

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, March 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, Campos, Dufty

Budget and Finance Subcommittee

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

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 10

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 2:06 p.m. On the call of the roll all Supervisors were noted present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

**090275 [Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]
Supervisor Campos**

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

**Ordinance No. 40-09
FINALLY PASSED**

Recommendation of the Government Audit and Oversight Committee

**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.

**Ordinance No. 45-09
FINALLY PASSED**

Recommendations of the Land Use and Economic Development Committee**081504 [Massage Services in South of Market Residential/Service Mixed Use District]
Supervisors Daly, Dufty**

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Ordinance No. 49-09
FINALLY PASSED

**081598 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisor Elsbernd**

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

Ordinance No. 48-09
FINALLY PASSED

Recommendations of the Rules Committee**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)

Ordinance No. 46-09
FINALLY PASSED

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)

Ordinance No. 47-09
FINALLY PASSED

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)

Ordinance No. 41-09
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Severed from the Consent Agenda

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

**081620 [Zoning - Ordinance amending the Planning Code to correct errors and omissions]
Supervisor Maxwell**

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd moved to divide the question relating to the proposed change to the height limit for property located at Block 3616, Lot 07.

Supervisor Daly, seconded by Supervisor Campos, moved to table the remaining legislation without the proposed amendment.

Supervisor Daly withdrew his motion to table the matter.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to continue this matter to June 2, 2009.

Motion to continue this matter to June 2, 2009 failed by the following vote:

Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

Noes: 6 - Alioto-Pier, Chu, Duffy, Elsbernd, Mar, Maxwell

Ordinance No. 51-09

FINALLY PASSED by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Duffy, Elsbernd, Mar, Maxwell

Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

**090381 [Zoning Map Amendment - 2550 Mission Street]
Supervisor Campos**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for property located at 2550 Mission Street, Assessor's Block 3616, Lot 007, between 21st and 22nd Streets to 65-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Amended to include language relating to the height for property located at Block 3616, Lot 07 to correct the clerical error to reduce the height from "85 ft" to "65 ft."

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

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

The Clerk of the Board was directed to refer this matter to the Planning Department for review and comment.

Supervisor Campos, seconded by Supervisor Avalos, moved that this Ordinance be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

**090100 [Solar Energy Incentive Program]
Supervisors Mirkarimi, Campos, Mar**

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Supervisors Campos and Mar requested to be added as co-sponsors.

Ordinance No. 42-09

FINALLY PASSED by the following vote:

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

- 090140 [De-appropriating \$1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]**
Mayor, Supervisors Mirkarimi, Dufty, Mar

Ordinance de-appropriating \$1,000,000 of Power for Resale expenses and appropriating \$1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5.

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

Ordinance No. 43-09

FINALLY PASSED by the following vote:

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

Noes: 2 - Daly, Elsbernd

- 090131 [Appropriating \$16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]**
Supervisor Alioto-Pier

Ordinance appropriating \$16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing \$15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

Ordinance No. 44-09

FINALLY PASSED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

- 081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water]**
Supervisors Mirkarimi, Maxwell, Campos, Mar

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

Supervisors Campos and Mar requested to be added as co-sponsors.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

**081563 [Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]
Supervisors Mirkarimi, Mar**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.20 FTE) 9775L Senior Community Development Specialist II and one position (.20 FTE) 9770L Community Development Assistant to the Board of Supervisors (BOS).

(Fiscal Impact.)

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

Ordinance No. 50-09

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

**090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to \$600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition.

(Fiscal Impact.)

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

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

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to \$600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

090284 [Endorsing the Recommendations of the San Francisco Fair Lending Working Group]
Supervisors Maxwell, Campos

Resolution endorsing the findings and recommendations contained in the final report of the San Francisco Fair Lending Working Group.

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

Resolution No. 96-09

ADOPTED by the following vote:

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

Noes: 1 - Elsbernd

Board of Supervisors Sitting as a Committee of the Whole

090351 [Committee of the Whole - Hearing on the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1]
Supervisor Avalos

Hearing to discuss the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

The President inquired as to whether any member wished to address the Board members. There were none.

The President declared the public hearing closed.

FILED.

090348 [Creating a subcommittee of the Budget and Finance Committee - Board of Supervisors]
Supervisor Avalos

Motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

Motion No. M09-53

APPROVED by the following vote:

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

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 Alioto-Pier welcomed, introduced and presented Certificates of Honor to members of Liuna! Local 261, Nikki Mixon, Terry McDevitt, Edison Fincher, Adrian Field, Theresa Foglio and Joan Vellutini in recognition of their outstanding service to the City and County of San Francisco.

Supervisor Dufty welcomed, introduced and presented Certificates of Honor to members of the American Red Cross in appreciation for their service to the City and County of San Francisco.

