



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, November 24, 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/bos

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, 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
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings 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 at a Committee meeting 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; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or 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 IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings 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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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 sotf@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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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.

COMMUNICATIONS

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 13

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

1. [081509](#) **[Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina Street and Exchange of Property]**
Sponsor: Maxwell
Ordinance ordering the summary vacation of a portion of Channel Street between 7th Street and Carolina Street, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; authorizing the exchange of such vacated City property with a new lot created in Record of Survey No. 4778, owned by Recology Properties, Inc.; adopting environmental findings and findings that the vacation and exchange are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing actions in furtherance of the ordinance.

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [090388](#) **[Zoning - Establishing the 1500 Page Street Residential Care Special Use District]**
Sponsor: Mirkarimi
Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
3. [091093](#) **[Approving Zoning Map Amendments in Connection with the 1500 Page Street Residential Care Special Use District]**
Sponsor: Mirkarimi
Ordinance amending Section Maps 6H and 6SU of the Zoning Maps of the City and County of San Francisco for the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004) at the northwest corner of Masonic Avenue and Page Street, to reclassify the property from a 40-X Height and Bulk District to a 55-X Height and Bulk District, and to map the 1500 Page Street Residential Care Special Use District in order to permit the expansion of an existing building used for residential care and other considerations; and adopting General Plan, Planning Code and environmental findings. (Planning Department)

11/17/2009; PASSED, ON FIRST READING. Supervisor Mirkarimi requested to be added as sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Alioto-Pier

4. [091244](#) **[Accept and Expend Grant - San Francisco Elder Abuse Project - \$300,000]**
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$300,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Elder Abuse Project" for FY July 2009 through June 2012.

Question: Shall this Resolution be ADOPTED?
5. [091245](#) **[Accept and Expend Grant - Center for Academic Re-entry for Truant Students - \$238,000]**
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$238,000 through the United States Department of Education, for a program entitled "Center for Academic Re-Entry Expansion Project for Truant Students" for the period from August 24, 2009, through August 31, 2011.

Question: Shall this Resolution be ADOPTED?

6. [091253](#) **[Accept and Expend Grant - H1N1 Swine Flu Information and Guidance Team - \$180,000]**

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$180,000 from the Metta Fund to support the Swine Flu Information and Guidance Team; for the period of October 6, 2009, through October 5, 2010.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Daly, Alioto-Pier

7. [090998](#) **[Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - \$112,000]**

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. [091013](#) **[Application of City's Conflict of Interest Laws to City Officers]**

Sponsor: Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. [091075](#) **[Settlement of Lawsuit - Bernard and Mildred Bolton - \$650,000]**

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for \$650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 10. [091080](#) [Settlement of Lawsuit - Duncan Briggs - \$65,000]**
Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 11. [091086](#) [Settlement of Lawsuit - Jeanne Schoenstein - \$225,000]**
Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for \$225,000.00, inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 12. [091186](#) [Settlement of Lawsuit - Gavin Smith - \$55,000]**
Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for \$55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 13. [091241](#) [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]**
Sponsor: Alioto-Pier
Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.

11/17/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Chu

14. [091212](#) **[Amendment to the FY 2009-2010 Redevelopment Agency Budget]**
Sponsors: Mayor; Avalos
Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 to (1) authorize the expenditure in an amount not to exceed \$28,700,000 for payment to the Educational Revenue Augmentation Fund; (2) authorize an increase in expenditures in an amount not to exceed \$156,000 for additional grant reimbursements from the U.S. Department of Commerce, Economic Development Administration (EDA); and (3) authorize an increase in expenditures in an amount not to exceed \$1,033,417 for additional Housing Opportunities for Persons with AIDS (HOPWA) funding.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
15. [091272](#) **[Port Commission Revenue Bond Law]**
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code by adding Chapter 43, Article XII, Sections 43.12.1 through 43.12.8, to authorize the issuance of revenue bonds by the Port Commission.

Question: Shall this Ordinance be PASSED ON FIRST READING?
16. [091273](#) **[Port Commission Revenue Bonds not to exceed \$45,000,000]**
Sponsor: Mayor
Resolution authorizing the issuance of up to \$45,000,000 aggregate principal amount of Port revenue bonds for the purpose of financing certain capital improvements related to the Port; approving the forms of documents relating thereto; approving the maximum interest thereon; and related matters.

Question: Shall this Resolution be ADOPTED?
17. [091274](#) **[Appropriating \$33,395,571 of Port Revenue Bond Proceeds for Pier Repairs and Renovations at the Port of San Francisco for FY 2009-2010]**
Sponsor: Mayor
Ordinance appropriating \$33,395,571 of bond revenue for the Port of San Francisco to make repairs and renovations to Piers 35, 33, 19 or 23, 27, and 50 for FY 2009-2010, and placing \$33,395,571 on Controller's reserve pending sale of bonds.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Avalos, Mirkarimi, Chu

18. [090832](#) **[Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]**
Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

19. [091243](#) **[Support Goals for Federal Funding - Community Development Block Grant]**
Sponsor: Avalos
Resolution supporting FY 2010-2011 Community Development Block Grant Action Plan Goals.

Question: Shall this Resolution be ADOPTED?

20. [091248](#) **[Resolution of Intention to Establish Special Tax District No. 2009-1]**
Sponsors: Mayor; Mar
Resolution of Intention to establish special tax district to finance energy efficiency and renewable energy capital improvements to residential, commercial, industrial, or other property; to establish boundaries of the Special Tax District; to specify the rate or rates of Special Tax applicable to a parcel or parcels in the Special Tax District; to authorize the issuance of up to \$150,000,000 of Special Tax Bonds to finance the capital improvements; to call a public hearing on the establishment of the Special Tax District and provide for the publication of notice thereof; and other matters relating thereto.

Question: Shall this Resolution be ADOPTED?

21. [091249](#) **[Resolution of Intention to Incur Bonded Indebtedness in an Amount not greater than \$150,000,000]**
Sponsors: Mayor; Mar
Resolution of Intention to incur bonded indebtedness in an amount not greater than \$150,000,000 of special tax bonds to finance the costs of energy efficiency, water conservation and renewable energy projects on real property.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Maxwell

- 22. [091158](#) **[Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Nonprofits, The Good, The Bad, The Ugly"]**
Sponsor: Mirkarimi
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Nonprofits, The Good, The Bad, The Ugly," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.
Question: Shall this Resolution be ADOPTED?

- 23. [091159](#) **[Board Response to the 2008-2009 Civil Grand Jury Report Entitled "Pensions: Beyond Our Ability to Pay"]**
Sponsor: Mirkarimi
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "Pensions: Beyond Our Ability to Pay," and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.
Question: Shall this Resolution be ADOPTED?

- 24. [091160](#) **[Board Response to the 2008-2009 Civil Grand Jury Report Entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress"]**
Sponsor: Mirkarimi
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2008-2009 Civil Grand Jury Report entitled "TRUANTS CAN BE 'JOYFUL LEARNERS,' TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress," and urging the San Francisco Unified School District (SFUSD) to develop a comprehensive truancy reduction plan for use throughout the school district.
Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

- 25. [091207](#) **[Extending the Yerba Buena Center Redevelopment Plan]**
Sponsor: Daly
 Ordinance approving amendments to the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the plan (other than the Emporium Site) and, upon expiration of the Plan, to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan to continue financing Low and Moderate Income Housing Fund activities under the Plan.

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pursuant to File No. 091277, approved on November 17, 2009.)

- 26. [091278](#) **[Public Hearing - Acquisition of Property by Eminent Domain - Subsurface Tunnel Easements in Alameda County and San Mateo County]**
 Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

Action: _____

Committee of the Whole Adjourn and Report Without Recommendation

- 27. [091279](#) **[Resolution to Acquire Real Property Interests by Eminent Domain-Water System Improvement Program-Funded Bay Division Pipeline Reliability Upgrade Tunnel]**
Sponsor: Mayor
 Resolution authorizing acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County, consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-008 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in the City of Menlo Park, located east of University Avenue between Assessor's Parcels 093 600-010 and 063-590-060, by eminent domain, for the public purpose of constructing the Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 091331.)

- 28. [091332](#) **[Public Hearing - Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**
 Hearing of persons interested in or objecting to proposed Resolution approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and Making Certain Public Benefit Findings for the Transbay Transit Center Program Under California Government Code Section 6586.5. (Clerk of the Board)

Action:_____

Committee of the Whole Adjourn and Report Without Recommendation

- 29. [091333](#) **[Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**
Sponsor: Daly
 Resolution approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

Question: Shall this Resolution be ADOPTED?

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

COMMITTEE REPORTS

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

The following item will be considered by the Rules Committee at a Regular Meeting on Thursday, November 19, 2009 at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, November 24, 2009.

30. [091076](#) **[Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco - \$1,750,000]**
Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for \$1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following item will be considered by the City Operations and Neighborhood Services Committee at a Rescheduled Meeting on Monday, November 23, 2009, at 11:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, November 24, 2009.

31. [091305](#) **[Accept and Expend Grant - Point Lobos Streetscape Improvements Project - \$461,000]**
Sponsor: Mar
Resolution authorizing the Department of Public Works to accept and expend a Federal grant in the amount of \$408,123 and a State grant in the amount of \$52,877 from the Metropolitan Transportation Commission for the Point Lobos Streetscape Improvements Project.

Question: Shall this Resolution be ADOPTED?

The following items will be considered by the Budget and Finance Committee at a Special Meeting on Tuesday, November 24, 2009, at 12:25 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, November 24, 2009.

32. [091202](#) **[Appropriating \$7,953,732 to fund the restoration of positions in the Department of Public Health for FY 2009-2010]**
Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar
Ordinance appropriating \$7,953,732 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 322.39 full-time equivalent (FTEs) positions and delete 272.95 full-time equivalent positions effective November 16, 2009, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release \$7,953,732 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for Fiscal Year 2009-2010.

(Economic Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?
33. [091203](#) **[Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health.]**
Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.95 FTEs in various job classes for 16.3 pay periods (November 16, 2009 through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010 through June 30, 2010) in the Department of Public Health.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?
34. [091297](#) **[Expressing the Commitment of the Board of Supervisors to Refund the General Fund Reserve with Revenue from Assembly Bills 1383 and 188]**
Sponsors: Chiu; Dufty and Daly
Resolution expressing the commitment of the Board of Supervisors to backfill reductions in the General Fund Reserve with revenues from Assembly Bills 1383 and 188.

Question: Shall this Resolution be ADOPTED?

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.

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.

Items 35 through 40

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.

35. [091331](#) **[Board of Supervisors Committee of the Whole – November 24, 2009 - 3:00 p.m. Approving a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority]**

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on November 24, 2009, to hear the approval of a Loan in an amount up to \$171,000,000 from the U.S. Department of Transportation to the Transbay Joint Powers Authority and making certain public benefit findings for the Transbay Transit Center program under California Government Code Section 6586.5.

11/17/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

36. [091337](#) **[Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]**

Sponsor: Alioto-Pier

Resolution urging the Federal Communications Commission to codify strong network neutrality principles in order to ensure that the Internet will continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.

11/18/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. [091338](#) [Issuance and Sale of Revenue Bonds – 2235 Third Street Apartments - not to exceed \$55,000,000]

Sponsor: Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed \$55,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

11/18/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. [091339](#) [Issuance and Sale of Revenue Bonds – 178 Townsend Street Housing Project - not to exceed \$33,000,000]

Sponsor: Daly

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in a revised aggregate principal amount not to exceed \$33,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

Question: Shall this Resolution be ADOPTED?

39. [091340](#) [Accept and Expend Grant – Screening, Brief Intervention, and Referral to Treatment - \$24,790]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$24,790 from the University of California San Francisco, to assist with a project entitled "Screening, Brief Intervention, and Referral to Treatment;" for the period of September 30, 2008, through September 29, 2009.

11/18/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. [091342](#) [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsor: Alioto-Pier

Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment.

11/18/2009; 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: _____

41. 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 eight (8) votes or a unanimous six (6) or seven (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.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

Proposed ordinances received from November 10, 2009, through November 16, 2009, for reference by the President to appropriate committee on November 24, 2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from November 10, 2009, through November 16, 2009, for reference by the President to appropriate committee on November 24, 2009.

091324

[Airport Concession Lease]

Resolution approving the Pay Phone Lease between Pelican Communications, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/12/2009; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

091326

[CEQA Findings for San Francisco Public Utilities Commission New Irvington Tunnel Project in Alameda County and Fremont]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Irvington Tunnel Project, CUW 35901; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/16/2009; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

091343 [Petitions and Communications]

Petitions and Communications received from November 10, 2009, through November 16, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 24, 2009.

From Center for Biological Diversity, submitting support for approval of the San Francisco Public Utilities Commission's proposed quarry lease to Oliver de Silva, Inc. to mine gravel under Surface Mining Permit 30 in the Sunol Valley. File 090832, Copy: Budget and Finance Committee, Clerk, 2 letters (1)

From T-Mobile, submitting notification letter regarding the placement of a cellular site antenna at 470 Columbus Avenue. (2)

From Office of the City Attorney, submitting copy of letter sent to Joseph Russoniello, United States Attorney's Office regarding the Board of Supervisors override of the Mayor's veto of an ordinance concerning the confidentiality of juveniles' immigration status. File No. 091032 (3)

From Department of Public Health, submitting the annual report of gifts received by the Department of Public Health for FY 2007-2008. (4)

From Department of Public Health, submitting the annual report of gifts received by the Department of Public Health for FY 2008-2009. (5)

From Office of the Controller, submitting an audit report on the management agreement between the Port and the Fisherman's Wharf Restaurant Association for the use and operation of the Triangle Parking Lot. (6)

From Recreation and Parks Department, submitting the Lead Poisoning Prevention report for the 1st quarter of FY 2009-2010. (7)

From concerned citizens, commenting on proposed legislation regarding the "Confidentiality of Juveniles' Immigration Status" an amendment to the Sanctuary Ordinance. File No. 091032, 3 letters (8)

From concerned citizens, regarding Sharp Park Golf Course. 2 letters (9)

From Mr. Gilleade, submitting support for proposed legislation concerning just cause eviction protections for residential tenants, extend to non-rent controlled units. File No. 090583, Copy: Each Supervisor, Land Use Clerk (10)

From concerned citizens, submitting opposition to proposed legislation regarding just cause eviction protections for residential tenants, extend to non-rent controlled units. File No. 090583, Copy: Land Use Clerk, 3 letters (11)

From concerned citizens, regarding Sharp Park. 2 letters (12)

From Health Service System, responding to request for information on national healthcare reform regarding a provision in Senate Finance Bill (S. 1796) calling for the implementation in 2013 of an "Applicable Dollar Limit and Implied Excise Tax." (Reference no. 20091006-003) (13)

From Emile Lawrence, requesting keys to all locked restrooms for City and County taxi drivers. Copy: Each Supervisor, City Attorney (14)

From concerned citizens, urging the Board of Supervisors to stop the lay-offs and bumping of City and County employees. File No. 091246, 5 letters (15)

From Liza Rivera, regarding budget cuts in Adult Protective Services. (16)

From John Baum, commenting on the current plans of the California High Speed Rail Authority for an on-the-surface route between San Jose and San Francisco to extend the "bullet-train" the last 50 miles of its connection between southern California and northern California. (17)

From students, Gordon Lau Elementary School, urging the Board of Supervisors not to eliminate the position of school secretary at Gordon Lau Elementary School. Approximately 70 letters (18)

ADJOURNMENT