



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, October 20, 2009 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

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

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/bos

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisor Avalos, Mirkarimi, Chu

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim

City Operations and Neighborhood Services Committee
Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee
Supervisors Campos, Daly, Alioto-Pier

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

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

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

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting.

Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

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

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

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

Disability Access

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

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

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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

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

Know Your Rights Under The Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the September 15, 2009 and September 22, 2009, Board Meeting Minutes

AGENDA CHANGES

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

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

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

COMMUNICATIONS

CONSENT AGENDA

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

Items 1 through 6

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. [090992](#) **[Recreation and Park - Farmers' Market Fees - \$475 per market location for six months]**
Sponsor(s): Mirkarimi
 Ordinance amending San Francisco Park Code Section 7.21 to establish farmers' market fees at \$475 per market location for six months of operation.

10/06/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [091067](#) **[Approve a Lease with the United States of America at the International Terminal of San Francisco International Airport]**
 Resolution approving and authorizing the execution of Lease No. GS-09B-01967 with the United States of America for terminal space to be occupied by the U.S. Federal Bureau of Investigation, a Federal agency, in the International Terminal of San Francisco International Airport.

Question: Shall this Resolution be ADOPTED?

3. [091142](#) **[Authorizing local support for the Bridge Preventive Maintenance Program]**
Sponsor(s): Mayor
Resolution authorizing local support for the Department of Public Works Bridge Preventive Maintenance Program and authorizing the Director of Public Works or his or her designee to execute all documents pertaining to the project with Caltrans.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

4. [090477](#) **[Amending Planning Code - South of Market (SOMA) Community Stabilization Fund]**
Sponsor(s): Daly
Ordinance amending Section 318.2 and 318.7 of the San Francisco Planning Code to clarify certain provisions relating to the South of Market (SOMA) Stabilization Fund to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of a first certificate of occupancy, whichever is sooner; and making certain findings including findings under the California Environmental Quality Act.

10/06/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

5. [090791](#) **[Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

10/06/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Alioto-Pier

- 6. [091031](#) **[Police Department Command Staff]**
Sponsor(s): Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell and Mirkarimi
 Ordinance amending the San Francisco Administrative Code to authorize the Chief of Police to appoint to any non-civil service rank above the rank of Captain (a) any member of the Police Department who has had supervisory experience over other sworn law enforcement officers; and (b) for a period of five years from the effective date of this ordinance, any sworn law enforcement officer with such supervisory experience from any local, state or federal agency that employs sworn law enforcement officers, provided that only one such officer may hold an appointment at any one time.

10/06/2009; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Severed from the Consent Agenda

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

- 7. [090938](#) **[San Francisco Special Tax Financing Law]**
Sponsor(s): Mar, Mirkarimi and Campos
 Ordinance to amend the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize water conservation and water pollution control equipment and improvements as facilities eligible for funding through the formation of special tax districts, the imposition of special taxes, and the issuance of bonds secured by special tax funds and related technical amendments.

10/06/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Campos requested to be added as a co-sponsor.

10/06/2009; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

8. [091138](#) **[Public Employment - Department of Human Resources]**
Sponsor(s): Chiu
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of four (2.32 FTE) Class 1064 IS Programmer Analyst – Principal and four (2.32 FTE) Class 1054 IS Business Analyst – Principal and two (1.16 FTE) Class 1043 IS Engineer – Senior in the Department of Human Resources (DHR).
(Fiscal Impact.)

Question: Shall this Ordinance be FINALLY PASSED?
9. [091168](#) **[Appropriating \$150,000 of General Fund Reserve to General City Responsibility for Emergency Aid Relief in the Philippines, Samoa and Indonesia]**
Sponsor(s): Daly and Campos
Ordinance appropriating \$150,000 from the General Fund Reserve to General City Responsibility for emergency aid relief for the people of the Philippines, Samoa and Indonesia related to recent natural disasters for Fiscal Year 2009-2010, and placing the total appropriation of \$150,000 on Budget and Finance Committee reserve pending submittal of a detailed expenditure plan.
(Supervisor Chu dissented in Committee.)

Question: Shall this Ordinance be FINALLY PASSED?
10. [091141](#) **[Appropriating \$1,043,160 of Hotel Room Tax Revenue to restore reductions to Convention Facilities in the General Services Agency, City Administrator for FY 2009-2010]**
Sponsor(s): Mirkarimi
Ordinance appropriating \$1,043,160 of Hotel Tax Revenue from the General Fund to restore reductions to the Convention Facilities Fund in the General Services Agency, City Administrator's Office for FY 2009-2010 and amending Administrative Provision Section 12.11 of the FY 2009-2010 Annual Appropriation Ordinance to reflect the change in Hotel Tax Allocation.
(Fiscal Impact.)

