

Board of Supervisors
City and County of San Francisco
Legislative Chamber - Second Floor

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



AGENDA

Tuesday, January 29, 2008
2:00 PM

Regular Meeting

AARON PESKIN, PRESIDENT

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

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

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

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

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

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

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

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

Retroactively accept and expend a grant in the amount of \$295,000 from the Governor's Office of Emergency Services for a project entitled "California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET)" program.

Question: Shall this Resolution be ADOPTED?

10. 071665 [Accept-Expend State Grant, Chief of Police - \$220,000] Supervisor Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$220,000 from the Governor's Office of Emergency Services for a program entitled "Anti-Gang Initiative/Project Search & Rescue".

Question: Shall this Resolution be ADOPTED?

11. 071666 [Accept-Expend Federal Grant, Chief of Police - \$754,618] Supervisor Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$754,618 from the U.S. Department of Justice, Bureau of Justice Assistance for a program entitled "Byrne 2007 Discretionary Grant Program; BJA-Targeting Violent Crime Initiative".

Question: Shall this Resolution be ADOPTED?

12. 080048 [Accept-Expend Federal Pass Through Grant - Department of Emergency Management, Division of Emergency Services] Supervisor Elsbernd

Resolution authorizing the Department of Emergency Management, Division of Emergency Services, to accept and expend a Federal pass through grant in the amount of \$950,000 from the Governor's Office of Homeland Security for the Buffer Zone Protection Program, and to enter into an MOU with Bay Area Rapid Transit (BART) to fund critical infrastructure needs.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Ammiano, Elsbernd, Peskin

13. 080002 [Settlement of Lawsuit - Daniel Worrell]
Ordinance authorizing settlement of the lawsuit filed by Daniel Worrell against the City and County of San Francisco for \$585,000; the lawsuit was filed on August 25, 2006 in San Francisco Superior, Case No. 455-569; entitled Daniel Worrell v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 080015 [Settlement of Lawsuit - Francis Kelly et al.]
Ordinance authorizing the settlement of a lawsuit filed by Francis Kelly et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$755,000.00 plus accrued interest; the lawsuit was filed on February 25, 2005, in the United States District Court for the Northern District, Case No. C05-1287, entitled Francis Kelly, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

1/8/2008, CONTINUED. Continued to January 15, 2008

1/15/2008, CONTINUED. Continued to January 29, 2008

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Ammiano, Elsbernd

18. 071538 **[Imposing a suppression order upon the Board of Supervisors]** **Supervisor Sandoval**

Motion self-imposing a suppression order upon members of the Board of Supervisors and its staff after the Ethics Commission has forwarded to the Board a recommendation in the official misconduct proceedings against Supervisor Edmund Jew.

12/4/2007, CONTINUED. Continued to January 8, 2008

1/8/2008, CONTINUED. Supervisor Chu was previously excused from voting on this matter. Continued to January 29, 2008

Question: Shall this Motion be APPROVED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Peskin, Ammiano, Dufty

19. 080018 **[Public Auction - Sell certain parcels of tax-defaulted real property]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors McGoldrick, Alioto-Pier, Chu

20. 071607 **[Trans Fat Free Program Ordinance]** **Supervisors Maxwell, Peskin, Ammiano, Alioto-Pier, McGoldrick**

Ordinance amending the San Francisco Health Code by adding Article 37, Sections 3701 through 3711, to: (1) encourage restaurants located in the City and County of San Francisco to discontinue the use of artificial trans fat in food served to customers by creating an incentive program, and (2) provide regulations for the voluntary trans fat free program.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 071247 [Liquor License Transfer - 22 Sixth Street]
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage license from 26 6th Street to 22 6th Street (District 6) to Jamal Taha for Rite-by Grocery, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Question: Shall this Resolution be ADOPTED?

