance Sub-Committee Without Recommendation**

**100920 [Finding of Fiscal Feasibility - Cruise Terminal Project at Pier 27]**

Resolution finding the proposed cruise terminal project at Pier 27 is fiscally feasible pursuant to Administrative Code Chapter 29. (Port)  
(Supervisor Kim dissented in Committee.)

**Resolution No.** 197-11

**ADOPTED by the following vote:**

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

**Recommendation of the 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 \$6,209,064 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.)

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

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

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### **110423 [Public Hearing - Report of Assessment Costs for Blighted Properties]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or abatement of blighted conditions ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

*The President inquired as to whether any member of the public wished to address the Board. Kenny Bruce (Department of Public Works) provided an overview of the assessments. Arthur Brayson; Maddy Olivey; Diana Lau; Blake Williams; Kevin Gilrad; Male Speaker; Male Speaker; Larry Williams; George Lasalle; Brian Maloney; Frank; Male Speaker; Dolan; Walter Paulson; Male Speaker; spoke objecting to the proposed assessments. Kenny Bruce (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

### Committee of the Whole Adjourn and Report



**110424 [Report of Assessment Costs for Blighted Properties]**

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

*Kenny Bruce (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment:*

*1098 Hollister Avenue*

*1452 Bush Street*

*1461 Pine Street*

*1600 Irving Street*

*2250 Irving Street*

*2374 Mission Street*

*688 Commercial Street*

*745 Sutter Street*

*873 Sutter Street*

*907 Larkin Street*

*1482 Jackson Street*

*875 Bush Street*

*667 Monterey Boulevard*

*The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 110424, were received without objection.*

**Resolution No. 194-11**

**ADOPTED, after accepting the amendments to the accompanying report, 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 Kim, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

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

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Human Service Agency's Job Club in recognition of their work supporting clients prepare for employment.*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Rob Daniels (SFUSD) on behalf of the Young at Arts Festival in recognition of their accomplishments and continued community support. Antigone Trimis and Susan Stauter shared in the recognition.*

**SPECIAL ORDER 4:00 P.M.****110452 [Public Hearing - Appeal of Final Environmental Impact Report - 2004 and 2009 Housing Elements]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's March 24, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2007.1275E, through its Motion No. 18307, for the 2004 and 2009 Housing Elements (Citywide). (Appellant: Kathryn R. Devincenzi, on behalf of various organizations.) (Filed April 12, 2011; Companion to File Nos. 110453, 110454, and 110455.)

*The President inquired as to whether any member of the public wished to address the Board. Kathryn Devincenzi (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. David Bisho; Patricia Vaughey; Geoff Wood; Anne Harvey; Susan Land; Rose Hillson; Dan Levinson; Ken Hoegger; Marilyn Amini; Mark Soloman; Matt Chamberlain; Karen Breslin; Joyce Goode; Barbara Morgan-Zanni; Barbara Wanvig; Nancy Leavens; Barbara Howard; Moral Kirshinval; Paul Wermer; Bob Bardell; Serena Bardell; Hirushi Fukuda; Joan Girardot; George Webbing; Judy Burkowitz; Karen Wood; Former Supervisor John Bardis; spoke in support of the appeal. Sarah Jones and Jessica Range (Planning Department) provided an overview of the decision of the Planning Department. John Rahaim, Planning Department Director, Sarah Jones, Jessica Range, and Sarah Dennis-Phillips (Planning Department), and Audrey Pearson (City Attorney's Office) responded to questions raised throughout the discussion. Tim Colen; spoke in support of the decision of the Planning Department. Kathryn Devincenzi (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**

**110453 [Affirming Certification of Final Environmental Impact Report - 2004 and 2009 Housing Elements]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements. (Clerk of the Board)

**Motion No. M11-72**

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

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

**110454 [Reversing Certification of Final Environmental Impact Report - 2004 and 2009 Housing Elements]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements. (Clerk of the Board)

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

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

**110455 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 2004 and 2009 Housing Elements]**

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 2004 and 2009 Housing Elements. (Clerk of the Board)

