

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

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



AGENDA

**Tuesday, February 12, 2008
2:00 PM**

Regular Meeting

AARON PESKIN, PRESIDENT

**MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN
ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board**

ROLL CALL AND PLEDGE OF ALLEGIANCE

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.

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 8

Recommendations of the Budget and Finance Committee

Present: Supervisors Ammiano, Dufty

1. **080123** **[Settlement of lawsuit and appropriating a portion of the proceeds - Department of Elections]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, against Election Systems and Software, Inc., on November 20, 2007 in San Francisco Superior Court, Case No. CGC 07-469371, entitled City and County of San Francisco, et al. v. Election Systems & Software, Inc, and appropriating \$1,130,000.00 of the proceeds to the Department of Elections. (City Attorney)
2/5/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
2. **080124** **[Department of Elections amendment to current voting systems contract with Sequoia Voting Systems, Inc.]**
Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Sequoia Voting Systems, Inc., to pay Sequoia \$1,130,000 rather than transfer to Sequoia the City's AutoMARK ballot marking devices, in connection with a settlement of litigation by the City against Elections System & Software involving those devices. (Elections Department)
2/5/2008, CONTINUED. Continued to February 12, 2008
Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Ammiano, Elsbernd, Peskin

3. **071668** **[Reauthorization of Food Security Task Force]** **Supervisor Maxwell**
Ordinance amending the San Francisco Health Code by amending Sections 470.1 and 470.2, to extend the sunset provisions of the Food Security Task Force to January 31, 2009, and change the organizations from which members must be appointed.
2/5/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
4. **080054** **[Settlement of Lawsuits and Claims]**
Ordinance authorizing settlement of claims made by Plaintiffs Kurt Bruneman, Tom Feledy, Narda Gillespie, Michael Hughes, Gregory Mar, Donna Meixner, Mark Osuna, Frederick Schiff, Mark Sullivan, Dennis Quinn, Donald Woolard, Michael Zurcher in a multi-party action against the City and County of San Francisco for \$1,600,000.00, and City to credit Mark Sullivan with 125.5 compensation time hours; the three lawsuits for the above-mentioned plaintiffs were all filed in the United States District Court, Northern District, Case No. C03-4345 (filed on January 16, 2003 and entitled Frederick Schiff v. City and County of San Francisco, et al.), Case No. C04-2261 (filed on June 8, 2004 and entitled Narda Gillespie, et al. v. City and County of San Francisco, et al.), Case No. C04-2262 (filed on June 8, 2004 and entitled Mark Osuna v. City and County of San Francisco, et al.). (City Attorney)
Question: Shall this Ordinance be PASSED ON FIRST READING?
5. **080055** **[Settlement of Lawsuit - Teresa Yeung]**
Ordinance authorizing the settlement of a lawsuit filed by Teresa Yeung, against the City and

County of San Francisco for \$87,500.00; the lawsuit was filed on July 23, 2007, in San Francisco Superior Court, Case No. 07-465400, entitled Teresa Yeung v. City and County of San Francisco.

Question: Shall this Ordinance be PASSED ON FIRST READING?

6. 080120 [Settlement of City's Lawsuit Against Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$1,000,000 to the City from defendants Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

7. 080133 [Appointment - In-Home Supportive Services Public Authority]

Motion appointing Luis Calderon, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.

Luis Calderon, succeeding Margaret Coster, term expired, seat 11, must be a consumer between the ages of 18 and 60, authorized to represent organizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2009.

Question: Shall this Motion be APPROVED?

8. 080134 [Appointment - Child Care Planning and Advisory Council]

Motion appointing Simon Lee, term ending December 31, 2008, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding Lisa Jaicks, term expired, seat 4, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2008.