22. 071067 [Liquor License - 2598 San Bruno Avenue]
Resolution determining that the issuance of a Type 40 on-sale beer license to John Casimier Mitchell for Fat Beli Deli located at 2598 San Bruno Avenue (District 10), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Sandoval, McGoldrick

23. 071681 [Changing the name of an approximately 200-ft long portion of Jessie Street bounded by 5th and Mint Streets and a 75-ft long portion of Mint Street to Mint Plaza] Supervisor Daly
Resolution changing the name of an approximately 200-foot-long portion of Jessie Street (from 400 to 426 Jessie Street), bounded by 5th Street and Mint Street and an approximately 75-foot portion of Mint Street (containing one address, 54 Mint Street) to Mint Plaza, in recognition of the newly constructed pedestrian plaza that now occupies those areas.

Question: Shall this Resolution be ADOPTED?

24. 080036 [Adopting the Planning Department's report on File 071534 - Interim Moratorium on Institutional Uses in the Western SoMa] Supervisors Peskin, Sandoval, Maxwell
Motion adopting the Planning Department's report on File No. 071534 - an interim zoning moratorium to prohibit the establishment of new institutional uses in the Western SoMa Planning Area Special Use District for 45 Days.

Question: Shall this Motion be APPROVED?

Recommendation of the Public Safety Committee

Present: Supervisors Mirkarimi, Maxwell, Chu

25. 080049 [Accept and Expend FY 07 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2007-2008] Supervisor Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of \$27,304,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the extension of eight grant-funded positions at the following Departments: Emergency Management; Police; Fire; Health; and Sheriff; and amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the addition of six grant-funded positions at the Department of Emergency Management.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Rules Committee With Recommendation "Do Submit"

Present: Supervisors Ammanniano, Elsbernd, Peskin

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)

26. 071664 **[Charter Amendment - Retired employees convicted of crimes involving moral turpitude in connection with their employment to forfeit any right to pension benefits funded from employer contributions]** **Supervisor Elsbernd**

Charter amendment (First Draft) to amend Sections A8.584-9, A8.586-12, A8.587-9, A8.588-12, A8.597-12 and A8.598-12, and by adding Sections A8.584-13, A8.586-16, A8.587-14, A8.588-16, A8.597-16 and A8.598-16 to reaffirm the voters' intent that members convicted of a crime involving moral turpitude in connection with their duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, County of San Francisco, shall forfeit any right to a retirement benefit funded, in whole or in part, from contributions by the City and County, the school district, or the college district.

Question: Shall this Charter Amendment be SUBMITTED?

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 071599)

27. 071588 **[Hearing at the Full Board on the response to the November 7, 2007 oil spill in the San Francisco Bay]** **Supervisor Alioto-Pier**

Hearing to examine the response of the various agencies involved in the response to the oil spill, including the Coast Guard and the Golden Gate National Recreation Area, and their coordination with City agencies, including the Department of Emergency Management. The hearing will further examine how response decisions were made and communicated to the relevant parties.

12/4/2007, CONTINUED. The President inquired as whether any member of the public wished to address the Board members. Continued to January 29, 2008

Action: _____

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

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

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

28. 070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.

(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

7/24/2007, CONTINUED. The President inquired as to whether any member of the public wished to address the Board Members. Continued to September 18, 2007

9/18/2007, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to October 2, 2007

10/2/2007, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to October 30, 2007

10/30/2007, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to November 13, 2007

11/13/2007, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to December 4, 2007

12/4/2007, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to January 8, 2008

1/8/2008, CONTINUED. Continued to January 29, 2008

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

29. 070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

7/24/2007, CONTINUED. Continued to September 18, 2007

9/18/2007, CONTINUED. Continued to October 2, 2007

10/2/2007, CONTINUED. Continued to October 30, 2007

10/30/2007, CONTINUED. Continued to November 13, 2007

11/13/2007, CONTINUED. Continued to December 4, 2007

12/4/2007, CONTINUED. Continued to January 8, 2008

1/8/2008, CONTINUED. Continued to January 29, 2008

Question: Shall this Motion be APPROVED?