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

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**PUBLIC COMMENT**

*Abdallah Megahed; expressed various concerns.*

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

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

*Eugene Gordon, Jr.; expressed various concerns.*

*Maggie Scott; expressed concerns relating to human services and solving child homicides and violence in the community.*

*Paul Maher; expressed concerns relating to disinfection in the workplace.*

*Male Speaker; expressed concerns relating to elder abuse.*

*Ace Washington; expressed various concerns.*

*Male Speaker; expressed various religious concerns.*

*Bobbi Lopez; expressed concerns relating to implementation of the sanctuary policy.*

*Patricia Vaughey; expressed concerns relating to human rights.*

*Scott Pfiefer; expressed concerns relating to blighted properties.*

*Male Speaker; expressed concerns relating to Local Homeless Coordinating Board and potential appointments.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****110566 [Honoring the Mother of the Children's Fund, Margaret Brodtkin, on the 20th Anniversary of the Children's Fund]**

**Sponsor: Avalos**

Resolution honoring Margaret Brodtkin as the "Mother of the Children's Fund" on the occasion of the 20th Anniversary of the Children's Fund, in the City and County of San Francisco.

**Resolution No. 196-11**

**ADOPTED**

**110567 [Accept and Expend Grant - Infertility Prevention Project Training Program - \$41,892]****Sponsor: Chu**

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$41,892 from the California Family Health Council to fund the Infertility Prevention Project Training Program for the period of July 1, 2011, through December 31, 2011.

**Resolution No. 199-11****ADOPTED****110569 [Merced Branch Library Grand Reopening]****Sponsor: Elsbernd**

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

**Resolution No. 195-11****ADOPTED****110570 [Execution of Homeland Security Grants]****Sponsor: Mayor**

Resolution authorizing designated City and County of San Francisco officials to execute and file, on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security, and sub-granted through the State of California under various grant programs, including: 1) FY2011 Homeland Security Grant Program, for the FY2011 Urban Areas Security Initiative grant; 2) FY2011 Regional Catastrophic Preparedness Grant Program; 3) FY2011 State Homeland Security Grant Program (which includes the Metropolitan Medical Response System and Citizen Corps Programs); 4) FY2011 Emergency Management Performance Grant; and 5) Public Law 112-10.

**Resolution No. 200-11****ADOPTED**

**110510 [Committee of the Whole - Purchase/Sale Agreement and Ground Lease - East Side of Arelious Walker Drive, at Gilman, and 5800 Third Street - May 17, 2011]****Sponsor: Cohen**

Motion scheduling the Board to sit as a Committee of the Whole on May 17, 2011, at 3 p.m., to hold a public hearing of the proposals of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider the proposed Purchase and Sale Agreement between the Redevelopment Agency of the City and County of San Francisco (San Francisco Redevelopment Agency) and McCormack Baron Salazar, Inc., a Missouri corporation (MBS), for the sale to MBS of Assessor's Parcel No. 4884, Lot No. 27, located at the east side of Arelious Walker Drive, at Gilman Avenue, conditioned upon MBS's receipt of a Choice Neighborhoods Initiative Grant Award from the U.S. Department of Housing and Urban Development for the revitalization of Alice Griffith Public Housing, pursuant to the provisions of the California Community Redevelopment Law Section 33433 and a Resolution to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 5800 Third Street, Assessor's Parcel No. 5431A-042, to Bayview Supportive Housing, LLC., a California limited liability company, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

**Motion No. M11-73****APPROVED****110514 [Committee of the Whole - Ground Lease Agreement - 1075 LeConte Avenue, Commonly Known at 6600 Third Street - May 17, 2011]****Sponsor: Cohen**

Motion scheduling the Board to sit as a Committee of the Whole on May 17, 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 the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 1075 Le Conte Avenue, Assessor's Parcel No. 009-5476, commonly known as 6600 Third Street (Property), to Third & LeConte Associates, LP, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