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 Budget and Finance Committee Without Recommendation

Present: Supervisor Peskin, Ammiano, Dufty

9. **071526** **[Public Employment - Entertainment Commission]** **Supervisors Dufty, Alioto-Pier, Daly**
- Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.33 FTE) Class 0923 - Manager II in the Entertainment Commission for the Office of Special Events.
- 2/5/2008, PASSED ON FIRST READING. Supervisor Daly requested to be added as a co-sponsor.
- Question: Shall this Ordinance be FINALLY PASSED?**
10. **080092** **[De-appropriating \$45,612 from Economic and Workforce Development and Appropriating \$45,612 for Special Events Promotion in the Entertainment Commission for Fiscal Year 2007-2008]** **Supervisors Dufty, Alioto-Pier, Daly**
- Ordinance de-appropriating \$45,612 of Community Based Organization Services from the Department of Economic and Workforce Development, and appropriating \$45,612 for one 0923 Manager II position (0.33 FTE) for special events promotion in the Entertainment Commission for Fiscal Year 2007-2008.
- 2/5/2008, PASSED ON FIRST READING. Supervisors Alioto-Pier and Daly requested to be added as co-sponsors.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendation from the Public Safety Committee

Present: Supervisors Mirkarimi, Maxwell, Chu

11. **071536** **[Access to and retention of community safety camera recordings]** **Supervisors Sandoval, Mirkarimi**
- Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.
- 1/8/2008, CONTINUED. Continued to January 15, 2008
- 1/15/2008, CONTINUED. Continued to January 29, 2008
- 1/29/2008, CONTINUED. Continued to February 12, 2008
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

From the Rules Committee With Recommendation "Do Submit"

Present: Supervisors Ammiano, Elsbernd, Peskin

12. **071667** **[Charter Amendment - Requiring Board confirmation of appointments to the Public Utilities Commission; setting qualifications for members of the Commission]** **Supervisors Maxwell, Dufty, Peskin, Mirkarimi, Ammiano, Elsbernd**
- Charter Amendment (Second Draft) to amend Section 4.112 to require confirmation by the Board of Supervisors of the Mayor's appointments to the Public Utilities Commission and to set qualifications for members of the Public Utilities Commission.
- 2/5/2008, CONTINUED. Continued to February 12, 2008
- Question: Shall this Charter Amendment be SUBMITTED?**

From the Rules Committee Without Recommendation

Present: Supervisors Ammiano, Elsbernd, Peskin

13. **071471** **[Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]** **Supervisor Alioto-Pier**
- Charter Amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.
- 2/5/2008, CONTINUED. Continued to February 12, 2008
- Question: Shall this Charter Amendment be SUBMITTED?**

14. **071589** **[Charter Amendment - City Elections In Even-Numbered Years]** **Supervisor McGoldrick**
- Charter Amendment (Second Draft) to amend Section 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.
- 2/5/2008, CONTINUED. Continued to February 12, 2008
- Question: Shall this Charter Amendment be SUBMITTED?**

Board of Supervisors Sitting as a Committee of the Whole

(File No. 071591 and File No. 071663)

From the Rules Committee Without Recommendation

Present: Supervisors Ammiano, Elsbernd, Peskin

15. **071591** **[Charter Amendment - City policy regarding diversity on City boards and commissions]** **Supervisor McGoldrick**
- Charter Amendment (Fourth Draft) to amend Section 4.101 to make it City policy to consider

and as appropriate support the nomination, appointment and confirmation of female, minority, and disabled candidates to fill seats on appointive boards, commissions, or advisory bodies.

2/5/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

2/5/2008, CONTINUED AS AMENDED. Continued to February 12, 2008 with the Board Sitting as a Committee of the Whole.

Question: Shall this Charter Amendment be SUBMITTED?

From the Rules Committee Without Recommendation

Present: Supervisors Ammiano, Elsbernd, Peskin

16. **071663** [Charter Amendment - New hire qualifications for retiree health care; improved retirement benefits for miscellaneous employees retiring on or after January 10, 2009] **Mayor, Supervisors Elsbernd, Peskin, Alioto-Pier**

Charter Amendment (Third Draft) amending Section A8.428, to increase the years of service required for new employees to qualify for subsidized health benefits at retirement and to adjust the formula for calculating retiree health benefit subsidies for those new employees; adding Sections 12.204, A8.409-7, and A8.590-8, and amending Section A8.432, to fund retiree health benefits for the City and County of San Francisco and other participating employers; adding Sections A8.404-1 and A8.409-8 so that economic provisions, including wages, shall not be increased for miscellaneous City and County employees for the fiscal year commencing July 1, 2009 and ending on June 30, 2010, and recognizing certain ongoing economic expenditures by the City and County in future years; and adding Sections A8.526-2 and A8.526-3, and amending Sections A8.509, A8.587-2 and A8.587-13, to increase retirement benefits for retirees and employees who retire on or after January 10, 2009 to encourage longer employment and retention and improved cost of living benefits for all retirees and employees.

