

**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 10, 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

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.

REGULAR AGENDA

UNFINISHED BUSINESS

Possible Consideration of Mayoral Veto

(Pending approval of File No. 090150)

1. 090009 [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.

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Chu

5. 081360 [Lease of real property at 3801 Third Street, Suite 400]

Resolution authorizing the lease at 3801 Third Street, Suite 400, for the Department of Public Health commencing retroactively on July 1, 2008. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

6. 090042 [Public Auction - Tax-defaulted real property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

Question: Shall this Resolution be ADOPTED?

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

COMMITTEE REPORTS

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

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, February 9, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, February 10, 2009.

7. 090027 [Contract with Owners' Association for administration/management of Yerba Buena Community Benefit District]

Mayor

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Yerba Buena Community Benefit District," pursuant to Section 36651 of the California Streets and Highways Code.

Question: Shall this Resolution be ADOPTED?

8. 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.

9. 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.

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 10 through 18

- 10. 090143 [Extending the Library Citizens Advisory Committee] Supervisor Daly**
Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.

2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 11. 090144 [Commending Margaret Brodtkin on over 30 years of service on behalf of San Francisco children and families] Supervisors Dufty, Maxwell, Avalos, Campos, Mirkarimi, Chiu**
Resolution commending Margaret Brodtkin on over 30 years of service on behalf of San Francisco children and families.

2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 12. 090145 [Commending David H. Williams and his 19 years of dedicated work to the Human Services Agency for the City and County of San Francisco since 1990] Supervisor Dufty**
Resolution commending David H. Williams and his dedication to the Human Services Agency for the City and County of San Francisco since 1990.

2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 13. 090146 [Commending Richard Rothman for 25 years of dedicated service to the City and County of San Supervisor Dufty]**

1/27/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

2/4/2009, TRANSFERRED to Board of Supervisors.

2/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

19. 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 January 27, 2009 to February 2, 2009, for reference by President to appropriate committee on February 10, 2009.

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)

1/28/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090154 [Petitions and Communications]

Petitions and Communications received from January 27, 2009 through February 2, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 10, 2009.

From Office of Building Inspection, submitting the Efficiency Plan and Performance Measures for the Department of Building Inspection, fiscal year 2008-09. Copy: Each Supervisor, Clerk(1)

From Public Library, submitting the 2000 Branch Library Improvement Bond Quarterly Report, fourth quarter 2008.(2)

From Peter Warfield, concerning problems with the renovation planning for the Park Branch library.(3)

From concerned citizens, submitting support to restore Sharp Park. 24 letters(4)

From Law Library, submitting the Efficiency Plan and Performance Measures for the Law Library, for fiscal year 2008-09. Copy: Each Supervisor(5)

From concerned citizens, submitting support for the appointment of Larry Mazzola to the Golden Gate Bridge Authority. Copy: Rules Committee(6)

From Board of Appeals, submitting the Efficiency Plan and Performance Measures for the Board of Appeals, for fiscal year 2008-09.(7)

From Patrick Monette-Shaw, commenting on the budget deficit facing the City and County of San Francisco. 2 letters(8)

From Patrick Monette-Shaw, submitting letter entitled "free speech values restored to SF's proposed June 2 election rules; open meeting rules remain at great accountability risk" dated February 1 2009.(9)

From Christian Holmer, concerning audit of the public records request of public officials for the week of January 24, 2009 through January 30, 2009.(10)

From Department of Public Works, submitting quarterly report of the Department of Public Works Defective Sidewalk Repair Revolving Account for the period September 30, 2008 through December 31, 2008.(11)

From Metcalf and Eddy, submitting report regarding the Auxiliary Water Supply System Study. Copy: Each Supervisor(12)

From California Building Standards Commission, submitting acknowledgement receipt of San Francisco Ordinance No. 281-08 with findings on December 11, 2008.(13)

From James Chaffee, submitting letter entitled "Respect for the First Amendment" dated January 30, 2009.(14)

From Department of Public Works, submitting names of newspaper publishers issued citations for free standing news racks not in compliance with regulations.(15)

From Public Utilities Revenue Bond Oversight Committee, submitting their 2008 Annual

Report. Copy: Each Supervisor, Clerk(16)

From SF Association of Realtors, submitting opposition to the special election in June 2009 for the purpose of presenting revenue and tax measures to the voters of the City and County of San Francisco. File 090040(17)

From Clerk of the Board, submitting Form 700 for Supervisor Eric L. Mar and Max Siegel, legislative aide to Supervisor Sandoval.(18)

From First 5 San Francisco, submitting the Efficiency Plan and Performance Measures for First 5 San Francisco, fiscal year 2008-09.(19)

From Recreation and Park Department, submitting report for the 2nd quarter of fiscal year 2008-09 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. Copy: Each Supervisor(20)

From Office of the Controller, submitting report on the impact of freezing or reducing fees paid by small business in the upcoming fiscal year.(21)

From Charlene Jones, submitting opposition to reducing operational funding for Access SF beginning July 1, 2009.(22)

From Harry Nebenzahl, regarding fancy food shows donating extra food to local food banks.(23)

From Planning Department, submitting notice that the San Antonio Reservoir Hypolimnetic Oxygenation System Project is under environmental review.(24)

From Raianna, commenting on management decisions at the San Francisco Zoo.(25)

From Ahimsa Sumchai, regarding the amount of asbestos at Hunters Point Shipyard Parcel A. 4 letters(26)

From the Children and Families Commission, submitting the Efficiency Plan and Performance Measures for the Children and Families Commission, fiscal year 2008-09.(27)

From Francisco Da Costa, commenting on various decisions by the San Francisco City Attorney.2 letters(28)

From Francisco Da Costa, regarding Barry Minkow and the "fraud discovery institute" coming to Bayview Hunters Point.(29)

From Francisco Da Costa, submitting letter entitled "Hope SF a ploy so devious" dated January 27, 2009.(30)

From Department on the Status of Women, announcing the release of the 2009 Directory of Social Services for Women in San Francisco.(31)

From Housing Authority, submitting comments on automating the waiting lists for Section 8 as well as the housing opportunities for persons with AIDS pursuant to the report by the Office of the Legislative Analyst. (Reference No. 20090127-011)(32)

From Villa-Lobos, commenting on the "Drug Free Zone" signs in the Tenderloin district.(33)

From Charles Marsteller, commenting that a major seismic event is due in nine years or less.(34)

From Department of Public Works, reporting on the status of removing graffiti from various locations in District 5. (Reference No. 20090106-006)(35)

From Kenny Cowan, regarding the parking situation on Fulton Street between Gough and Franklin Streets.(36)

From Bonnie Birk, submitting opposition to the June 2009 election and proposed new taxes in San Francisco. File 090040(37)

From Ruth Berson, regarding public funding for the arts in San Francisco.(38)

From Katie Heimsoth, submitting support for an amended version of Supervisor Maxwell's clean energy ordinance.(39)

From concerned citizens, regarding proposed Department of Public Health's cuts on the most vulnerable citizens in San Francisco. File 090041(40)

From Department of Public Health, submitting the AIDS cases reported through December 2008.(41)

From Department of Building Inspection, regarding the dimensional tolerances for new and existing construction.(42)

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 sotf@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