



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA

**City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, August 18, 2009 2:00 PM
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/site/bdsupvrs_index.asp

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, Elsbernd

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Campos, Daly, Alioto-Pier

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

Board Meeting Procedures

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

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

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

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

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

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

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

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

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

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

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

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the July 21, 2009, and July 28, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

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

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

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

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

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

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

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

CONSENT AGENDA

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

Items 1 through 16

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. **090546 [Appropriating \$119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]**

Mayor

Ordinance appropriating \$119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing \$78,800,000 on Controller's reserve pending the sale of bonds.

(Fiscal Impact.)

8/11/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly, Elsbernd

2. **090634 [Accept and Expend Federal Grant - Airport Commission - \$203,000]**
Supervisor Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of \$203,000 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

Question: Shall this Resolution be ADOPTED?

3. **090635 [Accept and Expend Federal Grant - Airport Commission - \$350,500]**
Supervisor Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of \$350,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

Question: Shall this Resolution be ADOPTED?

4. **090932 [Accept and Expend Grant - HIV Testing and Counseling in STD Clinics - \$122,160]**
Supervisor Campos
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the University of Miami in the amount of \$122,160 to perform a randomized clinical trial comparing the relative efficacy and cost-effectiveness of two HIV testing strategies; for the period of September 30, 2009, through September 29, 2011.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

5. **090554 [Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]**
Supervisors Chiu, Dufty, Mar
Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

8/11/2009, PASSED, ON FIRST READING. Supervisor Mar requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

6. **090889 [Regulations for Mortgage Modification Consultants]**
Supervisors Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar, Avalos
Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

8/11/2009, PASSED, ON FIRST READING. Supervisors Mar and Avalos requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Daly, Dufty

**7. 090219 [Amendment to post-employment restrictions]
Supervisor Elsbernd**

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Campos, Daly, Chu

**8. 090461 [Providing members of the public with access to language services]
Supervisors Chiu, Daly, Chu, Campos, Mar, Avalos**

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

8/11/2009, PASSED, ON FIRST READING. Supervisors Campos, Mar, and Avalos requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Campos, Daly

9. 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)

8/11/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 090896 [Settlement of Lawsuit - John Williams - \$27,000]

Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for \$27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al.

(City Attorney)

8/11/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 090897 [Settlement of Lawsuit - Benson Chen - \$75,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al.

(City Attorney)

8/11/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

12. 090898 [Settlement of Lawsuit - Yue Kong Kam - \$102,327.06]

Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for \$102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al.

(City Attorney)

8/11/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 13. **090899** **[Settlement of Lawsuits - United States of America - \$7,000,000]**
 Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for \$7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating \$7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose.
 (City Attorney)

8/11/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Campos, Daly, Dufty

- 14. **090120** **[Appointments, Community Oversight Committee Regarding Enforcement of Marijuana Offenses - Gregory Ledbetter, Catherine Smith and Michael Barbitta]**
 Motion appointing Gregory Ledbetter, Catherine Smith and Michael Barbitta, terms ending January 1, 2011, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Question: Shall this Motion be APPROVED?

- 15. **090953** **[Appointments, Commission of Animal and Welfare - Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks]**
 Motion appointing Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks, terms ending April 30, 2011, to the Commission of Animal Control and Welfare.

Question: Shall this Motion be APPROVED?

- 16. **090954** **[Appointments, Immigrant Rights Commission - Lorena Melgarejo, Felix Fuentes and Ana Perez]**
 Motion appointing Lorena Melgarejo, Felix Fuentes and Ana Perez, residency requirement waived, terms ending June 6, 2011, to the Immigrant Rights Commission.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Maxwell, Mar, Chiu

17. **090575** **[Hunters View - Street Vacation Order]**
Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance.
(Public Works Department)
- 8/11/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

From the Rules Committee Without Recommendation

Present: Supervisors Campos, Daly

18. **090895** **[Settlement of Lawsuit - Linda Caratti - \$80,000]**
Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for \$80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification.
(City Attorney)
- 8/11/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Chu, Campos

