

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, April 28, 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 Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

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 15

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 2:05 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 31, 2009. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Rules Committee

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)

PASSED ON FIRST READING

090385 [Settlement of Lawsuit - Robert Cruz and Darwin Dias - \$92,000]
Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for \$92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090384 [Settlement of Unlitigated Claim - Allstate Insurance Company - \$30,000]
Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for \$30,000; claim was filed on October 22, 2008. (City Attorney)

Resolution No. 160-09

ADOPTED

090434 [Appointments, Children's Collaborative Task Force - Lindsay Page, Peggy Brown and Allyson Clark]
Motion appointing Lindsay Page, Peggy Brown and Allyson Clark, terms to be determined, to the Children's Collaborative Task Force.

Motion No. M09-76
APPROVED

090435 [Appointments, Child Care Planning and Advisory Council - Judith Baker, Lourdes Alarcon and Heidi McLaughlin]

Motion appointing Judith Baker, term ending December 31, 2010, Lourdes Alarcon, term ending December 31, 2009 and Heidi McLaughlin, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Motion No. M09-77
APPROVED

090436 [Appointment, Bicycle Advisory Committee - Rachel Eborá]

Motion appointing Rachel Eborá, term ending November 19, 2010, to the Bicycle Advisory Committee.

Motion No. M09-78
APPROVED

090439 [Appointments, Immigrant Rights Commission - Solomon Jones and Elahe Enssani]

Motion appointing Solomon Jones and Elahe Enssani, terms ending June 6, 2010, to the Immigrant Rights Commission.

Motion No. M09-79
APPROVED

090440 [Appointment, Commission on the Aging Advisory Council - Vera Haile]

Motion appointing Vera Haile, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

Motion No. M09-80
APPROVED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

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

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

Ordinance No. 72-09

FINALLY PASSED by the following vote:

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

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

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Ordinance No. 71-09

FINALLY PASSED by the following vote:

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

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

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

Ordinance No. 73-09

FINALLY PASSED by the following vote:

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

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

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

(Economic Impact)

Ordinance No. 70-09

FINALLY PASSED by the following vote:

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

NEW BUSINESS**From the Budget and Finance Committee Without Recommendation****090424 [Approving the 2009 San Francisco Juvenile Justice Local Action Plan Update]
Supervisor Avalos**

Resolution approving the 2009 San Francisco Juvenile Justice Local Action Plan which identifies the citywide programs and approaches that have been demonstrated to be effective in reducing violence, crime and delinquency amongst young adults ages 11 – 25 and includes recommendations for how funding for local violence prevention and intervention strategies will be allocated for the term of July 1, 2009 – June 30, 2010.

Resolution No. 162-09

ADOPTED by the following vote:

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

From the Budget and Finance Subcommittee Without Recommendation**090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar**

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.)

(Supervisor Campos dissented in Committee.)

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

Continued to May 5, 2009.

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

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

Noes: 1 - Campos

Recommendations of the Budget and Finance Subcommittee**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.)

PASSED ON FIRST READING by the following vote:

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

**090418 [Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]
Supervisor Dufty**

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**090211 [Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]**

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

PASSED ON FIRST READING by the following vote:

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

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

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

PASSED ON FIRST READING by the following vote:

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

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

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Rules Committee

090453 [Appointment, Police Commission - Petra DeJesus]

Motion appointing Petra DeJesus, term ending April 30, 2013, to the Police Commission.

Motion No. M09-81

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.

The President inquired as to whether any members of the public wished to address the Board members.

Vicki Hennessy (Department of Emergency Management) presented information relating to the Board of Supervisors' role in emergency management and introduced staff who provided an update on the swine flu outbreak; Members of the Police Department spoke regarding emergency planning and associated reactions; Anne Kronenberg (Department of Public Health) spoke regarding outreach and emergency preparation. Nilka Julio (Office of the Clerk of the Board) spoke regarding emergency plan and associated expectations.

There were no other speakers.

The President declared the public hearing closed.

FILED.

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

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, 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 introduced, welcomed, and presented Certificates of Honor to Chong Park, Ho Rim Kam, and Joyce Kim for their service at City Hall Cafe.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to She Fun Lee in recognition of his 92nd birthday.

