

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, January 27, 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

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

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 4

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 2:03 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the minutes of December 9, 2008 and December 16, 2008. The motion carried by the following vote:

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

AGENDA CHANGES

COMMUNICATIONS

The Acting Clerk of the Board informed the Board of Supervisors that the Clerk of the Board was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 081589 which would lower the height and bulk designation of two parcels from 85-X. (New Mission Theater and El Capitan Theater sites)

This matter will be considered at the February 3, 2009 Board meeting.

The Acting Clerk of the Board informed the Board of Supervisors that the Clerk of the Board was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 081440 which would de-appropriate \$998,145 of General Fund in the Mayor's Office of Criminal Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health.

This matter will be considered at the February 3, 2009 Board meeting.

CONSENT AGENDA

Recommendations of the Rules Committee

081395 [Settlement of Lawsuit - Denise Caicedo - \$47,500.00]

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior Court, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - \$115,000]

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

081363 [Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]

Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability. (City Attorney)

Resolution No. 30-09

ADOPTED

081390 [Appointments, Shelter Monitoring Committee - Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson]

Motion appointing Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson, terms ending November 23, 2010, to the Shelter Monitoring Committee.

Rita P. Lark, new assignment, seat 1, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for two-year term ending November 23, 2010.
Elihu Hernandez, new assignment, seat 2, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for two-year term ending November 23, 2010.

Aubrey Moore, succeeding Chris Callandrillo, seat 3, term expired, must have experience providing direct services to the homeless through a community setting, for two-year term ending November 23, 2010.

Ramses Teon-Nichols, succeeding Kim Clark, seat 4, term expired, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for two-year term ending November 23, 2010.

Diana Greer, succeeding Diana Greer, seat 5, term expired, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for two-year term ending November 23, 2010.

Amanda Thompson, succeeding Damian Ochoa, seat 6, term expired, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for two-year term ending November 23, 2010.

Motion No. M09-16

APPROVED

081403 [Appointments - Citizens General Obligation Bond Oversight Committee - Robert Muscat and Kristen Chu]

Resolution appointing Robert Muscat and Kristen Chu, terms ending November 21, 2010, to the Citizens General Obligation Bond Oversight Committee.

Resolution No. 29-09

ADOPTED by the following vote:

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

081430 [Appointments, Children's Collaborative Task Force - Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt]

Motion appointing Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt to the Children's Collaborative Task Force, residency requirement waived.

Sharon Olken, new appointment, seat 1, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes. Leslie Trook, new appointment, seat 2, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes. Dr. Rondall Lane, new appointment, seat 3, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Markus Hunt, new appointment, seat 10, must be a teacher and/or an education professional currently employed by a private school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Motion No. M09-18
APPROVED

081481 [Appointment, Pedestrian Safety Advisory Committee - Richard Rothman]

Motion appointing Richard Rothman, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.

Richard Rothman succeeding Joy Oganeku, term expired, seat 3, must be a representative from senior or disability organizations, for term ending March 28, 2009.

Motion No. M09-17
APPROVED

081482 [Appointment, Peak Oil Preparedness Task Force - Woody Hastings]

Motion appointing Woody Hastings, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

Woody Hastings, succeeding Richard Katz, resigned, seat 2, must represent the public at-large, for unexpired portion of a one-year term expiring March 27, 2009.

Motion No. M09-19
APPROVED

081534 [Appointments, Bicycle Advisory Committee - Richard Tilles, Jared Washkowitz and Elbert Hill]

Motion appointing Richard Tilles, Jared Washkowitz and Elbert Hill, terms ending November 19, 2010, to the Bicycle Advisory Committee.

Richard Tilles succeeding himself, seat 2, term expired, must be nominee of District 2 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Jared Washkowitz succeeding Lisa Estrella, seat 4, term expired, must be nominee of District 4 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Elbert Hill succeeding himself, seat 7, term expired, must be nominee of District 7 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Motion No. M09-20
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

Recommendation of the Government Audit and Oversight Committee

081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (5) eliminate obsolete provision regarding documentary tax stamps; and (6) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

Ordinance No. 20-09

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081535 [Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process. (Public Utilities Commission)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Campos

081536 [WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed \$26,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed \$26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective. (Public Utilities Commission)

(Fiscal Impact.)