2/5/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

2/5/2008, CONTINUED AS AMENDED. Continued to February 12, 2008 with the Board Sitting as a Committee of the Whole. Supervisor Alioto-Pier requested to be added as a co-sponsor.

Question: Shall this Charter Amendment be SUBMITTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Peskin, Ammiano, Dufty

17. **080053** [Airport Concession Lease]
Resolution approving the Boarding Area "F" Candy Store and Kiosks Lease between Pacific Gateway Concessions, LLC., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

18. **080121** [Lease of Real Property - 1390 Market Street]

Resolution authorizing the exercise of a five-year option to extend the lease of approximately 25,939 square feet of space at 1390 Market Street for the Department of Public Health. (Real Estate Department)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Elsbernd, Alioto-Pier, Sandoval

19. **071371 [Taxicab gate cap; ratifying previous gate fees; gate surcharge for low emission vehicles; taxi fleet greenhouse gas emissions]** **Supervisors Sandoval, Alioto-Pier, Peskin**

Ordinance amending the San Francisco Police Code by: amending Section 1135.1, to raise the taxicab gate cap to \$96.50 and to ratify gate fees previously charged up to \$91.50 per shift for the period from January 1, 2003 to October 27, 2006; by repealing current Section 1135.2, as obsolete; by adding a new Section 1135.2, to authorize a \$7.50 surcharge on the gate cap for low emission vehicles; and by adding Section 1135.3, to require taxi companies to reduce average per vehicle greenhouse gas emissions by 20 percent from 1990 levels by 2012.

1/15/2008, RE-REFERRED to Government Audit and Oversight Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Sandoval, McGoldrick

20. **080138 [Changing the official sidewalk width - Berry Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1577 to change the official sidewalk width on the northerly side of Berry Street between 7th and DeHaro Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Ammiano, Elsbernd, Peskin

21. **080083 [Appointment, Entertainment Commission - John Newlin]**

Motion approving the Mayor's nomination for appointment of John Newlin to the Entertainment Commission, for the term ending July 1, 2010. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then

the nominee shall be deemed approved. Transmittal date - 1/15/08)

Question: Shall this Motion be APPROVED?

22. 080085 [Appointment, Entertainment Commission - Justin Roja]

Motion approving the Mayor's nomination for appointment of Justin Roja to the Entertainment Commission, for the term ending July 1, 2011. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 1/15/08)

Question: Shall this Motion be APPROVED?

23. 080104 [Appointment, Urban Counties Caucus - Supervisor Carmen Chu] Supervisor Peskin

Motion appointing Supervisor Carmen Chu, term ending December 31, 2008 to the Urban Counties Caucus.

Question: Shall this Motion be APPROVED?

24. 080105 [Appointment, California State Association of Counties - Supervisor Carmen Chu] Supervisor Peskin

Motion appointing Supervisor Carmen Chu, term ending November 28, 2008, as a member to the California State Association of Counties Board of Directors.

Question: Shall this Motion be APPROVED?

From the Rules Committee Without Recommendation

25. 080115 [Reappointment, Public Utilities Commission - Ryan Brooks]

Motion taking no position concerning the Mayor's reappointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2012.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. (Transmittal date January 15, 2008)

Question: Shall this Motion be APPROVED?

26. 080119 [Reappointment, Public Utilities Commission - Richard Sklar]

Motion taking no position concerning the Mayor's reappointment of Richard Sklar to the

Public Utilities Commission, for the term ending January 15, 2012.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. (Transmittal date January 15, 2008)

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.*

27. 080127 [Public Hearing - Conditional Use Appeal for 3571 Sacramento Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17524 dated December 20, 2007, relating to the approval of a Conditional Use Authorization (Case No. 2007.0971CE), under the Planning Code Sections 303 and 724.52 to establish a foreign language enrichment program for children, in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District on property located at 3571 Sacramento Street, Lot 023 in Assessor's Block 1019. (Appellants: Janis M. Platt and John C. Adams.)

