

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place

San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, February 24, 2009 2:00 PM

Legislative Chamber - Second Floor
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, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Campos, Chu, Daly

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

11:00 AM

1st and 3rd Thursday

10:00 AM

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

Volume 104 Number 7

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to approve the January 6, 2009 and January 8, 2009 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on February 13, 2009, communicating the Mayor's Veto of legislation contained in File No. 090010 and File No. 090106 regarding calling for a June 2, 2009, special election and emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

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)

Resolution No. 60-09

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

**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.

**Resolution No. 53-09
ADOPTED**

Recommendation of the Government Audit and Oversight Committee

**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.

**Resolution No. 58-09
ADOPTED**

Recommendations of the Rules Committee

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.

Candace Wong, succeeding herself, term expiring, seat 3, must be a nominee of District 3 Supervisor selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative." Initial term 3 Years beginning 1/1/03; subsequent terms 3 Years.

**Motion No. M09-29
APPROVED**

090055 [Appointment, Elections Commission - Gerard Joseph Gleason]

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

Gerard Joseph Gleason, succeeding himself, term expired, seat 1, must be broadly representative of the general public, for a five-year term ending January 1, 2014.
(Proposition B, adopted at the November 2007 election, adds Section 4.101.5 to the Charter. The section prohibits appointed members serving on Charter-created boards or commissions from serving as hold-overs for more than 60 days after the end of their terms).

**Motion No. M09-28
APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Avalos, seconded by Supervisor Dufty, moved to table the consideration of the Mayor's veto relating to File No. 090010, a Resolution calling for a June 2, 2009, special election and File No. 090106, an Ordinance relating to an emergency Ordinance modifying election procedures and deadlines for a June 2, 2009, special election.

Motion to table this matter was passed by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

**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.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**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.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090098 [Establishing Monthly Contribution Amount to Health Service Trust Fund]
Supervisor Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

Resolution No. 62-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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)

Resolution No. 59-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation**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)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be **RE-REFERRED** to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**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)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**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)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

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)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**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.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee**081512 [Workforce Development - First Source Hiring Program]
Supervisors Mirkarimi, Maxwell, Campos**

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.

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Avalos from voting on this matter.
The motion carried by the following vote:

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

**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.**

Supervisor John Avalos, succeeding Supervisor Chris Daly, resigned, seat 1, must be a member of the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2009.

Motion No. M09-27

APPROVED by the following vote:

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

Supervisor Avalos Excused From Voting

Supervisor Dufty, seconded by Supervisor Campos, moved to excuse Supervisor Avalos from voting on this matter.
The motion carried by the following vote:

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

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.

Supervisor John Avalos, succeeding Aaron Peskin, seat 5, must be an alternate member of the San Francisco Local Agency Formation Commission, for unexpired portion of a four-year term ending February 4, 2010.

Motion No. M09-26

APPROVED by the following vote:

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

Supervisors Dufty, Elsbernd, Chu Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisors Dufty, Elsbernd and Chu from voting on this matter. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Excused: 3 - Chu, Dufty, Elsbernd

090078 [Appointments, Golden Gate Bridge, Highway and Transportation District- Supervisors Bevan Dufty, 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.

Supervisor Alioto-Pier moved to divide the question relating to her appointment to the Golden Gate Bridge. (See File No. 090207) by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Excused: 3 - Chu, Dufty, Elsbernd

Motion appointing Supervisors Bevan Dufty, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

Motion No. M09-25

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Excused: 3 - Chu, Dufty, Elsbernd

Supervisor Alioto-Pier Excused From Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from voting on this matter. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

090207 [Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]

Motion appointing Supervisor Michela Alioto-Pier as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Supervisor Dufty Excused From Voting

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty from voting on this matter. The motion carried by the following vote:

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

Excused: 1 - Dufty

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.

Supervisor Bevan Dufty, succeeding Jake McGoldrick, seat 1, must be a member of the San Francisco Board of Supervisors, for unexpired portion of a four-year term ending February 20, 2011.

Motion No. M09-24

APPROVED by the following vote:

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

Supervisor Mar Excused From Voting

Supervisor Avalos, seconded by Supervisor Campos, moved to excuse Supervisor Mar from voting on this matter. The motion carried by the following vote:

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

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.