Continued to February 3, 2009

Supervisor Mirkarimi, 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

081419 [Amendment to a Contract with Stratus Technologies, Inc. to Extend the Term for More than Ten Years]

Resolution retroactively authorizing the Department of Technology to enter into the Fifth, Sixth and Seventh Amendments of an agreement with Stratus Technologies, Inc., to extend the term of the agreement to fourteen years. (Department of Technology)

(Fiscal Impact.)

Resolution No. 28-09

ADOPTED by the following vote:

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

081468 [Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital. (Public Works Department)

(Fiscal Impact.)

Resolution No. 22-09

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**081460 [Proposed Contemporary Art Museum]
Supervisor Alioto-Pier**

Resolution supporting the location of the proposed Contemporary Art Museum in the City and County of San Francisco.

Resolution No. 34-09

ADOPTED by the following vote:

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

Noes: 2 - Daly, Mirkarimi

081462 [Liquor license transfer, 1957 Union Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 599 Clement Street to 1957 Union Street (District 2), to Melissa Gisler for Gusto Partners, LLC, dba Spuntino di Ottimista, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 27-09

ADOPTED by the following vote:

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

081586 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 26-09

ADOPTED by the following vote:

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

081587 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing - Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 25-09

ADOPTED by the following vote:

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

081617 [Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara Counties, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 23-09

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

**081199 [Medical Cannabis Act Revisions]
Mayor**

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

PASSED ON FIRST READING by the following vote:

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

**081511 [Reentry Council]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

PASSED ON FIRST READING by the following vote:

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

Supervisor Daly Excused From Voting

Supervisor Dufty, seconded by Supervisor Chu, moved to excuse Supervisor Daly on the following item. The motion carried by the following vote:

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

Excused: 1 - Daly

090036 [Appointment, Metropolitan Transportation Commission - Chris Daly]

Motion appointing Supervisor Chris Daly, term ending February 10, 2011, to the Metropolitan Transportation Commission.

Motion No. M09-12

APPROVED by the following vote:

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

Excused: 1 - Daly

Board of Supervisors Sitting As a Committee of the Whole

090039 [Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

The following speakers expressed concern over the modification to election procedures and calling for a special election for June 2, 2009.

John Bardis; male speaker; Robert Haaland; Rob Black, SF Chamber of Commerce.

The President inquired as to whether any member of the public wished to address the Board members. The President declared the public hearing closed.

FILED by the following vote:

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

090009 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to further amend on page 1, line 23, after "conditions" by adding "and the City's structural budget deficit."

Motion to further amend was passed without objection.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to continue File No. 090009 as amended to February 3, 2009.

Motion to continue this matter to February 3, 2009 failed by the following vote:

Ayes: 3 - Alioto-Pier, Chu, Elsbernd

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

Supervisor Daly move to duplicate the file. (See File No. 090106)

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

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

Ordinance No. 21-09

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

090106 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FINAL PASSAGE. The motion carried by the following vote:

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

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

090040 [Hearing - Resolution calling a municipal special election for June 2, 2009]

Hearing to consider the possible adoption of a resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

The following speakers expressed concern over the modification to election procedures and calling for a special election for June 2, 2009.

John Bardis; male speaker; Robert Haaland; Rob Black, SF Chamber of Commerce.

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

The President declared the public hearing closed.

FILED by the following vote:

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

090010 [Calling a municipal special election for June 2, 2009]

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

Continued to February 3, 2009.

Supervisor Mirkarimi, 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, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090041 [Hearing - Ordinance amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]

Hearing to consider the possible adoption of an Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

The following speakers expressed concern over the proposed mid-year budget FY 2008-09 adjustments/cuts to Health Services and other City Services:

