

# 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, February 3, 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 Campos, Chu, Daly

#### 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.

**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.

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## 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.*

## AGENDA CHANGES

## CONSENT AGENDA

### Recommendation of the Public Safety Committee

081599 [Accept and Expend grant - US Department of Justice, Office of Violence Against Women - \$499,755]  
Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of \$499,755 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY 2008 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.

Resolution No. 37-09

ADOPTED

### 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)

Ordinance No. 23-09

FINALLY PASSED

**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)

**Ordinance No. 24-09**

**FINALLY PASSED**

**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.

**Ordinance No. 25-09**

**FINALLY PASSED**

**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.

**Ordinance No. 26-09**

**FINALLY PASSED**

**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

### Vetoed by the Mayor

### Appointment of President Pro Tempore

*At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

081440 [De-Appropriating \$998,145 of General Fund and \$761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]  
Supervisor Daly

Ordinance de-appropriating \$998,145 of General Fund in the Mayor's Office of Community Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

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 vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in committee.)

**NOT OVERTURN MAYORAL VETO by the following vote:**

Ayes: 6 - Avalos, Campos, Daly, Mar, Maxwell, Mirkarimi

Noes: 5 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd

- 081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]**  
Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

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 vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

**NOT OVERTURN MAYORAL VETO by the following vote:**

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

### **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.)

**Ordinance No.** 22-09

**FINALLY PASSED** by the following vote:

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

- 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.)

**Resolution No.** 36-09

**ADOPTED** by the following vote:

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

## **Board of Supervisors Sitting As a Committee of the Whole**

- 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.

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

*There were none.*

*The President declared the public hearing closed.*

**FILED.**

- 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.

Supervisor Daly, seconded by Supervisor Elsbernd, 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

**FINALLY PASSED** by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

### Appointment of President Pro Tempore

*At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

- 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.)

**ADOPTED** by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

## **NEW BUSINESS**

### Recommendation of the Budget and Finance Committee

- 081619 [Airport Lease and Operating Agreement]**  
Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

(Fiscal Impact.)

**Resolution No.** 38-09

**ADOPTED** by the following vote:

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

**From Budget and Finance Committee Without Recommendation**

- 081596 [Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$2,112,026]  
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of \$2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

**PASSED ON FIRST READING** by the following vote:

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

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

- 080822 [Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]  
Supervisors Chu, Mirkarimi, Dufty, Maxwell, Alioto-Pier, Chiu

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE** by the following vote:

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

**PASSED ON FIRST READING AS AMENDED** by the following vote:

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

- 081581 [Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]  
Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

*Continued to February 10, 2009*

Supervisor Elsbernd, seconded by Supervisor Maxwell, 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

**081601 [Accept Local Gift of Services - \$430,000]  
Supervisor Maxwell**

Resolution authorizing the Port of San Francisco to accept a gift of services with an estimated value of \$430,000 from the Copra Crane Labor Landmark Association, a non-profit organization, for the restoration and preservation of the Port of San Francisco's "Copra Crane," located at Pier 84.

**Resolution No. 35-09**

**ADOPTED by the following vote:**

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

**081602 [Transferring streetscape improvements along Fillmore Street from the San Francisco Redevelopment Agency to the City]  
Supervisor Mirkarimi**

Resolution terminating a Major Street Encroachment Permit and recognizing the termination of two Minor Sidewalk Encroachment Permits and Public Work Order No. 172,568, and the modification of a minor sidewalk encroachment permit, all pertaining to the installation and maintenance of streetscape improvements along portions of Fillmore Street between Post and McAllister Streets and transferring the ongoing maintenance responsibility for the streetscape improvements from the San Francisco Redevelopment Agency to the City in exchange for 1.8 million dollars.