Supervisor Campos welcomed, introduced and presented Certificates of Honor to members of Bernal Heights Neighborhood Center, Joseph Smooke and Kevin Kitchingham, in recognition of their 30th Anniversary.

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.

Abdullah Megaheed; expressed concern with issues relating to the decrease in tourism due to the homeless situation in San Francisco

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter; shared in song certain issues with the Board

Male speaker; expressed concern with issues relating to the financial and economic crisis

Anastasia; expressed concern with issues relating to the financial and economic crisis

Marvin; expressed concern with issues relating to the financial and economic crisis

Male speaker; expressed concern with issues relating financial and economic crisis

Philip Gary; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Lori Back; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Female speaker; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Ryan Luker; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Marcus Lucero; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Peter Warfield; expressed concern with issues relating to the Park Library renovations

John Di Donna; expressed concern with issues relating to the deaths of soldiers dying in the Iraq War

Dr. Elliot Katz; expressed support for Item 31 relating to the resolution commending restaurants that have stopped serving foie gras

Male speaker; expressed concern with issues relating to the Shelter Monitoring Committee

Male speaker; expressed concern with issues relating to illegal immigrants

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.

- 090338 [International Museum of Women]
Supervisors Alioto-Pier, Chu, Maxwell, Dufty, Mar, Campos**

Resolution urging the City and County of San Francisco to aid the International Museum of Women in their efforts to secure a permanent physical location in San Francisco to display their exhibitions and to educate and enrich those who visit.

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

Resolution No. 95-09

ADOPTED

- 090339 [Timothy Pflueger Day - March 22, 2009]
Supervisors Chiu, Campos**

Resolution proclaiming March 22, 2009, to be Timothy Pflueger Day in San Francisco.

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

Resolution No. 99-09

ADOPTED

- 090343 [Honoring Sandee Blechman for her thirteen years of dedicated service]
Supervisor Dufty**

Resolution honoring Sandee Blechman for her thirteen years of dedicated service to the Jewish Community Center of San Francisco.

Resolution No. 98-09

ADOPTED

- 090344 [Apply for Caltrans Transportation Planning Grant]
Supervisors Maxwell, Campos**

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the California Department of Transportation (Caltrans) for the purpose of conducting a community design process for Cesar Chavez Street.

Resolution No. 76-09

ADOPTED

**090345 [Accept and Expend Private Grant - Arts Commission - \$5,000]
Supervisor Maxwell**

Resolution authorizing the Arts Commission of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$5,000 from the Cynthia Woods Mitchell Fund for Historic Interiors (a fund of the National Trust for Historic Preservation) for the Bayview Opera House Renovation and Restoration Project.

Resolution No. 100-09

ADOPTED

**090346 [Celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution]
Supervisors Mirkarimi, Maxwell, Alioto-Pier, Dufty, Campos**

Resolution celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution.

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

Resolution No. 103-09

ADOPTED

**090347 [Commending restaurants that have stopped serving foie gras]
Supervisors Mirkarimi, Campos**

Resolution commending restaurants that have removed foie gras from their menus.

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

Resolution No. 97-09

ADOPTED

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 the For Adoption Without Committee Reference

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

**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.

Motion No. M09-55

APPROVED by the following vote:

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

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

**090341 [Celebrating March 2009 as American Red Cross Month]
Supervisors Dufty, Campos**

Resolution celebrating March 2009 as American Red Cross Month.

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

Resolution No. 101-09

ADOPTED by the following vote:

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

**090349 [Board waiver of committee reference requirement and convening as a Committee of the Whole on March 24, 2009, for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of the Budget and Finance Committee]
Supervisors Avalos, Elsbernd**

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 24, 2009, for the purpose of considering the proposed amendment to Rule 5.1.

Motion No. M09-54

APPROVED by the following vote:

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

**090342 [Recognizing freshwater as a human right and the importance of access to safe drinking water for all]
Supervisors Dufty, Campos**

Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

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

REFERRED to the City Operations and Neighborhood Services Committee.

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

**090350 [Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]
Supervisors Maxwell, Chiu**

Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. 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 Dufty, seconded by Supervisor Campos, moved ADOPTION of the purely commendatory act 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 Dufty, seconded by Supervisor Campos, 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

**090359 [Commending officers of the Oakland Police Department who were killed in the line of duty]
Supervisors Dufty, Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution honoring the public service of Oakland Police Department Officers John Hege, Mark Dunakin, Daniel Sakai and Ervin Romans on the occasion of their sacrifice in the line of duty.

Resolution No. 102-09

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

- 090367 [Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]**
Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to NCD; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

- 090368 [Waiver of Candle Permit Fee in Support of "Earth Hour San Francisco 2009"]**
Supervisor Alioto-Pier

Ordinance waiving candle permit fee under Fire Code Section 112-A for entities who apply for a permit for a one-time basis in order to participate in "Earth Hour San Francisco 2009" on March 28, 2009 and use candles pre-approved by the San Francisco Fire Department.