Question: Shall this Ordinance be FINALLY PASSED?
11. [091012](#) **[Board review and approval of 2009 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]**
Sponsor(s): Chiu
Resolution approving the City and County of San Francisco 2009 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

Question: Shall this Resolution be ADOPTED?

12. [091054](#) **[Approval of Department of Building Inspection contracts to provide plan review and field inspection services]**
Resolution approving a Department of Building Inspection interagency agreement to provide plan review and field inspection services to the Transbay Joint Powers Authority, as required by Charter Section 9.118(a). (Building Inspection Commission)
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?**
13. [091109](#) **[American Recovery and Reinvestment Act of 2009 Project - Award of Contract for LRV Systems Overhaul - \$56,752,554]**
Sponsor(s): Chiu
Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 591-01, LRV Doors and Steps Reconditioning and Systems Overhaul, with AnsaldoBreda Inc., in an amount not to exceed \$56,752,554 and a term not to exceed five years.
- Question: Shall this Resolution be ADOPTED?**
14. [091110](#) **[American Recovery and Reinvestment Act of 2009 Project - Award of Contract for Motor Coach Rehabilitation - \$12,598,315]**
Sponsor(s): Chiu
Resolution authorizing the San Francisco Municipal Transportation Agency to enter into Contract No. APT 106-01, Motor Coach: Component Life Cycle Rehabilitation Project, with Complete Coach Works, in an amount not to exceed \$12,598,315 and a term not to exceed four years.
- Question: Shall this Resolution be ADOPTED?**
15. [091139](#) **[Department of Human Resources - Amendment to CIBER, Inc. Contract - \$4,995,120]**
Sponsor(s): Chiu
Resolution approving, retroactively, an amendment to the CIBER, Inc. contract to reduce the contract amount to \$4,995,120.
- Question: Shall this Resolution be ADOPTED?**
16. [091056](#) **[Approve San Francisco Public Utilities Commission Peninsula Region Construction Management Contract]**
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-916, Peninsula Region Construction Management Services, with HDR Engineering, Inc, for an amount not to exceed \$22,000,000 with a term of up to 55 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?**

17. [091057](#) **[Emergency contract to replace main sewer on California Street from Cherry Street to Arguello Boulevard]**
Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the main sewer on California Street from Cherry Street to Arguello Boulevard. (Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

18. [091058](#) **[Emergency contract to replace sewers on Lexington Street from 20th Street to 21st Street and on San Carlos Street from 18th Street to Sycamore Street]**
Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace sewers on Lexington Street from 20th to 21st Street and on San Carlos Street from 18th Street to Sycamore Street. (Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Campos

19. [091068](#) **[Approve amendments to four SFPUC professional engineering services agreements]**
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase four professional engineering services agreements for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts in excess of \$10,000,000 each, pursuant to Charter Section 9.118. (Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

20. [090981](#) **[Street Encroachment at 1230-1240 Twin Peaks Boulevard]**
Resolution granting revocable permission to Michael Chung to occupy, excavate and regrade an existing unimproved portion of the public right-of-way to construct and maintain private concrete driveways with retaining walls, walkways and steps with accommodations for drainage and new landscaping to provide pedestrian and vehicular access to two (2) new single family dwellings at 1230-1240 Twin Peaks Boulevard (Block 2821, Lots 022 & 021), conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Alioto-Pier

21. **091032** **[Confidentiality of juveniles' immigration status]**
Sponsor(s): Campos, Avalos, Chiu, Dufty, Mar, Maxwell, Mirkarimi and Daly
Ordinance amending the San Francisco Administrative Code by amending Sections 12H.2, 12H.2-1, and 12H.3 to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws.
(Supervisor Alioto-Pier dissented in committee.)

Question: Shall this Resolution be ADOPTED?

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.*

22. [091088](#) [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 430 Main Street/429 Beale Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 23, 2009, Case No. 2007.1121E, that a project at 430 Main Street/429 Beale Street is exempt from environmental review under Categorical Exemption, per Section 15183 of the California Environmental Quality Act Guidelines and California Public Resources Code Section 21083.3. The proposal would demolish two existing one- and two-story concrete buildings on two adjacent parcels and construct an eight-story, approximately 146,000-square foot residential building on the site following merger of the two lots. The new building would include approximately 113 residential units and one subterranean parking level accommodating approximately 57 vehicles within the Rincon Hill Area Plan, an RH DTR (Rincon Hill Downtown Residential Mixed Use)/84-X Height and Bulk District, in Assessor's Block No. 3767, Lot Nos. 305 and 306. (Appellant: Dane Ince on behalf of the Opposition Team to 430 Main Street) (Filed 9/8/09; Companion Measure to 091089, 091090, 091091; District 6.)