30. 070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

7/24/2007, CONTINUED. Continued to September 18, 2007

9/18/2007, CONTINUED. Continued to October 2, 2007

10/2/2007, CONTINUED. Continued to October 30, 2007

10/30/2007, CONTINUED. Continued to November 13, 2007

11/13/2007, CONTINUED. Continued to December 4, 2007

12/4/2007, CONTINUED. Continued to January 8, 2008

1/8/2008, CONTINUED. Continued to January 29, 2008

Question: Shall this Motion be APPROVED?

31. 070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

7/24/2007, CONTINUED. Continued to September 18, 2007

9/18/2007, CONTINUED. Continued to October 2, 2007

10/2/2007, CONTINUED. Continued to October 30, 2007

10/30/2007, CONTINUED. Continued to November 13, 2007

11/13/2007, CONTINUED. Continued to December 4, 2007

12/4/2007, CONTINUED. Continued to January 8, 2008

1/8/2008, CONTINUED. Continued to January 29, 2008

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following item will be considered by the Land Use and Economic Development Committee on Monday, January 28, 2008 at 1:00 p.m. The chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, January 29, 2008.

32. 080093 [Zoning - Extending the interim moratorium on institutional uses in the Western SoMa]

Supervisor Peskin

Urgency Ordinance approving an extension of interim zoning moratorium to prohibit the establishment of new institutional uses in the Western SoMa Planning Area Special Use District for an additional 22 months and 15 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Question: Shall this Ordinance be FINALLY PASSED?

33. 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.

34. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using

translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 35 through 44

- 35. 071599 [Committee of the Whole - January 29, 2008 regarding the November 7, 2007 Oil Spill] Supervisor Alioto-Pier**
- Motion scheduling the Board to sit as a Committee of the Whole to review the City's response to the oil spill, to be held on January 29, 2008.
- 11/20/2007, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 12/4/2007, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Amended by replacing the date of "December 4, 2007" with "January 29, 2008."
- 12/4/2007, CONTINUED AS AMENDED. Continued to January 29, 2008
- Question: Shall this Motion be APPROVED?**
- 36. 080101 [Western Addition Branch Library grand re-opening] Supervisor Mirkarimi**
- Resolution commemorating the grand re-opening of the Western Addition Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.
- 1/15/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 37. 080102 [Opposing the "California Property Owners and Farmland Protection Act"] Supervisors Sandoval, Peskin, McGoldrick, Mirkarimi, Maxwell, Daly, Dufty, Ammiano**
- Resolution opposing the "California Property Owners and Farmland Protection Act" as exacerbating the housing crisis in San Francisco, undermining the City's efforts to rebuild the water delivery system, and restricting the City's ability to fight global warming and enforce sensible land use policies.
- 1/15/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 38. 080103 [New Ingleside Branch Library groundbreaking] Supervisors Elsbernd, Sandoval**

Resolution recognizing the groundbreaking ceremony for the new Ingleside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

1/15/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

39. 080106 [Commending Steve McAdam] Supervisor Peskin

Resolution commending Steve McAdam.

1/15/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. 080107 [Supporting an application for federal funding to evaluate the use of Maglev in San Francisco] Supervisor Alioto-Pier

Resolution supporting an application for federal funding to evaluate the use of Maglev in San Francisco.

1/15/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. 080112 [National Wear Red Day - February 1, 2008] Supervisor Peskin

Resolution declaring February 1, 2008 as National Wear Red Day in San Francisco.

1/15/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 080080 [Final Map - 829 - 831 Folsom Street]

Motion approving Final Map 4477, a 69 Unit Residential Condominium Project, located at 829 - 831 Folsom Street being a subdivision of Lot 091 in Assessors Block No. 3752 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,321; District 6.)

1/10/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

43. 080081 [Final Map - 755 Eddy Street]

Motion approving Final Map 2512, a 12 Unit Residential Condominium Project, located at 755 Eddy Street being a subdivision of Lot 010 in Assessors Block No. 0742 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,310; District 6.)

1/10/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

44. 080082 [Final Map - 2525 California Street]

Motion approving Final Map 4170, a 16 Residential Unit and 3 Commercial Unit Mixed-Use Condominium Project, located at 2525 California Street being a subdivision of Lot 032 in Assessors Block No. 0655 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,351; District 5.)

