

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, March 2, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

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

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100052 [Appropriating \$410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]

Sponsor: Elsbernd

Ordinance appropriating \$410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.

(Fiscal Impact.)

Ordinance No. 42-10

FINALLY PASSED

100142 [Appropriating \$2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]**Sponsors: Mayor; Dufty**

Ordinance appropriating \$2,816,535 of various revenues, including \$672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, \$1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and \$828,702 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010, and placing \$284,783 of salaries and fringe benefits in the In-Home Support Services Investigations program on Budget and Finance Committee reserve.

Ordinance No. 43-10**FINALLY PASSED****100143 [Public Employment - Human Services Agency]****Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 42 new positions (17.64 FTEs) at the Human Services Agency.

Ordinance No. 44-10**FINALLY PASSED****100161 [Adopting Implementation Plan for CleanPowerSF]****Sponsors: Mirkarimi; Campos, Mar, Dufty, Chiu and Daly**

Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

Ordinance No. 45-10**FINALLY PASSED****Recommendations of the City Operations and Neighborhood Services Committee****091424 [Liquor License - 84 Second Street]**

Resolution determining that the issuance of a Type 21 Off-Sale beer, wine, and distilled spirits license to Nassir A. Zughayir for Sammy's located on Second at 84 Second Street will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 62-10**ADOPTED**

100032 [Liquor License, 461 Pacific Avenue]

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Jim Howell, for the Barrel Cellar, LLC located at 461 Pacific Avenue, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 63-10

ADOPTED

100083 [Liquor License, 2111 Market Street]

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Maarten Bon, for Cork located at 2111 Market Street, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 64-10

ADOPTED

100137 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - \$200,000]

Sponsor: Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of \$200,000 for the Urban Forestry Project.

Resolution No. 65-10

ADOPTED

100138 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - \$65,000]

Sponsor: Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Education Grant administered by the California Department of Forestry and Fire Protection in the amount of \$65,000 for the Urban Forestry Project.

Resolution No. 66-10

ADOPTED

Recommendations of the Land Use and Economic Development Committee**091407 [Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]**

Sponsors: Mar; Maxwell

Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes."

Ordinance No. 46-10

FINALLY PASSED

100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]**Sponsor: Dufty**

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

Ordinance No. 47-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

REGULAR AGENDA**UNFINISHED BUSINESS****From the Board****100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]****Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

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

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

Excused: 1 - Alioto-Pier

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

091433 [Reducing Employer Retirement Benefit Costs]**Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 4 - Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Excused: 1 - Alioto-Pier

Board of Supervisors Sitting as a Committee of the Whole**100218 [Committee of the Whole - Reducing Employer Retirement Benefit Costs]**

Hearing of persons interested in or objecting to proposed Charter Amendments relating to reducing employer retirement benefit costs. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to "Reducing Employer Retirement Benefit Costs" as referenced in File No. 100156. Tim Paulson spoke expressing concerns relating to pension reform. Robert Haaland (SEIU) spoke expressing various concerns. Bob Muskat (Labor Council) spoke expressing concerns relating to cost savings to the City. Tom O'Conner (Fire Union) spoke expressing concerns relating to pension reform. 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 Without Recommendation**

From the Board**100156 [Reducing Employer Retirement Benefit Costs]****Sponsors: Mar; Campos, Elsbernd and Mirkarimi**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, City and County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

ORDERED SUBMITTED by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100059 [Appropriating \$3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing \$406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

100099 [Appropriating \$1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]

Sponsors: Mar; Daly

Ordinance appropriating \$1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

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

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

100134 [Health Service System Plans and Contribution Rates]

Sponsor: Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

100135 [Establishing Monthly Contribution Amount to Health Service Trust Fund]**Sponsor: Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

Resolution No. 67-10**ADOPTED by the following vote:**

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

Excused: 1 - Alioto-Pier

091344 [Redevelopment Agency Bond Authorization - \$28,000,000]**Sponsors: Mayor; Avalos**

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED to March 16, 2010. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

100007 [Approving Central Subway Final Design Contract Package No. 2 - Stations - Not to Exceed \$39,949,948]**Sponsor: Chu**Resolution approving Municipal Transportation Agency Contract No. CS-155-2, Professional Architectural and Engineering Services for the final design and construction of the Central Subway Project, with the Central Subway Design Group, a Joint Venture of Parsons Brinkerhoff, Kwan Hemni Architecture and Michael Willis Architecture, in an amount not to exceed \$39,949,948, for a term not to exceed ten years with an option to extend the term an additional two years.
(Fiscal Impact.)**Resolution No. 68-10****ADOPTED by the following vote:**

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

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]