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.)

23. [091089](#) [Affirming the exemption determination issued for the 430 Main Street/429 Beale Street project]

Motion affirming the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from environmental review.

Question: Shall this Motion be APPROVED?

24. [091090](#) [Reversing the exemption determination issued for the 430 Main Street/429 Beale Street project]

Motion reversing the exemption determination by the Planning Department that the 430 Main Street/429 Beale Street project is exempt from environmental review.

Question: Shall this Motion be APPROVED?

25. [091091](#) [Preparation of findings related to the exemption determination for the 430 Main Street/429 Beale Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project at 430 Main Street/429 Beale Street is exempt from environmental review.

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, October 13, 2009. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, October 20, 2009.

26. [091008](#) **[Settlement of Grievance - Elina Sulimov - \$130,000]**
Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for \$130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)
- Question: Shall this Ordinance be FINALLY PASSED?**
27. [091037](#) **[Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - \$1,100,000]**
Sponsor(s): Maxwell, Chiu and Alioto-Pier
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No. CGC 09-487-795; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of \$1,100,000 to the City, the City's agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, Mirant's agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed site reuse plan.
- Question: Shall this Ordinance be FINALLY PASSED?**
28. [091070](#) **[Settlement of Lawsuit - Pat Moore/Tom Moore - \$120,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for \$120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be FINALLY PASSED?**
29. [091071](#) **[Settlement of Lawsuit - James Cordova/Maria Morales - \$35,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for \$35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be FINALLY PASSED?**

30. [091072](#) **[Settlement of Lawsuit - Mehrdad Alemozaffar - \$385,000]**
Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for \$385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be FINALLY PASSED?

31. [091140](#) **[Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC]**
Sponsor(s): Maxwell

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni; Imbelloni Construction Co., Inc.; Bayside Vista LLC v. City and County of San Francisco; Department of Building Inspection; Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 091140.

Question: Shall this Ordinance be FINALLY PASSED?

32. [091073](#) **[Settlement of Unlitigated Claim - Patty Thomas - \$52,250]**
Resolution approving the settlement of the unlitigated claim filed by Patty Thomas against San Francisco for \$52,250; claim was filed on March 3, 2009. (City Attorney)

Question: Shall this Resolution be ADOPTED?

The following item will be considered by the Government Audit and Oversight/LAFCO Joint Committee at a Special Meeting on Thursday, October 13, 2009. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, October 20, 2009.

33. [091161](#) **[Approving Issuance of a Request for Proposals for CleanPowerSF]**
Sponsor(s): Mirkarimi
Ordinance approving issuance of a Request for Proposals for Community Choice Aggregation (CCA) Services for the San Francisco CCA program, commonly known as CleanPowerSF.

Question: Shall this Ordinance be FINALLY PASSED?

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

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 36 through 44

34. [091171](#) **[Accept and Expend State Grant - District Attorney - \$100,000]**
Sponsor(s): 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 \$100,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for FY 2009-2010.

Question: Shall this Resolution be ADOPTED?

35. [091173](#) **[Urging the United States federal government to end the U.S. military occupation of Afghanistan]**
Sponsor(s): Avalos, Campos, Daly, Mar and Mirkarimi

Resolution urging the United States federal government to end the U.S. military occupation of Afghanistan while providing humanitarian aid to support the recovery of the country from the effects of war.

Question: Shall this Resolution be ADOPTED?

36. [091174](#) **[Accept and Expend State Grants - Department of Public Health - \$18,699.38]**
Sponsor(s): Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively three grants totaling \$18,699.38, from the California Department of Food and Agriculture; for the periods of July 1, 2009, through June 30, 2010, and January 1, 2010, through December 31, 2010.

Question: Shall this Resolution be ADOPTED?