**Motion No. M11-74****APPROVED****The foregoing items were acted upon by the following vote:**

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

**IMPERATIVE AGENDA**

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

#### Ordinances

**110594 [Administrative Code - Enforcement of Minimum Wage Laws by the Office of Labor Standards]**

**Sponsors: Campos; Mar, Avalos, Chiu, Mirkarimi and Kim**

Ordinance amending the San Francisco Administrative Code Sections 12R.5, 12R.7, 12R.16, 12R.17, 12R.18, and 12R.25 to: 1) enhance Office of Labor Standards enforcement of the City's minimum wage laws by clarifying agency access to places of employment; 2) require enforcement actions to be completed within one year, raising the penalty for employer retaliation; 3) impose a penalty for failure to post minimum wage rates; 4) provide for posting notice to employees upon commencement of an investigation and public posting of employer non-compliance with penalties; 5) provide authority to immediately issue an administrative citation upon sufficient evidence of certain violations; and 6) require industry-focused outreach materials for employees.

05/10/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 6/2/2011.

**110595 [Convening the Redistricting Task Force]**

**Sponsors: Chiu; Kim**

Ordinance convening the Redistricting Task Force, pursuant to Charter Section 13.110(d), and amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-397 to include the Redistricting Task Force in the City's Conflict of Interest Code.

05/10/11; ASSIGNED to Rules Committee.

**110116 [Planning Code - Zoning Map - Presidio-Sutter Special Use District - 800 Presidio Avenue]**

**Sponsor: Farrell**

Ordinance amending the San Francisco Planning Code by adding Section 259.53 to: 1) establish the Presidio-Sutter Special Use District for property at 800 Presidio Avenue (Assessor's Block No. 1073, Lot No. 13); 2) amend Sheet HT03 of the Zoning Map to change the Height and Bulk District from 40-X to 45-X; and 3) amend Sheet SU-03 of the Zoning Map to reflect the boundaries of the Presidio-Sutter Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

02/01/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/3/2011.

02/09/11; REFERRED TO DEPARTMENT.

05/10/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

**110507 [Appropriating Surplus Revenues and Expenditures and General Fund Reserve to Support Shortfalls in the Department of Public Health for FY2010-2011 - \$29,494,813]**

**Sponsor: Mayor**

Ordinance recognizing state revenue losses of \$18,484,060 at San Francisco General Hospital and appropriating \$31,055,000, including \$8,104,000 of General Fund Reserve, \$14,851,000 of surplus Laguna Honda Hospital revenues, \$1,925,000 of surplus San Francisco General Hospital revenues, de-appropriating \$6,175,000 of non-hospital operations expenditures at San Francisco General Hospital to fund cost overruns in the Department of Public Health including \$20,334,000 at San Francisco General Hospital and \$10,721,000 at Laguna Honda Hospital for FY2010-2011. (Fiscal Impact.)

04/26/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

05/10/11; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

## **Resolutions**

**110597 [Accept and Expend Grant - Transportation Development Act, Article 3 - \$696,000]**

**Sponsor: Chiu**

Resolution authorizing the Municipal Transportation Agency to accept and expend a grant from the State Transportation Development Act Article 3 funds totaling \$696,000 including \$341,000 for the Department of Public Works and \$355,000 for various pedestrian and bicycle projects in San Francisco in FY2011-2012.

05/10/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**110598 [Accept and Expend Grant - Non-Structural Seismic Retrofit - \$999,999]**

**Sponsor: Cohen**

Resolution authorizing the Department of Public Health and San Francisco General Hospital to retroactively accept and expend a federal pass-through state grant in the amount of \$999,999 from the California Emergency Management Agency (CalEMA), to support San Francisco General Hospital's non-structural retrofit activities for the period February 15, 2011, through February 14, 2014, and waiving indirect costs.

05/10/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**110599 [Grant Easement to, and Acceptance of Easement Purchase and Sale Agreement and Delivery Truck Easement Agreement - Avalon Ocean Avenue, L.P. - Phelan Bus Loop]**

**Sponsor: Elsbernd**

Resolution approving the execution of an Easement Purchase and Sale Agreement, together with a Delivery Truck Easement Agreement, by and between the City and County of San Francisco, acting by and through the Municipal Transportation Agency, and Avalon Ocean Avenue, L.P., a Delaware Limited Partnership for the Phelan Bus Loop.