Sponsors: Mar; Avalos

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, and 1009.29-1009.32, and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

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

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

Excused: 1 - Alioto-Pier

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to March 9, 2010. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee**091370 [Determining Surviving Spouse Status for Retirement Purposes]****Sponsor: Elsbernd**

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091435 [Child Care Planning and Advisory Council Membership]**Sponsor: Chiu**

Ordinance amending San Francisco Administrative Code by amending Section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

100055 [Initiative Ordinance - Budget Line Item for Police Department Dignitary Security - June 8, 2010, Election]**Sponsors: Mirkarimi; Campos**

Motion ordering submitted to the voters an ordinance requiring the City's annual budget to include an appropriation for the Police Department's expenditures on security for City officials and dignitaries at an election to be held on June 8, 2010.

Motion No. M10-36

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

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 3 - Chu, Dufty, Elsbernd

Excused: 1 - Alioto-Pier

100056 [Declaration of Policy - Cannabis Regulation and Control - June 8, 2010, Election]**Sponsors: Mirkarimi; Campos**

Motion ordering submitted to the voters a declaration of policy regarding the regulation of the cultivation and sale of cannabis at an election to be held on June 8, 2010.

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

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

Excused: 1 - Alioto-Pier

Supervisor Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Dufty, moved that Supervisor Mirkarimi be excused from voting on File No. 100186. The motion carried by the following vote:

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

100186 [Appointment to San Francisco LAFCO - Supervisor Ross Mirkarimi]

Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Motion No. M10-37

APPROVED by the following vote:

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

Supervisor Elsbernd Excused from Voting

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that Supervisor Elsbernd be excused from voting on File No. 100187. The motion carried by the following vote:

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

100187 [Appointment to Peninsula Corridor Joint Powers Board - Supervisor Sean Elsbernd]

Motion appointing Supervisor Sean Elsbernd, term ending June 30, 2012, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)

Motion No. M10-38

APPROVED by the following vote:

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

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

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

Supervisor Maxwell introduced, welcomed, and presented Certificates of Honor to De'Monique Carrol (Visitation Valley Boys and Girls Club) and Jacquelyn Fuller (Willie Mays Boys and Girls Club of Bayview Hunters Point) in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.

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

David Pilpel; expressed concerns relating to MTA layoffs.

Emil Lawrence; expressed various concerns.

Male Speaker; expressed various religious concerns.

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

Zachery Running-Wolf; expressed concerns relating to sit/lie legislation.

Slum Jack; expressed concerns relating to social justice.

Christopher Dahl; expressed concerns relating to seismic upgrades.

Male Speaker; expressed concerns relating to SF Public Library.

Peter Warfield; expressed concerns relating to the SF Public Library.

Richard McRee; expressed concerns relating to technology, inventions and patents.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100212 [Plan for Bicycle Facilities at Certain Dangerous Intersections and Street Segments]

Sponsors: Daly; Campos

Resolution calling upon the Municipal Transportation Agency to commence study and planning for bicycle facilities around the intersections of Market, Polk, Oak and 10th Street, and of Howard, South Van Ness, 13th Street and Division, and along Division, 13th Street and Duboce from Folsom to Valencia.

Resolution No. 73-10

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

ADOPTED

100214 [Commending Brooks Orpik]

Sponsors: Chu; Dufty and Campos

Resolution commending Brooks Orpik for representing San Francisco in the 2010 Winter Olympics.

Resolution No. 69-10

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

ADOPTED

100215 [Urging the State Legislature and San Francisco's State Legislative Delegation to Permit the Continued Sale of Rice-Based Noodles]**Sponsors: Chiu; Campos**

Resolution urging the State Legislature and San Francisco's State Legislative Delegation to permit the continued sale of rice-based noodles.

Resolution No. 70-10

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

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

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

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that File No. 100211 be severed so that it may be considered separately.

100211 [Potrero Branch Library Reopening]**Sponsors: Maxwell; Campos**

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

Resolution No. 71-10

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

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

Supervisor Mirkarimi requested that File No. 100213 be severed so that it may be considered separately.

100213 [Urging Further Collaboration to Improve the 2010 Bay to Breakers]**Sponsor: Mirkarimi**

Resolution commending the improvements made to the 2009 Bay to Breakers and urging the race sponsors to further collaborate with City agencies, neighborhoods, and race advocates to develop plans that will minimize adverse impacts on affected neighborhoods while including floats and non-running participants and ensuring the long-term financial and logistical success of the race.

Resolution No. 72-10**ADOPTED by the following vote:**

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

Excused: 1 - Alioto-Pier

Supervisor Elsbernd requested that File No. 100216 be severed so that it may be considered separately.

