

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 31, 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

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

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.

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 2:04 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 24, 2009, and March 3, 2009. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090262 [Lease of Real Property at 520 Jones Street]

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco. (Real Estate Department)

Resolution No. 110-09

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

090198 [Accept and 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)

Resolution No. 115-09

ADOPTED

**090282 [Accept and Expend Federal Grant Funds - Department of Public Works - \$1,475,675]
Supervisor Elsbernd**

Resolution authorizing the Department of Public Works to retroactively accept and expend a grant in the amount of \$1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

Resolution No. 112-09
ADOPTED

**090283 [Accept and Expend Department of Energy 700 Pennsylvania Avenue Grant Funds - \$610,080]
Supervisor Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a grant in the amount of \$610,080 from the U.S. Department of Energy through the Consolidated Appropriations Act of 2008 under the Energy Policy Act of 2005 (P.L. 109-58) for the Muni Ways & Structures Building (700 Pennsylvania Avenue) Solar Evaluation Project.

(Fiscal Impact.)

Resolution No. 93-09
ADOPTED

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)

Ordinance No. 55-09
FINALLY PASSED

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)

Ordinance No. 53-09
FINALLY PASSED

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)

Ordinance No. 54-09

FINALLY PASSED

Recommendations of the Rules Committee**090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

PASSED ON FIRST READING

090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No. CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

PASSED ON FIRST READING.

090303 [Appointment, Child Care Planning and Advisory Council - Maria Luz Torre]

Motion appointing Maria Luz Torre, term ending December 31, 2010, to the Child Care Planning and Advisory Council.

Maria Luz Torre succeeding herself, term expired, seat 10, must be a nominee of District 10 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" for unexpired portion of a three-year term ending December 31, 2010.

Motion No. M09-60

APPROVED.

090304 [Appointment, Voting Systems Task Force - James Soper]

Motion appointing James Soper, term to be determined, to the Voting Systems Task Force, residency requirement waived.

James Soper, seat 9, new assignment, must have a background working in accommodation of persons with disabilities, for two-year term to be determined.

Motion No. M09-61

APPROVED.

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

090280 [Accept and Expend State Grant Funds - S.F. Recreation and Park Department - \$157,000]

Supervisor Duffy

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of \$157,000 for the Glen Canyon Islais Creek Restoration Project.

Continued to April 7, 2009.

Supervisor Duffy, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****From the Clerk****090340 [Adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero]**

Motion adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero. (Clerk of the Board)

Amended on page 7, line, 2 after "current and" by adding "reasonably foreseeable."

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

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

Motion No. M09-62

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

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, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

(Fiscal Impact.)

Supervisor Avalos, seconded by Supervisor Daly, 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

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

Recommendation 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.)

Ordinance No. 52-09

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090281 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Alameda Siphon No. 4 Project]
Supervisor Elsbernd

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of the Alameda Siphon No. 4 Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Resolution No. 94-09

ADOPTED by the following vote:

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

Recommendations of the City Operations and Neighborhood Services Committee

081330 [Adopting the United Nations Convention on the Rights of the Child]
Supervisor Campos

Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to continue this matter.

The motion to continue this matter failed by the following vote:

Ayes: 3 - Alioto-Pier, Chu, Elsbernd

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

Supervisor Alioto-Pier moved to divide the question relating to "FURTHER RESOLVED, That the Board of Supervisors following the United Nations Conventions on the Rights of the Child hereby declares it City policy to provide every youth who has contact with the juvenile justice system his or her right to full due process under the law before any City employee initiates communication with federal immigration officials regarding said youth's disposition." (See File No. 090430)

DIVIDED by the following vote:

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

Resolution No. 104-09

ADOPTED AS DIVIDED by the following vote:

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

**090430 [Adopting the United Nations Convention on the Rights of the Child]
Supervisor Campos**

Resolution urging the Board of Supervisors declaring its City policy to provide every youth who has contact with the juvenile justice system his or her right to full due process under the law before any City employee initiates communication with federal immigration officials regarding said youth's disposition.

Resolution No. 105-09

ADOPTED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

**081526 [Requesting Establishment of a Do Not Mail Registry]
Supervisors Mirkarimi, Dufty, Campos**

Resolution urging both the California State Legislature and United States Congress to establish a Do Not Mail Registry.