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 appreciation to the current Federal administration
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter Paulson; shared in song certain issues with the Board
Danny O'Landry; expressed concern with issues relating to the Western Addition Board of Directors and subsequent disclosure
Female speaker; expressed concern with issues relating to solving child homicides and violence in the community*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**090480 [Supporting Senate Bill 797, the Toxin-Free Babies and Toddlers Act]
Supervisors Alioto-Pier, Campos**

Resolution urging the City and County of San Francisco to support Senate Bill 797 (SB 797), the Toxin-Free Babies and Toddlers Act.

Resolution No. 168-09

ADOPTED

**090481 [Accept and Expend Grant - Department of Public Health (DPH) - \$100,000]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$100,000 from the National Association of County and City Health Officials (NACCHO) to support a public health preparedness project through the Communicable Disease and Prevention Section; for the period of April 1, 2009 through September 29, 2009.

Resolution No. 166-09

ADOPTED

**090483 [Supporting Senate Bill 585 to ban gun shows at the Cow Palace]
Supervisors Avalos, Dufty, Maxwell, Campos**

Resolution supporting Senate Bill 585 to ban gun shows at the Cow Palace.

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

Resolution No. 167-09

ADOPTED

**090487 [Accept and Expend Grant - Department of Public Health (DPH) - \$34,645]
Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$34,645 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2009, through January 31, 2010.

Resolution No. 164-09

ADOPTED

**090488 [Commending Parents for Public Schools-San Francisco for ten years of service]
Supervisors Dufty, Mar, Chiu, Campos**

Resolution commending Parents for Public Schools-San Francisco for ten years of service to the parents, students and public schools of San Francisco.

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

Resolution No. 159-09

ADOPTED

**090489 [Building Safety Week - May 3-9, 2009]
Supervisor Elsbernd**

Resolution declaring May 3-9, 2009, as Building Safety Week in San Francisco, recognizing the public safety efforts undertaken by the professionals at the Department of Building Inspection, and honoring these public employees for their dedication to safety.

Resolution No. 163-09

ADOPTED

**090490 [Commending Robert Pender on the occasion of his 85th birthday]
Supervisors Elsbernd, Mar**

Resolution commending Robert Pender on the occasion of his 85th birthday.

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

Resolution No. 170-09

ADOPTED

- 090491 [Accept and Expend Grant - Department of Public Health - Laguna Honda Hospital (DPH-LHH) - \$7,500]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Department of Public Health (DPH) – Laguna Honda Hospital (DPH-LHH), to accept and expend retroactively a grant in the amount of \$7,500 from the Stanford Geriatric Education Center, to support the transitional healthcare project, for the period of July 1, 2008 through June 30, 2009.

Resolution No. 165-09
ADOPTED

- 090492 [Declaring June, July and August 2009 as Soda Free Summer]**
Supervisors Maxwell, Mar

Resolution declaring June, July and August 2009 as “Soda Free Summer” and urging all San Franciscans to join Shape Up SF to “Rethink Your Drink “ and go Soda Free this summer.

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

Resolution No. 161-09
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 Agenda

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

Supervisor Maxwell, seconded by Supervisor Dufty, moved to suspend the Board of Supervisors Rules of Order Section 4.28 to allow for public comment on File No. 090350.

Motion to suspend the Board of Supervisors Rules of Order Section 4.28 passed without objection.

The President inquired as to whether any members of the public wished to address the Board members.

There were none.

The President declared the public hearing closed.

- 090350 [Board of Supervisors to sit as a Committee of the Whole - April 28, 2009]**
Supervisors Maxwell, Chiu

Motion that the Board convenes as a Committee of the Whole on April 28, 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.

Motion No. M09-82
APPROVED by the following vote:

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

Supervisor Elsbernd requested that these matters be severed so that they may be considered separately.

**090482 [Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]
Supervisors Avalos, Mar, Campos, Daly**

Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

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

Continued to May 5, 2009.

Supervisor Elsbernd, seconded by Supervisor Dufty, 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

**090486 [Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]
Supervisors Campos, Mirkarimi, Mar, Avalos, Daly**

Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.

Supervisors Mirkarimi, Mar, and Avalos requested to be added as co-sponsors.

Continued to May 5, 2009.