19. **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]**
 Mayor, Supervisor 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.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. **090985** **[Setting San Francisco FY 2009-2010 property tax rate and establishing pass-through rate for residential tenants]**
 Supervisor Avalos
 Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. **090986** **[Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]**
 Supervisor Avalos
 Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. **090987** **[Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]**
 Supervisor Avalos
 Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. **090988** **[Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]**
Supervisor Avalos
Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
24. **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.)
- Question: Shall this Resolution be ADOPTED?**
25. **090965** **[Certificates of Participation for 525 Golden Gate Avenue]**
Mayor, Supervisor 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.
- Question: Shall this Resolution be ADOPTED?**
26. **090907** **[Contract to rehabilitate 16 Presidential Conference Committee historic streetcars]**
Supervisor Chiu
Resolution authorizing the Municipal Transportation Agency to enter into a contract with Brookville Equipment Corporation to rehabilitate 16 Presidential Conference Committee historic streetcars for an amount not to exceed \$18,712,576 and a term not to exceed five years.
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?**
27. **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]**
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.)
- Question: Shall this Resolution be ADOPTED?**

28. **090994** **[Certificates of Participation for multiple capital improvement projects]**
Mayor
Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the execution and delivery 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; ratifying the approvals and terms and conditions of a previous resolution; declaring the official intent of the City and County of San Francisco to reimburse itself from the proceeds of future bonded indebtedness for purposes of complying with the Internal Revenue Code of 1986, as amended; and related matters.

Question: Shall this Resolution be ADOPTED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly, Elsbernd

29. **090940** **[Jewish Home of San Francisco Psychiatric Facilities - Designation Agreement]**
Mayor, Supervisor Dufty
Resolution designating Jewish Home of San Francisco as an Evaluation and Treatment Facility for individuals 75 years and older; and authorizing the Director for Community Behavioral Health Services to enter into a Designation Agreement with said facility.

Question: Shall this Resolution be ADOPTED?

From the City Operations and Neighborhood Services Committee Without Recommendation

Present: Supervisors Dufty, Elsbernd

30. **090888** **[Calling on San Francisco Municipal Transportation Agency to calm traffic on Addison Street]**
Supervisor Dufty
Resolution calling on the San Francisco Municipal Transportation Agency to install speed humps or speed cushions on Addison Street.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Maxwell, Mar, Chiu

31. **090933** **[Unpermitted Subsidewalk Encroachment into Public Right-of-Way]**
Supervisors Chiu, Elsbernd
Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.

Question: Shall this Ordinance be PASSED ON FIRST READING?

32. **090934** **[Public Works Code - Appellate body for minor sidewalk encroachments]**
 Supervisors Chiu, Elsbernd
 Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.

Question: Shall this Ordinance be PASSED ON FIRST READING?

33. **090866** **[Traffic Regulation - Closure of McCoppin Street west of Valencia Street to vehicular traffic]**
 Supervisor Mirkarimi
 Resolution closing McCoppin Street west of Valencia Street to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; and authorizing official acts in connection with the street closure.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Rules Committee

Present: Supervisors Campos, Daly, Dufty

34. **090952** **[Appointment, California State Association of Counties - Supervisor Eric Mar]**
 Motion appointing Supervisor Eric Mar, term ending November 28, 2009, to the California State Association of Counties.

Question: Shall this Motion be APPROVED?

35. **091022** **[Appointment, Immigrants Rights Commission - Toye Moses]**
 Motion appointing Toye Moses, term ending June 6, 2011, to the Immigrant Rights Commission. (Supervisor Daly dissented in Committee.)

Question: Shall this Motion be APPROVED?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

The President may entertain a motion to continue the following File Nos. 090875, 090923, 090924, 090925 to September 15, 2009.

36. **090875 [Public Hearing - Conditional Use Appeal for 1960-1998 Market Street]**
 Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17894 dated June 4, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2006.1431ECV), pursuant to Planning Code Sections 121.1, 228, 303, and 731.11 to allow the demolition of a service station and the development of a mixed use building (with up to 115 residential units over ground-floor commercial space and partially subterranean garage for 69 independently accessible off-street parking spaces: 58 - residential; 5 - commercial; and 6 - car-share) on a development lot over 9,999 square feet within the Market & Octavia Plan Area, an NCT-3 (Neighborhood Commercial, Moderate Scale, Transit) District and an 85-X Height and Bulk District, on property located at 1960-1998 Market Street, Lot Nos. 005, 006, & 007 in Assessor's Block 0872. (Appellant: Stephen M. Williams)
 (Filed 7/6/09; Companion measure to Files 090923, 090924, 090925; District 8.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

37. **090923 [Approving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]**
 Motion approving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street, and adopting findings pursuant to Planning Code Section 101.1.
 (Clerk of the Board)

Question: Shall this Motion be APPROVED?

