

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



**AGENDA
Tuesday, February 24, 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 January 6, 2009 and January 8, 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.

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

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition I in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, general public comment for this item will take place during public comment.

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.

Items 1 through 5

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. **090043 [Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to Charter Section 9.118]**

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Alioto-Pier

2. **090025 [Accept-Expend federal grant funds to support HIV/AIDS services - \$4,758,228]** **Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a funding award entitled the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Part A Program), in the amount of \$4,758,228, for the San Francisco Eligible Metropolitan Area, from the Health Resources and Services Administration (HRSA), to support HIV/AIDS health services; for the period of February 1, 2009 through June 30, 2009.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

3. **081448 [Juvenile Probation and Camp Funding Grant Program]** **Supervisor Maxwell**

Resolution authorizing the Juvenile Probation Department to participate in the State of California's Juvenile Probation and Camp Funding Program, to receive funds for direct services to eligible children and their families.

12/9/2008, RE-REFERRED to Government Audit and Oversight Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

4. 081320 [Appointment, Child Care Planning and Advisory Council - Candace Wong]

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

Question: Shall this Motion be APPROVED?

5. 090055 [Appointment, Elections Commission - Gerard Joseph Gleason]

Motion appointing Gerard Joseph Gleason, term ending January 1, 2014, to the Elections Commission.

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

(Pending approval of File No. 090186)

Vetoed by the Mayor

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance, which would modify election procedures and deadlines for a June 2, 2009 special election.

6. 090106 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on February 13, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before March 15, 2009.

1/27/2009, DUPLICATED AND AMENDED to Board of Supervisors. Duplicated from File No. 090009.

1/27/2009, CONTINUED AS AMENDED ON FINAL PASSAGE. Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.

2/3/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
2/3/2009, FINALLY PASSED.

Action:_____

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance, Calling a municipal special election for June 2, 2009.

7. 090010

*** Item
Added
02/19/09 @
4:51pm

[Calling a municipal special election for June 2, 2009]

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

1/27/2009, CONTINUED. Continued to February 3, 2009.

2/3/2009, ADOPTED.

Action:_____

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

8. 081604

[Amending FY 2008-2009 Annual Salary Ordinance]

Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. 090097

[Administrative Code Revision: Health Service System]

Supervisor Elsbernd

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

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090108

[De-appropriating \$11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]

Ordinance de-appropriating \$11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 090098 [Establishing Monthly Contribution Amount to Health Service Trust Fund] Supervisor Elsbernd
Resolution establishing monthly contribution amount to Health Service Trust Fund.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

12. 081394 [Adoption of the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and Accept and Expend additional PEI Allocation- \$874,700]
Resolution authorizing the adoption of the Mental Health Services Act Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and authorizing the Department of Public Health to accept and expend the additional PEI allocation totaling \$874,700. (Public Health Department)

2/10/2009, SUBSTITUTED. Supervisor Avalos submitted a substitute resolution bearing new title.

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu

13. 090134 [One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection] Supervisor Avalos
Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 090133 [Ordering Submission of Gross Receipts Tax to Voters] Supervisor Avalos
Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4)

amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance)" at an election to be held on June 2, 2009.
(Economic Impact)

Question: Shall this Motion be APPROVED?

15. 090135 **[Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]** **Supervisor Chiu**

Motion ordering submitted to the voters an "Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds \$300,000, but is less than or equal to \$400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is \$300,000 or less, beginning with the 2010 tax year" at an election to be held on June 2, 2009.

(Economic Impact)

Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

16. 081356 **[Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090099 **[Re-establishing the name of the Richmond District]** **Supervisor Mar**

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

18. 081512 **[Workforce Development - First Source Hiring Program]** **Supervisors Mirkarimi, Maxwell**

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. **090056** **[Appointment, Association of Bay Area Governments
Executive Board - Supervisor John Avalos]**
Motion appointing Supervisor John Avalos, term ending June 30, 2009, to the Association of Bay Area Governments Executive Board.

