

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

Meeting Minutes - Final

Tuesday, July 28, 2009 - 2:00 PM

**City Hall, Legislative Chamber, Room 250
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

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/bos

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee
Supervisor Avalos, Mirkarimi, Chu

Wednesday
11:00 AM

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim

1st and 3rd Thursday
3:30 PM

City Operations and Neighborhood Services Committee
Supervisors Dufty, Daly, Elsbernd

2nd and 4th Monday
10:30 AM

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

2nd and 4th Thursday
1:00 PM

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Monday
1:00 PM

Public Safety Committee
Supervisors Chiu, Mirkarimi, Alioto-Pier

1st and 3rd Monday
11:00 AM

Rules Committee
Supervisors Campos, Daly, Alioto-Pier

1st and 3rd Thursday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll, all Supervisors were noted present.

0 - Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

APPROVAL OF MEETING MINUTES

A motion was made by Supervisor Mar, seconded by Supervisor Campos, to approve the Board Meeting Minutes of June 30, 2009. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090698 [Planning Fee Procedures and Adjustments]

Sponsor(s): Mayor

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees to recover costs for monitoring conditions of approval, code violation abatement, and the General Advertising Sign Program; establish a fee for department facilitated pre-application meetings; modify refund procedures; modify the indigent fee waiver provision; clarify phased collections and payment deferment; establish a new processing fee for phased payments; and adopting Section 302 and environmental findings.

This Matter was FINALLY PASSED on the Consent Agenda.

090757 [Nineteenth Amendment to the Treasure Island Event Venues Master Lease]

Resolution retroactively approving the Nineteenth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090758 [Twentieth Amendment to the Treasure Island Event Venues Master Lease]

Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090759 [Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090760 [Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090761 [Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401, and the lot surrounding Building 450 in the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090762 [Twelfth Amendment to the Treasure Island Marina Master Lease]

Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090763 [Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease]

Resolution retroactively approving the Twenty-Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term to November 30, 2009. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090764 [Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]

Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501, and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises. (Treasure Island Development Authority)

This Matter was ADOPTED on the Consent Agenda.

090785 [Lease of Real Property at 649-651 Bryant Street]

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block No. 3777, Lot No. 050), San Francisco, for the San Francisco Public Utilities Commission. (Real Estate Department)
(Fiscal Impact.)

This Matter was ADOPTED on the Consent Agenda.

090830 [Airport Concession Lease]

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact.)

This Matter was ADOPTED on the Consent Agenda.

090836 [Lease of concession properties within the Japanese Tea Garden in Golden Gate Park]

Sponsor(s): Mirkarimi, Mar and Dufty

Resolution authorizing and approving the execution, delivery and performance of a Lease for the management and operation of the concessions associated with the Japanese Tea Garden in Golden Gate Park.

This Matter was ADOPTED on the Consent Agenda.

090856 [Approval of Amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program - \$15,279,662]

Sponsor(s): Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program (OCIP) for the Laguna Honda Hospital Replacement Program from \$9,915,928 to \$15,279,662.

(Fiscal Impact.)

This Matter was ADOPTED on the Consent Agenda.

090862 [Accept and Expend Federal Grant - Department of Public Works - \$13,540,000]

Sponsor(s): Mayor

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds totaling \$13,540,000.

This Matter was ADOPTED on the Consent Agenda.

090884 [Dissolution of San Francisco Airport Improvement Corporation]

Resolution approving the dissolution of the San Francisco Airport Improvement Corporation, the appointment of directors, and related matters. (Airport Commission)

This Matter was ADOPTED on the Consent Agenda.

A motion was made to PASS THE CONSENT AGENDA, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090778 [Annual Salary Ordinance, FY 2009-2010]

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

See the full complement of amendments as referenced with File No. 090779.

A motion was made that this matter be FINALLY PASSED. The motion carried by the following vote:

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

No: 2 - Chu and Elsbernd

090779 [Consolidated Budget and Annual Appropriation Ordinance, FY 2009-2010]

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for FY ending June 30, 2010.

Supervisor Daly moved to divide the question relating to "Page 114, Department of Public Health, Line PHMCJC, Community Justice Center, in the amount of \$396,717; and Page 129, Sheriff, Line PSSCPP, Community Justice Center, in the amount of \$506,090."