Ms. Bowie; Abdullah Megaheed; female speaker; Carmen Henesey; Larry Nelson; Rachael Richman; Helen Rodriguez; Meg Barton; male speaker; Sister Elaine Jones; Marlina Blackins; Christopher Delenhop; Charles Begile; female speaker; Richard Rothman; Laura Guzman; Ms. Riley; Thomas Jenkins; Josh Bindings; Cynthia Citizen; Mr. Patella, SRO Collaborative; Ron Gouldman; N. Keaton, SF Symphony; Victoria Dolsta; Victoria Vkstolva; Ms. Thompson; Alexandra Deconte; Ireme Pang; Kye Sans; Michael Sanderson; Leng Quoke; Ms. Pung; Jennifer Friedenback; Mr. Perio; Rosario Thompson; Jeff Buckley; Kimo Leila; Bruce Fisher; Jennie Cris; Katie Riesinger; Bruce Ellison; male speaker; Michael; Leslie Harrison; male speaker; Liz Brown; Rona Johnston; Ken Mitcloud; Angelica Velacruz; Judy Young, Vietnamese Youth Development Center; Tek Tran, Vietnamese Youth Development Center; Daniela Mak; Damilidan; male speaker; Joahne Desmon; Ruben Goldberg; George Johnson; Dale Albright; Leonard Wiroksly; Andra Ward; Alice Wong; Ricky Heng; Charles Herrera; Monique Elemin; Renee Elsmen; Brenda Marris; Susan Rebecca; Ms. Guinesso; Ben Johnson; Joe Al Mogana; Linda Nugyen; Michael Lyon; Lorie Belansky; female speaker; Cathern Hambell; Johnathan Rogers; Wye Ching Quan; female speaking Chinese; female speaker; Alexandra; Mr. De La Cruz; Wendy Bastine; Stephanie Ashley; Naomi Ackers; Mr. Novino; Keet Sigrass; Barbara Lopez; Walter James; Frank Martin Del Campo, Local 21; Andy Shomir; female speaker; Carol Harvey; Ms. Capinay; male speaker; Lindsley Perkinson; Ema Gerald, L1021; Ed Hinchley; Chris Bowman; Barbara Keycome; Carla Wilson; Stokeson; David Williams; Clara, Homeless Alliance; Martha Hawthorne; Jonathan Leda; Wayne Scott; Bob Offer-Westort; Sara; Mr. Carline; Richard Chavo; Greg Larry; Renaldo Pena; George Diaz; Debbie Lerman; Arman Es Ert; Ann Ling; Ms. Mie; Kathy Gremer; Crystie Choi; Mark Trout; female speaker; Jesus Diaz; Elizabeth Alexander; Sylvia Johnson; Rebecca Ryan; Sherry Shin; Robert Haaland.

The President inquired as to whether any member of the public wished to address the Board members. The President declared the public hearing closed.

FILED by the following vote:

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

090013 [Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]

Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

(Fiscal Impact.)

Supervisor Daly requested to be removed as a sponsor.

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

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

Referred as amended to Committee.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

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

090023 [Public Health services mid-year cuts]

Supervisor Daly

Hearing to discuss mid-year cuts of public health services.

The following speakers expressed concern over the proposed mid-year budget FY 2008-09 adjustments/cuts to Health Services and other City Services:

Ms. Bowie; Abdullah Megaheed; female speaker; Carmen Henesey; Larry Nelson; Rachael Richman; Helen Rodriguez; Meg Barton; male speaker; Sister Elaine Jones; Marlina Blackins; Christopher Delenhop; Charles Begile; female speaker; Richard Rothman; Laura Guzman; Ms. Riley; Thomas Jenkins; Josh Bindings; Cynthia Citizen; Mr. Patella, SRO Collaborative; Ron Gouldman; N. Keaton, SF Symphony; Victoria Dolsta; Victoria Vkstolva; Ms. Thompson; Alexandra Deconte; Ireme Pang; Kye Sans; Michael Sanderson; Leng Quoke; Ms. Pung; Jennifer Friedenback; Mr. Perio; Rosario Thompson; Jeff Buckley; Kimo Leila; Bruce Fisher; Jennie Cris; Katie Riesinger; Bruce Ellison; male speaker; Michael; Leslie Harrison; male speaker; Liz Brown; Rona Johnston; Ken Mitcloud; Angelica Velacruz; Judy Young, Vietnamese Youth Development Center; Tek Tran, Vietnamese Youth Development Center; Daniela Mak; Damilidan; male speaker; Joahne Desmon; Ruben Goldberg; George Johnson; Dale Albright; Leonard Wiroskly; Andra Ward; Alice Wong; Ricky Heng; Charles Herrera; Monique Elemin; Renee Elsman; Brenda Marris; Susan Rebecca; Ms. Guirezzo; Ben Johnson; Joe Al Mogana; Linda Nugyen; Michael Lyon; Lorie Belansky; female speaker; Cathern Hambell; Johnathan Rogers; Wye Ching Quan; female speaking Chinese; female speaker; Alexandra; Mr. De La Cruz; Wendy Bastine; Stephanie Ashley; Naomi Ackers; Mr. Novino; Keet Sigrass; Barbara Lopez; Walter James; Frank Martin Del Campo, Local 21; Andy Shomir; female speaker; Carol Harvey; Ms. Capinay; male speaker; Lindsley Perkinson; Ema Gerald, L1021; Ed Hinchley; Chris Bowman; Barbara Keycome; Carla Wilson; Stokeson; David Williams; Clara, Homeless Alliance; Martha Hawthorne; Jonathan Leda; Wayne Scott; Bob Offer-Westort; Sara; Mr. Carline; Richard Chavo; Greg Larry; Renaldo Pena; George Diaz; Debbie Lerman; Arman Es Ert; Ann Ling; Ms. Mie; Kathy Gremer; Crystie Choi; Mark Trout; female speaker; Jesus Diaz; Elizabeth Alexander; Sylvia Johnson; Rebecca Ryan; Sherry Shin; Robert Haaland.

