

**Board of Supervisors  
City and County of San Francisco**

*Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689*



**AGENDA**

**Tuesday, April 21, 2009  
2:00 PM**

**Regular Meeting**

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**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**

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**ROLL CALL AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF MEETING MINUTES**

*Approval of the March 24, 2009, Board Meeting Minutes.*

**AGENDA CHANGES**

**COMMUNICATIONS**

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## **SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board**

*(This item will be read at the third regularly scheduled Board meeting of every month)*

*The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition I in November of 2006.*

*Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, general public comment for this item will take place during public comment.*

## **CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### **Items 1 through 3**

#### **Recommendation of the City Operations and Neighborhood Services Committee**

*Present: Supervisors Dufty, Daly*

- |           |               |   |                             |
|-----------|---------------|---|-----------------------------|
| <b>1.</b> | <b>090331</b> | <b>[Accept and Expend Private Grant - Back on Track Program - \$111,998]</b>  | <b>Supervisor Mirkarimi</b> |
|           |               | Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$111,998 through the San Francisco Foundation, for a program entitled Back on Track Re-entry Program for fiscal year 2008-2009 and 2009-2010. |                             |

**Question: Shall this Resolution be ADOPTED?**

#### **Recommendations of the Land Use and Economic Development Committee**

*Present: Supervisors Maxwell, Mar, Chiu*

- |           |               |  |                           |
|-----------|---------------|--|---------------------------|
| <b>2.</b> | <b>081560</b> | <b>[India Basin Industrial Park Zoning Map Amendment]</b>  | <b>Supervisor Maxwell</b> |
|           |               | Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and |                           |





**4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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.

**4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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.

**4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**NEW BUSINESS**

**Recommendations of the Budget and Finance Subcommittee**

*Present: Supervisors Avalos, Chu*

- 10.           090256    [Agreement to Purchase an Access and Communication Easement in Tuolumne County]**
- Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of \$9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

**Question: Shall this Resolution be ADOPTED?**

- 11.           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.)

**Question: Shall this Resolution be ADOPTED?**

**Recommendations of the City Operations and Neighborhood Services Committee**

*Present: Supervisors Dufty, Daly*

- 12.           090322    [Accept and Expend Grant Funds - Healthy San Francisco program evaluation - \$250,000]** **Supervisor Dufty**
- Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$250,000 from the California Endowment to fund the Healthy San Francisco program evaluation; for the period of February 2, 2009, through July 31, 2010.
- (Fiscal Impact.)

**Question: Shall this Resolution be ADOPTED?**

- 13.           090326    [Accept and Expend DWR Grant Funds - SFPUC - \$517,500]** **Supervisor Maxwell**
- Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Water Resources Grant in the amount of \$517,500.

**Question: Shall this Resolution be ADOPTED?**

- 3/24/2009, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Campos requested to be added as a co-sponsor.

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Maxwell, Mar, Chiu*

- Question: Shall this Resolution be ADOPTED?**

## COMMITTEE REPORTS

*The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, April 16, 2009 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, April 21, 2009.*

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

04-21-2009.htm[11/19/2013 10:56:55 AM]

**Question: Shall this Motion be APPROVED?**

**17. 090233 [Appointment, Historical Preservation Commission - Ruth Todd]**

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

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

**Question: Shall this Motion be APPROVED?**

**18. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

**19. PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

*Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

*These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.*

**Items 20 through 28**

**20. 090462 [AmeriCorps Week - May 9 - 16, 2009]**

**Supervisor Alioto-Pier**

Resolution declaring May 9 - 16, 2009, AmeriCorps Week.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE  
AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**







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

*[Brown Act Finding]*

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

## **OFF-AGENDA LEGISLATION**

### **PROPOSED ORDINANCE**

*Proposed ordinances received from April 7, 2009, to April 13, 2009, for reference by President to appropriate committee on April 21, 2009.*

**090394      [Settlement of Lawsuit - San Francisco Pier 33 LLC - \$225,000]**

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for \$225,000; the lawsuit was filed on July 9, 2007 in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

4/9/2009, RECEIVED AND ASSIGNED to Rules Committee.