Question: Shall this Motion be APPROVED?

20. **090163** **[Appointment, SF Local Agency Formation
Commission - Supervisor John Avalos]**
Motion appointing Supervisor John Avalos, as an alternate member, term ending February 4, 2010, to the San Francisco Local Agency Formation Commission.

Question: Shall this Motion be APPROVED?

Present: Supervisors Daly, Campos

21. **090078** **[Appointments, Golden Gate Bridge, Highway and
Transportation District- Supervisors Bevan Dufty,
Michela Alioto-Pier, Sean Elsbernd and Carmen Chu]**
Motion appointing Supervisors Bevan Dufty, Michela Alioto-Pier, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

Question: Shall this Motion be APPROVED?

22. **090053** **[Appointment, SF Local Agency Formation
Commission - Supervisor Bevan Dufty]**
Motion appointing Supervisor Bevan Dufty, term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

Question: Shall this Motion be APPROVED?

23. **090164** **[Appointment, SF Local Agency Formation
Commission - Supervisor Eric Mar]**
Motion appointing Supervisor Eric Mar, term ending August 27, 2009, to the San Francisco Local Agency Formation Commission.

Question: Shall this Motion be APPROVED?

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

COMMITTEE REPORTS

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

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, February 19, 2009 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 24, 2009.

24. **090044** **[Settlement of Lawsuit - Computers For Marketing]**

Corporation - \$42,000]

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. 090045 [Settlement of Lawsuit - Susan Howard - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. 090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. 090157 [Settlement of Lawsuit - Mehrdad Alemozaffar - \$350,000] Supervisor Daly

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of \$350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 090052 [Settlement of Administrative Enforcement Action - \$87,000]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$87,000. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

29. 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.

30. 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 speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

CLOSED SESSION

31. 090201 [Closed Session - Conference with City Attorney, Significant Exposure to Litigation with the Roman Catholic Archdiocese of S.F.] Supervisor Elsbernd

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney in light of significant exposure to litigation with the Roman Catholic Archdiocese of San Francisco related to the application of the City's Documentary Transfer Tax to certain property transfers.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning matters would likely and unavoidably prejudice the position of the City in the potential litigation.

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

CLOSED SESSION

32. 090122 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources] Supervisor Avalos

Motion that the Board of Supervisors convene in closed session with the Mayor's Office and

the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

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

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 33 through 42

- 33. 090186 [Waiving Board Rule 4.19 regarding consideration of Mayoral veto] Supervisor Chiu**
Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.
2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
- 34. 090189 [Susan Langlands Day - February 28, 2009] Supervisor Avalos**
Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.
2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 35. 090190 [Commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District] Supervisor Dufty**
Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.
2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

- 36. 090191 [Amended Landmark Tree Criteria, Nomination and Evaluation Forms] Supervisor Mar**
Resolution amending Landmark Tree Criteria, Nomination and Evaluation Forms to be used in the implementation of a nomination, evaluation, and removal process for landmark trees in the City and County of San Francisco.
2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 37. 090192 [Commending Star of the Sea School on their 100th year anniversary] Supervisor Mar**
Resolution commending Star of the Sea School on their 100th year anniversary.
2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 38. 090193 [Requesting establishment of the Office of Urban Policy in President Obama's Administration] Supervisor Mirkarimi**
Resolution requesting that the proposed Office of Urban Policy in President Obama's Administration form a permanent advisory group to help guide that office in its efforts to provide assistance to our nation's urban areas.
2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 39. 090165 [Final Map - 1299 Bush Street]**
Motion approving Final Map 5079, a 26 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1299 Bush Street being a subdivision of Lot 014 in Assessors Block No. 0279 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,048; District 3.)
2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
- 40. 090166 [Final Map - 1315-1327 7th Avenue]**
Motion approving Final Map 4654, an 11 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1315 - 1327 7th Avenue being a subdivision of Lot 052 in Assessors Block No. 1762 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,050; District 5.)
2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

41. 090167 [Final Map - 2101 and 2125 Bryant Street]

Motion approving Final Map 4478, a 76 Unit Residential Condominium Project, located at 2101 and 2125 Bryant Street being a subdivision of Lot 065 in Assessors Block No. 4080 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,035; District 6.)