05/10/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**110600 [Fillmore Jazz Community Benefit District Expansion and Renaming to Fillmore Community Benefit District]****Sponsor: Mirkarimi**

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

05/10/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**110601 [Supporting Filipino Veterans Fairness Act]****Sponsors: Chiu; Mar, Cohen, Kim, Mirkarimi and Avalos**

Resolution supporting the Filipino Veterans Fairness Act of 2011, House of Representative Bill 210.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110602 [Public Works Week - May 15-21, 2011]****Sponsor: Chiu**

Resolution proclaiming May 15 through May 21, 2011, as Public Works Week in the City and County of San Francisco, commending the women and men of the Department of Public Works, and calling upon all of its residents, businesses, and neighborhood and merchant organizations to work in collaboration with the department as it enhances the quality of life in San Francisco.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110603 [Memorandum of Understanding Second Amendment - Urban Areas Security Initiative Grant Funds]****Sponsor: Chu**

Resolution approving a Second Amendment to the Memorandum of Understanding (MOU) between the City and County of San Francisco, the City of Oakland, the City of San Jose, the County of Alameda, and the County of Santa Clara, that establishes a governance structure and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative Grant Funds to the Bay Area Urban Area, to extend the term of the MOU to December 31, 2011, and authorizing the Executive Director of the Department of Emergency Management to execute that Second Amendment on behalf of the City and County of San Francisco.

05/10/11; ASSIGNED to Government Audit and Oversight Committee.

**110604 [Apply for Grant - Installation of Rubber Sidewalks - Not to Exceed \$12,600]****Sponsor: Cohen**

Resolution authorizing the City and County of San Francisco to apply for grant funds in the amount up to, but not to exceed, \$12,600 from the California Department of Resources Recycling and Recovery, Tire-Derived Product Grant Program for the purpose of installing rubber sidewalks and preserving mature trees.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



**110605 [National Safe Boating Week - May 20-29, 2011]****Sponsor: Elsbernd**

Resolution proclaiming May 20-29, 2011, as "National Safe Boating Week" in the City and County of San Francisco.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110606 [Accept and Expend Grant - Pesticide Use Reporting - \$2,528]****Sponsor: Mar**

Resolution authorizing the Department of Public Health to accept and expend a grant (Agreements #11-C0035) in the amount of \$2,528 from the California Department of Pesticide Regulation to fund the program entitled "Pesticide Use Reporting" for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110607 [Accept and Expend Grant - Weed Management - \$16,757]****Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a state grant (Agreement #10-0794) in the amount of \$16,757 from the California Department of Food and Agriculture to fund the program entitled "Weed Management" for the period of January 1, 2011, through December 31, 2011, and waiving indirect costs.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110608 [Accept and Expend Grant - Petroleum Products Compliances and Weighmaster Enforcement Program - \$8,250]****Sponsor: Mar**

Resolution authorizing the Department of Public Health to accept and expend a grant (Agreements #11-0036-SA) in the amount of \$8,250 from the California Department of Food and Agriculture to fund the program entitled "Petroleum Products Compliances and Weighmaster Enforcement Program" for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110609 [St. Paul's Centennial Celebration Day - May 29, 2011]****Sponsors: Wiener; Elsbernd**

Resolution honoring the centennial of St. Paul's Catholic Church and proclaiming May 29, 2011, to be "St. Paul's Centennial Celebration Day" in the City and County of San Francisco.

05/10/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110610 [Department of Children, Youth, and Their Families Community Needs Assessment]****Sponsor: Mayor**

Resolution approving the Community Needs Assessment developed by the Department of Children, Youth, and Their Families, in accordance with Section 16.108 of the San Francisco Charter.

05/10/11; ASSIGNED to City Operations and Neighborhood Services Committee.

**110238 [Establishing a Biofuels Citizen's Advisory Committee]****Sponsor: Mirkarimi**

Resolution establishing a Biofuels Citizen's Advisory Committee (CAC), establishing its sunset date, establishing the number of voting members of the CAC, appointing certain members of the former Biodiesel Access Taskforce to the CAC, and directing the CAC to establish biofuels sustainability standards.