Resolution No. 106-09

ADOPTED by the following vote:

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

Noes: 2 - Chu, Elsbernd

Recommendations of the Land Use and Economic Development Committee

**090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd**

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

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

**090180 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

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

**090181 [Planning Code Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

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

**090179 [Balboa Park Station Area Plan - monitoring program]
Supervisors Avalos, Elsbernd**

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.

(Economic Impact)

PASSED ON FIRST READING by the following vote:

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

**090182 [Federal Economic Recovery Support for Balboa Park Station Area Plan]
Supervisor Avalos**

Resolution urging city departments to set the Balboa Park Station Area Plan as an identified priority when seeking Federal Economic Stimulus funding, and to work with San Francisco's Congressional delegation to ensure, to the extent possible, that Federal Economic Recovery legislation includes funding for the Balboa Park Station Area Plan.

Resolution No. 109-09

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**090153 [Appointment, Police Commission - Vincent Pan]**

Motion confirming the Rules Committee's nomination of, and appointing, Vincent Pan, term ending April 30, 2010, to the San Francisco Police Commission.

Vincent Pan, succeeding David Campos, resigned, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2010.

Motion No. M09-59

APPROVED by the following vote:

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

090259 [Reappointment, Municipal Transportation Agency Board of Directors - Tom Nolan]

Motion confirming the Mayor's reappointment of Tom Nolan to the Municipal Transportation Agency Board of Directors, term ending March 1, 2013. (Mayor)

At least four of the Directors must be regular riders of the Municipal Railway and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance or labor relations. At least two of the directors must possess significant knowledge of or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Motion No. M09-57

APPROVED by the following vote:

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

090302 [Appointment, Golden Gate Bridge, Highway and Transportation District - Richard Grosboll]

Motion appointing Richard Grosboll, term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

Richard Grosboll, seat 3, succeeding himself, term expired, represents public at large, subject to review and affirmation by the Board of Supervisors.

Motion No. M09-58

APPROVED by the following vote:

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

Board of Supervisors Sitting as a Committee of the Whole

090316 [Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]
Supervisors Maxwell, Chiu

Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

Continued to April 28, 2009.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried 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.

*Abdullah Megaheed; expressed concern with issues relating to the violence against police officers
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; shared with the Board members his religious beliefs
Robert Haaland; expressed concern with issues relating to juvenile justice for the LGBT community
Female speakers; expressed concern with issues relating to immigration rights
Evelyn Sanchez; expressed concern with issues relating to immigration rights
Isabell Alexander; expressed concern with issues relating to immigration rights
Angela Chan; expressed concern with issues relating to juvenile justice
Steve Krystofiak; expressed concern with issues relating to interest rates
Alice Linster; expressed concern with issues relating to do not mail registry and juvenile justice
Joseph Smooke; expressed concern with issues relating to St. Luke's Hospital expansion
Nato Green; expressed concern with issues relating to St. Luke's Hospital expansion
Female speaker, expressed concern with issues relating to solving child homicides and violence in the community
Walter; shared in song concern with general issues
Female speaker; expressed concern with issues relating to immigration rights*

CLOSED SESSION

090382 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]
Supervisor Chiu

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).

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried 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 4:15 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present:

Supervisors 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

Martin Gran, Representative of the Department of Human Resources Compensation

Ben Rosenfield, Controller

Steve Kawa, Mayor's Chief of Staff

Nani Colletetti, Mayor's Budget Director

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Director

Rick Caldeira, Legislative Deputy Director

Reconvening of the Board

The following Supervisors were noted present:

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

Supervisor Daly was noted absent at 4:35 p.m.

Supervisor Mirkarimi was noted absent 4:50 p.m.

The Board at the hour of 4:51 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 Dufty, seconded by Supervisor Campos, 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.

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

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

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

Resolution No. 113-09

ADOPTED

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.

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

Resolution No. 108-09

ADOPTED

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.

Resolution No. 114-09

ADOPTED

- 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.

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

Resolution No. 107-09

ADOPTED

- 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.

Motion No. M09-56

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 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.

Amended by replacing "March 31, 2009 - Committee of the Whole" to "April 28, 2009 - Committee of the Whole."