38. **090924 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1960-1998 Market Street]**
 Motion disapproving decision of the Planning Commission by its Motion No. 17894, approving Conditional Use Application 2006.1431ECV on property located at 1960-1998 Market Street.
 (Clerk of the Board)

Question: Shall this Motion be APPROVED?

39. **090925 [Preparation of findings related to the Conditional Use Appeal for 1960-1998 Market Street]**
 Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.1431ECV on property located at 1960-1998 Market Street, for action by the Board at its next meeting.
 (Clerk of the Board)

Question: Shall this Motion be APPROVED?

40. ROLL CALL FOR INTRODUCTIONS

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

41. PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. Rules of Order Section 3.11 provides that a unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 42 through 44

- 42. **091017 [Supporting the Children's Defense Fund Health Coverage for All Children Campaign]**
Supervisor Alioto-Pier

Resolution supporting the Children’s Defense Fund’s Health Coverage for All Children Campaign.

8/11/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 43. **091018 [FY 2009-2010 California Constitution Appropriations Limit]**
Supervisor Avalos

Resolution establishing the appropriations limit for FY 2009-2010 pursuant to California Constitution Article XIII B.

8/11/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 44. **091019 [Reaffirming the Board of Supervisors' support for the expeditious completion of the Mexican Museum Project at the Yerba Buena Garden site]**

Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Resolution reaffirming the Board of Supervisors’ support for the Mexican Museum project, and calling upon all parties, including the San Francisco Redevelopment Agency, Millennium Partners, the San Francisco Arts Commission, and Fort Mason to support the expeditious completion of the project, including helping the Mexican Museum retain its lease with Fort Mason concurrent with and through the development, construction and actualization of the Mexican Museum project at the Yerba Buena Garden site.

8/11/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

45. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from August 4, 2009, to August 10, 2009, for reference by President to appropriate committee on August 18, 2009.

091008 [Settlement of Grievance - Elina Sulimov - \$130,000]

Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for \$130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco.
(City Attorney)

8/7/2009, RECEIVED AND ASSIGNED to Rules Committee.

091020 [Discretionary Review - Planning Department Fees]

Ordinance amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings.
(Planning Department)

8/12/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from August 4, 2009, to August 10, 2009, for reference by President to appropriate committee on August 18, 2009.

090955 [Settlement of Administrative Enforcement Action]

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 \$115,000.

8/4/2009, RECEIVED AND ASSIGNED to Rules Committee.

090981 [Street Encroachment at 1230-1240 Twin Peaks Boulevard]

Resolution granting revocable permission to Michael Chung to occupy, excavate and regrade an existing unimproved portion of the public right-of-way to construct and maintain private concrete driveways with retaining walls, walkways and steps with accommodations for drainage and new landscaping to provide pedestrian and vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Public Works Department)

8/6/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091005 [Settlement of Unlitigated Claim - Rajitha Sangha - \$30,000]

Resolution approving the settlement of unlitigated claim of Rajitha Sangha against the City and County of San Francisco for \$30,000; claim was filed on July 7, 2008.
(City Attorney)

8/7/2009, RECEIVED AND ASSIGNED to Rules Committee.

091006 [Settlement of Unlitigated Claim - Ferry Building Associates - \$107,798.50]

Resolution approving the settlement of the unlitigated claim filed by Ferry Building Associates against the City and County of San Francisco for \$107,798.50; claim was filed on January 26, 2009.
(City Attorney)

8/7/2009, RECEIVED AND ASSIGNED to Rules Committee.

091007 [Airport Concession Lease]

Resolution approving the Terminal 3 Concourse Specialty Store Lease to Air Sun, a joint venture between Sunglass Hut Trading, LLC and Corliss Stone-Littles, LLC, and the City and County of San Francisco, acting by and through its Airport Commission.
(Airport Commission)

8/10/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091009 [Settlement of Unlitigated Claim - Rose Dennis - \$90,670.20]

Resolution approving settlement of the unlitigated claim submitted by Rose Dennis against the City and County of San Francisco for \$90,670.20; claim was submitted on April 2, 2009.
(City Attorney)

8/7/2009, RECEIVED AND ASSIGNED to Rules Committee.

091023 [Petition and Communications]

Petitions and Communications received from August 4, 2009, through August 10, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 18, 2009.