3/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090369 [Office Building After-Hours Lighting]**
Supervisor Chiu

Ordinance amending the San Francisco Environment Code by adding a new Chapter 9 to conserve electricity by prohibiting commercial buildings from lighting unoccupied interior spaces after business hours; and to make environmental findings.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

**090227 [Building Code - Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, 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.

3/3/09, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

3/5/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

3/11/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

3/24/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/23/2009. The due date for 30 day rule was reset as the substituted legislation is significantly different from the original legislation as advised by the City Attorney's Office.

Resolutions

**090359 [Commending officers of the Oakland Police Department who were killed in the line of duty]
Supervisors Dufty, Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi**

Resolution honoring the public service of Oakland Police Department Officers John Hege, Mark Dunakin, Daniel Sakai and Ervin Romans on the occasion of their sacrifice in the line of duty.

3/24/09, ADOPTED.

**090370 [Amending PG&E Energy Conservation Revenue Contract]
Mayor**

Resolution authorizing the Department of the Environment to amend a revenue contract with Pacific Gas and Electric Company ("PG&E") to add up to \$ 3,700,000 and to further amend such contract up to an additional \$3,000,000 to continue the Partnership Program between PG&E and the City and County of San Francisco for the Energy Use and Demand Reduction through Energy Efficiency Program.

(Fiscal Impact.)

3/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090371 [Rebuild of St. Luke's Hospital - Evaluation of temporary hospital structure]
Supervisors Alioto-Pier, Maxwell**

Resolution urging the California Pacific Medical Center to evaluate the concept of building a temporary hospital while constructing the rebuild of St. Luke's Hospital.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090372 [Rebuild of St. Luke's Hospital]
Supervisors Alioto-Pier, Maxwell**

Resolution urging the Planning Department and the Historic Preservation Commission to evaluate the historic integrity of the 1912 building on the St. Luke's campus and to determine whether or not the 1912 building might be a historic resource under the California Environmental Quality Act.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090373 [Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]
Supervisors Avalos, Mirkarimi, Mar, Campos**

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090374 [National Start! Walking Day - April 8, 2009]
Supervisors Chiu, Campos**

Resolution proclaiming April 8, 2009, as "National Start! Walking Day" in San Francisco.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090375 [Supporting Assembly Bill 1000, paid sick day legislation]
Supervisors Daly, Maxwell, Mar, Campos**

Resolution declaring support of Assembly Bill 1000 (Ma) that would provide California workers with earned paid sick days.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090376 [Accept and Expend Grant - Juvenile Probation Department - \$25,000]
Supervisor Elsbernd**

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$25,000 from the Annie E. Casey Foundation for continuing support of the juvenile justice reform activities at the Juvenile Probation Department.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090377** [The Board of Supervisors endorsing and supporting the event "SF Youth Unity", a youth environmental summit and green block party]
Supervisor Elsbernd

Resolution urging the Board of Supervisors to endorse and support the event "SF Youth Unity", a youth environmental summit and green block party.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090378** [Supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act]
Supervisors Mar, Maxwell, Campos

Resolution supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090380** [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 (ARRA)]
Mayor, Supervisors Elsbernd, Chiu, Chu

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend Federal grant funds.

3/24/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request for Hearings

- 090360** [Rebuild of St. Luke's Hospital - Evaluation of Temporary Hospital Structure]
Supervisors Alioto-Pier, Maxwell

Hearing on the rebuild of St. Luke's Hospital and evaluation of temporary hospital structure. The hearing will explore the feasibility of a temporary hospital structure during the rebuild of St. Luke's Hospital. The hearing will call upon the California Pacific Medical Center to present its findings on the cost effectiveness of building a temporary hospital while keeping in mind the three core values adopted by the Blue Ribbon Panel to (1) maintain continuity of service; (2) to ensure low impact on the residents of the neighborhood and (3) to consider the "life cycle planning cost" which considers construction time, new care models, technology and flexibility.

3/24/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090361 [Joint hearing of the Public Safety Committee of the Board of Supervisors and the Police Commission - San Francisco's City of Refuge Ordinance]
Supervisor Campos**

Joint hearing of the Public Safety Committee and the San Francisco Police Commission on the San Francisco Police Department's (SFPD) implementation of and compliance with San Francisco's City of Refuge Ordinance. The hearing shall include a presentation and discussion of SFPD's interaction and coordination with the Department of Juvenile Probation. The hearing shall include a presentation by or discussion with the Department of Juvenile Probation.

3/24/09, RECEIVED AND ASSIGNED to Public Safety Committee.