100216 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 8, 2010, Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 8, 2010, Election. (Clerk of the Board)

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

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

Excused: 1 - Alioto-Pier

(Clerk of the Board)

Motion No. M10-39

APPROVED AS AMENDED by the following vote:

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

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

100223 [Supporting the Statewide Action for Public Education Day - March 4, 2010]

Sponsors: Avalos; Dufty and Mirkarimi

Resolution expressing support for the March 4, 2010, Day of Statewide Action in recognition of public education as a basic human right.

Resolution No. 74-10

Supervisors Dufty and Mirkarimi requested to be added as co-sponsors.

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$166,981.50]

Sponsor: Mirkarimi

Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of \$166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100233 [Prohibition on Sitting or Lying on Public Sidewalks]

Sponsors: Mayor; Alioto-Pier

Ordinance amending San Francisco Police Code by adding Section 168 to prohibit sitting or lying down upon a public sidewalk during specified hours, and with exceptions for the disabled and others.

03/02/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 4/1/2010.

Resolutions

100227 [Accept and Expend Grant - Phase One Improvements to Presidio Heights Playground - \$910,800]

Sponsor: Alioto-Pier

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at \$910,800 from the Friends of Presidio Heights Playground through the San Francisco Parks Trust for Phase One Improvements to Presidio Heights Playground.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100228 [Redevelopment Agency Budget FY2009-2010]

Sponsor: Avalos

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2009-2010 by increasing the Agency's tax increment bond proceeds by \$28,000,000 and authorizing expenditures in an amount not to exceed \$28,800,000 for payment to the Supplemental Educational Revenue Augmentation Fund.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100229 [Accept and Expend Grant – Ogden Terrace Community Garden Landscape - \$88,000]**Sponsor: Campos**

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at \$88,000 from the San Francisco Conservation Corps, to replace landscape retaining walls and steps at Ogden Terrace Community Garden.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100230 [Accept and Expend Grant - San Francisco Vaccine and Prevention Unit - \$47,759]
Sponsors: Chu; Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$47,759 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "San Francisco Vaccine and Prevention Unit" for the period of January 1, 2010, through August 31, 2011.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100231 [Accept and Expend Grant - Buena Vista Park Project, Phase II - \$115,025]
Sponsor: Dufty

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant for the Buena Vista Park Project, Phase II, in the amount of \$115,025 available under the Federal Land and Water Conservation Fund Program administered by the California Department of Parks and Recreation under the provisions of the Land and Water Conservation Fund Act of 1965.

03/02/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100236 [Supporting the March to Sacramento to Protect Public Higher Education in California - March 22, 2010]**Sponsors: Avalos; Mar and Campos**

Resolution supporting the March 22, 2010, "March in March IV" Sacramento to protect and promote public higher education in California and to urge State government officials to work together on FY2010-2011 budget that does not include cuts to public education and student fee increases.

100237 [Extending the Life of Western SoMa Citizens Planning Task Force]**Sponsor: Daly**

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100238 [Endorsing the California Democracy Act]**Sponsors: Mar; Avalos, Mirkarimi and Campos**

Resolution endorsing the California Democracy Act and supporting the campaign to ensure its passage in 2010.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100239 [Supporting Senate Bill 438 Regarding Charter Schools]**Sponsors: Mar; Campos**

Resolution supporting Senate Bill 438 to ensure all charter schools adhere to the state's student speech and employee protection laws.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100240 [Supporting Senate Bill 330 Regarding University of California]**Sponsor: Mar**

Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100241 [Support of Institutional Financial Aid for Students Affected by the Provision of Assembly Bill 540]**Sponsors: Mar; Campos**

Resolution supporting institutional financial aid for students affected by the provision of Assembly Bill 540.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100242 [Call for the Federal Government to Release California Gray Whale Population Research Findings and Fund Assessment]**Sponsors: Mirkarimi; Campos**

Resolution calling on the Federal Government to make California Gray Whale (*Eschrichtius Robustus*) population research findings immediately available and to fund the National Marine & Fisheries Service to assess the major threats to the California Gray Whale.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendment**100235 [Transferring the Police Department's Functions, Assets and Operations to the Sheriff]****Sponsor: Daly**

Charter Amendment (First Draft) to to amend the Charter of the City and County of San Francisco by amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

Requests for Hearing**100224 [California Pacific Medical Center - Pacific Campus Hemodialysis Unit]****Sponsor: Alioto-Pier**

Hearing regarding information about California Pacific Medical Center's potential plans to sell the Pacific Campus Hemodialysis Unit to DaVita, a for-profit dialysis company and whether patient care will be compromised in such an event.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100225 [Ongoing Budget Updates]**Sponsor: Avalos**