The question relating to "Department of Public Health & Sheriff line items" was PASSED, as divided, by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 4 - Campos, Daly, Mar, Mirkarimi

A motion was made that this matter be FINALLY PASSED. The motion carried by the following vote:

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

No: 2 - Chu and Elsbernd

From the Budget and Finance Committee Without Recommendation

090184 [Declaring an emergency under California Constitution Article XIII C, Section 2(b) authorizing submission to voters of ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]

Sponsor(s): Chiu, Dufty, Mirkarimi and Campos

Resolution declaring an emergency under California Constitution Article XIII C, Section 2(b) and authorizing submission of Ordinance that adopts and submits to the voters an 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 its submission as a general tax measure for voter approval at the November 3, 2009, general municipal election.

A motion was made by Supervisor Chiu, seconded by Supervisor Elsbernd, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

090136 [Measure 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]

Sponsor(s): Chiu, Dufty, Mirkarimi and Campos

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 November 3, 2009 general municipal election.

(Economic Impact)

A motion was made by Supervisor Chiu, seconded by Supervisor Elsbernd, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

Recommendation of the City Operations and Neighborhood Services Committee

090419 [Increasing prize limit for charitable bingo games]

Sponsor(s): Dufty, Avalos, Campos, Elsbernd and Chu

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from \$250 to \$500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

A motion was made that this matter be FINALLY PASSED. The motion carried by the following vote:

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

No: 1 - Daly

From the Board

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090585 [Safe Streets and Road Repair General Obligation Bond Election - \$368,000,000]

Sponsor(s): Mayor, Chiu, Dufty, Mar and Campos

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 3, 2009, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$368,000,000 to finance the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act, ("CEQA"); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

A motion was made by Supervisor Chiu, seconded by Supervisor Maxwell, that this matter be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

NEW BUSINESS

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Recommendations of the Budget and Finance Committee

090631 [Recreation and Park Department - Renaming Candlestick Park]

Sponsor(s): Dufty and Elsbernd

Motion ordering submitted to the voters an ordinance amending San Francisco Administrative Code Section 4.25 to allow the Recreation and Park Department to enter into an agreement for the naming of City-owned sports stadium located at Candlestick Point, and to use fifty percent of the revenue from the agreement to fund recreation center directors at an election to be held on November 3, 2009. (Fiscal Impact.)

A motion was made that this matter be APPROVED. The motion carried by the following vote:

Aye: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell and Mirkarimi

No: 3 - Avalos, Daly and Mar

090637 [Professional services agreement to provide professional engineering services for SFPUC Calaveras Dam Project]

Sponsor(s): Elsbernd

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by \$9,689,663, for a total revised agreement amount of \$24,000,000, and extend the agreement term by seven years for a total revised agreement term of thirteen years, pursuant to San Francisco Charter Section 9.118. (Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

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

090820 [Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency - \$26,505,777]

Sponsor(s): Mayor

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090778) to reflect the addition of temporary and permanent salaries of \$7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of \$26,505,777 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program. (Fiscal Impact.)

A motion was made that this matter be PASSED ON FIRST READING. The motion carried by the following vote:

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

090848 [Emergency contract to repair the Fireboat at Pier 22 1/2]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to repair Fireboat Pier 22 1/2. (Public Works Department)
(Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

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

090886 [Water Revenue Bond Issuance - \$1,310,307,119]

Sponsor(s): Avalos

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

A motion was made that this matter be PASSED ON FIRST READING. The motion carried by the following vote:

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

090887 [Water Revenue Bonds Issuance - not to exceed \$1,120,185,000]

Sponsor(s): Avalos

Resolution approving the issuance of not to exceed \$1,120,185,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith, and related matters.
(Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

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

090823 [Authorization for continued membership in 18 County CalWIN Consortium]

Resolution amending Resolution No. 1094-99 passed on December 6, 1999, to continue authority for the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with State requirements. This resolution will expand the expenditure authority from \$29,419,538 for an additional amount of \$13,110,600 from July 1, 2010, through July 31, 2013. The total project budget including this extension is \$42,530,138. Please note: State and Federal reimbursement is at 92% of \$42,530,138. County general fund portion is \$3,402,241 from 1999 through 2013. The County general fund portion for the extension period is \$1,048,848. (Human Services Department) (Fiscal Impact.)

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P. for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

A motion was made that this matter be PASSED ON FIRST READING. The motion carried by the following vote:

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

090799 [UCSF Medical Center Mission Bay Helipad Project]

Sponsor(s): Maxwell and Dufty

Resolution approving the proposed helipad at the UCSF Medical Center at Mission Bay under California Public Utilities Code Section 21661.5 and adopting environmental findings under the California Environmental Quality Act, including a mitigation monitoring and reporting program and a statement of overriding considerations.