(Filed January 22, 2008; companion measure to Files 080128, 080129, 080130; District 2.)

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 at, or prior to, the public hearing.

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

- 28. 080128 [Approving Planning Commission decision related to Conditional Use Appeal for 3571 Sacramento Street]**
Motion approving decision of the Planning Commission by its Motion No. 17524, approving Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, and adopting findings pursuant to Planning Code Section 101.1.
Question: Shall this Motion be APPROVED?
- 29. 080129 [Disapproving Planning Commission decision related to Conditional Use Appeal for 3571 Sacramento Street]**
Motion disapproving decision of the Planning Commission by its Motion No. 17524, approving Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, and adopting findings pursuant to Planning Code Section 101.1.
Question: Shall this Motion be APPROVED?
- 30. 080130 [Preparation of findings related to the Conditional Use Appeal for 3571 Sacramento Street]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, for action by the Board at its next meeting.
Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered at the Rules Committee on Thursday, February 7, 2008 at 10:00 a.m. The chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 12, 2008.

- 31. 080135 [Settlement of Lawsuit - Mark Chambers]**
Ordinance authorizing settlement of the class action lawsuit filed by Mark Chambers, et al. against the City and County of San Francisco on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA, entitled, Chambers et al. v. City and County of San Francisco. (City Attorney)
Question: Shall this Ordinance be PASSED ON FIRST READING?
- 32. 080064 [Confirming the appointment of Malcolm Heinicke to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]** **Mayor**
Motion confirming the appointment of Malcolm Heinicke to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

Question: Shall this Motion be APPROVED?

33. 080065 [Confirming the appointment of Jerry Lee to the **Mayor**
Municipal Transportation Agency Board of Directors,
term ending March 1, 2011]

Motion confirming the appointment of Jerry Lee to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2011.

Question: Shall this Motion be APPROVED?

34. 080066 [Confirming the appointment of Bruce Oka to the **Mayor**
Municipal Transportation Agency Board of Directors,
term ending March 1, 2008]

Motion confirming the appointment of Bruce Oka to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

Question: Shall this Motion be APPROVED?

35. **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.

36. **PUBLIC COMMENT**

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 37 through 47

37. 080197 [Supporting Assemblyman Mark Leno's efforts to **Supervisor Ammiano**
establish a State Holiday on Harvey Milk's Birthday]

Resolution supporting Assemblyman Leno's efforts to establish a non-fiscal State Holiday on Harvey Milk's Birthday, May 22.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. 080198 [Condemning Drug Enforcement Agency Actions Against Property Owners Leasing Space to Medical Cannabis Dispensaries] Supervisors Daly, McGoldrick, Mirkarimi

Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

39. 080199 [Accept-Expend Grant - Public Defender] Supervisor Mirkarimi

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$25,000 from The San Francisco Foundation for a senior clerk position and consulting services to support the implementation of the Safe Communities Reentry Council's strategic plan.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. 080200 [Requesting traffic calming and pedestrian and bicyclist safety improvements on Masonic Avenue from Geary Avenue to Haight Street] Supervisors Mirkarimi, McGoldrick

Resolution requesting the Municipal Transportation Agency to work with other city agencies to develop a timeline and funding plan for a comprehensive planning process on Masonic Avenue from Geary Boulevard to Haight Street including traffic calming and pedestrian and bicycle safety improvements.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. 080201 [Extending Deadline for the Annual Report on Community Safety Cameras] Supervisor Mirkarimi

Resolution approving an extension on the deadline for the annual report to the Board of Supervisors on all community safety cameras located in the City and County of San Francisco from January 17, 2008 to March 20, 2008, one year from the date of installation of the cameras.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 080202 [Policy regarding bay infill at San Francisco International Airport] Supervisors Peskin, Maxwell

Resolution establishing policy on bay infill for runway expansion at San Francisco International Airport.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 080203 [Issuance and Sale of Revenue Bonds - Aspen South Hills] Supervisor Peskin