Supervisor Eric Mar, succeeding Matt Gonzalez, seat 2, must be a member of the San Francisco Board of Supervisors, for unexpired portion of a four-year term ending August 27, 2009.

Motion No. M09-23

APPROVED by the following vote:

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

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

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented Certificates of Honor to Richard Rothman and David Williams in recognition of their retirement from the City and County of San Francisco.

Supervisor Alioto-Pier welcomed and presented Certificates of Honor to the following students from the Schools of the Sacred Heart who participated in the Heart to Heart Backpack Drive: Alexander Zaldastani, Charles Phillips, Hao Tran, Jackson Weber, Michael Hasson, Quentin Favia, Sarah Armstrong, Sarah Bloch, Sarah Cook, Bettina Alessandria, Caroline Bertain, and Alexander Fish.

Supervisor Alioto-Pier welcomed and presented Certificates of Honor to Barbara Murphy and Kevin Marlatt representing the Blue Bear School of Music.

COMMITTEE REPORTS

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)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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)

Resolution No. 54-09

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

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.

*James Chaffee; expressed concern with issues relating to the SF Public Library
 Peter Cheirnoff; expressed concern with issues relating to violation of human rights
 Doug Galar; expressed concern with issues relating to violation of human rights
 Male speaker; expressed concern with issues relating to the possible loss of the Public Access channel
 Female speaker; expressed appreciation for Comedy Day in the Park and for the founder of Comedy Day in the Park, Jose Simone
 Male speaker; expressed concern with issues relating to religious beliefs
 Earl Rodgers; expressed concern with issues relating to violence and the selling of drugs in the Tenderloin
 John di Donna; expressed concern with issues relating to the homeless population in San Francisco
 Ace Washington; expressed concern with issues relating to violence in the Western Addition
 Pas Aries; expressed concern with issues relating to the Western Addition small businesses
 Randall Evans; expressed concern with issues relating to the African-American community and the SF Redevelopment Agency
 Mrs. Brown; expressed concern with issues relating to the death of her son and violence in San Francisco
 Champagne; expressed concern with issues relating to the death of her brother and violence in San Francisco
 Francisco Da Costa; expressed concern with issues relating to the violence and deaths of the youth in San Francisco
 Edward Sharpless; expressed concern with issues relating to the new rules for the Bay to Breakers
 Connor Johnson; expressed concern with issues relating to the new rules for the Bay to Breakers*

CLOSED SESSION

**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.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 3:59 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:

Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Phil Teng, Assessor-Recorder

Julie Van Nostern, Deputy City Attorney

Jim Emmery, Deputy City Attorney

Zoon Nguyen, Representative, Assessor-Recorder

Craig Dziedzic, Representative, Assessor-Recorder

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 4:42 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]

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

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CLOSED SESSION

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).

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 4:44 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:

Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Micki Callahan, Director of Department of Human Resources

Steve Ponder, Representative of the Department of Human Resources Compensation

Ben Rosenfield, Controller

Steve Kawa, Mayor's Chief of Staff

Nani Colleretti, Mayor's Budget Director

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 5:36 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]

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

Supervisor Elsbernd, seconded by Supervisor Dufty, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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.

**090189 [Susan Langlands Day - February 28, 2009]
Supervisors Avalos, Campos**

Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.

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

Resolution No. 57-09

ADOPTED

**090190 [Commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District]
Supervisors Dufty, Campos**

Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.

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

Resolution No. 55-09

ADOPTED

**090191 [Amended Landmark Tree Criteria, Nomination and Evaluation Forms]
Supervisors Mar, Campos**

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.

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

Resolution No. 63-09

ADOPTED

**090192 [Commending Star of the Sea School on their 100th year anniversary]
Supervisors Mar, Campos**

Resolution commending Star of the Sea School on their 100th year anniversary.

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

Resolution No. 56-09

ADOPTED

**090193 [Requesting establishment of the Office of Urban Policy in President Obama's Administration]
Supervisors Mirkarimi, Campos**

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.

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

Resolution No. 64-09

ADOPTED

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.)

Motion No. M09-30

APPROVED

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.)

Motion No. M09-31

APPROVED

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.)