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED. The motion carried by the following vote:

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

Continued to April 28, 2009.

CONTINUED AS AMENDED by the following vote:

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

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

**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.

Supervisor Daly requested that this matter be referred to committee.

REFERRED to the Land Use and Economic Development Committee.

**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.

Supervisor Daly requested that this matter be referred to committee.

REFERRED to the Land Use and Economic Development Committee.

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

**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.

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

Continued to April 7, 2009

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED. The motion carried by the following vote:

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

**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.

Amended on page 1, line 3, by replacing "urging" with "endorsing and supporting"; and further amended on page 2, line 1, by replacing "urges" with "endorsing and supporting." New Title.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be AMENDED. The motion carried by the following vote:

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

Resolution endorsing and supporting the event "SF Youth Unity," a youth environmental summit and green block party.

Resolution No. 111-09

ADOPTED AS AMENDED 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

**090402 [Zoning - New Controls for Massage Establishments]
Mayor, Supervisors Chu, Chiu**

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/31/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/30/2009.

**090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]
Mayor, Supervisor Chu**

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

3/31/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/30/2009.

**090404 [Certificates of Participation for Street Improvements - \$42,000,000]
Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed \$42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

**090405 [Accept and Expend - Emergency Shelter Grants Program - \$979,908]
Mayor**

Resolution approving the 2009/10 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2009/10 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$944,908 and to expend Reprogrammed Funds in the amount of \$35,000.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090406 [Accept and Expend - HOME Program - \$7,740,804]
Mayor**

Resolution approving the 2009/10 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2009/10 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$7,740,804.

(Fiscal Impact.)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090407 [Accept and Expend - Community Development Block Grant (CDBG) - \$21,801,829]
Mayor**

Resolution approving the 2009/10 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2009/10 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$19,821,829 and to expend Program Income and Reprogrammed Funds in the amount of \$1,980,000.

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090408 [Supporting the Clean Air for Children, Seniors, and Working Families Act]
Supervisors Alioto-Pier, Mar, Campos**

Resolution urging the City and County of San Francisco to support Assembly Bill 622, the Clean Air for Children, Seniors, and Working Families Act.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090409 [Child Care Provider Recognition Day - April 26, 2009]
Supervisors Avalos, Mar, Campos**

Resolution declaring April 26, 2009, to be San Francisco Child Care Provider Recognition Day.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090410 [Employee Free Choice Act]
Supervisors Avalos, Campos**

Resolution affirming support for House Resolution 1409, the Employee Free Choice Act, and urging the United States Congress to pass the Employee Free Choice Act and protect and preserve, for America's workers, the freedom to choose for themselves whether and how to form a union to bargain for a better life.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090411 [Mary Risley and Tante Marie Day - April 26, 2009]
Supervisors Chiu, Campos**

Resolution proclaiming April 26, 2009, as "Mary Risley and Tante Marie Day" in San Francisco.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090412 [Repeal Defense of Marriage Act]
Supervisors Chiu, Duffy, Campos, Mirkarimi**

Resolution urging our California Congressional delegation to lead the fight to repeal the Federal "Defense of Marriage Act."

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090413 [Donate Life Month - April]
Supervisors Chu, Campos**

Resolution supporting April as Donate Life Month and urging all San Franciscans to participate in the Donate Life California Donor Drive.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090414 [Commending Zürich Mayor-Elect Corine Mauch]
Supervisors Dufty, Campos**

Resolution honoring Corine Mauch on her historic election as the first woman and openly gay Mayor of the City of Zürich, Switzerland.

3/31/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090324 [Accept and Expend Grant - U.S. Transportation Security Administration - \$15,800,000]
Supervisors Elsbernd, Chu**

Resolution authorizing the Airport to retroactively negotiate and execute an Other Transaction Agreement from the Transportation Security Administration for the Terminal 2 In-Line Explosives Detection System Matrix, in the amount not to exceed \$15,800,000, and accept and expend Federal funds.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

3/31/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute resolution bearing new title.

3/31/09, ASSIGNED to Budget and Finance Committee.

Requests for Hearings

**090399 [School Crossing Guard Program]
Supervisor Avalos**

Hearing on the school crossing guard program, the process to request and assign crossing guards, a breakdown of the distribution of crossing guards citywide, and the effect of pending budget cuts and layoffs on the program.