1/10/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda:_____

45. IMPERATIVE AGENDA

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

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from January 8, 2008 through January 18, 2008 for reference by President to the appropriate committee on January 29, 2008.

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

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

1/18/2008, RECEIVED AND ASSIGNED to Rules Committee.

080123 [Settlement of lawsuit and appropriating a portion of the proceeds]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, against Election Systems and Software, Inc., on November 20, 2007 in San Francisco Superior Court, Case No. CGC 07-469371, entitled City and County of San Francisco, et al. v. Election Systems & Software, Inc, and appropriating \$1,130,000.00 of the proceeds to the Department of Elections. (City Attorney)

1/18/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080125 [Jurisdictional Property Transfer - Portions of Sue Bierman Park at Washington and Clay Streets (Block 0203, Lot 014)]

Ordinance transferring jurisdiction of reserved portions of Sue Bierman Park located at Washington and Clay Streets (Block 203, Lot 014) from the Department of Public Works to the Recreation and Park Department; and adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code. (Real Estate Department)

1/17/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]

Draft ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

1/14/2008, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/13/2008.

PROPOSED RESOLUTIONS

Proposed resolutions received from January 8, 2008 through January 18, 2008 for reference by President to the appropriate committee on January 29, 2008.

080078 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Clear Channel Outdoor, Inc. Lease Agreement for the Airport Advertising Program at San Francisco International Airport Lease

No. 00-0408 between Clear Channel Outdoor, Inc. dba Clear Channel Airports and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

1/10/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080079 [Airport Environmental Review]

Resolution adopting CEQA Findings Related to the Terminal 2/ Boarding Area D Renovation Project at San Francisco International Airport. (Airport Commission)

1/11/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080121 [Lease of Real Property - 1390 Market Street]

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

1/18/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080122 [Approval of Mental Health Services Act (MHSA) Agreement and authorization to designate the Director of Community Behavioral Health Services (CBHS) to sign said agreement]

Resolution approving the Mental Health Services Act Contract No. 07-77338-000, incorporating Community Program Planning Funds in FY04-05 and Community Services and Supports Funds for Fiscal Years 05-08, with the Department of Mental Health for \$18,922,386 and authorizing the San Francisco Department of Public Health (SFDPH) - CBHS Director to sign said agreement and any and all amendments in the future, including increases to add other components of MHSA. (Public Health Department)

1/15/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080124 [Department of Elections amendment to current voting systems contract with Sequoia Voting Systems, Inc.]

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Sequoia Voting Systems, Inc., to pay Sequoia \$1,130,000 rather than transfer to Sequoia the City's AutoMARK ballot marking devices, in connection with a settlement of litigation by the City against Elections System & Software involving those devices. (Elections Department)

1/18/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080131 [Petitions and Communications #1]

Petitions and Communications received from January 8, 2008 through January 18, 2008 for reference by the President to January 29, 2008.

Part 1.

From Planning Department, submitting 25-Day Report to address conditions that led to Interim Moratorium on Institutional Uses in Western SoMa. File No. 071534 (1)

From Senate California Legislature, submitting support for proposed Charter Amendment that would provide local funding for affordable housing without raising taxes. File No. 071218, Copies: Each Supervisor. (2)

From Clerk of the Board, advising the Board that the following individuals have submitted a Form 700 Statement of Economic Interests - Luke Klipp, Ivis Zambrana , Eric Alvarez, Alice Guidry, and Colette Devou. (3)

From Office of the Treasurer, submitting report of the investment activity (for fiscal year to date) of the portfolios under Treasurer's management for July 1, 2007 to December 31, 2007. (4)

From Edmund Jew, submitting letter of resignation of his Board of Supervisor's seat dated January 9, 2008, effective January 11, 2008. Copies: Each Supervisor (5)

From Office of the Mayor, submitting letter informing the Board and Ethics Commission of Edmund Jew's resignation, effective January 11, 2008 and a copy of the Settlement Agreement and General Release. Copies: Each Supervisor (6)