Motion No. M09-32

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

**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.

Motion No. M09-22

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

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.)

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

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

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[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.

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

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

**090213 [Celebrating the Opening of the New Portola Branch Library on February 28, 2009]
Supervisors Maxwell, Campos**

Resolution recognizing the Grand Opening of the new Portola Branch Library and commending the community and the San Francisco Public Library team for their hard work and commitment to San Francisco and the residents of the Portola district.

**Resolution No. 61-09
ADOPTED.**

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**090219 [Amendment to post-employment restrictions]
Supervisor Elsbernd**

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

**090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]
Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

**090223 [Schlage Lock/Visitacion Valley Special Use District]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District 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; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

**090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including 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; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

**090225 [Residential Water Conservation Ordinance Amendments]
Mayor, Supervisor Maxwell**

Ordinance amending Chapters 12 and 12A of the San Francisco Housing Code to conserve existing water supplies by reducing the overall demand for water in residential buildings by amending the standards for required water conservation devices and requiring leak repair in all residential buildings, except for tourist hotels and motels, upon the occurrence of specific events.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

**090226 [Commercial Water Conservation Ordinance Amendments]
Mayor, Supervisor Maxwell**

Ordinance amending Chapter 13A of the San Francisco Building Code to improve the water efficiency of commercial buildings by requiring water conservation devices to be installed no later than January 1, 2017, or upon major additions or improvements.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

**090227 [Building Code - Pilot Project Requiring Amended Certificates of Final Completion and Occupancy for Existing Buildings in the RTO and NCT zoned portions of the Market & Octavia Area Plan Within the Boundaries of District Five]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that in the RTO and NCT zoned portions of the Market & Octavia Area Plan within the boundaries of District Five, an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where a Certificate of Occupancy would be issued under the Code, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building.

2/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009. 3/2/09 - Referred to the Building Inspection Commission and the Small Business Commission for review and comment.

**090228 [Temporary Revision of Payroll Expense Tax to Stimulate Job Retention and Creation]
Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Business and Tax Regulations Code, Payroll Expense Tax Ordinance, by adding Section 905 to permit the Payroll Expense Tax owed for the year 2009 to be paid at the lower of the amount owed for 2008 or 2009 and for the year 2010 to be paid at the lower of the amount owed for 2008 or 2010, but not reducing any taxes attributable to payroll expenses for owners or beneficiaries of pass-through entities and others.

(Economic Impact)

(Fiscal Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009.

**090229 [Temporary benefit payment to encourage investment]
Mayor, Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding Section ____ to provide a two year benefit payment for persons who purchase taxable business property in San Francisco in calendar year 2009.

(Economic Impact)

2/24/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009.

090230 [MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]**Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

2/24/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080323 [Place of Entertainment Permits and Board of Appeals procedures]**Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, and 1060.34, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008. (Referred to Entertainment Commission for informational purposes.)

(Referred to Small Business Commission for comment and recommendation.)

6/3/08, RESPONSE RECEIVED. The Small Business Commission unanimously approved the proposed ordinance.

10/28/08, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/28/08, ASSIGNED to City Operations and Neighborhood Services Committee.

2/24/09, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

2/24/09, ASSIGNED to City Operations and Neighborhood Services Committee.

**080324 [Extended-Hours Premises Permits]
Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017.17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, and 1070.33; by repealing Sections 1070.4, 1070.12, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008. (Referred to Entertainment Commission for informational purposes.)
(Referred to Small Business Commission for comment and recommendation.)

6/3/08, RESPONSE RECEIVED. The Small Business Commission unanimously approved the proposed ordinance.

10/28/08, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/28/08, ASSIGNED to City Operations and Neighborhood Services Committee.

2/24/09, ASSIGNED to City Operations and Neighborhood Services Committee.

2/24/09, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

**080380 [Unsolicited Print Publications--Stop Distribution Notice]
Supervisor Mirkarimi**

Ordinance amending Section 184.69 – 184.72 and 184.74 of the Public Works Code to require publishers of unsolicited print publications to provide a toll-free number or an e-mail address for residents who do not want to receive such print publications; to prohibit the distribution of such print publications to residents who request not to receive such print publications; and to assess penalties.