**090362 [S.F. Police Department's procedures with respect to rallies or other First Amendment activities]
Supervisors Campos, Mirkarimi**

Hearing on the protocols, guidelines, and procedures that the San Francisco Police Department follows with respect to rallies, protests, demonstrations, or other First Amendment activities.

3/24/09, RECEIVED AND ASSIGNED to Public Safety Committee.

**090363 [Public safety impact of budget cuts proposed by various departments]
Supervisor Campos**

Hearing on the public safety impact of budget cuts proposed by various departments, including the Juvenile Probation Department, the Department of Children, Youth and their Families, and the Department of Public Health.

3/24/09, RECEIVED AND ASSIGNED to Public Safety Committee.

**090364 [Local Business Enterprises]
Supervisor Chiu**

Hearing for the Human Rights Commission to present to the Board of Supervisors current data on the number, dollar value, and type of contracts awarded to Local Business Enterprises as required by Administrative Code Section 14B.15.

3/24/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090365 [Programs available to homeless children and youth enrolled in SFUSD]
Supervisor Elsbernd**

Hearing to review programs for and services available to homeless children and youth enrolled in San Francisco Unified School District (SFUSD). Hearing will address current collaboration between the city, school district, and community partners to provide services for these students and their families, and recommend ways to better coordinate in the future. Hearing will also address homeless children and youth living in San Francisco who are not enrolled in school.

3/24/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

**090366 [Climate Action Plan]
Supervisor Mirkarimi**

Hearing before the Government Audit and Oversight Committee to receive and review the report prepared pursuant to the City's Climate Action Plan.

3/24/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Motion

**090379 [Rescheduling the April 7, 2009 Board meeting to 10:00 am]
Supervisor Chiu**

Motion rescheduling the April 7, 2009 regular meeting of the Board of Supervisors to begin at 10:00 am in the Board Chamber in City Hall on that day.

3/24/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED RESOLUTIONS

090254 [Approving office supplies contract over \$10 million with Office Depot]

Resolution approving the award of the City's new contract for office supplies to Office Depot (Contractor) and approving the contract's not-to-exceed amount of \$17.5 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

3/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090256 [Agreement to Purchase an Access and Communication Easement in Tuolumne County]

Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of \$9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

3/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chiu

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney prepare a Motion that the Board of Supervisors convene in closed session on March 31, 2009 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).

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 Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

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 repairing potholes at the following locations:

On Divisadero between Geary and Eddy

In front of 1472 McAllister

*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
Southwest corner Divisadero & McAllister
Southwest corner Divisadero & Geary*

*Mailboxes
Northeast corner Laguna & Fell*

*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 public property at the following locations:*

*Utility Boxes
Southwest Post & Scott
Northeast corner Post & Steiner
Northeast corner Baker & Turk
Southeast corner Scott & Fillmore
Southwest corner Broderick & Fulton
In front of 1589 Haight*

*Bus Shelters
Southwest corner Pierce & McAllister
Northwest corner Divisadero & Ellis
Northeast McAllister & Buchanan
Fillmore & Haight (all 4 bus stops)*

*Emergency Boxes
Southeast corner Page & Steiner
Northeast corner Divisadero & Page*

*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 1576 McAllister
Northwest corner Steiner & Waller
Southeast corner Divisadero & Page
Northwest corner Fillmore & Haight (near bus shelter)*

*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:*

*542 Haight
378 Fulton
999 Oak
598 Laguna (on the Linden Alley side)*

1689 Fillmore
803 Fillmore
349 Fillmore
339 Fillmore
600 Page
601 Haight
500 Fillmore
573 Fillmore
279 Fillmore
926 Divisadero

In Memoriams

Buddy Summerfield - Entire Board
Brent Ching - Entire Board
Kristen Ching - Entire Board
Heyley Ching - Entire Board
Caleb Ching - Entire Board
Dr. Erin Jacobson - Entire Board
Amy Jacobson - Entire Board
Taylor Jacobson - Entire Board
Ava Jacobson - Entire Board
Jude Jacobson - Entire Board
Mike Pellen - Entire Board
Dr. Vanessa Pullen - Entire Board
Sydney Pullen - Entire Board
Christopher Pullen - Entire Board
Sgt. Daniel Sakai - Entire Board
Officer John Hege - Entire Board
Sgt. Mark Dunakin - Entire Board
Sgt. Ervin Romans - Entire Board
John Kanaley - Supervisors Elsbernd and Chu

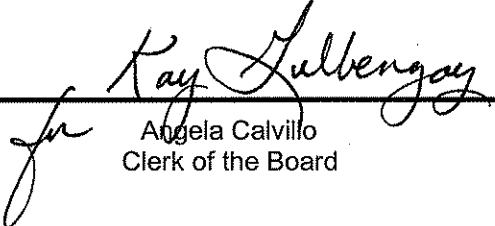
ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:01 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 April 21, 2009.



Angela Calvillo
Clerk of the Board