From Municipal Transportation Agency, submitting response regarding the renaming of portions of Jessie Street and Mint Street as "Mint Plaza". File No. 071681, Copies: Land Use Committee Members. (7)

From Employees' Retirement System - Office of the Executive Director, regarding proposed Charter Amendment - Retired employees convicted of crimes involving moral turpitude in connection with their employment to forfeit any right to pension benefits funded from employer contributions. File No. 071664, Copies: Rules Committee Members. (8)

From Clerk of the Board, submitting copy of letter to Professor Weisberg advising him that as a result of Mr. Jew's resignation the Board will no longer need legal council for this matter. (9)

From Recreation and Park Department, submitting notification that the estimated cost related to the Declaration of Emergency - SF Zoo issued on Dec 26, 2007 is in excess of \$250,000. Copies: Each Supervisor (10)

From Office of the Mayor, designating Supervisor Chu as Acting Mayor on January 17, 2008 8:00am until 4:00pm. Copies: Each Supervisor and City Attorney. (11)

From Office of the Mayor, designating Supervisor Chu as Acting Mayor on January 21, 2008 1:00pm until January 22, 2008 at 11:59pm - designating Supervisor Alioto-Pier as Acting Mayor on January 23, 2008 12:00am until January 24, 2008 11:59pm - designating Supervisor Elsbernd as Acting Mayor on January 25, 2008 12:00am until January 26, 2008 5:00pm. Copies: Each Supervisor and City Attorney. (12)

From Office of the Controller, submitting schedules of rates, fees and charges of the San Francisco Public Utilities Commission as passed by the SFPUC on June 12, 2007. (13)

From Municipal Transportation Agency, submitting response regarding establishing an All-Way Stop at the intersection of Haight at Broderick Streets. (Reference No. 20071120-009) (14)

From Arts Commission, submitting FY 2007-08 Second Quarter Report. (15)

From Police Department, regarding proposed street name change from 410-426 Jessie and Mint Street to Mint Plaza. File No. 071681, Copies: Land Use Committee Members. (16)

From Recreation and Park Department, regarding Declaration of Emergency - SF Zoo. Copies: Each Supervisor, and Budget Committee Clerk. (17)

From Recreation and Park Department, submitting 2nd Quarter Status Report - FY 2007-08 Childhood Lead Poisoning Prevention Program Implementation Plan. (18)

From Ethics Commission, submitting Amendments to CFRO Regulations Approved by Ethics Commission. (19)

From San Francisco VA Medical Center, submitting response regarding services SF VA Medical Center provides to veterans, particularly in the area of mental health. (Reference No. 20071113-004) (20)

From Clerk of the Board, advising the Board that Emily Rogers, Legislative Assistant has submitted Form 700 Statement of Economic Interests. (21)

From Office of the Controller, regarding proposed Charter Amendment providing for the election of members of the Municipal Transportation Authority. File No. 071590, Copies: Rules Committee Members. (22)

From Office of the Controller, regarding proposed Charter Amendment dividing the power to nominate members of the PUC between the Mayor, and the Board of Supervisors. File No. 071667, Copies: Rules Committee Members. (23)

From Office of the Controller, regarding proposed Charter Amendment setting qualifications and prohibitions for members of City bodies that oversee election, campaign finance, lobbying and related laws and regulations. File No. 071471, Copies: Rules Committee Members. (24)

From Office of the Controller, regarding proposed Charter Amendment to change the election cycle for the offices of Mayor, Sheriff, District Attorney, and Treasurer and to eliminate municipal elections in odd-numbered years. File No. 071589, Copies: Rules Committee Members. (25)

From Office of the Controller, regarding proposed Charter Amendment making it City policy to support the nomination and appointment of female and minority candidates to Board, Commissions or Advisory Bodies. File No. 071591, Copies: Rules Committee Members. (26)

From Office of the Controller, regarding proposed Charter Amendment affirming that retirement system members who are convicted of a crime involving moral turpitude are prohibited from receiving employer-funded retirement benefits. File No. 071664, Copies: Rules Committee Members. (27)