37. [091175](#) **[Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street - NTE \$11,000,000]**
Sponsor(s): Daly
Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$11,000,000 for financing the acquisition, construction and rehabilitation of Crescent Manor - 467 Turk Street, subject to the requirements of Article IX of Chapter 43 of the Administrative Code.
- Question: Shall this Resolution be ADOPTED?**
38. [091176](#) **[Accept and Expend Grant - Department of Public Health - \$20,059]**
Sponsor(s): Dufty and Campos
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$20,059 from the University of California San Francisco, to assist with a project entitled "Monitoring and Evaluation Framework for Improved Health Sustainability in the Philippines;" for the period of July 1, 2009 through November 15, 2009.
- Question: Shall this Resolution be ADOPTED?**
39. [091177](#) **[Urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Indonesia and the Philippines to help the islands cope with the effects of the devastating earthquake, tsunami, storms and typhoons]**
Sponsor(s): Dufty, Daly and Campos
Resolution urging San Francisco businesses and community members to contribute to the relief efforts in Samoa, American Samoa, Philippines and Indonesia to help the islands cope with the effects from the devastating earthquake, tsunami, storms and typhoons that have occurred over the past 10 days.
- Question: Shall this Resolution be ADOPTED?**
40. [091180](#) **[Declaring November 1 - 8, 2009, Community College Week]**
Sponsor(s): Mar, Avalos, Maxwell, Mirkarimi, Chiu and Campos
Resolution declaring November 1 - 8, 2009, Community College Week and urging the Governor to work together to come up with a budget for FY 2010-2011 that does not increase student fees and that uses a combination of new revenue generation, delayed payments, and other creative mechanisms in lieu of cuts to education.
- Question: Shall this Resolution be ADOPTED?**
41. [091189](#) **[Final Map - 736 Valencia Street]**
Motion approving Final Map 5568, an Eight Unit Residential and One Unit Commercial Mixed-Use Condominium Project, located at 736 Valencia Street being a subdivision of Lot 005 in Assessors Block No. 3588 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 . (Public Works Department)
(DPW Order No. 178,354; District 8.)
- Question: Shall this Motion be APPROVED?**

42. [091190](#) **[Waiver permitting City employees to assist the Department of Elections with the November 3, 2009, special statewide election]**
Sponsor(s): Chiu and Campos

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 3, 2009, special statewide election.

Question: Shall this Motion be APPROVED?

43. **IMPERATIVE AGENDA**

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

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

Proposed ordinances received from September 29, 2009, to October 9, 2009, for reference by President to appropriate committee on October 20, 2009.

- [090678](#) **[Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]**
 Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised used districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Question: Shall this Ordinance be FINALLY PASSED?

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)

Question: Shall this Ordinance be 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)

Question: Shall this Ordinance be FINALLY PASSED?

PROPOSED RESOLUTIONS

Proposed resolutions received from September 29, 2009, to October 9, 2009, for reference by President to appropriate committee on October 20, 2009.

091185 [Approval to award a three-year lease for surface parking between the Port of San Francisco and Priority Parking-CA, LLC (Lease No. L-14747)]

Resolution approving a Port Commission Lease with Priority Parking-CA, a California Limited Liability Corporation in the City and County of San Francisco, for certain real property located at SWL 322-I bounded by Front Street and Broadway, SWL 323 bounded by The Embarcadero and Davis Street, SWL 321 bounded by Front Street and Green Street, and SWL 324 bounded by Davis Street, Front Street and The Embarcadero for a term of 3 years. (Port)

Question: Shall this Resolution be ADOPTED?

091187 [Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to \$40 million]

Resolution authorizing the Office of Contract Administration to enter into the Second Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from \$12,475,000 to \$40 million. (Planning Department)

Question: Shall this Resolution be ADOPTED?

091188 [Authorizing the San Francisco Human Services Agency to apply for State funds available for fraud prevention and detection in the In-Home Supportive Services program]

Resolution authorizing Human Services Agency to submit plan for State funding for In-Home Supportive Services fraud investigations and program integrity efforts pursuant to the California State Budget Act of 2009. (Human Services Department)

Question: Shall this Resolution be ADOPTED?

44. 091184 [Petitions and Communications]

Petitions and Communications received from September 29, 2009, through October 9, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on October 20, 2009.