03/01/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

03/18/11; TRANSFERRED to Rules Committee.

05/10/11; SUBSTITUTED AND ASSIGNED to Rules Committee.

**Requests for Hearing****110611 [Hearing - Nine Month Budget Status Report]****Sponsor: Chu**

Hearing to receive an update from the Controller's Office on the Nine Month Budget Status Report.

05/10/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**110612 [Hearing - Mayor's FY2011-2012 Proposed Budget Discussion - Controller's Revenue Letter]****Sponsor: Chu**

Hearing to receive report from the Controller's Office on their revenue letter, a discussion of the Mayor's FY2011-2012 proposed budget.

05/10/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**110613 [Hearing - Family Violence Comprehensive Report 2010]****Sponsor: Mirkarimi**

Hearing on the comprehensive report for the San Francisco Family Violence 2010.

05/10/11; RECEIVED AND ASSIGNED to Public Safety Committee.

**Introduced by the President at the Request of a Department****PROPOSED ORDINANCE****110482 [Planning Code - Miscellaneous Technical Amendments]**

Ordinance amending the San Francisco Planning Code to: 1) correct clerical errors, make language revisions and update Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2, 205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1, and various Sections and Tables in Articles 7 and 8; and 2) adopting findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

04/28/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/9/2011.

## PROPOSED RESOLUTIONS

### **110485 [Official Advertising - FY2011-2012]**

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for all official advertising (Type 1 and Type 2) for FY2011-2012. (Office of Contract Administration)

05/02/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **110487 [Contract Amendment - En Pointe Technology Sales Inc. - Not to Exceed \$28,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the First Amendment between the City and En Pointe Technology Sales, Inc. (En Pointe, part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from \$24,000,000 to \$28,000,000 and update certain standard contractual clauses. (Office of Contract Administration)  
(Fiscal Impact.)

04/28/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**Requests Granted**

*From: Supervisor Avalos*

*To: City Attorney*

*Requesting/Inquiring: Requesting the City Attorney to draft a housing bond that will fund:*

- 1. Affordable housing development including affordable family housing, transit-oriented development to meet the region's Sustainable Communities Strategies goals.*
- 2. Upgrades to single-family homes including seismic safety retrofits, green energy production and energy efficiency measures, and bringing buildings up to code.*
- 3. Down payment assistance for first-time homebuyers and homebuyers wishing to purchase after a foreclosure.*
- 4. Silent loans for homeowners at-risk of default and foreclosure.*

*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*

*Southwest corners of Fillmore and Post*

*Southeast corner of Stanyan and Parnassus*

*Southwest corner of Divisadero and Sutter*

*Northeast corner of 6th Avenue and Judah*

*2821 California*

*1825 Post*

*Southwest corner of Hayes and Divisadero*

*Northwest corner of Hayes and Fillmore*

*Southeast corner of Fillmore and Haight*

*Northwest corner of 6th Avenue and Irving*

*Northwest corner of Funston and Irving*

*San Francisco Chronicle:*

*Northwest corner of Fillmore and Hayes*

*Southeast corner of Haight and Fillmore*

*Northeast corner of Frederick and Stanyan*

*Southwest corner of 5th Avenue and Irving*

*Southwest corner of Haight and Clayton*

*Southeast corner of Divisadero and Hayes*

*Approximately 1304 Hayes*

*Southwest corner of California and Fillmore*

*Southwest corner of California and Divisadero*

*Northwest corner of 6th Avenue and Irving*

*Southeast corner of Haight and Masonic*

*Southwest corner of Judah and 9th Avenue*

*Southeast corner of Cole and Haight*

*Southeast corner of Broderick and Oak*

*Examiner*

*Northwest corner of Fillmore and Hayes*

*Southeast corner of Haight and Fillmore*

*Northwest corner of 5th Avenue and Irving*

*Southwest corner of McAllister and Divisadero*

*SF Weekly*

*Southeast corner of Masonic and Haight*

Southeast corner of Broderick and Oak  
Southwest corner of Broderick and Hayes  
Southeast corner of Haight and Fillmore  
Southwest corner of California and Divisadero  
2821 California  
1825 Post  
Southeast corner of Webster and Post  
Southwest corner of Parnassus and Stanyan  
Southwest corner of Fillmore and Sutter  
Southwest corner of Waller and Cole  
Northeast corner of Cole and Haight  
Southwest corner of Judah and 9th Avenue