**Resolution No. 41-09**

**ADOPTED 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**

**ROLL CALL FOR INTRODUCTIONS**

## PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

*Abdullah Megaheed; expressed concern with issues relating to Mayor Newsom being in Paris and Switzerland*  
*James Chaffee; expressed concern with issues relating to the SF Public Library*  
*Ray; expressed concern with issues relating to open government in San Francisco*  
*Susan Stauter; expressed appreciation for the life of Lani Silver*  
*Antoine Trimis; speaker expressed appreciation for the life of Lani Silver*  
*Female speaker; expressed concern with issues relating to the Trans Bay Terminal project and the loss of small business in the area*  
*Ms. Landry; expressed concern with issues relating to the Trans Bay Terminal project and the loss of small business in the area*  
*Male speaker; expressed concern with issues relating to President Obama and shared personal religious beliefs*  
*John di Donna; expressed concern with issues relating to the Israeli and Palestine conflict*  
*Sue Borell; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff*  
*Abigail Chanley; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff*  
*William Doherty; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff*  
*Beverly Upton; expressed appreciation for the passage of an ordinance relating to the issue of Domestic Violence*  
*Patricia Lee, Managing Public Defender; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff*  
*Jeff Adachi, Public Defender; expressed concern with issues relating to the proposed cuts to the Public Defender's Office and a letter of inquiry which was sent to the Controller from Supervisor Elsbernd*  
*Paula Bradford; expressed concern with issues relating to America Works and to include this program in assisting in the economic crisis*  
*John Asaki; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff*

## 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.*

**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.

Resolution No. 40-09

ADOPTED

**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.

Resolution No. 39-09

ADOPTED

The foregoing items were acted upon by the following vote:

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

## **OFF-AGENDA LEGISLATION**

### **Introduced by Supervisors or Mayor**

#### **Ordinances**

**090130 [Health Care Accountability Components]  
Supervisor Alioto-Pier**

Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.

2/3/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009.

02/06/09 - Referred to the Small Business Commission and the Youth Commission for review and comment.

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

Ordinance appropriating \$17,000,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing \$15,500,000 on Controller's Reserve pending receipt of the funds from the State.

(Fiscal Impact.)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090133 [Ordering Submission of Gross Receipts Tax to Voters]  
Supervisor Avalos**

Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance).

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

**090134 [One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection]  
Supervisor Avalos**

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide additional support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

**090135 [Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]  
Supervisor Chiu**

Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds \$300,000, but is less than or equal to \$400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is \$300,000 or less, beginning with the 2010 tax year.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

**090136 [Adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]  
Supervisors Chiu, Dufty**

Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the June 2, 2009 special election.

(2/9/09 - Economic Impact)

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. 02/06/09 - Referred to the Small Business Commission, Retirement Board, and the Ethics Commission for review and comment.

**090137 [Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]  
Supervisor Maxwell**

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

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

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

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]  
Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

2/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

## **Resolutions**

**090132 [Accept and expend grant funds for children's dental disease prevention services]  
Supervisor Avalos**

Resolution authorizing the San Francisco Department of Public Health (SF DPH) to accept and expend retroactively a three-year grant from the California Department of Public Health (CA DPH), to fund the California Dental Disease Prevention Program (CCDDPP), for the period of July 1, 2007 through June 30, 2010; and authorizing SF DPH to execute all documents and subsequent amendments related to this contract.

2/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090138 [Accept and expend grant funds to support the 3rd Street Clinic expansion - \$115,191]  
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and retroactively expend grant funds in the amount of \$115,191 for a three-year project from the 3rd Street Youth Center to expand clinic hours at the 3rd Street Clinic from 12 hours per week to 20 hours per week; for the period of February 1, 2009 through January 31, 2012.

2/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090142 [Accept and expend grant - Funding a Healthy San Francisco program evaluation - \$300,000]  
Mayor, Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$300,000 from the Blue Shield of California Foundation to fund a Healthy San Francisco program evaluation; for the period of January 1, 2009 through June 30, 2010.