3/18/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

4/1/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

4/1/08, ASSIGNED to City Operations and Neighborhood Services Committee.

4/4/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

6/12/08, RESPONSE RECEIVED. The Small Business Commission will vote on the proposed ordinance at its July 2008 meeting. (The Commission encourages sponsor of legislation to meet with the neighborhood and small newspapers.)

2/4/09, FILED PURSUANT TO RULE 5.37.

2/24/09, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Mirkarimi requested this matter be reactivated.

2/24/09, ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

**090213 [Celebrating the Opening of the New Portola Branch Library on February 28, 2009]
Supervisors Maxwell, Campos**

Resolution recognizing the Grand Opening of the new Portola Branch Library and commending the community and the San Francisco Public Library team for their hard work and commitment to San Francisco and the residents of the Portola district.

2/24/09, ADOPTED.

**090220 [Apply-accept-expend State Grant funds - Recreation and Park Department - \$65,000]
Supervisor Mar**

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

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090221 [Apply-accept-expend State Grant funds - Recreation and Park Department - \$200,000]
Supervisor 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 Inventory Project.

(Fiscal Impact.)

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090240 [Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]
Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar**

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

(Fiscal Impact.)

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090241 [90 day extension for Historic Preservation Commission review - The Metro Theatre]
Supervisor Alioto-Pier**

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090242 [Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]

Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090243 [Urging Congress to pass the Uniting American Families Act]

Supervisors Campos, Dufty, Avalos, Chiu

Resolution urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration by permanent same-sex partners.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090246 [Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]

Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090247 [Celebrating the reopening of the Angel Island Immigration Station]

Supervisors Mar, Chiu, Chu

Resolution celebrating the reopening of the Angel Island Immigration Station.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090248 [Accept-Expend State Grant - Sheriff's Department - \$96,885]

Supervisor Mirkarimi

Resolution authorizing the Sheriff's Department of the City and County of San Francisco to accept and expend \$96,885 in additional funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs; stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090249 [Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]
Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty, Chiu**

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

- 090214 [Culture and Recreation Departments budget submission to the Mayor's Office on the proposed mid-year cuts]
Supervisor Avalos**

Hearing to consider Culture and Recreation Departments including the Recreation and Park Department's and the Fine Arts Museum's February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090215 [General Services Agency budget submissions to the Mayor's Office on the proposed mid-year cuts]
Supervisor Avalos**

Hearing to consider the General Services Agency Budget, including Department of Public Works, Department of Technology, and the 311 Projects' February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090216 [Health and Human Services Departments budget submission to the Mayor's Office on the proposed mid-year cuts]
Supervisor Avalos**

Hearing to consider Health and Human Services Departments: Human Services Agency (HSA), Department of Public Health (DPH), and Department of Children, Youth, and their Families' (DCYF) February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090217 [Public Safety Departments budget submission to the Mayor's Office on the proposed mid-year cuts]
Supervisor Avalos**

Hearing to consider Public Safety Departments including the Police, Fire, Sheriff, District Attorney, Public Defender, Adult Probation and Juvenile Probation Departments' February 20, 2009 departmental budget submissions to the Mayor's Office, proposed mid-year reductions and layoffs, major changes to departmental budgets including plans for consolidation, new initiatives, proposed layoffs and service cuts, impacts to non-profit service delivery, fee increases and other options for increasing revenues.

2/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090218 [2009 Summer Programs for Children and Youth in San Francisco]
Supervisor Elsbernd**

Hearing to review the 2009 summer programs for children and youth in San Francisco in order to discuss what programs will be available to the public and how best to access these programs. Hearing will also address current collaboration between the city, school district, and community partners to provide summer programs, and recommend ways to better coordinate in the future. Hearing will examine ways to more effectively promote these programs in order to increase awareness as to the availability of these opportunities.

2/24/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

**090231 [Extending Time for Negotiations with Labor Unions to June 30, 2009]
Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100.