*Advertiser*

Southwest corner of Arguello and Irving  
Southwest corner of California and Divisadero

*Jobs and Careers*

Northwest corner of Judah and 9th Avenue  
1825 Post  
WritingClass.com  
2821 California

*USA Today*

Northwest corner of Funston and Irving

*Real Estate Times*

2821 California

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:*

*Utility Boxes*

Northeast corner of Broderick and Hayes  
Southeast corner of Fell and Scott  
Approximately 1440 Fillmore  
Southwest corner of McAllister and Divisadero  
Opposite of 2570 Pine  
Northeast corner of Oak and Buchanan  
Southeast corner of Buchanan and Waller  
Southwest corner of Fell and Buchanan

*Bus Shelters*

Opposite of 950 Fillmore  
Northeast corner of Parnassus and Shrader  
Southwest corner of Haight and Buena Vista East  
Southwest corner of Haight and Pierce  
Southwest corner of Fillmore and Hayes  
Southwest corner of Scott and Hayes  
Approximately 1304 Hayes  
Southeast corner of Divisadero and Hayes

*Emergency Boxes*

Northeast corner of 3rd Avenue and Irving  
Northeast corner of Frederick and Cole

Southwest corner of Lyon and Oak  
Northwest corner of Pierce and Sutter  
Southwest corner of Grove and Fillmore

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

Garbage Cans  
Northeast corner of 2nd Avenue and Irving  
639 Frederick  
Northwest corner of Judah and 7th Avenue  
Northwest corner of Broderick and Hayes  
Southwest corner of Waller and Fillmore

Mailboxes  
Southeast corner of Broderick and California  
Southeast corner of Frederick and Stanyan

Street Walls and Overpasses  
Columns at Willard and Frederick entrance to Kezar Stadium  
Opposite 126 Irving  
South facing wall, Fillmore Mini-Park

Curbstones  
Southwest corner of 18th Avenue and Irving  
Southwest corner of 9th Avenue and Irving

Fire Hydrants  
Southeast corner of Oak and Lyon  
Southeast corner of Fillmore and Grove  
Northeast corner of Parnassus and Shrader

From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of resolving problems with the conditions of street surfaces or sidewalks at the following locations:

Sidewalk Dumping  
1485 Oak  
1816 Broderick

Dangerous Sidewalks  
30 Irving  
2045 Sutter

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

Metal Poles  
Southwest corner of Haight and Buchanan  
242 Haight  
610 Buchanan  
418 Haight

208 Scott  
1751 Fulton  
546 Haight  
542 Haight  
867 McAllister  
Northeast corner of Laguna and McAllister  
785 Fulton  
485 Oak  
Northwest corner of Hayes and Buchanan  
Approximately 705 Buchanan  
108 Webster  
689 Frederick  
960 Stanyan  
Approximately 1101 Shrader  
Northeast corner of Parnassus and Shrader  
1655 Oak  
1387 Oak  
Approximately 1311 Oak  
1359 Hayes  
1309 Hayes  
1241 Grove  
1143 Fell  
Approximately 885 Page  
579 Waller  
505 Waller  
2729 Pine  
Opposite 950 Fillmore

Wood Poles  
Northwest corner of Fell and Fillmore  
1309 Hayes  
1069 Oak

Concrete Poles  
760 Webster  
Approximately 1280 Oak  
Approximately 1250 Oak

**In Memoriams**

Omar Ahmad – Entire Board  
James Hudson – Supervisor Mirkarimi

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 6:49 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 June 21, 2011.*

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Angela Calvillo, Clerk of the Board