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.**090870 [Hearing - Greater Union Square Business Improvement District]**

Hearing scheduled for July 28, 2009, at 3:00 p.m., to hear persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Karen Flood Eklund; Russell Keil; Louis Meunier; Heather Almond; Lisa Kershner; Anson Lee; Spencer Sechler; Daphne Handelin; Man J. Kim; Stephen Brett; J. Timothy Falvey; Connie Hartgraves; Diana Holland-Cramer; Don Thomas; Carolyn Diamond; Rob Black; Leigh Ann Baughman; Laurie Armstrong; Jenny Benton; Walter Paulson; Deb Niemann; Linda Lucero; Elaine Zamora; Linda Mjellem; Ken Cleveland; Wes Tyler; David Nadelman; Tajiri Weinsberry; and Sam Sahid; spoke in support of the Greater Union Square Business Improvement District. John Handlery; spoke in opposition to the Greater Union Square Business Improvement District. Mr. Wright; spoke expressing various comments relating to the Tenderloin. There were no other speakers. The President declared the public hearing closed.

The Clerk of the Board informed the Department of Elections that the public hearing was closed. Tabulation of the ballots cast during the public hearing began by the Department of Elections. The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted. The Clerk of the Board informed the President of the following tabulations:

Returned weighted ballots voting for the Greater Union Square Business Improvement District - 63.22%

Returned weighted ballots voting against the Greater Union Square Business Improvement District - 36.78%

The President declared there was no majority protest.

090935 [Resolution to establish the Greater Union Square Business Improvement District]**Sponsor(s):** Chiu

Resolution establishing a property-based business improvement district to be known as the "Greater Union Square Business Improvement District (BID)," by renewing and expanding the previously established Union Square BID; approving the amended management district plan and engineer's report and boundaries map; ordering the levy and collection of assessments against property located in the Greater Union Square BID for ten years, commencing with FY 2009-2010, subject to conditions as specified; and making environmental findings.

A motion was made by Supervisor Maxwell, seconded by Supervisor Dufty, that this matter be ADOPTED. The motion carried by the following vote:

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

No: 1 - Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

A motion was made by Supervisor Alioto-Pier, seconded by Supervisor Dufty, to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Alberto and Lili Mier in recognition of their accomplishments with La Canasa Restaurant.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Cheryl and Sarah Perliss in recognition of their accomplishments with Mudpie Clothing Company.

COMMITTEE REPORT**090819 [Management Agreement with Owners' Association for administration/management of San Francisco Tourism Improvement District]****Sponsor(s):** Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the business-based business improvement district known as the "San Francisco Tourism Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns translated in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to federal health program and economics.
Richard McRee; expressed concerns relating to inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.
John DiDonna; shared in poem certain concerns relating to faith.
Male Speaker; expressed various concerns.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090950 [Calling File Nos. 090868 and 090867 from Committee to the full Board of Supervisors, and calling for the Board to sit as a Committee of the Whole on August 4, 2009]

Sponsor(s): Chiu

Motion calling from the Land Use & Economic Development Committee, File Nos. 090868 [Bicycle Plan adoption and related General Plan amendments] and 090867 [Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]; and calling for the Board to hear these items as a Committee of the Whole on August 4, 2009.

This Matter was APPROVED on the Consent Agenda.

090943 [Accept and Expend State Grant - Chief of Police - \$25,000]

Sponsor(s): Alioto-Pier

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$25,000 from the California Department of Fish and Game for the purchase of oil spill response equipment.

This Matter was ADOPTED on the Consent Agenda.

090944 [Renew Revolving Fund Agreement with State - \$75,000]

Sponsor(s): Avalos and Campos

Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving fund in the amount of \$75,000 to be used to pay for verified funeral/burial expenses for eligible homicide victims and emergency relocation for victims of domestic violence and sexual assault for an additional two years from July 1, 2009, through June 30, 2011.

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

This Matter was ADOPTED on the Consent Agenda.

090945 [Accept and Expend State Grant - Office of the District Attorney up to \$88,538]**Sponsor(s):** Avalos and Campos

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to \$88,538 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2009, through June 30, 2010.

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

This Matter was ADOPTED on the Consent Agenda.

090946 [Accept and Expend Grant - Department of Public Health - \$22,566]**Sponsor(s):** Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of \$22,566 to revise the document "Guide for HIV surveillance in low-level and concentrated epidemics;" for the period of June 15, 2009, through September 15, 2009.

This Matter was ADOPTED on the Consent Agenda.