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments in an aggregate principal amount not to exceed \$4,500,000 for financing the acquisition and rehabilitation of Aspen South Hills, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 080204 [Grand Jury Awareness Month] Supervisor Peskin

Resolution declaring February 2008 as Civil Grand Jury Awareness month in San Francisco.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 080205 [Accept and expend gift in the amount of \$25,000 - Recreation and Park Department] Supervisor Dufty

Resolution accepting and expending a gift-in-place, valued at up to \$25,000 from the United States Tennis Association to the Recreation and Park Department to initiate funding for the planning for the renovation of the Golden Gate Park Tennis Center in Golden Gate Park.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 080206 [Gift to the Recreation and Park Department - \$16,000] Supervisor Dufty

Resolution accepting and expending a gift of \$16,000 from the Friends of Noe Courts via the Parks Trust to the Recreation and Park Department for the play area at Noe Valley Tennis Courts.

2/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

47. **080168** **[Final Map - 3189 21st Street]**
Motion approving Final Map 4225, a 3 Unit Residential and 2 Unit Commercial Mixed-Use Condominium Project, located at 3189 21st Street being a subdivision of Lot 071 in Assessors Block No. 3615 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

1/28/2008, 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: _____*

48. **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 and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinance received from January 29, 2008 through February 4, 2008 for reference by President to the appropriate committee on February 12, 2008.

- 080210** **[Stipulation of Conditional Use authorization or
Mandatory Discretionary Review of any permit
application to remove dwelling units, where the
Planning Code does not already require Conditional
Use authorization]**

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

1/7/2008, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/6/2008.

080220 [Petitions and Communications #1]

Petitions and Communications received from January 29, 2008 through February 4, 2008 for reference by the President to February 12, 2008.

Part 1

From San Francisco Police Department, submitting L.E.P. (Limited English Speakers) 2007 Final Report. (1)

From San Francisco International Airport, submitting 2008-09 Efficiency Plan. Copies: Each Supervisor (2)

From Office of the Treasurer & Tax Collector, submitting Report on Revenue Control Equipment Ordinance. (3)

From Planning Department, submitting environmental review document regarding Treasure Island and Yerba Buena Island Redevelopment Plan NOP, File No. 2007.0903E. (4)

From Risk Management Division, submitting Indemnification Quarterly Report October-December 2007. (5)

From Department of Child Support Services, submitting FY 08-09 Efficiency Plan & Performance Measures. (6)

From Planning Department, submitting 2006 San Francisco Housing Inventory Report. (7)

From Office of the Controller - City Services Auditor, submitting report concerning the Concession Audit of SFO Equities, LLC, dba Burger King. (8)

From Office of the Controller - City Services Auditor, submitting report concerning the Concession Audit of Air New Zealand Limited. (9)

From Department of Public Health, submitting Department of Public Health Efficiency Plan. (10)

From Office of the City Administrator, regarding Public Safety Surveillance Cameras. Copies: Each Supervisor (11)

From Public Defender, submitting Public Defender's 2008-09 Budget Submission - Part 1 Efficiency Plan and Performance Measures. (12)

From Department of Elections, regarding Preparations for the February 5, 2008 Presidential Primary Election. Copies: Each Supervisor (13)

From Department on the Status of Women, submitting FY 2008 Efficiency Plan. Copies: Each Supervisor (14)

From Adult Probation, submitting FY 2008 Efficiency Plan. Copies: Each Supervisor (15)

From Public Utilities Commission, submitting 2008 Efficiency Plan. Copies: Each Supervisor (16)

From SF Public Library, submitting FY 08-09 Efficiency Plan and Performance Measures. Copies: Each Supervisor (17)

From Department of Emergency Management, submitting Fiscal Year 2008-09 Efficiency Plan. Copies: Each Supervisor (18)

From Residential Rent Stabilization and Arbitration Board, submitting department's Efficiency Plan. Copies: Each Supervisor (19)

From Adult Probation Department, submitting Efficiency Plan. (20)

From Office of the Controller - Office of the Controller, submitting Efficiency Plan and Customer Service Plan. (21)

From Civil Service Commission, submitting Fiscal Year 2008-09 Efficiency Plan and Customer Service Plan. (22)

From Human Services Agency, submitting Efficiency Plan. Copies: Each Supervisor (23)

From Office of Citizen Complaints, submitting Efficiency Plan for budget year 2008-2009. (24)

From General Services Agency / City Administrator, submitting Efficiency Plan Fiscal Year 2008-2009. (25)

From Health Service System, submitting Efficiency Plan and Performance Measures. (26)

From San Francisco Police Department, submitting 2008/09 Efficiency Plan. (27)

From Department of Public Health, submitting Efficiency Plan. (28)

From Department of Elections, regarding Emergency Plan for February 5, 2008 Election. (29)

From San Francisco Law Library, submitting Efficiency Plan and Performance Measures. (29)

From Fine Arts Museum of San Francisco, submitting 2008 Efficiency Plan. (30)

From Municipal Transportation Agency - DPT, submitting response to status of signal upgrade project at 9th/Irving and 9th/Judah (Reference No. 20071106-006). (31)

From Controller's Office - City Services Auditor Division, submitting Whistleblower Mid Year Report. (32)

From Controller's Office - City Services Auditor Division, submitting link to Fare Free Muni System Feasibility Analysis Report. (33)

From SF City Clinic, submitting December 2007 Monthly STD Report. (34)

From concerned citizens, submitting support to keep St. Luke's Acute Care/Surgery & Emergency Departments open. File No. 071556, Copies: Each Supervisor, Received 22 Letters. (35)

From Today's Furniture, submitting support for the Mission/Bernal Formula Retail Restricted Use District. File No. 071561, Copies: Land Use and Economic Development Committee Members. (36)

From Office of the Mayor, requesting continuance on behalf of Mr. Sklar at Rules Committee Meeting, File No. 080119. (37)

From Maruis Phillips, submitting support for the Continuum of Care Five Year Strategic Plan of the San Francisco Local Homeless Coordinating Board 2007-2012. File No. 080047, Copies: City Operations and Neighborhood Services Committee Members. (38)

From concerned citizen, submitting opposition to the taxi gate increase. File No. 070605, Copies: Each Supervisor. (39)

From David Tornheim, submitting support for the proposed Charter Amendment that would provide for election of members of MTA's Board of Directors, their compensation, and their service as members of the Parking Authority Commission. File No. 071590, Copies: Each Supervisor. (40)

From Willa Crowell, submitting support for the resolution urging Mayor to return transit funding to MTA. File No. 080163, Copies: Each Supervisor. (41)

From Law Offices of Stephen Williams, submitting Executive Summary of CEQA Appeal Issues regarding 652 Duncan St. Appeal of Categorical Exemption. File No. 080011, Copies: Each Supervisor. (42)

From Brett Gladstone, submitting response to Appeal of Categorical Exemption for 652 Duncan Street. File No. 080010, Copies: Each Supervisor. (43)

From Law Offices of Stephen Williams, submitting Supplemental Letter Brief for 652 Duncan St. Appeal of Categorical Exemption. File No. 080010, Copies: Each Supervisor and City Attorney. (44)

From Law Offices of Stephen Williams, submitting Appellants' material in support of the Appeal of Categorical Exemption for 652 Duncan St. File No. 080010, Copies: Each Supervisor. (45)

From concerned citizen, opposing the Eastern Neighborhood Plan and New Zones, File No. 070535. (46)

From concerned citizens, submitting support for the SF Zoo and expressing various concerns regarding the tiger mauling at the SF Zoo. File No. 080031, Copies: Each Supervisor. Received 11 Letters (47)

From concerned citizens, submitting support for school parking permits for the City's teachers. Received 5 Letters (48)

From concerned citizens, submitting opposition for school parking permits for the City's teachers. Received 4 Letters (49)

From Amelio Schembari, concerning permits being issued for the construction of rooms in the garage that are allegedly later converted into illegal units causing parking problems in the City's neighborhoods. (50)

From Kevin Goldsack, expressing concerns regarding over crowding and lateness of the 44 Bus Line. Copy: Supervisor Ammiano. (51)

From Thomas Flood, submitting suggestion that the City ban the use of cigarettes or other tobacco products in apartment buildings. Copy: Each Supervisor (52)

From Lynne Galal, expressing concerns regarding over crowding and lateness of the 1AX Bus Line. Copy: Supervisor McGoldrick (53)

From Department of Public Works, submitting response regarding graffiti clean-up at various locations in District 5, (Reference No.20071204-009). (54)

From concerned citizen, submitting copy of article entitled "Calif. Task Force Delivers Fire Report". (55)

From concerned citizens, submitting opposition to the taxicab gate increase. File No. 070605, Copies: Each Supervisor. Received 3 Letters (56)

080221 [Petitions and Communications #2]

Petitions and Communications received from January 29, 2008 through February 4, 2008 for reference by the President to February 12, 2008.

From Callen Taylor, seeking City's assistance to raise funds to repair Hamilton Playground (57)

From Richard Schwaninger, concerning military present in San Francisco. (58)

From concerned citizens, expressing concerns regarding President Bush's State of the Union Address. Received 2 Letters (59)

From Barbara Kolesar, expressing concerns regarding the City's retirement plan. (60)

From Eric Brooks, expressing concerns regarding the police shooting of a man with a knife in the City. Copy: Each Supervisor (61)

From concerned citizen, expressing concerns regarding the use of plastic bags for umbrellas at City Hall. Copies: Each Supervisor and Building Management. (62)

From Office of the Mayor, appointing Tanya Peterson to the Board of Permit Appeals, effective February 1, 2008. Copies: Each Supervisor (63)

From Office of the Mayor, appointing Katie Albright to the Juvenile Probation Commission, effective February 1, 2008. Copies: Each Supervisor (64)

From Supervisor Maxwell, submitting a copy of "Made In San Francisco", findings and recommendations from the Back Streets Business Advisory Board. (65)

From Employees' Retirement System, submitting report regarding proposed Charter

Amendment - New hire qualifications for retiree health care; employer contributions for retiree health care for new hires; improving retirement benefits for City employees hired after January 10, 2009; retiree health care trust fund. File No. 071663 (66)

From Employees' Retirement System, submitting report regarding proposed Charter Amendment - New hire qualifications for retiree health care; employer contributions for retiree health care for new hires; retirement benefits for City employees retiring after January 10, 2009 and remaining in service up to and after age 60. File No. 071673 (67)

From Francisco Da Costa, submitting link to article regarding Lennar. Received 3 Letters (68)

From Francisco Da Costa, submitting link to article regarding land in Bayview Hunters Point Area. (69)

From Teresa Palmer, opposing the settlement of the Chambers lawsuit against the City. File No. 080135, Copies: Each Supervisor. (70)

From Robert Wollner, regarding the Space Science Laboratory in Phoenix, Arizona. (71)

From Phil Christe, expressing concerns regarding the way the City treats our country's armed forces. (72)

From Department of Public Works, submitting response regarding graffiti clean-up at various locations in District 5 (Reference No. 20071204-009). (73)

From Bob Nichols, regarding Community First Coalition. (74)

From Ahimsa Sumchai, expressing concerns regarding the loss of African American families in the City since 2000. (75)

From Kimo Crossman, expressing concerns regarding the one minute public comment at a meeting he attended. (76)

From Steve Moazed, expressing concerns regarding a dilapidated commercial space at 200 Balboa. Copy: Supervisor McGoldrick (77)

From Kimo Crossman, regarding a Sunshine Taskforce complaint and Order of Determination. (78)

From Christian Holmer, regarding various Immediate Disclosure Requests. Received 4 Letters (79)

From Pauline Peele, submitting opposition to the closing of the City's workers' compensation clinic at SFGH. Copies: Each Supervisor (80)

From Greg Hayes, expressing concerns regarding the traffic safety changes at the intersection of Fell/Masonic. (81)

ADJOURNMENT

Meeting Procedures

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

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

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

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 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 IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

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

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



Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) 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, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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

Know Your Rights Under the Sunshine Ordinance

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

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

or by email at sotf@sfgov.org

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

Lobbyist Registration and Reporting Requirements

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