2/3/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**090143 [Extending the Library Citizens Advisory Committee]  
Supervisor Daly**

Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.  
2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090144 [Commending Margaret Brodtkin on over 30 years of service on behalf of San Francisco children and families]  
Supervisors Dufty, Maxwell, Avalos, Campos, Mirkarimi, Chiu, Daly**

Resolution commending Margaret Brodtkin on over 30 years of service on behalf of San Francisco children and families.  
2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090145 [Commending David H. Williams and his 19 years of dedicated work to the Human Services Agency for the City and County of San Francisco since 1990]  
Supervisors Dufty, Campos**

Resolution commending David H. Williams and his dedication to the Human Services Agency for the City and County of San Francisco since 1990.  
2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090146 [Commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco]  
Supervisors Dufty, Campos**

Resolution commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco.  
2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090147 [Commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies]  
Supervisors Dufty, Maxwell, Alioto-Pier**

Resolution commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies.  
2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090148 [Supporting Earth Hour 2009 - March 28, 2009]  
Supervisors Alioto-Pier, Dufty**

Resolution declaring March 28, 2009 between 8:30-9:30PM as Earth Hour in San Francisco and urging all city government buildings, public schools and public landmarks to turn off non-essential lighting on this date and time.

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090149 [Celebrating the centennial of the National Association for the Advancement of Colored People (NAACP)]  
Supervisors Mirkarimi, Dufty, Campos**

Resolution celebrating the centennial of the National Association for the Advancement of Colored People (NAACP).

2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Requests for Hearing

**090121 [Controller's 6 Month Report]  
Supervisor Avalos**

Hearing on the Controller's 6 Month Report.

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090122 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]  
Supervisor Avalos**

Motion that the Board of Supervisors convene in closed session with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

2/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090123 [School Admissions Process]  
Supervisors Chu, Elsbernd**

Hearing to receive an update from the San Francisco Unified School District on reform of the student assignment system.

2/3/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/06/09 - Referral sent to the Youth Commission for review and comment.

**090124 [Status of City support of programs for mothers and expectant mothers at Hilltop High School]  
Supervisor Dufty**

Hearing to learn what support the City, through Department of Children, Youth and their Families (DCYF) or other agencies, provides to Hilltop High School's program for mothers and expectant mothers.

2/3/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/06/09 - Referral sent to the Youth Commission for review and comment.

**090125 [Department of Children, Youth and their Families/San Francisco Unified School District collaboration to develop a shared understanding of how public school facilities are public assets]  
Supervisor Elsbernd**

Hearing to highlight a new collaboration between the Department of Children, Youth, and their Families (DCYF) and the San Francisco Unified School District (SFUSD) to develop a shared understanding among school, city, and community partners of how public school facilities are public assets, and to recommend joint use policy changes needed to implement this shared understanding.

2/3/09, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/06/09 - Referral sent to Youth Commission for review and comment.

**090126 [Visitacion Valley Redevelopment Plan]  
Supervisor Maxwell**

Hearing on the status of the proposed Visitacion Valley Redevelopment Plan, including informational presentations by Planning and Redevelopment Staff.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090127 [1250 Missouri Street Development]  
Supervisor Maxwell**

Hearing regarding the development at 1250 Missouri Street and status of the City's enforcement actions on the property.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**090128 [Budget Analyst's potential management audits in 2009]  
Supervisor Mirkarimi**

Hearing before the Government Audit and Oversight Committee for the purpose of reviewing the Budget Analyst's list of potential management audits to recommend priorities for the performance of audits in 2009 to the Board of Supervisors.

2/3/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**090129 [Mayor's Security Detail]  
Supervisor Mirkarimi**

Hearing including possible closed session before the Public Safety Committee for the purposes of examining the expense incurred by the City for the Police Department's provision of security services for the Mayor.

2/3/09, RECEIVED AND ASSIGNED to Public Safety Committee.