Ongoing hearing to consider updates from the Mayor's Office and from various City departments, including budget balancing strategies and proposals, as well as matters, such as local, state, and federal changes to revenue, that may impact the budget.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100226 [Neighborhood Streets Status Update]**Sponsor: Chu**

Hearing request for status of neighborhood streets including: 1) update from Capital Planning Committee on the progress of funding for street repairs; 2) a report from 311 on number of service requests for street repairs from each district/neighborhood and response time; and 3) the process of neighborhood requests for restriping of roadways and crosswalks.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100234 [Committee of the Whole - Just Cause Eviction Protections for Residential Tenants in Properties Subject to Foreclosure Which Adds to the Definition of "Foreclosure" and Includes New Noticing Requirements]

Hearing of persons interested in or objecting to new amendments to proposed Ordinance relating to just cause eviction protections for residential tenants in properties subject to foreclosure which adds to the definition of "foreclosure" and includes new noticing requirements. (Clerk of the Board)

03/02/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Introduced by President at Request of Department**PROPOSED RESOLUTIONS****100174 [Approval of Mental Health Services Act Innovation Work Plan]****Sponsor: Mirkarimi**

Resolution authorizing adoption of the Mental Health Services Act Innovation Work Plan and modification of Contract No. 07-77338-000 to include this Plan in the agreement. (Public Health Department)

02/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100175 [Approval of Mental Health Services Act FY2010-2011 Annual Plan Update]

Sponsor: Mirkarimi

Resolution authorizing adoption of the Mental Health Services Act FY2010-2011 Plan Update for the Community Services and Support, Prevention and Early Intervention, and Workforce Education and Training and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

02/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100176 [Approval of a Lease with the Federal Express Corporation at San Francisco International Airport]

Resolution approving and authorizing the execution of Lease No. 09-0280 with Federal Express Corporation for cargo warehouse and support office space to be occupied by Federal Express Corporation in Building 900 at San Francisco International Airport. (Airport Commission)

02/17/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100177 [Real Property Lease Amendment - One Market Plaza]

Resolution approving a lease at One Market Plaza, for the Department of Emergency Management under Administrative Code Section 23.27. (Real Estate Department)

02/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation that bans carrying concealed weapons in house of worship.

From: Supervisor Chu

To: City Attorney

To: Controller

Requesting/Inquiring: Inquiring to the City Attorney's Office/Controller's Office on the number of claims and amount paid out in settlements against the city and County of San Francisco in the past 10 years. Please indicate specifically the number and value of claims categorized by types of claims (ie: damage to property due to flooding, vehicle collisions, personal injury due to uneven roadways, etc).

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:

Wood Poles

In front of 242 Fillmore

In front of 20 Fillmore

Metal Poles

Northeast corner Broderick & Haight

Northwest corner Fillmore & Fell

Southeast corner Fulton & Laguna

Southwest corner Laguna & Turk

Webster & Fulton, in the median

In front of 558 Waller

In front of 242 Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

400 Divisadero

2270 Bush

1619 Laguna

1140 Fell, on the fence

248 Scott

160 Pierce

436 Buchanan, on the wood flower boxes

747 Haight

630 Haight

533 Haight

55 Laguna, on Buchanan & Haight sides

901 Haight

981 Haight

100 Broderick, on the Haight side

670 Stanyan

1425 Oak

1215 Oak
1374 Haight
1468 Haight
202 Webster
600 Oak
429 Webster
1649 Haight
745 Haight
707 Haight
681 Haight
609 Haight
542 Haight

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

*Potholes and Sidewalk issues
Intersection Fillmore & Turk*

*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 Box
Southeast corner Geary & Laguna*

*Bus Shelters
Southeast corner Haight near Stanyan, Southside of street
Southwest corner Buchanan & Haight
Southeast corner Stanyan & Oak
Southwest corner Buena Vista East & Haight
Northeast corner Geary & Laguna
Fillmore & Haight (all 4 bus stops, graffiti and grime)*

*Emergency Box
Northeast corner Fell & 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 Clayton & Fulton
Southeast corner Haight & Fillmore*

*Mailboxes
Southwest corner Webster & Oak
Northeast corner Cole & Fulton
Southwest corner Masonic & Haight*

*Street Wall and Overpasses
Geary & Steiner on the Southwest corner & Northwest corner*

Vacant Lot
Muni-Substation on Turk Street side

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

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

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irvine and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

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

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

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

In Memoriams

Dr. Rahmatollah Pakdel – Supervisor Ross Mirkarimi
Loni Ding – Supervisor Eric Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:00 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 March 30, 2010.

Angela Calvillo, Clerk of the Board