From Department of Public Health, submitting the annual report for the Deemed Approved Uses Ordinance that establishes performance standards for businesses that sell alcohol in off-sale venues. Copy: Each Supervisor (1)

From ESA, regarding the Final Environmental Impact Report for the Harding Park Recycled Water Project. Copy: Supervisor Elsbernd (2)

From Public Utilities Commission, submitting report regarding PG&E's compliance with the provisions of SF Administrative Code Section 11.44 and its Franchise. (3)

From Office of the Budget Analyst, submitting the First Offender Prostitution Program management audit report. Copy: Public Safety Clerk (4)

From Friends of the Urban Forest, submitting support for the expansion of Redwood Park to 555 Washington Street. (5)

From Eula Walters, regarding Ferry Park in San Francisco. (6)

From Julian Davis, submitting her resignation from the Market-Octavia Citizens' Advisory Committee. Copy: Each Supervisor, Rules Clerk (7)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from 11:30 a.m. until 10:30 p.m. on October 3, 2009, Supervisor Elsbernd will serve as Acting-Mayor. October 9, 2009 from 7:00 a.m. to 10:00 p.m., Supervisor Chu will serve as Acting Mayor. October 12, 2009, until October 15, 2009, Supervisor Alioto-Pier will serve as Acting Mayor. Copy: Each Supervisor (8)

From Ted Strawser, regarding the relationship between the Police Department and the skateboarders in San Francisco. (9)

From Redevelopment Agency, submitting report on certain sales subject to California Health and Safety Code Section 33433. Copy: Each Supervisor (10)

From Office of the Assessor-Recorder, submitting the joint annual report of increases in property taxes resulting from biotechnology businesses location, relocation, or expansion to or within the City and County of San Francisco. Copy: Each Supervisor (11)

From Office of the Controller, regarding the audit review for the Department of the Environment. Copy: Each Supervisor, GAO and Budget and Finance Clerks (12)

From Office of the Sheriff, submitting the annual report for the inmate welfare fund expenditures for FY 2008-2009. Copy: Each Supervisor, Budget and Finance Clerk (13)

From Recreation and Parks Department, submitting the 2008 Clean and Safe Neighborhood Parks Bond Accountability Report. (14)

From concerned citizens, commenting on proposed ordinance that amends the San Francisco Administrative Code to allow City law enforcement officers and employees to report information regarding the immigration status of a juvenile to any state or federal agency when the juvenile has been adjudicated to be a ward of the court on the ground of felony conduct, the court makes a finding of probable cause after the District Attorney directly files felony criminal charges against the minor, or the juvenile court determines that the minor is unfit to be tried in juvenile court and the superior court makes a finding

of probable cause; and to update references to the federal agency responsible for enforcing federal immigration laws. File No. 091032, 5 letters (15)

From C. Lue, submitting support for proposed project at 555 Washington Street. (16)

From Jarie Bolander, submitting opposition to installing the "SFgo freeway-style" signs on Oak/Broderick and Fell/Divisadero Streets. (17)

From concerned citizens, regarding the proposed closure of the Presidio Gate Entrance. 2 letters (18)

From Lee Doolan, commenting on a news article on sfgate.com. (19)

From State Department of Conservation, submitting notice of regional training workshops to promote effective local government administration of the California Land Conservation (Williamson) Act Program. Copy: Each Supervisor (20)

From State Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of Pacific fisher. (21)

From Brian Lee, submitting opposition to the possible closure of Mason Street between Lombard Street and Columbus Avenue. (22)

From T-Mobile, submitting a notification letter regarding placement of 3 cellular site antennas near 590 Cambridge Street. (23)

From SF Labor Council, submitting resolution in support of the Cuban Five, their Rights to Fair Trial and Vistation Rights for their Families. Copy: Each Supervisor (24)

From concerned citizens, regarding Sharp Park Golf Course. 2 letters (25)

From SF Water Department, submitting the GoSolar 2008-2009 Status Report that provides an update on the first year of the successful solar energy incentive program. (26)

From Denise D'Anne, urging the City and County of San Francisco to take the lead on using less oil. (27)

From Oakland Police Department, thanking the Board of Supervisors for resolution honoring the public service of Oakland Police Department Officers on the occasion of their sacrifice in the line of duty. File No. 090359, Copy: Each Supervisor (28)

From Glenn Pedroni, commenting on various issues. (29)

From US Army Corps of Engineers, submitting public notice of maintenance dredging at the Port of San Francisco Piers 17/19. (30)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 200915-003) (31)

From Department of Public Works, regarding status of removing graffiti from utility poles at various locations in District 5. (Reference No. 200915-004) (32)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 200915-005) (33)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 200915-006) (34)

From Jeff Miller, regarding the draft Environmental Impact Report for the proposed

project to rebuild the seismically challenged Calaveras Dam in the upper Alameda Creek watershed. (35)

From James Corrigan, regarding firefighters from various fire stations shopping at the COSTCO warehouse store at 10th and Bryant Streets. (36)

ADJOURNMENT