Supervisor Elsbernd, seconded by Supervisor Campos, 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

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 Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, 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

090517 [Proclaiming April 2009 Autism Awareness Month in San Francisco]
Supervisors Dufty, Alioto-Pier

Resolution proclaiming April 2009 Autism Awareness Month in San Francisco.

Resolution No. 169-09

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be ADOPTED. The motion carried 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

090523 [Eastern Neighborhoods Citizens Advisory Committee]
Supervisor Daly

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

4/28/09, RECEIVED AND ASSIGNED to Rules Committee.

090526 [Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]
Mayor, Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.

4/28/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 090527 [Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009. Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]**
Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of \$885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

- 090517 [Proclaiming April 2009 Autism Awareness Month in San Francisco]**
Supervisors Duffy, Alioto-Pier

Resolution proclaiming April 2009 Autism Awareness Month in San Francisco.

4/28/09, ADOPTED.

- 090524 [Initiate the Designation of the ILA Hall 38-79, 113 Steuart Street, as a Landmark]**
Supervisor Daly

Resolution initiating designation of real property at 113 Steuart Street, located on the western side of Embarcadero encompassing all of Block 3715, Lot 2, including the building located thereon, commonly known as the ILA Hall 38-79, as a Landmark pursuant to Section 1004.1 of San Francisco Planning Code.

4/28/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

- 090528 [Declaring May 12, 2009, as John Ross Day]**
Supervisors Avalos, Daly, Campos

Resolution commending John Ross for his service to San Francisco over the past 45 years as a writer, poet, journalist, speaker, teacher, and community organizer, and declaring May 12, 2009, to be John Ross Day.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090530 [Municipal Clerks Week - May 3-9, 2009]**
Supervisors Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution declaring May 3-9, 2009, as Municipal Clerks Week in the City and County of San Francisco, hereby recognizing the vital services performed by Municipal Clerks and especially by the City and County of San Francisco Board of Supervisors Clerk of the Board, Angela Calvillo, and her staff.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090531 [Declaring May 2009 as Hepatitis B Awareness Month]
Supervisors Chiu, Alioto-Pier, Chu, Maxwell, Campos**

Resolution declaring May 2009 as Hepatitis B awareness month in San Francisco, with the goal of holding at least one Hepatitis B awareness or prevention event every day of the month; build on continuing efforts by the San Francisco community to make San Francisco the first city in America to be free of Hepatitis B disease; encouraging all San Francisco residents to know their own Hepatitis B status.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090532 [Supporting Senate Bill 782, Residential tenancies: domestic violence]
Supervisors Chu, Campos, Chiu**

Resolution supporting Senate Bill 782 to provide stable, safe housing for victims of domestic violence, sexual assault or stalking.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090533 [Urging Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach]
Supervisors Chu, Mar, Elsbernd, Campos**

Resolution urging the Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach when allocating \$16.1 million it has received in American Recovery and Reinvestment Act funds as well as future allotments of Federal funding.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090534 [Mortgage Revenue Bonds]
Supervisors Daly, Campos**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$12,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$12,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090535 [Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]**
Supervisors Dufty, Mar, Mirkarimi, Daly

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top and sole priorities for Federal Small Starts Funding.
4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090536 [Commending Chris Ellen Montgomery on her 25 years of service to the City and County of San Francisco]**
Supervisors Dufty, Campos

Resolution commending Chris Ellen Montgomery for her 25 years of exceptional service to the City and County of San Francisco and the Department of Public Works.
4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090537 [Endorsing San Francisco's inclusion in the "Healthy Purchase Pilot Program"]**
Supervisors Maxwell, Campos

Resolution endorsing and supporting San Francisco's inclusion in the California Department of Public Health's "Healthy Purchase Pilot Program."
4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 090518 [Controller's Nine Month Report]**
Supervisor Avalos

Hearing on the Controller's Nine Month Report.
4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090519 [Proposed changes to the Annual Appropriation Ordinance for the Municipal Transportation Agency for fiscal year 2009-2010]**
Supervisor Avalos

Hearing to consider proposed changes to the Annual Appropriation Ordinance for the Municipal Transportation Agency for fiscal year 2009-2010.
4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090520 [Ethics Commission's priorities for fiscal year 2009-2010]**
Supervisor Campos

Hearing on the Ethics Commission's priorities for fiscal year 2009-2010.
4/28/09, RECEIVED AND ASSIGNED to Rules Committee.