From various City Departments, submitting notification that the adopted Budget for FY 2009-2010 is adequate for the Department to meet service levels as proposed by the Board: (1)

Economic and Workforce Development
Department of Human Resources
Human Rights Commission
Department of Child Support Services
Office of the Controller
Recreation and Park Department
Department of the Status of Women
First 5 San Francisco, Children and Families Commission
Fine Arts Museums of San Francisco
Board of Supervisors
Residential Rent Stabilization and Arbitration Board
San Francisco War Memorial and Performing Arts Center
Adult Probation Department
Municipal Transportation Agency

From San Francisco Public Utilities Commission, submitting a report with the Board analyzing whether NRG is complying with all provisions of SF Administrative Code Section 11.44. Copy: Each Supervisor (2)

From Office of the Mayor, submitting a letter designating Supervisor Carmen Chu as Acting-Mayor from 11:00 a.m. on Saturday, August 8, 2009, until 10:45 a.m. Sunday, August 9, 2009. Copy: Each Supervisor (3)

From Capital Planning Committee, regarding a Recommendation on Supplemental Appropriation Request for the San Francisco Public Utilities Commission's (SFPUC) Headquarters Building Project at 525 Golden Gate Avenue. Copy: Each Supervisor (4)

From First 5 San Francisco, submitting a response to Supervisor Alioto-Pier's inquiry regarding the Healthy Families Program. (Reference 20020721-008) (5)

From Civil Service Commission, regarding a Survey of Monthly Rates Paid to Police Officers and Firefighters in all Cities of 350,000 or More in the State of California. Copies: Each Supervisor (6)

From Department of Elections, regarding a Disclaimer Requirements for Local Ballot Measures: Endorse, Oppose or Take No Position on a Measure (Municipal Elections Code (MEC) Section 500(c)(8). Copy: Each Supervisor (7)

From Superior Court of California, submitting notification that the Adopted Budget for FY 2009-2010 is not adequate for the Department to meet service levels as proposed by the Board. Copy: Each Supervisor (8)

From Office of the Controller - City Services Auditor, submitting the Department of Public Health, Monitoring of A-133 Single Audit Reports for Agencies Awarded Federal Funds by DPH in FY 2007-2008. (9)

From T-Mobile, regarding T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. dba T-Mobil (U-3056-C0), Notification Letter for T-Mobile Site No. SF13115B. (10)

From Office of the Controller, regarding the State Budget Impact - Preliminary Report. Copies: Budget & Finance Committee Members (11)

From Mary Miles, submitting comments in support of Appeal of Certification of Environmental Impact Report (EIR) by the San Francisco Planning Commission on 6/25/09, and Opposing Actions Approving, Adopting, or Implementing the San Francisco Bicycle Plan Project. Copies: Each Supervisor (12)

From Roger P. Maineri, submitting a copy of a letter sent to Director of Public Works, regarding graffiti removal from their building. (13)

From Department of Public Health, regarding the Department of Public Health Budget Cuts. Copies: Each Supervisor (14)

From Yerba Buena Community Benefit District, submitting the 2008-2009 Annual Report. (15)

From Office of the Controller, submitting a copy of an Audit Memo regarding Aging and Adult Services Lacks Key Accounting controls to Safeguard Client Assets in Three of its Programs (Public Administrator, Public Guardian, Representative Payee). (16)

From Office of the Controller, submitting a copy of the Annual Salary Ordinance FY 2009-2010. File No. 090778 (17)

From Office of the Controller, submitting a copy of the Annual Appropriation Ordinance FY 2009-2010. File No. 090779 (18)

From Francisco Da Costa, submitting a link to newspaper article "Bayview in the Year 2009." (19)

From Office of Clerk of the Board, submitting a Form 700 Statement of Economic Interest for William Barnes - Legislative Assistant - assuming office. (20)

From Marilyn Amini, regarding the procedure the Board used when calling from Committee File Nos. 090867 and 090868. (21)

From Rachel Ebor, submitting a letter of support for the Bicycle Plan Project FEIR. File No. 090913 (22)

From Department of Public Works, submitting a response to repairing potholes in District 5. (Reference 20090728-005) (23)

From James Chaffee, regarding the Democracy in its Representative Form: An Attendance Policy (Library Commission). (24)

From concerned citizen, regarding the Statue of Neda Agha-Soltan on display at City Hall. Received 5 letters. (25)

From concerned citizens, submitting letters of support for preserving Sharp Park Golf Course. Received 2 Letters and copies of On-Line Petition (900+). (26)

From concerned citizens, submitting letters of support for the proposed transformation of Sharp Park. Received 11 Letters. (27)

From Mrs. Burrell, expressing various concerns, relating to homelessness, estate liquidation, etc. (28)

ADJOURNMENT