**Motion**

- 090150 [Waiving Board Rule 4.19 regarding consideration of Mayoral veto]  
Supervisor Chiu

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.  
2/3/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Charter Amendments**

- 090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]  
Supervisors Elsbernd, Chu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009.

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

2/3/09, ASSIGNED to Rules Committee.

2/3/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title.

2/9/09 - Response received from Planning Department on First Draft.

- 090139 [Set-Asides]  
Supervisors Mirkarimi, Chiu, Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.122, to set a dollar cap on all Charter set-asides, authorize reductions during fiscal shortfalls and waiver during emergencies, require the return of surplus balances, and establish City policies regarding future set-asides and non-binding measures.

2/3/09, RECEIVED AND ASSIGNED to Rules Committee. Response received from Planning Department on version 1, February 27, 2009.

**PROPOSED ORDINANCES**

- 090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]  
Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; and making environmental findings. (Public Works Department)  
1/26/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009.  
02/03/09 - Referred to Planning for determination of environmental impact. 02/10/09 - Response received from Planning, exempt from CEQA.

- 090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]**  
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)  
1/26/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

## **PROPOSED RESOLUTIONS**

- 090052 [Settlement of Administrative Enforcement Action - \$87,000]**  
Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$87,000. (Public Utilities Commission)  
1/22/09, RECEIVED AND ASSIGNED to Rules Committee.

**Requests Granted**

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

*Garbage Cans*

*Northeast corner of Haight and Fillmore*

*Northeast corner Buena Vista West and Haight*

*Northwest corner Grove and Fillmore*

*Southwest corner Buena Vista East and Haight*

*Southwest corner of Divisadero and McAllister*

*Mailboxes*

*Southwest corner Central and Waller*

*Northeast corner Baker and Haight*

*Southwest corner Broderick and McAllister*

*Northwest corner Eddy and Buchanan*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

*Garbage Cans*

*Northwest corner Grove & Fillmore*

*Northwest corner of Frederick & Cole*

*Northeast corner Haight and Buchanan*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

*Utility Boxes*

*Northeast corner Stanyan & Hayes*

*Bus Shelters*

*Southwest corner Buchanan & Haight*

*All bus shelters on Haight and Fillmore need power washing and Graffiti*

*Northeast Oak & Fillmore*

*Fire Hydrant*

*Northeast corner Steiner & Waller*

*Northeast corner Webster & Waller*

*Southeast corner Grove & Scott*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

*Metal Pole*

*In front of 1334 Fulton*

*In front of 678 Waller  
Northeast corner Stanyan & Hayes*

*Wood Pole  
Southwest side of Steiner & Germainia*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:*

*333 Cole  
122 Webster  
557 Ashbury  
1425 Oak  
428 Oak  
421 Laguna  
1601 Fulton  
1435 Fulton  
799 Haight  
485 Scott*

*From: Supervisor Maxwell  
To: Director, Planning Department  
To: Director, Department of Building of Inspection  
Requesting/Inquiring: Supervisor Maxwell inquires as to the status of enforcement actions on the development at 1250 Missouri Street.*

*From: Supervisor Dufty  
To: Patrick Boyd, Adult Probation Department  
To: Doug Shoemaker, Mayor's Office of Housing  
To: Trent Rhorer, Human Services Administration  
To: Marc Trotz, Department of Public Health  
Requesting/Inquiring: Supervisor Dufty inquires about the feasibility of allocating housing and/or supportive housing units to Adult Probation Officer Darren Dill's Homeless Outreach Program.*

### **In Memoriams**

*William J. Armanino - Supervisor Alioto-Pier  
Steve Conley - Supervisors Chiu and Daly  
Maitland "Sandy" Zane - Supervisor Chiu  
Jim Lay Fown - Supervisor Chu  
Paul Kantus - Supervisor Dufty  
Lani Silver - Supervisor Mar*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:12 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.*



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Angela Calvillo  
Clerk of the Board