**090521 [Mexican Museum project]
Supervisor Campos**

Hearing to discuss the status of the Mexican Museum project. The hearing shall include a discussion of the City and County of San Francisco's commitment to the completion of the Mexican Museum project. The hearing shall include a presentation by and/or discussion with all relevant City agencies, including, without limitation, the San Francisco Arts Commission, the San Francisco Redevelopment Agency, and the Mayor's Office of Neighborhood Services.

4/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090522 [Health and Economic Stimulus]
Supervisor Maxwell**

Hearing on the correlation of health and wellness to economic recovery programs and reinvestment for San Francisco.

4/28/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Motions

**090525 [Amending the Rules of Order of the Board of Supervisors to establish process regarding Civil Grand Jury Reports]
Supervisor Mirkarimi**

Motion amending the Rules of Order of the Board of Supervisors to add a new Section 6.26 establishing timeline and process for review and preparation of response to Civil Grand Jury Reports.

4/28/09, RECEIVED AND ASSIGNED to Rules Committee.

**090529 [Waiver permitting City Employees to Assist the Department of Elections with the May 19, 2009, special statewide election]
Supervisor Chiu**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the May 19, 2009, special statewide election.

4/28/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES**

- 090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]**
Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Enforcement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)
1/26/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009.
02/03/09 - Referred to Planning for determination of environmental impact. 02/10/09 - Response received from Planning, exempt from CEQA.
4/13/09, SUBSTITUTED. Department of Public Works submitted a substitute ordinance bearing new title.
4/13/09, ASSIGNED to Budget and Finance Committee.
4/24/09, TRANSFERRED to Budget and Finance Subcommittee.

PROPOSED RESOLUTIONS

- 090450 [Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]**
Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System, between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department. (Sheriff)
4/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090451 [Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]**
Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts. (Treasure Island Development Authority)

(Fiscal Impact.)
4/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Avalos

To: Director, Human Services Agency

Requesting/Inquiring: Inquiring of the Human Services Agency a detailed accounting and breakdown of \$189 million reportedly spent by the City on homeless services.

From: Supervisor Campos

To: City Administrator, Office of the City Administrator

Requesting/Inquiring: Requesting a list of contracts under \$10 million issued by the Purchasing Division of the Office of the City Administrator in fiscal years 2007-08, 2008-09, and 2009-10.

From: Supervisor Maxwell

To: Clerk of the Board

Requesting/Inquiring: Requesting the Clerk of the Board to prepare an analysis of how the current Budget Analyst's Office functions might operate within the Department of Board of Supervisors.

The analysis should include:

- 1. An estimate of City resources needed to conduct all or portions of the scope of work outlined in the current Budget Analyst's Office contract.*
- 2. A discussion of where the Budget Analyst functions might fit within the organizational structure of the Department.*
- 3. An evaluation of the Office of Legislative Analyst's capacity to perform a portion of this scope of work.*

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 Can

Northwest corner Grove & Fillmore; Southwest corner Buena Vista West and Haight

Mailboxes

In front of 560 Haight; Southeast corner Cole and Haight

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:

355 Laguna

55 Laguna (Haight and Buchanan Street sides)

583 Haight (the merchant is Blown Away)

500 Scott

478-484 Haight

1174 Fell

1213 Fell

638 Stanyan

1301 Haight

796 Haight

1415 Broderick

1001 Cole

525 Haight

*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:*

*In front of 1112 Haight
In front of 937 Haight
Northeast corner Carl & Clayton
Northwest corner Clayton & Fulton
Southeast corner Divisadero & Haight (near bus shelter)
In front of 228 Fulton*

*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
Southeast corner Golden Gate & Scott
Southwest corner Stanyan and Haight
Southwest corner Clayton and Fulton
Northeast corner McAllister and Scott*

*Bus Shelters
Southeast corner Hayes and Buchanan
Southwest corner Pierce & Haight
Southside of street @ Haight & Buena Vista West
Fillmore and Haight (all 4 bus stops, graffiti and grime)*

*Emergency Boxes
Southwest corner Golden Gate and Gough*

*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 and Southeast corner of Haight and Fillmore

In Memoriams

Dan Cusick - Supervisor Dufty

Paolo Dominici - Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:15 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 May 19, 2009.



Angela Calvillo
Clerk of the Board