3/31/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

**090400 [County Welfare Directors Association (CWDA) and California State Association of Counties (CSAC)
Joint Report]
Supervisor Avalos**

Hearing on CWDA and CSAC Joint Report: "Human Services in a Time of Economic Crisis - An Examination of California's Safety-Net Programs and Related Economic Benefits for Communities."

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090401 [Community Development Block Grant (CDBG) funding changes]
Supervisor Mar**

Hearing to discuss the changes in Community Development Block Grant (CDBG) funding and the effect on community based organizations that provide services and technical assistance to small businesses and entrepreneurs.

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion

**090416 [Closed Session - Existing Litigation - Fonseca v. Fong et al.]
Supervisors Alioto-Pier, 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 regarding the following existing litigation entitled Charles Fonseca v. Heather Fong, Louise Renne, Theresa Sparks, David Campos, Joe Alioto Veronese, Petra DeJesus, Yvonne Lee, and Dr. Joe Marshall, respondents, and San Francisco Police Department, real party in interest, San Francisco Superior Court No. CPF 07-507227; California Court of Appeal No. A120206, filed May 4, 2007.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit.

3/31/09, ASSIGNED to Rules Committee.

PROPOSED ORDINANCE

090354 [Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - \$604,354]

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for \$604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

3/17/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090355 [Airport Commission's Declaration of Emergency contract pursuant to Section 6.60 of the San Francisco Administrative Code]

Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers. (Airport Commission)

(Fiscal Impact.)

3/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090356 [Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street]

Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

(Fiscal Impact.)

3/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chiu

To: Controller

Requesting/Inquiring: Requesting the Controller to conduct a cost benefit analysis of options the City is considering regarding the Data Center project.

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance, similar to Administrative Code Sections 3.20 and 3.21, that would require that the city and, through the leadership of the Department of Technology, annually develop and adopt a 10-year Technology Investment Plan (TIP) for all.

This Plan would reflect all major technology investments by City Departments, such as the Justice Information Tracking System (JUSTIS), public safety information system, and the need for a new SFMTA Central Control Facility (CCF), as examples.

A Technology Planning Committee (TPC) should include the City Administrator, Director and Deputy Director of the Technology Department, the Controller, President of the Board of Supervisors, Mayor's Finance Director, among others. Each member of the TPC may designate a representative to serve as a voting member of the committee.

The Technology Investment Plan should incorporate all major planned investments to maintain, repair, and improve the condition of the City's Technology assets and infrastructure.

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to prepare a 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 regarding the following existing litigation entitled Charles Fonseca v. Heather Fong, et al., San Francisco Superior Court No. CPF 07-507227; California Court of Appeal No. A120206, filed 5/4/07 during the Board Meeting on 4/7/09.

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:

Metal Pole

In front 850 Oak

Southeast corner Central & Haight

Northeast corner Frederick & Lincoln

Northeast corner Baker & Haight

Bus Shelters

Southwest corner Scott & Hayes

All four bus shelters on Haight & 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 locations:

Utility Boxes

*Northwest corner Divisadero & Oak
Southwest corner 7th Avenue & Lincoln*

Garbage Cans

Northeast corner of 7th Avenue & Hugo

Mailboxes

*Northeast corner Fillmore & Haight
Northeast corner of Hugo & 7th Avenue*

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 at the following private property locations:

*130 Hugo
600 Irving
999 Oak
644 Cole
901 Haight
1301 Haight
1401 Haight
1584 Haight
448 Haight
706 Buchanan
799 Haight
1213 Fell
514 Haight
525 Haight
546 Haight
535 Haight
593 Haight
609 Haight
681 Haight*

In Memoriams

In Memoriams

*Joseph Carl Dickens – Supervisor Dufty
Louise Weissman – Supervisor Dufty
John “Jack” Milano – Supervisor Dufty
Helen Logan Tuft – Supervisor Dufty
Idalia Cristina Hernandez-Rice – Supervisor Dufty
Eric Jermaine Culp – Supervisor Mar
Jonathan Palewicz – Supervisor Mar
Damija Walls – Supervisor Maxwell*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4.58 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 28, 2009.



Angela Calvillo
Clerk of the Board