090947 [Avoiding new foreign fossil fuel dependence in San Francisco's electricity supply]**Sponsor(s):** Daly, Avalos, Campos, Mirkarimi and Mar

Resolution asking Pacific Gas & Electric Corporation to end partnership in the "Pacific Connector" pipeline.

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

This Matter was ADOPTED on the Consent Agenda.

090948 [Accept and Expend Regional Grant - Department of the Environment - \$10,000]**Sponsor(s):** Mar and Campos

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$10,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

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

This Matter was ADOPTED on the Consent Agenda.

090949 [Accept and Expend Regional Grant - Department of the Environment - \$15,000]**Sponsor(s):** Mar and Campos

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$15,000 from the San Francisco Foundation to implement the San Francisco Urban Gleaning Project.

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

This Matter was ADOPTED on the Consent Agenda.

A motion was made to PASS THE CONSENT AGENDA, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

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Severed from the For Adoption Without Committee Reference Agenda

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

090902 [Final Map - 2242-2256 15th Street]

Motion approving Final Map 4773, a merger and resubdivision, Parcel "B" being a 6 Unit residential condominium project, located at 2242–2256 15th Street being a subdivision of Lots 103 and 104 in Assessors Block No. 3540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,244; District 8.)

A motion was made by Supervisor Dufty, seconded by Supervisor Maxwell, that this matter be TABLED. The motion carried by the following vote:

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

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

Ordinances

090960 [Honoring small local businesses during Small Business Month]

Sponsor(s): Alioto-Pier

Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.

07/28/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

090961 [De-appropriating \$510,006 of General Fund restorations to the Department of Children, Youth and Their Families to restore reductions to Grants for the Arts in the General Services Agency, City Administrator for FY 2009-2010]

Sponsor(s): Dufty

Ordinance de-appropriating \$510,006 of General Fund restorations to the Department of Children, Youth and Their Families to restore reductions to Grants for the Arts funding in the General Services Agency, City Administrator for FY 2009-2010.

(Fiscal Impact.)

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090962 [Zoning - Amending the Citywide definition of Tobacco Paraphernalia Establishments by lowering the threshold for retail stores to be considered Tobacco Paraphernalia Establishments]

Sponsor(s): Chiu

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

07/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

090964 [Appropriating \$194,279,046 to fund construction of the Public Utilities Commission's Headquarters Building at 525 Golden Gate Avenue for FY 2009-2010, and adopting environmental findings]

Sponsor(s): Mayor and Dufty

Ordinance appropriating \$194,279,046, including \$167,670,000 in Certificates of Participation and \$26,609,046 in Hetch Hetchy unappropriated fund balance to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue for the Public Utilities Commission in Fiscal Year 2009-2010 and placing \$167,670,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.
(Fiscal Impact.)

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

090963 [Interim Zoning Controls requiring conditional use authorization for Tobacco Paraphernalia Establishments, as defined, in the Polk Street Neighborhood Commercial District]

Sponsor(s): Chiu

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, and subject to specified exceptions, in the Polk Street Neighborhood Commercial District, 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.

07/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090965 [Certificates of Participation for 525 Golden Gate Avenue]**Sponsor(s):** Mayor and Dufty

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; authorizing the reimbursement of prior expenditures; ratifying the approvals and terms and conditions of a previous resolution; and related matters.

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090966 [Opposing BART surcharge]**Sponsor(s):** Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos and Mar

Resolution opposing BART surcharge on SFO employees.

090967 [Approving the plan to allow a gated \$10 admission charge to the Lovevolution Festival in Civic Center Plaza, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation]**Sponsor(s):** Mirkarimi

Resolution approving the plan to allow a gated \$10 admission charge to the Lovevolution Festival in Civic Center Plaza, which is scheduled to take place on Saturday, October 3, 2009, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation.

090968 [Supporting President Obama's principles for national health care reform]**Sponsor(s):** Mayor, Chiu, Mar, Maxwell, Dufty, Mirkarimi and Alioto-Pier

Resolution supporting President Obama's principles for national health care reform.

090969 [Lease purchase financing for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital not to exceed \$25,000,000]**Sponsor(s):** Mayor

Resolution authorizing the Executive Administrator of the San Francisco General Hospital to obtain lease purchase financing in an amount not to exceed \$25,000,000 for the acquisition of replacement emergency back-up electric generators for San Francisco General Hospital; approving the form of a lease purchase financing agreement between San Francisco General Hospital and a lender named therein, and approving and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

07/28/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion

090942 [Closed Session - Potential litigation regarding proposed State Constitutional Amendment No. 09-0015]**Sponsor(s):** Mirkarimi

Motion to convene in closed session for the purpose of receiving a briefing from the City Attorney regarding potential litigation regarding proposed initiative State Constitutional Amendment No. 09-0015 "New two-thirds vote requirement for local public electricity providers."