2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090232 [Appointment, Historical Preservation Commission - Ruth Todd]

Motion approving the Mayor's nomination for appointment of Ruth Todd to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090233. Transmittal date – February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090233 [Appointment, Historical Preservation Commission - Ruth Todd]

Motion rejecting the Mayor's nomination for appointment of Ruth Todd to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090232. Transmittal date – February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090234 [Appointment, Historical Preservation Commission - Tim Kelley]

Motion approving the Mayor's nomination for appointment of Tim Kelley to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090235. Transmittal date – February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090235 [Appointment, Historical Preservation Commission - Tim Kelley]

Motion rejecting the Mayor's nomination for appointment of Tim Kelley to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090234. Transmittal date – February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090236 [Appointment, Historical Preservation Commission - Diane Matsuda]

Motion approving the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090237. Transmittal date – February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090237 [Appointment, Historical Preservation Commission - Diane Matsuda]

Motion rejecting the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090236. Transmittal date – February 24, 2009.)

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

090239 [Adopting a proposed schedule of audits to be conducted of programs of City and County departments] Supervisor Mirkarimi

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments. 2/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES**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)

2/10/09, 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)

2/11/09, 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)

2/6/09, 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)

2/6/09, 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)

2/9/09, 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)

2/12/09, 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)

2/13/09, 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)

2/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

PROPOSED RESOLUTIONS**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)

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

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

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)

2/11/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance requiring any supermarket that would establish a convenience zone, as designated by the State Department of Conservation, but does not currently have a recycling redemption center on site, to offer in-store redemption for recycling beverage containers, or to establish a recycling redemption center.

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

Northeast corner Bush & Laguna

Northwest corner Ashbury & Waller

On Haight near Central (south side of street)

Northeast corner Bush and Laguna

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes

On Lincoln, from 7th Avenue to 19th Avenue (street patches are crumbling also around sewer manholes)

On Fillmore between Turk and O'Farrell

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:

619 Webster (on fence)

250 Scott

1160 Oak

401 Haight

484 Haight

44 Haight

445 Scott

1401 Haight

1372 Haight

1352 Haight

400 Page

428 Haight

485 Scott

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole

*In front of 1157 Fell
Southeast corner Fell & Scott
Northeast corner Lyon & Scott
Southwest corner of Grove & Scott
Northwest corner Laguna & Haight*

*Wood Pole
Northwest corner Page & Webster
In front of 408 Buchanan*

*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 of 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
Irving and 7th Ave.
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*

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

*Utility Boxes
Northeast corner & Steiner
Northeast corner Bush & Buchanan
Northeast corner Oak and Buchanan
Northeast Fell and Buchanan
In front of 1213 Fell*

Southwest corner Turk & Pierce
Southwest corner Turk & Webster
Southwest corner Golden Gate & Laguna
Northeast corner Buchanan & Linden (2 boxes)

Bus Shelters

Southeast corner Carl & Cole
Southeast corner Geary & Scott
Southwest corner Buchanan & Haight
All bus shelters on Haight and Fillmore need power washing and Graffiti
Southeast corner Buena Vista East
Southwest corner Buena Vista West
Southeast corner Geary and Divisadero
Southwest corner Grove & Gough

Fire Hydrant

Northwest corner Fell & Webster

Emergency Boxes

Northeast corner Golden Gate & Scott

From: Supervisor Dufty

To: Recreation and Park Commission

Requesting/Inquiring: Inquiring that the Recreation and Park Commission review the request for a plaque in Golden Gate Park honoring Jose Simon, founder of Comedy Day.

Starting in 1981, more than 500 of the world's funniest comedians have performed free-of-charge in Golden Gate Park, most recently Sharon Meadows.

Mr. Simon's widow, Gail Simon, testified during today's public comment at the Board of Supervisors and has petitions signed by more than a thousand citizens.

It would be appreciated if the Commission would respond directly to Ms. Simon and advise the Board of the process to establish a plaque recognizing Mr. Simon's contributions.

In Memoriams

Dr. Shyamala Harris - Entire Board
James Joseph Brett, Jr. - Supervisor Alioto-Pier
John Harleman - Supervisor Alioto-Pier
Sherri Manning - Supervisor Chiu
Harold "Hersh" Zimmerman - Supervisor Dufty
Louise Colthirst - Supervisor Mar
Claudia Lebish - Supervisor Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:37 p.m.

Angela Calvillo, Clerk of the Board

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 31, 2009.



Angela Calvillo
Clerk of the Board