2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

42. 090168 [Final Map - 4451-4455 Mission Street]

Motion approving Final Map 5325, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4451 - 4455 Mission Street being a subdivision of Lots 022A and 022B in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,037; District 11.)

2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

43. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action 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 and 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 February 3, 2009 to February 13, 2009, for reference by President to appropriate committee on February 24, 2009.

090117 [Settlement of Lawsuit - Antia Lelaind - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

2/10/2009, RECEIVED AND ASSIGNED to Rules Committee.

090158 [Settlement of Lawsuit - Mark Boyd - \$85,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

2/11/2009, RECEIVED AND ASSIGNED to Rules Committee.

090170 [Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]

Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

2/6/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090171 [Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

2/6/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development

Committee.

090172 [Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

2/9/2009, RECEIVED AND ASSIGNED to Rules Committee.

090199 [Conflict of Interest Code Amendments]

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-145, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories. (Clerk of the Board)

2/12/2009, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/26/2009.

090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

2/13/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

090203 [Zoning Map Amendment - 401 - 421 Shields Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/13/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development

Committee, expires on 3/26/2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 3, 2009 to February 13, 2009, for reference by President to appropriate committee on February 24, 2009.

090155 [Settlement of Claim - Deo Dutt - \$98,443.83]

Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for \$98,443.83; claim was filed on October 21, 2008. (City Attorney)

2/10/2009, RECEIVED AND ASSIGNED to Rules Committee.

090198 [Accept-Expend Federal Grant Funds - San Francisco Fire Department - \$297,030]

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of \$297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees. (Fire Department)

2/11/2009, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090205 [Petitions and Communications]

Petitions and Communications received from, February 3, 2009 through February 13, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 24, 2009.

From Office of the Mayor, submitting letter communicating veto of an emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election. File 090009, Copy: Each Supervisor, City Attorney, Clerk(1)

From Police Department, submitting its 2008-compliance plan as required by SF Administrative Code Section 89.9, Equal Access to City Services for Limited English Speakers.(2)

From James Chaffee, submitting letter entitled "Private Interests in the Library - The Fox in the Hen House" dated February 3, 2009.(3)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (4)

David Chiu-Supervisor (assuming)

Emily Rogers-Legislative Aide (leaving)

Alice Guidry-Legislative Aide (assuming)

Jake McGoldrick (leaving)

Lena Gomes-Legislative Aide (leaving)

Sheila Chung Hagen-Legislative Aide (assuming)

From Human Services Commission, submitting support for arrangements that will permit job sharing, reduction in hours, unpaid leave, foregoing of salary increases; and urging that budgetary credit be allocated to the department whose employees make such concessions.

Copy: Clerk(5)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Dellner Couplers, Inc.(6)

From various City Departments, submitting the Efficiency Plan and Performance Measures for the following departments, fiscal year 2008-09. Copy: Each Supervisor, Clerk (7)

Adult Probation Department
Assessor-Recorder
Office of Citizens Complaints
Civil Service Commission
District Attorney
Department of Emergency Management
Department of the Environment
Ethics Commission
Human Rights Commission
Department of Human Resources
Human Services Agency

Police Department
Port
Public Defender
Public Health
Public Library
Public Utilities Commission
Rent Board
Department of Technology

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under Treasurer's management.(8)

From Office of the Controller, submitting the 2008-09 mid-year report for the Whistleblower Program. Copy: Each Supervisor, Clerk(9)

From Jacquie Sullivan, City Council member, Bakersfield, CA., inquiring if the S.F. Board of Supervisors will vote in favor of displaying our national motto "In God We Trust" in City Hall.(10)

