

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



AGENDA

Tuesday, September 22, 2009
2:00 PM

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the August 18, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) *Legislation*
- 2) *Budget Analyst report*
- 3) *Legislative Analyst report*
- 4) *Department or Agency cover letter and/or report*
- 5) *Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly, Elsbernd

1. 090851 [Liquor License - 533 Sutter Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Matthew Shelton, for Shelton Theater LLC, located at 533 Sutter 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.

Question: Shall this Resolution be ADOPTED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

5. **090979** **[CEQA findings for SFPUC Water System Improvement Program, Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

6. **090980** **[CEQA findings for SFPUC Water System Improvement Program, San Joaquin Pipeline System Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project, Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly, Elsbernd

7. **090909** **[Citizen's Committee on Community Development]**

**Mayor, Supervisors Daly,
Avalos, Mirkarimi**

Ordinance amending the Administrative Code by adding Section 2A.290 to establish the Citizen's Committee on Community Development, an advisory body jointly appointed by the Mayor and the Board of Supervisors, that is responsible for making policy recommendations and providing for citizen participation regarding community development strategy in the City, and making annual funding recommendations for the federal Housing and Urban

Development Community Development Block Grant and Emergency Shelter Grant programs.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Rules Committee at a Regular Meeting on Thursday, September 17, 2009, at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, September 22, 2009.

8. 091065 [Appointment, Arts Commission - Greg Chew]

Motion approving the Mayor's appointment of Greg Chew to the Arts Commission, for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – August 24, 2009.)

Question: Shall this Motion be APPROVED?

9. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

10. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public

that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. Rules of Order Section 3.11 provides that a unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 11 through 13

11. 091115 [Mortgage Revenue Bonds] Supervisor Daly

Resolution declaring the intent of the City and County of San Francisco (the “City”) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor’s Office of Housing (the “Director”) to submit an application and related documents to the California Debt Limit Allocations Committee to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$22,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller’s Office to hold in trust an amount not to exceed \$100,000 in accordance with California Debt Limit Allocations Committee procedures; authorizing the Director to certify to California Debt Limit Allocations Committee that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$22,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

9/15/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

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

[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.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from September 5, 2009, to September 14, 2009, for reference by President to appropriate committee on September 22, 2009.

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

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

9/11/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/11/2009.

091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

9/14/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTION

Proposed resolution received from September 5, 2009, to September 14, 2009, for reference by President to appropriate committee on September 22, 2009.

091095 [Lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment]

Resolution approving the lease purchase financing for the acquisition of Advanced Meter Infrastructure Equipment for the San Francisco Public Utilities Commission; approving the form of a lease purchase financing agreement between the Public Utilities Commission and a lender to be named therein, authorizing the selection of such lender, and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

9/14/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091121 [Petitions and Communications]

Petitions and Communications received from September 5, 2009, through September 14, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 22, 2009.

From Office of the District Attorney, submitting the District Attorney's Office Real Estate Fraud Annual Report for FY 2008-2009. (1)

From Arts Commission, submitting the Arts Commission Annual Report and the Sole Source

Contracts entered into for FY 2008-2009. (2)

From Office of the Controller, submitting response to the 2008-2009 Civil Grand Jury Report titled "Nonprofits, The Good, The Bad, The Ugly." Copy: GAO Clerk (3)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from September 9, 2009, until September 10, 2009. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor (4)

From the Ozolos family, submitting support for proposed legislation that bans cat de-clawing in San Francisco. File No. 091039, Copy: CONS Clerk (5)

From Planning Department, submitting notice of environmental review for the Water Supply System Projects at 199 Marview Drive, 1234 Clayton Street, 1239 Jones Street, 122-126 Leroy Street, 698 Second Street and Pump Station No. 2 (within Fort Mason). Copy: Each Supervisor (6)

From Office of the Controller, responding to inquiry regarding steps that the Airport has taken to prevent lawsuits for non-payment. File No. 090784, Copy: Rules Clerk (7)

From State Public Utilities Commission, submitting notice that PG&E has filed an application to allow the utilities to recover uninsured costs associated with wildfires. (8)

From Arthur Evans, submitting support for Police Chief George Gascon. 2 letters (9)

From Ahimsa Porter Sumchai, urging Supervisor Chiu to sponsor a resolution opposing SB792. (10)

From Anthony Belway, submitting letter entitled Sunday bikes in Golden Gate Park. (11)

From Office of the Controller, submitting the results of the City's recent annual rating agency meetings with Standard and Poor's, Moody's and Fitch Ratings. Copy: Each Supervisor, Budget Clerk (12)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to the commercial take of White Seabass. (13)

From Jessica Lindsey, commenting on how long it took her to get onto the Bay Bridge on Wednesday, September 9, 2009. (14)

From Francisco Da Costa, submitting letter entitled U.S. Navy complicit with nefarious activities joins dubious entities to adversely impact all San Francisco and beyond. (15)

From Aaron Goodman, regarding proposed legislation that sets San Francisco's property tax rate and establishes a pass-through rate for residential tenants. File No. 090985, Copy: Each Supervisor (16)

From Ivan Pratt, submitting letter regarding the EPA's inspection and enforcement of organizations, industry, and individuals that are polluting our drinking water in the United States. (17)

From Francisco Da Costa, submitting letter entitled Candlestick Recreation Area in San Francisco not for sale. (18)

From Francisco Da Costa, submitting letter entitled Mark Leno lies while innocent children die. (19)

From Francisco Da Costa, submitting letter entitled Shame of San Francisco Labor Council and one Tim Paulson. (20)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to hybrid animals and plants. (21)

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics