

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 24, 2009 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on November 17, 2009, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 3, 2009.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

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)

Ordinance No. 248-09

FINALLY PASSED

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)

Ordinance No. 247-09**FINALLY PASSED****Recommendations of the Public Safety Committee****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.

Resolution No. 468-09**ADOPTED****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.

Resolution No. 466-09**ADOPTED****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.

Resolution No. 474-09**ADOPTED**

Recommendations of the Rules Committee**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)

Ordinance No. 243-09

FINALLY PASSED

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."

Ordinance No. 244-09

FINALLY PASSED

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)

Ordinance No. 246-09

FINALLY PASSED

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)

Ordinance No. 251-09

FINALLY PASSED

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)

Ordinance No. 250-09

FINALLY PASSED

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)

Ordinance No. 249-09

FINALLY PASSED

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.

Ordinance No. 245-09

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Severed from the Consent Agenda

Supervisor Maxwell requested that File No. 081509 be severed so that it might be considered separately.

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.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

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

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. and Sunset Scavenger Company; 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.

FINALLY PASSED AS AMENDED by the following vote:

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

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be **PREVIOUS VOTE RESCINDED**. The motion carried by the following vote:

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

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be **PASSED ON FIRST READING AS AMENDED**, and continued to December 8, 2009. The motion carried by the following vote:

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

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.)

Resolution No. 473-09

ADOPTED by the following vote:

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

091272 [Port Commission Revenue Bond Law]

Sponsors: Mayor; Chiu

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.

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

PASSED, ON FIRST READING by the following vote:

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

091273 [Port Commission Revenue Bonds Not to Exceed \$45,000,000]**Sponsors: Mayor; Chiu**

Resolution authorizing the issuance of up to \$45,000,000 aggregate principal amount of Port Commission 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.

(Fiscal Impact.)

Resolution No. 469-09

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

ADOPTED by the following vote:

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

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]**Sponsors: Mayor; Chiu**

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.

(Fiscal Impact.)

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

PASSED, ON FIRST READING by the following vote:

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

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.)

Resolution No. 467-09**ADOPTED by the following vote:**

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

091243 [Support Goals for Federal Funding - Community Development Block Grant]**Sponsor: Avalos**

Resolution supporting FY 2010-2011 Community Development Block Grant Action Plan Goals.

Resolution No. 472-09**ADOPTED by the following vote:**

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

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.

Resolution No. 464-09

ADOPTED by the following vote:

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

091249 [Resolution of Intention to Incur Bonded Indebtedness in an Amount Not to Exceed \$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.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 2, Line 20, by adding "12" and replacing "2:00 p.m." with "3:00 p.m.". The motion carried by the following vote:

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

Resolution No. 465-09

ADOPTED AS AMENDED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee**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.

Resolution No. 475-09

ADOPTED by the following vote:

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

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.

Resolution No. 477-09**ADOPTED by the following vote:**

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

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.

Resolution No. 476-09**ADOPTED by the following vote:**

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

Recommendation of the Land Use and Economic Development Committee**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.

PASSED, ON FIRST READING by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****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)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of subsurface tunnel easements in real property in Alameda County and San Mateo County referenced in File No. 091279. Julie Labonte (Public Utilities Commission) provided an overview of the project and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

**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.

Resolution No. 471-09

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****091332 [Public Hearing - Approving a Loan Not to Exceed \$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)

The President inquired as to whether any member of the public wished to address the Board relating to 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 referenced in File No. 091333. Transbay Joint Powers Authority representative provided an overview. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

091333 [Approving a Loan Not to Exceed \$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.

Resolution No. 470-09

ADOPTED by the following vote:

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

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

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Mar introduced, welcomed, and presented Certificates of Honor to Andrea Carmen and Morning Star Gali of the International Indian Treaty Council in recognition of their accomplishments and continued community support.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Carol Mo of the Beacon Center in recognition of her accomplishments and community support within the Sunset District.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Juanito Reyes in recognition of his community service to the Guatemalan American community in San Francisco and his continued efforts to preserve Guatemalan culture and arts.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Captain Michael J. Flynn in recognition of his accomplishments in the Marine Corps and his continued support to our Nation.

COMMITTEE REPORTS

091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Mares 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, Mares 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, Mares 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)

PASSED, ON FIRST READING by the following vote:

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

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.

Resolution No. 478-09**ADOPTED by the following vote:**

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

091202 [Appropriating \$1,881,896 to Fund the Restoration of Positions for Two (2) Months 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.

Supervisor Campos duplicated File No. 091202 (see File No. 091353).

Supervisor Campos, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to appropriate \$1,881,896 to fund the restoration of positions for a two-month period in the Department of Public Health for FY 2009-2010. The motion carried by the following vote:

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

Ordinance appropriating \$1,881,896 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 85.97 full-time equivalent (FTEs) positions and delete 72.79 FTE positions effective November 16, 2009, through January 16, 2010, and release \$1,881,896 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.
(Supervisor Chu dissented in committee.)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

091353 [Appropriating \$6,071,836 to Fund the Restoration of Positions in the Department of Public Health for FY 2009-2010]

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.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Noes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to back-out the previous appropriation of \$1,881,896. The motion carried by the following vote:

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

Ordinance appropriating \$6,071,836 from the de-appropriation of funds from salaries and fringe benefits in the San Francisco General Hospital Fund to add 236.42 full-time equivalent (FTEs) positions and delete 200.16 FTE positions effective January 17, 2010, add 66.35 FTEs and delete 66.35 FTEs effective January 1, 2010, and release \$6,071,836 of salaries and fringe benefits placed on Budget and Finance Committee reserve in the Department of Public Health for FY 2009-2010.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 15, 2009. The motion carried by the following vote:

Ayes: 6 - Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Avalos, Chu, Elsbernd, Maxwell

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.)

Supervisor Daly duplicated File No. 091203 (see File No. 091354).

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to conform to appropriations in File Nos. 091202 and 091353. The motion carried by the following vote:

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

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 85.97 FTEs in various job classes and delete 72.79 FTEs in various job classes for two months (November 16, 2009, through January 16, 2010) in the Department of Public Health.
(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 322.39 FTEs in various job classes and delete 272.16 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.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to conform to appropriations in File Nos. 091202 and 091353. The motion carried by the following vote:

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

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, 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.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to December 15, 2009. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 4 - Alioto-Pier, Avalos, Chu, Elsbernd

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.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
Janet Shirley; spoke in support of non-violence legislation.
Tan Mori; spoke in support of non-violence legislation.
Ashley Ortiz; spoke in opposition to network neutrality principles legislation.
Regina Casa; spoke in support of network neutrality principles legislation.
Tracy Rosenberg; spoke regarding network neutrality principles.
Ralph Neilon; spoke in support of network neutrality principles.
Male Speaker; expressed concerns relating to environmental nutrition and food policy.
Male Speaker; expressed various religious concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to current lay-offs.
Joe Donahue; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**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.

Resolution No. 462-09**ADOPTED****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.

Resolution No. 463-09**ADOPTED**

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.

Resolution No. 479-09**ADOPTED****The foregoing items were acted upon by the following vote:**

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 081509 be severed so that it might be considered separately.

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.

Motion No. M09-192

The President inquired as to whether any member of the public wished to address the Board relating to the motion to sit as a committee of the whole referenced in File No. 091331. There were no speakers. The President declared public comment closed.

APPROVED by the following vote:

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

Supervisor Daly requested that File Nos. 091337 and 091342 be severed so that they may be considered separately.

091337 [Urging the Federal Communications Commission to Codify Strong Network Neutrality Principles]

Sponsors: Alioto-Pier; Daly

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.

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

REFERRED to the Rules Committee

091342 [Opposing the Stupak-Ellsworth-Pitts Amendment to Restrict Reproductive Choice]

Sponsors: Alioto-Pier; Daly

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.

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

REFERRED to the Rules Committee

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$7,739,300]

Sponsor: Mayor

Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of \$7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091370 [Determining Surviving Spouse Status for Retirement Purposes]**Sponsor: Elsbernd**

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

11/24/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/24/2009.

091374 [Accept and Expend Grant - FY 09 Urban Area Security Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$32,510,600]**Sponsor: Elsbernd**

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the Urban Areas Security Initiative ("UASI") Approval Authority, to retroactively accept and expend a UASI grant in the amount of \$32,510,600 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect: the addition of one (1) grant-funded position (.50 FTE) in Class 5277 Planner I and one (1) grant-funded position (.50 FTE) in Class 5293 Planner IV, and the deletion of one (1) grant-funded position (.75 FTE) in Class 1426 Senior Clerk Typist, all in the Department of Emergency Management.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091376 [Accept and Expend Grant - FY 09 Regional Catastrophic Preparedness Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$4,822,667]**Sponsor: Elsbernd**

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County of San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program ("RCPGP") Bay Area Site and as fiscal agent for the UASI Approval Authority, to retroactively accept and expend a RCPGP grant in the amount of \$4,822,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide \$167,188 in matching funds; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of two (2) grant-funded positions (.50 FTE total) in Class 5291 Planner III in the Department of Emergency Management.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions**091352 [Extending the Term of Service for the Power Plant Task Force]****Sponsor: Maxwell**

Resolution to extend the expiration date of the Power Plant Task Force from December 31, 2009, to December 31, 2010.

11/24/09; RECEIVED AND ASSIGNED to Rules Committee.

091355 [Accept and Expend Grant - eLearning Modules to Support HIV Research - \$35,125]**Sponsors: Duffy; Campos**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$35,125 from the Fred Hutchinson Cancer Research Center to assist with a project entitled "eLearning Modules to Support HIV Research;" for the period of June 1, 2009, through May 31, 2010.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091356 [Authorizing the Director of Public Works or Designee to Request a Cooperative Work Agreement from the California Department of Finance]**Sponsor: Mayor**

Resolution authorizing the Director of Public Works or his or her designee to request a Cooperative Work Agreement from the California Department of Finance to extend the expiration date for a Federal transportation grant expiring on June 30, 2010.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091357 [Accept and Expend Grant - HPV Epidemiology and Responses To Screening - \$12,760]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$12,760 from the University of California San Francisco (UCSF), to assist with a project entitled "HPV Epidemiology and Response to Screening;" for the period of August 11, 2009, through July 31, 2010.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091358 [Urging the San Francisco State Lobbyists to Facilitate the Implementation of AB 1383]**Sponsors: Daly; Campos**

Resolution urging City of San Francisco Lobbyists to facilitate the implementation of AB 1383, and establishing a general framework of the quality assurance fee and increased Medi-Cal payments to hospitals.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091360 [Redevelopment Agency Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]**Sponsor: Daly**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

11/24/09; RECEIVED AND ASSIGNED to Board of Supervisors.

091362 [Commemorate the 40th Anniversary of the Occupation of Alcatraz Island]**Sponsors: Mar; Campos**

Resolution commemorating the 40th Anniversary of the Occupation of Alcatraz Island from November 20, 1969, to June 11, 1971.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091363 [California Master Plan for Education]**Sponsors: Mirkarimi; Campos**

Resolution Calling on the State, the UC Regents, the CSU Board of Trustees, and the Board of Governors of the California Community Colleges to recommit to the California Master Plan for Higher Education.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091364 [Urging the United States to Enter into a Strong International Treaty to Address Climate Change]**Sponsors: Mirkarimi; Campos**

Resolution urging the President of the United States, at the UN Climate Change Conference scheduled for December 2009 in Copenhagen, to negotiate and sign, the Senate to ratify and the Congress of the United States to support legislatively a strong treaty to address climate change.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091365 [Supporting the Recommendations Contained in the Report of the Peak Oil Preparedness Task Force]**Sponsors: Mirkarimi; Mar**

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091366 [Approval of a 30-Day Extension for Planning Commission Review of the Telegraph Hill-North Beach Residential Special Use District]**Sponsor: Chiu**

Resolution extending, by 30-days, the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would require a Conditional Use Authorization for the installation of a garage opening in existing buildings, reduce the parking requirements in certain Northeast Neighborhoods, and creating the Telegraph Hill-North Beach Residential Special Use District, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and environmental findings.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091369 [Revenue Contract with PG&E Energy Conservation Programs]**Sponsor: Mayor**

Resolution authorizing the Department of the Environment under Charter Section 9.118 to enter into a contract for up to \$11,540,000 with Pacific Gas and Electric Company (PG&E), to implement an Energy Use and Demand Reduction through Energy Efficiency Program in the City and County of San Francisco.

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

091373 [Accept and Expend Grant - SF General Hospital Shuttle Bus Project - \$100,245]**Sponsor: Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant totaling \$100,245 from the Bay Area Air Quality Management District to implement a shuttle service connecting San Francisco General Hospital and Mission Bay campuses with major transit hubs in San Francisco; for the period of January 15, 2010, through January 15, 2012.

11/24/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091375 [Accept and Expend Grant - Southeast Health Opportunities - \$450,000]**Sponsors: Maxwell; Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$450,000 to assist with a project entitled "Southeast Health Opportunities (SHOP);" for the period of September 30, 2009, through September 29, 2010.

11/24/09; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091378 [Declaration of Election Results of November 3, 2009, Municipal Election]**Sponsor: Chiu**

Resolution declaring the results of the November 3, 2009, Municipal Election

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**091361 [Approving the Redevelopment Agency's Lease of Land at 249 Eddy Street, and 161-165 Turk Street to Turk & Eddy Associates, L.P.]****Sponsor: Daly**

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

11/24/09; RECEIVED AND ASSIGNED to Board of Supervisors.

091372 [Altering Allowable Shading of Parks by New Development]**Sponsor: Chiu**

Hearing to discuss proposed changes to Proposition K altering allowable shading of parks by new development.

11/24/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091377 [Budget and Legislative Analyst Annual Work Plan and Service Hours Allocation]

Hearing to determine the Budget and Legislative Analyst Annual Work Plan and Service Area Hours Allocation, to be provided by the Budget & Legislative Analyst: Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, A Joint Venture, once the Agreement has been approved. (Clerk of the Board)

11/24/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions**091359 [Committee of the Whole – December 8, 2009 - 3:00 p.m. - to Hold a Public Hearing on the Approval of a Redevelopment Ground Lease of Land at 249 Eddy Street, and 161-165 Turk Street]****Sponsor: Daly**

Motion scheduling the Board to sit as a Committee of the Whole on December 8, 2009, to hold a public hearing on the approval of Redevelopment Agency of the City and County of San Francisco's lease of land at 249 Eddy Street, and 161-165 Turk Street, in San Francisco, California to Turk & Eddy Associates, L.P., a California limited partnership, an affiliate of Tenderloin Neighborhood Development Corporation, a California nonprofit public benefit corporation for 55 years with an option to extend for 44 years for the purpose of preserving housing for very low-income seniors and disabled persons.

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

091367 [Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture]

Motion authorizing the Clerk of the Board of Supervisors to enter into a Professional Services Agreement for Budget and Legislative Analyst Service with Harvey M. Rose Associates, LLC, Debra A. Newman, Louie & Wong, LLP, a Joint Venture and approving said agreement, pursuant to Charter Section 2.117. (Clerk of the Board)

11/24/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES**

There were none.

PROPOSED RESOLUTIONS

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)

11/12/09; RECEIVED AND ASSIGNED to 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)

11/16/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Elsbernd

To: Controller, Ben Rosenfield

Requesting/Inquiring: Supervisor Sean R. Elsbernd inquires as to the costs incurred by the City and County of San Francisco during the Monday, November 23, 2009 SEIU 1021 protest that blocked part of Market Street and led to the arrest of a number of protesters for obstructing traffic. Supervisor Elsbernd specifically requests that the Controller report on the overtime costs incurred by the San Francisco Police Department during the incident.

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: Request letter to City Attorney re: Changes to the Shelter Grievance Policy.

Re: Changes to the Shelter Grievance Policy

Supervisor Daly inquires changes to the shelter grievance policy. A change to the San Francisco Shelter Grievance Policy occurred approx. July 1, 2009 Appendix 6 "Single Adult Shelter Reservation Extensions" and as a result 7 day reservation and 14 day extensions that are cancelled are not eligible for the Arbitration Process and or the third check-in /Curfew violation will result in an immediate denial of service (DOS).

Through BOS hearings, HSA departmental testimony, advocate testimony and constituent complaints we are finding that a significant portion of beds are "dropped" or canceled daily due to computer and or human error (approximately 1,000 to 1,800 dropped beds per year). Given that Appendix 6 which has been described to advocates as a "work in progress" is also being enforced since July 2009 thus unilaterally denying clients ability to a grievance procedure.

Did HSA follow proper procedure in amending the Shelter Grievance Policy through Appendix 6 denying a clients right to a grievance procedure due to computer and or human error?

Does HSA's unilaterally change to the San Francisco Shelter Grievance Policy through Appendix 6 denying a client's right to an arbitration process due to computer and or human error present a reasonable or fair change to the policy?

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

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

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

Examiner

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

SF Daily

Northwest corner of Hayes & Gough

City Star

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

SF Weekly

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

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

*Northeast corner of Fell & Laguna
Northeast corner Oak & Laguna
Northeast corner Waller & Scott
Northwest Steiner & Oak
Southeast corner Webster & Fell*

Bus Shelter

*Southwest corner Masonic & Haight
Fillmore & Haight (all 4 bus stops, graffiti and grime)*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Wood Pole

*Southeast corner Haight & Fillmore
In front of 406 Buchanan
Northeast corner Germania & Fell*

Metal Pole

*Northeast Clayton & Grove
Southeast Ashbury & Haight
In front of 247 Fillmore
Southwest Oak & Laguna*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

*899 Cole
730 Stanyan
497 Fulton
250 Scott*

485 Scott
400 Page
398 Fillmore
702 Haight
542 Haight
399 Haight, Webster Street side
901 Haight
457 Haight
295 Buchanan
355 Laguna

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Garbage Cans

Southwest corner Cole & Haight

Northwest corner Fulton & Gough

Mailboxes

On Geary between Fillmore & Steiner, south side of street

Northeast corner Fillmore & Waller

Northeast corner Hayes & Grove

Southeast corner Masonic & Fulton

Southeast corner Buena Vista East & Haight

Southeast corner Buena Vista West & Haight

In Memoriam

Edward E. Murphy – Supervisor Carmen Chu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:34 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 5, 2010.

Angela Calvillo, Clerk of the Board