The President inquired as to whether any member of the public wished to address the Board members. The President declared the public hearing closed.

FILED by the following vote:

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

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

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to Joe Ovadia in recognition of his years of loyal service to the City and County of San Francisco.

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 various issues

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

Ray Garsa; expressed concern with issues relating to the open government process and the Sunshine Ordinance Task Force complaints

Mark Trout; expressed concern with various issues

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.

Supervisors Alioto-Pier and Maxwell were noted absent at 9:10 p.m.

090028 [Commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco]
Supervisor Dufty

Resolution commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco.

Resolution No. 24-09

ADOPTED

**090029 [Reauthorization of Food Security Task Force]
Supervisor Maxwell**

Resolution extending the sunset provisions of the Food Security Task Force to January 31, 2010.

Resolution No. 32-09

ADOPTED

**090031 [Accept-Expend Grant - Office of the Public Defender - \$50,000]
Mayor, Supervisor Mirkarimi**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from The San Francisco Foundation for consulting services to support the development of data collection tools and service standards in support of the new Reentry Council.

Resolution No. 31-09

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Absent: 2 - Alioto-Pier, Maxwell

Severed from the For Adoption Without Committee Reference

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

**090030 [Urging the Board of Directors of the Bay Area Rapid Transit District (BART) to establish an independent Civilian Oversight body to investigate claims of BART Police misconduct]
Supervisors Campos, Mirkarimi, Maxwell, Dufty**

Resolution urging the BART Board of Directors to immediately establish an independent Civilian Oversight body to investigate claims of misconduct by the BART Police, and urging our State Representatives to pass legislation requiring that BART have independent third-party civilian oversight of its Police force.

Resolution No. 33-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Absent: 2 - Alioto-Pier, Maxwell

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

Supervisor Mirkarimi Excused From Voting

Supervisor Daly, seconded by Supervisor Dufty, moved to excuse Supervisor Mirkarimi from voting on this matter..

The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar

Absent: 2 - Alioto-Pier, Maxwell

Excused: 1 - Mirkarimi

Supervisor Daly requested that this item severed so that it can be considered separately.

**090034 [Nominating Supervisor Mirkarimi for California Coastal Commission]
Supervisor Chiu**

Motion nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission.

Motion No. M09-11

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar

Absent: 2 - Alioto-Pier, Maxwell

Excused: 1 - Mirkarimi

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

- 090048 [Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Amendment to Annual Appropriation Ordinance]**
Supervisor Chiu

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider an amendment to the Annual Appropriation Ordinance and the Annual Salary Ordinance for fiscal Year 2008-2009.

Motion No. M09-13

APPROVED by the following vote:

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

- 090049 [Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Hearing on Mid-Year Cuts to Public Health Services]**
Supervisor Chiu

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider Board of Supervisors file number 090023, a hearing to discuss mid-year cuts of public health services.