From Mayor's Office of Neighborhood Services, submitting response regarding 2660 Harrison St. (Reference No. 20071204-022) (28)

From Municipal Transportation Agency, submitting response regarding graffiti clean-up in District 5. (Reference No. 20071030-012) (29)

From Human Rights Commission, submitting response regarding contract with J-Power. (Reference No. 20071120-008), Copy: Supervisor Alioto-Pier. (30)

From Clerk of the Board, submitting a copy of the Mayor's appointments to various Boards and Commission to the Board of Supervisors. (31)

From Oscar Velasques, seeking support for "AGUILA" a Latino gay/bisexual organization in the City. Copy: Mayor (32)

From Susan Backman, submitting opposition to the proposed installation of stadium style lighting and synthetic turf at Rossi Park. Copy: Supervisor McGoldrick (33)

From Steven Raspa, submitting suggestion that the proposed Office of Special Events be a part of the Entertainment Commission as opposed to a freestanding office. Copies: Budget and Finance Committee Members (34)

From Slawomir Borowy, submitting comments on the FBI. (35)

From concerned citizens, expressing concerns regarding the Academy of Art's property acquisitions in the City. Copies: Each Supervisor, Received 2 Letters. (36)

From Victoria Tan, seeking support for a Muni bus shelter at Lake Merced and Middlefield and speed bumps on Gellert. Copy: Supervisor Elsbernd (37)

From Amelia Ranche, submitting concerns regarding traffic on Murray Street in St. Mary's Park. Copy: Supervisor Ammiano (38)

From Chris Miller, submitting support for the City's plastic bag ban. Copy: Supervisor Mirkarimi (39)

From Michael Stausz, submitting comments regarding the Editorial in the Chronicle about the Hunters Point clean-up. (40)

From Nathan Roth, submitting opposition for the proposed Doyle Drive tax on Marin commuters. Copy: Supervisor McGoldrick (41)

From concerned citizens, regarding the ban of guns in the City. Copy: Supervisor Daly, Received 3 Letters. (42)

From concerned citizens, regarding the closure of the onsite medical service counter at the San Francisco Patients Cooperative located at 350 Divisadero. (43)

From Stephen Stone, regarding fees charged by Comcast for internet and cable services. (44)

From concerned citizens, submitting support for the EarthLink Wi-Fi Agreement. Received 4 Letters (45)

From Patrick Monk, regarding affordable housing in the Bay View Hunters Point area of the City. (46)

From Department of Public Works, submitting response regarding graffiti removal. (Reference No. 20080108-025), Copy: Supervisor Mirkarimi. (47)

From Department of Public Works, submitting response regarding graffiti removal. (Reference No. 20080108-019), Copy: Supervisor Mirkarimi. (48)

From Municipal Transportation Agency, submitting response regarding repainting the Stop sign at the intersection of McAllister and Laguna. (Reference No. 20070925-007) (49)

From Stephen Humenay, submitting opposition to the proposed taxi gate and meter increases. File No. 070605 (50)

From Mary Nisbet, submitting support for preserving the Flower Market. File No. 080093, Copies: Each Supervisor. (51)

080132 [Petitions and Communications # 2]

Petitions and Communications received from January 8, 2008 through January 18, 2008 for reference by the President to January 29, 2008.

Part 2.

From Department of Human Resources, submitting a copy of Chapter 12B Waiver request for St. Mary's Cathedral Conference Center for Q-2 Police Officer written examination. (52)

From Department of Human Resources, submitting a copy of Chapter 12B Waiver request for Holiday Inn Civic Center for Q-2 Police Officer examinations. (53)

From Ted Strawser, submitting support for proposed Charter Amendment providing for the election of members of the Municipal Transportation Agency's Board of Directors, their compensation, and their service as members of the Parking Authority Commission. File No. 071590, Copies: Each Supervisor. (54)

From concerned citizens, expressing various concerns regarding the tiger mauling at the SF Zoo. File No. 080031, Copies: Each Supervisor, Received 7 Letters. (55)