### **PROPOSED RESOLUTION**

*Proposed resolutions received from April 7, 2009, to April 13, 2009, for reference by President to appropriate committee on April 21, 2009.*

**090455      [Settlement of Claim - Marsanne Weese - \$26,974.20]**

Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for \$26,974.20; claim was submitted on September 26, 2008. (City Attorney)

4/9/2009, RECEIVED AND ASSIGNED to Rules Committee.

**090485      [Petitions and Communications]**

Petitions and Communications received from April 7, 2009, through April 13, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 21, 2009.

From Office of the Controller-City Services Auditor, submitting concession audit of WSE Group, Inc., doing business as (dba) Legends of San Francisco with the Airport Commission. (1)

From Department of Toxic Substances Control, submitting a 45-day public notice and comment period on proposed amendments and adoption of the California Code of Regulations. Copy: Each Supervisor (2)

From Planning Department, submitting an updated schedule of the citywide outreach meetings on the Housing Element. Copy: Each Supervisor (3)

From Public Utilities Commission, responding to inquiry on the reasons and rationale for removing the proposed child care facility from the plans for the new SFPUC building located at 525 Golden Gate Avenue and the other changes/revisions that have been made from the original plan submitted by the PUC. (Reference No. 20090210-002) (4)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code 12B for Alstom Signaling, Inc. (5)

From Department of Public Works, regarding status of removing graffiti from news racks in various locations in District 5. (Reference No. 20090303-001) (6)

From Department of Public Works, regarding status of removing graffiti from news racks in various locations in District 5. (Reference No. 20090317-005) (7)

From Department of Public Works, regarding status of removing graffiti from news racks in various locations in District 5. (Reference No. 20090324-002) (8)

From SF Association of Realtors, commenting on proposed amendments to the city's water conservation ordinance. File 090225, Copy: Land Use Committee (9)

From Municipal Transportation Agency, regarding the feasibility of establishing various stop signs within the Sunset District. (Reference No. 20090127-008) (10)

From Kimo Crossman, submitting letter entitled: Mayor Newsom takes credit for more SFGTV video online than other governments-yet ignores Sunshine Mandate. (11)

From Kimo Crossman, thanking Supervisor Dufty for sponsoring the hearing regarding Municipal Transportation Agency work orders from fiscal year 2006-2007 through fiscal year 2009-2010. File 090315 (12)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. File 090329, 64 letters (13)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (14)

Tanene Allison, Assuming-SOTF  
Hope Schmeltzer, Annual-LAFCo

From Stradling, Yocca, Darlson & Rauth, regarding the California Community College Financing Authority Tax and Revenue Anticipation Note Program, Series 2009A. Copy: Tax Collector, Treasurer (15)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of the State of California from April 12, 2009 until April 16, 2009. Supervisor Carmen Chu and Supervisor Dufty will serve as Acting-Mayor. Copy: Each Supervisor (16)

From Gary, submitting a proposal that would aid in San Francisco's housing recovery. (17)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090210-004) (18)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090324-004) (19)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090331-004) (20)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090331-005) (21)

From Dr. Ahimsa Sumchai, regarding complaint that alleges a violation of the Public Records Act, Brown Act and Sunshine Ordinance by a majority of the Board who attended a conference in Washington D.C. (22)

From Jim Meko, submitting notice that the WSoMa Task Force will be meeting on April 16, 2009 in City Hall. (23)

From Paul Burke, urging the Board to reconsider their decision to exclude the pilot series Trauma from the film rebate program. File 090024, Copy: Each Supervisor (24)

From Ben Lin, submitting opposition to raising the bus fare in San Francisco. (25)

From Chaska & Gail Berger, submitting opposition to imposing a fee to enter the Strybing Arboretum in Golden Gate Park. (26)

From BART Government & Community Relations, submitting notice of some future long-term elevator closures at BART/Muni Metro Stations. (27)

From Law Offices of Daniel Reidy, submitting joinder in motion of Golden Gate Bridge, Highway and Transportation District to prohibit further Ex Parte Communications. (28)

From Law Offices of Daniel Reidy, submitting joinder in motion of Golden Gate Bridge, Highway and Transportation District to consolidate Application No. A. 09-01-016 and Complaint No. C. 09-03-019. (29)

## **ADJOURNMENT**

### **Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to

be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at [www.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_meetings) For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **Disability access**

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)