Motion No. M09-14

APPROVED by the following vote:

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

Noes: 2 - Alioto-Pier, Elsbernd

- 090050 [Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Special Election June, 2009]**
Supervisor Chiu

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider legislation related to a special election to be held in June, 2009.

Motion No. M09-15

APPROVED 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

**090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisor Chu**

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.)

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/02/09 - Referred to the Small Business Commission for review and comment. 02/26/09 - Response received from SBC.

**090096 [Prohibiting new overhead utility facilities]
Supervisor Dufty**

Ordinance amending Sections 913 and 914 of the San Francisco Public Works Code to prohibit the installation of new overhead utility facilities on any City street where there are no existing overhead utility facilities; and further amending Section 914 to establish exemptions to this requirement.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090097 [Administrative Code Revision: Health Service System]
Supervisor Elsbernd**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090099 [Re-establishing the name of the Richmond District]
Supervisor Mar**

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090100 [Solar Energy Incentive Program]
Supervisor Mirkarimi**

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

1/27/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/26/2009.

02/02/09 - Referred to the Small Business Commission for review and comment.

Resolutions

**090094 [Extending the Library Citizens Advisory Committee]
Supervisor Daly**

Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.
1/27/09, RECEIVED AND ASSIGNED to Rules Committee.

**090095 [30 day extension for Planning Commission review - Residential Inclusionary Affordable Housing Program]
Supervisor Daly**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance amending the Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units.
1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090098 [Establishing Monthly Contribution Amount to Health Service Trust Fund]
Supervisor Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

1/27/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090101 [Interim Zoning Controls Requiring Conditional Use Authorization for Tobacco Paraphernalia Establishments, as Defined, in the Haight Street Neighborhood Commercial District]
Supervisor Mirkarimi**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, subject to specified exceptions, in the Haight Street Neighborhood Commercial District and in all properties zoned NC-1 (Neighborhood Commercial Cluster District) and NC-2 (Small-Scale Neighborhood Commercial District) along Haight Street, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090102 [Below Market Rate Condominium Conversion Program - Release of Units at 3321 17th Street]
Mayor**

Resolution approving the release of six units at 3321 17th Street from the Below Market Rate Condominium Conversion Program under Subdivision Code Sections 1341 and 1385.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090104 [Preserving the California Mental Health Services Act]
Supervisor Avalos**

Resolution urging Governor Arnold Schwarzenegger to sustain the state's commitment to mental health funding and preserve Proposition 63 monies for its intended purpose.

1/27/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090105 [Accept and Expend Grant - Office of Language Services - \$10,000]
Supervisor Chu**

Resolution retroactively authorizing the Office of Language Services to accept and expend \$10,000 from the Annie E. Casey Foundation, to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

1/27/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

**090081 [Crime and Prosecution Statistics]
Supervisors Alioto-Pier, Campos**

Follow up hearing in the Public Safety Committee on January 26, 2009, wherein the Mayor's Office of Criminal Justice (MOCJ) presented statistics on public safety conditions citywide and neighborhood crime levels, this hearing would explore how to establish interagency coordination between the San Francisco Police Department, the District Attorney's Office, the San Francisco Superior Court and MOCJ to compile statistics on the following; (1) how many arrests are made when a crime is committed, (2) whether the arrest results in charges being filed by the District Attorney's Office and (3) the ultimate disposition of the case.

1/27/09, RECEIVED AND ASSIGNED to Public Safety Committee.

**090082 [Budget Updates]
Supervisor Avalos**

Hearing to consider budget updates from the Mayor's Budget Office, the Controller's Office, and various City Departments.

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090083 [Southeast Child & Family Therapy Center]
Supervisor Avalos**

Hearing on the proposed move of the Southeast Child & Family Therapy Center out of the Excelsior.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090084 [SF City ID Card Program Implementation]
Supervisor Campos**

Hearing on implementation of the SF City ID Card Program.

1/27/09, RECEIVED AND ASSIGNED to Public Safety Committee.

**090085 [Recreation and Park Department (RPD) plan to implement fees for activities]
Supervisor Chu**

Hearing to review the plan to begin charging residents for Recreation and Park Department (RPD) activities. In August of 2007, the Board of Supervisors approved a plan for RPD to begin charging fees for activities. How are these fees being implemented; does RPD have a system in place to collect these fees; how much money will be collected; will these fees offset layoffs or service cuts within the department; and what is the timeline for implementation. The hearing will also cover the badminton program, and why RPD is canceling sessions "due to lack of interest."