From Stephen Williams, submitting a copy of the Appellants' confirmation of the agreement by parties to request a continuance regarding 652 Duncan Appeal of Categorical Exemption. File No. 080010 (56)

From Brett Gladstone, regarding the continuance of the Appeal of Categorical Exemption for 652 Duncan. File No. 080010 (57)

From Mayor's Office on Education, announcing that the next group of shared school playground will be open Saturday, January 12th. (58)

From Christian Holmer, regarding various Immediate Disclosure Request. Received 4 Letters (59)

From Christian Holmer, regarding filing complaint against Mayor's Office of Communications. Received 4 Letters (60)

From Francisco Da Costa, submitting link to article regarding Mayor Newsom. Received 2 Letters (61)

From Francisco Da Costa, submitting link to article regarding Lennar BVHP LLC and the Bayview Initiative. (62)

From Francisco Da Costa, submitting link to article regarding the Conceptual Plan brought before the Land Use and Economic Development Committee. (63)

From Francisco Da Costa, submitting link to article regarding the Bayview Jobs, Parks, and Housing Initiative. (64)

From Francisco Da Costa, submitting link to article regarding Hunters Point Clean-Up. (65)

From Francisco Da Costa, submitting link to article regarding the Mayor's Office of Criminal Justice. (66)

From Francisco Da Costa, submitting link to article regarding Senator Barack Obama. (67)

From Dr. Ahimsa Sumchai, regarding public records request for air monitoring data in the Hunters Point Shipyard. Received 2 Letters (68)

From Dr. Ahimsa Sumchai, regarding Public Announcement/Health Equity and Sustainability. (69)

From Dr. Ahimsa Sumchai, regarding Lennar and the U.S. housing market. (70)

From Dr. Ahimsa Sumchai, regarding Senator Barack Obama. (71)

From Kimo Crossman, regarding Missouri Governor and his administration's e-mail retention policies. (72)

From Steven Yuan, expressing safety concerns regarding the MUNI accident that occurred on January 16, 2008. Copies: Each Supervisor (73)

From Martin Inouye, submitting opposition to the Friends of the Urban Forest planting trees at Balboa & 5th Avenue due to safety concerns regarding lighting in the area. Copy: Supervisor McGoldrick (74)

From Jacore Baptiste, regarding Section 8 program staff in San Francisco. Copy: Mayor (75)

From David Marcussen, regarding the new Marine Corps commercials shot in various communities. (76)

From Ted Strawser, submitting opposition to the Mayor's appointments to the MTA Board. (77)

From John Jenkel, expressing various concerns regarding alleged treatment received by the Criminal Court Clerks, California Superior Court, Sonoma County. (78)

From Margie Brown, submitting support for the removal of Leah Shahum. Copies: Supervisors Peskin, McGoldrick, Daly, and Ammiano. (79)

APPOINTMENTS BY THE MAYOR

Entertainment Commission
John Newlin
Justin Roja

Taxi Commission
James Slaughter

Small Business Commission
Irene Yee Riley

Retirement Systems Board
Richard Peterson, Jr.

Library Commission
Al Harris
Melvin Lee
Carlota Del Portillo

Human Rights Commission
Julius Turman
Victoria Ruiz
Doug Chan
Juvenile Probation Commission
Lidia Stiglich
Ellouise Patton

Civil Service Commission
Mary Jung

Commission on Aging
Veneracion Zamora
Bette Landis
Richard Ow
Edna James

Fire Commission
Steve Nakajo
Viktor Makras

Arts Commission
Topher Delaney
Sherri Young
Sherene Melania
Larry Rinder
Alexander Lloyd

Environment Commission
Matthew Tuchow
Angelo King

Public Utilities Commission
Ryan Brooks
Dick Sklar

Human Services Commission
Dr. Pablo Stewart

Health Services Commission
Scott Kahn
Anita Friedman

Health Commission
Steven Tierney
Catherine Waters
Sonia Melara
Jim Illig
Margine Sako

ADJOURNMENT

Meeting Procedures

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

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

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

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4188 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

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

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

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



Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

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

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

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

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

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