07/28/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES**090878 [Settlement of Lawsuits - John Tennison and Antoine Goff totaling \$7,500,000]**

Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of \$7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of \$4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of \$2,900,000. (City Attorney)

07/20/09; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**090916 [Approving one fuel contract estimated to exceed \$10 million]**

Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed \$10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact.)

07/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090917 [Authorizing the Office of Contract Administration to enter into fuel-related cooperative purchasing agreements with other public entities and non-profits made up of public entities and charge an administrative fee for use of the City's fuel contract]

Resolution authorizing the Director of the Office of Contract Administration (Purchaser) to enter into fuel-related cooperative purchasing agreements with other public entities and non-profits made up of public entities to maximize efficient buying and take advantage of bulk purchases and providing for an administrative fee to be charged to other public entities to cover the costs of the City program. (Office of Contract Administration)
(Fiscal Impact.)

07/17/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

090918 [Grant and Cooperative Agreement with Metropolitan Transportation Commission not to exceed \$29,150,000]

Resolution authorizing the San Francisco Municipal Transportation Agency to enter into a Grant and Cooperative Agreement with the Metropolitan Transportation Commission to procure, through existing TransLink® contracts, new SFMTA TransLink®-only fare collection equipment and related support services, for an amount not to exceed \$29,150,000, to help complete the rollout of the regional TransLink® smartcard system. (Municipal Transportation Agency)
(Fiscal Impact.)

07/20/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Alioto-Pier

To: Budget Analyst

Requesting/Inquiring: Requesting the Budget Analyst prepare a report on the status of recommendations of its management audit of the Marina Yacht Harbor dated March 10, 2008.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

Southwest corner Fillmore & McAllister

Southeast corner Scott & Fell

Southeast corner Fillmore & Oak

Southwest corner Golden Gate & Scott

Southeast corner Turk & Scott

Southeast corner Turk & Baker

Southeast corner Golden Gate & Masonic

Southeast corner Golden Gate & Lyon

Bus Shelters

Southwest corner Divisadero & Geary

Fillmore & Haight (all 4 bus stops, graffiti & grime)

Emergency Boxes

Northeast corner Lyon & Haight

Southeast corner Steiner & Haight

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Metal Pole

Northeast corner Page & Scott

Across from 531 Pierce

Northwest corner Masonic & Golden Gate

In front of 2013 Golden Gate

Northeast corner Baker & Golden Gate

In front 1449 Golden Gate

In front 1157 Fell

In front of 224 Haight

Wood Pole

In front of 500 Fillmore

In front of 415 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 following private property locations:

1200 Divisadero
605 Webster
643 Webster
501 Fillmore
1299 Haight
1366 Haight
1399 Haight
909 Haight
906 Haight
875 Haight
2345 Post
1204 Divisadero
507 Divisadero
445 Webster
295 Buchanan
427 Pierce
320 Steiner
10 Haight
485 Scott
1105 Turk
2115 Golden Gate
1030 Fell
1174 Fell
1303 Fell
600 Stanyan
1667 Haight
1366 Haight
1317 Haight
1301 Haight
423 Haight
345 Haight

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 location: 1288 - 6th Avenue, south bound lane of 6th Avenue.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status

of removing graffiti from the following locations:

Garbage Cans

*Northwest corner Fillmore & Haight
Southeast corner Fell & Fillmore*

Mailboxes

*Southeast corner Fulton & Laguna
Southwest Golden Gate & Divisadero
Northwest corner Post & Pierce
Northeast corner Golden Gate & Scott
Northeast corner Baker & Golden Gate*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

San Francisco Bay Guardian

*Southeast corner of Fillmore & Post
Southwest corner of Divisadero & Sutter
9th Avenue & Judah (near bus stops)
7th Avenue & Irving (near bus stops)
Northwest corner of Hayes & Fillmore
Southeast corner of Fillmore & Haight*

San Francisco Chronicle

*Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irving & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic*

Examiner

*Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
SF Daily
Northwest corner of Hayes & Gough*

City Star

*Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight*

*SF Weekly
Southeast corner of Masonic & Haight
Southeast corner of Haight & Fillmore*

In Memoriams

*Mark Guerra - Supervisor Elsbernd
Elbert (Bud) Wilson - Supervisors Elsbernd, Dufty, and Chiu
Claude Attucks Everhart - Supervisor Maxwell*

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ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:30 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 August 18, 2009.