1/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/02/09 - Referred to the Youth Commission for review and comment.

**090086 [Hepatitis C prevention, screening and care]
Supervisor Dufty**

Hearing on the City's strategy to address Hepatitis C, including prevention efforts, encouragement of screening, testing and treatment.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090087 [Status of partnerships between SFHA and SFUSD]
Supervisor Dufty**

Hearing to receive an update from the Superintendent of the San Francisco Unified School District (SFUSD) and the Director of the San Francisco Housing Authority (SFHA) on the status and direction of partnerships between SFHA and SFUSD.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090088 [Outline of the SFHA, RPD and SFUSD strategies to offer employment and recreation experiences for SFHA youth residents]
Supervisor Dufty**

Hearing to receive an update from the Recreation and Park Department (RPD) and San Francisco Unified School District (SFUSD) on strategies to provide employment and recreation opportunities for residents of San Francisco Housing Authority (SFHA) properties who are between the ages 13 and 18 years old.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090089 [Staffing of Recreation and Park Department's Facilities]
Supervisor Dufty**

Hearing on the Controller's findings on the staffing levels of the Recreation and Park Department's recreation centers and public facilities.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090090 [SFUSD 10-Year Capital Plan]
Supervisor Elsbernd**

Hearing on San Francisco Unified School District (SFUSD) 10-Year Capital Plan.

1/27/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 1/29/2009 - Referral sent to the Youth Commission for review and comment.

**090091 [Municipal Transportation Agency's (MTA) quarterly reports on disability placards]
Supervisor Mar**

Hearing on the Municipal Transportation Agency's (MTA) processes and procedures around enforcement of disability placards. Request to the MTA to report on: 1) The number of disability placards that are currently active in San Francisco 2) The number of placards confiscated in the past year 3) The percentage of placards confiscated compared to the number of people asked for proof of valid placard. Request for an update from the MTA on their progress working with the State of California to ensure that temporary placards are terminated when expired and that death records are thoroughly reviewed before the re-issuance of new disability placards. Request to the MTA for written quarterly reports to the Board of Supervisors with updates on the information stated above.

1/27/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090092 [Report on City's "Economic Stimulus Package"]
Supervisor Maxwell**

Hearing to consider the report on the City's "Economic Stimulus Package", including a presentation on how San Francisco is positioning itself for Federal investment dollars.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090103 [Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

1/27/09, ASSIGNED to Board of Supervisors. Committee of the Whole on February 3, 2009.

Motions

090058 [Reappointment, Arts Commission - Maya Draisin]

Motion approving the Mayor's reappointment of Maya Draisin to the Arts Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090059 [Reappointment, Arts Commission - Maya Draisin]

Motion rejecting the Mayor's reappointment of Maya Draisin to the Arts Commission for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090060 [Reappointment, Arts Commission - Jeannene Przyblyski]

Motion approving the Mayor's reappointment of Jeannene Przyblyski to the Arts Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090061 [Reappointment, Arts Commission - Jeannene Przyblyski]

Motion rejecting the Mayor's reappointment of Jeannene Przyblyski to the Arts Commission for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090062 [Reappointment, Fire Commission - George Lau]

Motion approving the Mayor's reappointment of George Lau to the Fire Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090063 [Reappointment, Fire Commission - George Lau]

Motion rejecting the Mayor's reappointment of George Lau to the Fire Commission for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090064 [Reappointment, Health Commission - David Sanchez]

Motion approving the Mayor's reappointment of David Sanchez to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090065 [Reappointment, Health Commission - David Sanchez]

Motion rejecting the Mayor's reappointment of David Sanchez to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090066 [Reappointment, Health Commission - Catherine Waters]

Motion approving the Mayor's reappointment of Catherine Waters to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090067 [Reappointment, Health Commission - Catherine Waters]

Motion rejecting the Mayor's reappointment of Catherine Waters to the Health Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090068 [Reappointment, Human Services Commission - Kelly Dearman]

Motion approving the Mayor's reappointment of Kelly Dearman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090069 [Reappointment, Human Services Commission - Kelly Dearman]