From Kimo Crossman, regarding disclosure of an employee's address, birth date and Social Security number.(11)

From concerned citizens, submitting support to restore Sharp Park. 12 letters(12)

From concerned citizens, commenting on the proposed June 2, 2009 special election.4 letters(13)

From Shannon Seaberg, submitting support for American Apparel on Valencia Street.(14)

From Arthur Evans, commenting on how the Board of Supervisors are dealing with crime in San Francisco.(15)

From Maria St. John, submitting opposition to Governor Schwarzenegger's budget proposal to decrease funding for California's First 5 Commission.(16)

From Office of the Controller-City Services Auditor, submitting the annual report for Recreation and Park, fiscal year 2007-08.(17)

From Office of the City Attorney, submitting notice that appeal of a mitigated negative declaration for a project at 110 The Embarcadero was filed in a timely manner and therefore, the appeal should be calendared before the Board of Supervisors.Copy: Clerk(18)

From concerned citizens, submitting opposition to closing the Park Branch of the Public Library. 2 letters(19)

From Ahimsa Sumchai, commenting on the recent history and current state of the Potrero Power Plant debate.(20)

From Department of Public Health, regarding the feasibility of allocating housing and/or supportive housing units to Adult Probation Officer Darren Dill's Homeless Outreach Program. (Reference No. 20090203-011)(21)

From Ivan Pratt, commenting on the elevator repair and discrepancy neglect at the Alexander Residence at 230 Eddy Street.(22)

From Office of the Controller-City Services Auditor, submitting compliance audit for Alaska Airlines, Inc.(23)

From Office of the Controller-City Services Auditor, submitting concession review of seven Port of San Francisco tenants.(24)

From Office of the Controller, submitting fiscal year 2008-09 six-month budget status report.(25)

From Office of the Controller, submitting letter providing a preliminary estimate of proposed legislation amending the Business Tax and Regulations Code-Gross Receipts Tax.(26)

From Kim Stryker, regarding unsolved murders, violent crimes and quality of life in San Francisco.(27)

From Retiree Health Care Trust Fund Board, submitting notice announcing the Retiree Health Care Trust Fund Board Election.(28)

From Office of Civic Engagement and Immigrant Affairs, submitting resolution supporting immigrant taxi drivers and protection of city services for immigrants in San Francisco.(29)

From Office of the Controller-City Services Auditor, submitting review of the \$45 million contract between the Public Utilities Commission and Parsons Water and Infrastructure, Inc.(30)

From Treasure Island Development Authority, submitting revenues generated from Building 3 on Treasure Island in fiscal years 2003-2008.(31)

From Kimo Crossman, requesting he be notified of all future passive meetings by emailing notices and agendas to him.(32)

From Molly Burke, commenting that BART has turned over its internal affairs investigation to the Oakland-based law firm of Meyers Nave.(33)

From Christian Holmer, regarding public records request.(34)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20090106-001)(35)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 200901113-001)(36)

From Department of Public Works, regarding pothole repair at Geary and Post Streets. (Reference No. 200901113-003)(37)

From Department on the Status of Women, submitting newsletter for the Department on the Status of Women. Copy: Each Supervisor(38)

From Ivan Pratt, submitting a letter entitled "To be or not to be" dated February 11, 2009.(39)

From State Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of the California tiger salamander.(40)

From Francisco Da Costa, regarding the Stop Lennar Action Movement. 2 letters(41)

From Francisco Da Costa, regarding youth and guns and the SF Unified School District.(42)

From Francisco Da Costa, commenting that the Mayor's Office of Criminal Justice and SF Safety Committee lacks leadership.(43)

From Francisco Da Costa, commenting that San Francisco must not treat immigrants like dirt and abuse them.(44)

From Francisco Da Costa, questioning where are the killers of Gregory Johnson Jr.(45)

From Francisco Da Costa, regarding the Pullman Porters and history.(46)

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 Frank Darby by mail to 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 sof@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or 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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

Revised 02/19/09 at 4:51 pm