Motion rejecting the Mayor's reappointment of Kelly Dearman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090070 [Reappointment, Human Services Commission - Anita Friedman]

Motion approving the Mayor's reappointment of Anita Friedman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090071 [Reappointment, Human Services Commission - Anita Friedman]

Motion rejecting the Mayor's reappointment of Anita Friedman to the Human Services Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090072 [Reappointment, Juvenile Probation Commission - Katie Albright]

Motion approving the Mayor's reappointment of Katie Albright to the Juvenile Probation Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090073 [Reappointment, Juvenile Probation Commission - Katie Albright]

Motion rejecting the Mayor's reappointment of Katie Albright to the Juvenile Probation Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090074 [Reappointment, Library Commission - Larry Kane]

Motion approving the Mayor's reappointment of Larry Kane to the Library Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090075 [Reappointment, Library Commission - Larry Kane]

Motion rejecting the Mayor's reappointment of Larry Kane to the Library Commission, for the term ending January 15, 2013. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090079 [Appointments, Market and Octavia Community Advisory Committee]

Mayor

Motion appointing Ted Olsson, Cheryl Brinkman, and Robin Levitt for two-year terms, to the Market and Octavia Community Advisory Committee.

1/27/09, RECEIVED AND ASSIGNED to Rules Committee.

Charter Amendment**081597 [Rainy Day Reserve]
Supervisor Daly**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 9.113.5, to: (1) allow the City to withdraw up to 100 percent of the current balance in the Rainy Day Reserve, not to exceed 20 percent of the projected deficit, in years in which a budgetary deficit of \$250 million or more is projected; (2) require the City to also appropriate to the School District an amount equal to 33 percent of any such withdrawals for the City's benefit, in years in which the School District faces a loss of revenues and significant layoffs; and, (3) eliminate obsolete provisions.

12/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/15/2009.

1/26/09, Digest received, 30-day Rule ends February 25, 2009.

1/27/09, ASSIGNED to Rules Committee.

1/27/09, SUBSTITUTED. Supervisor Daly submitted a substitute Charter Amendment bearing new title. Response received from Planning Department and Youth Commission on February 9, 2009.

PROPOSED ORDINANCES**090044 [Settlement of Lawsuit - Computers For Marketing Corporation - \$42,000]**

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090045 [Settlement of Lawsuit - Susan Howard - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090042 [Public Auction - Tax-defaulted real property]

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

1/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090043 [Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to Charter Section 9.118]

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118. (Public Utilities Commission)

1/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:

580 Hayes

208 Scott

451 Hayes

616 Buchanan

500 Buchanan

501 Fillmore

485 Scott

1023 Oak

216 Scott

546 Haight

55 Laguna (on Haight Street side)

345 Fillmore

378 Fillmore

950 Steiner

532 Steiner

420 Haight

841 Scott

609 Haight

946 Haight

942 Haight

610 Fillmore

275 Divisadero

705 Divisadero

355 Laguna

212 Haight

122 Webster

1037 Oak

Transfer Market on Southwest corner of Grove and Divisadero

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:

Garbage Cans

Northeast corner of Haight and Fillmore

Northeast corner of Buena Vista West and Haight

Northwest corner of Grove and Fillmore

Southwest corner of Buena Vista East and Haight

Southwest corner of Divisadero and McAllister

Mailboxes

Southwest corner of Central and Waller

Northeast corner of Baker and Haight

Southwest corner of Broderick and McAllister

Northwest corner of Eddy and Buchanan

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from utility poles at the following locations:

Metal Poles

Northwest corner of Octavia and Laguna

Northwest corner of Grove and Lyon

In front of 526 Hayes Street

In front of 1143 Fell

Southwest corner of Scott and Page

Northeast corner of Octavia and Laguna

Southwest corner of Oak and Fillmore

Northeast corner of Grove and Steiner

In front of 492 Gough

Northwest corner of Clayton and Waller

In front of 1342 Eddy

Northeast corner of Page and Laguna

Wood Poles

Southwest corner of Linden and Oak

Northeast corner of Gough and Ivy

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the public property at the following locations:

Utility Boxes

Northeast corner of Buchanan and Oak

Southeast corner of Divisadero and McAllister

Southeast corner of Laguna and Oak

Northeast corner of Scott and Waller

Northwest corner of Golden Gate and Webster

Bus Shelters

Northwest corner of Laguna and Haight

All bus shelters on Haight and Fillmore need power washing and graffiti removal

Northwest corner of Masonic and Eddy

Southeast corner of Hayes and Buchanan

Emergency Boxes

Northwest corner of Oak and Laguna

Northwest corner of McAllister and Fell

Northwest corner of Belvedere and Clayton

Southeast corner of Steiner and Haight

Northeast corner of Fell and Divisadero

Southwest corner of Grove and Fillmore

Fire Hydrants

Southeast corner of McAllister and Scott

Northeast corner of Webster and Waller

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works 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
San Francisco Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
SF Daily
Northwest corner of Hayes and Gough
City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight
SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Commission Rogatoire
To: Chief, Police Department
To: Director, Medical Examiner
To: Office of the Mayor

Requesting/Inquiring: Requesting the report from the Commission Rogatoire, which formally concluded in France the week of January 19, under the direction of Judge Brigitte Jolivet, Judge of Instruction at the Tribunal of Great Instance in Paris, under the Ministry of the Justice, with the assistance of police investigators from the Central Office for the Repression of Violence against Persons, and under the Ministry of the Interior and Territories of France, that Hugues de la Plaza, a French and American citizen, was the victim of a homicide on June 2, 2007, in the city of San Francisco.

Further requesting a response to the Public Safety Committee by the SF Police Department, the SF Medical Examiner, and the Office of the Mayor, regarding corrective and/or preventative action to protect the integrity of this particular homicide investigation, as well as any other cases not classified as "homicide". A closed session in Committee may be warranted due to the sensitive nature of an ongoing investigation.

From: Supervisor Mirkarimi
To: City Attorney
Requesting/Inquiring: Outlines of process, timeline, and costs/benefits analysis of creation of:
1) Park Assessment District(s)
2) Parcel tax for the purposes of funding baseline park maintenance

From: Supervisor Alioto-Pier

To: Director, Treasure Island Development Authority-Building 3

Requesting/Inquiring: How much money the Treasure Island Development Authority has generated by the lease of Building 3 on Treasure Island in the years 2003-2008. Requesting this response by February 6, 2009.

From: Supervisor Chu

To: Director, Municipal Transit Agency

Requesting/Inquiring: The feasibility of installing the following traffic calming measures at the following locations:

Pedestrian crossing signage - Wawona and 20th Avenue

Signage designating bike lane -Great Highway between Lincoln and Sloat

Speed bumps - 39th Avenue near Lawton Street

Stop sign - 30th Avenue and Pacheco Street

Stop sign - 45th Avenue and Lawton Street

From: Supervisor Chu

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney look into municipal codes regarding the issuing and revocation of massage parlor permits; and to research possible amendments that would revoke those permits after multiple citations for solicitation.

From: Supervisor Chu

To: Office of the Legislative Analyst

Requesting/Inquiring: Requesting that the Legislative Analyst provide an analysis of the conviction success rate of massage parlor violations since jurisdiction has been transferred from the Police Department to the Department of Public Health.

From: Supervisor Duffy

To: Director, Housing Authority

Requesting/Inquiring: Requesting that a letter be written to San Francisco Housing Authority Director, Henry Alvarez, for his review and comment on recommendations for automating waiting lists for Section 8 as well as the housing opportunities for persons with AIDS (HOPWA) pursuant to the report by the Office of the Legislative Analyst.

In Memoriams

Ave Montague - Entire Board
Christina Middlebrook - Supervisor Duffy
Ruth Levinson Halperin - Supervisor Duffy
Rabbi Jack Frankel - Supervisor Duffy
Mary Shufat - Supervisor Duffy
Martin Delaney - Supervisor Duffy
John Behanna - Supervisor Chiu
Helen Julia Hanna - Supervisor Chiu
Lynette Chan - Supervisor Alioto-Pier
Richard "Dick" Sklar - Supervisor Alioto-Pier
Caprice Darnell Curry - Supervisor Daly
Irma Scarabosio - Supervisor Elsbernd
Cathie Guntli - Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:25 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 March 17, 2009.



Angela Calvillo
Clerk of the Board