

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, May 12, 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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the April 14, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

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

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

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

CONSENT AGENDA

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

Items 1 and 2

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

- 1. 090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act] Supervisor Avalos**
- Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)
- 5/5/2009, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendation of the Land Use and Economic Development Committee

5. **090286** **[Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]** **Supervisor Mirkarimi**
Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.
5/5/2009, PASSED ON FIRST READING AS DIVIDED. Supervisor Chu moved to divide the question relating to "uniformed Fire Department employees" located on Page 1, Lines 21-23. The question relating to the "uniformed Fire Department employees" was passed by the following vote: Ayes: 9 - Alioto-Pier, Avalos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi Absent: 1 - Campos Excused: 1 - Chu

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Mirkarimi, Mar, Maxwell

6. **090329** **[Recreation and Park Department - Sharp Park]** **Supervisors Mirkarimi, Daly, Campos**
Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

4/7/2009, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

5/5/2009, AMENDED. Amended, page 1, Line 21, changing date to "July 31." Amended, Page 2, Lines 5-7, adding "(b) No later than August 31, 2009, the Department shall provide to the Clerk of the Board of Supervisors a report detailing the steps taken, and the progress made, to achieve the goals set forth in subsection (a), above."

5/5/2009, AMENDED. Amended, Page 2, Line 1, adding "and the City of Pacifica and/or County of San Mateo."

5/5/2009, PASSED ON FIRST READING AS AMENDED. Supervisors Daly and Campos requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Chu, Campos, Dufty, Daly

7. **090285** **[Adoption of Board of Supervisors 2009 Budget Process and Policy Priorities]** **Supervisors Mirkarimi, Avalos**
Resolution adopting the San Francisco Board of Supervisors' 2009 Budget Process and Policy Priorities.
(Supervisor Chu dissented in Committee.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Chu, Campos, Dufty, Chiu

8. **090476** **[Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]** **Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell**
Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.
(Fiscal Impact.)
(Supervisor Chu dissented in Committee.)

Question: Shall this Motion be APPROVED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu

9. **090328** **[Eligibility Criteria for Community Living Fund]** **Supervisors Mirkarimi, Mar, Avalos**
Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund.

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090386 [Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - \$18,250,293.80]
 Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of \$1,075,524 for a total contract amount not to exceed \$18,250,293.80. (Municipal Transportation Agency)
 (Fiscal Impact.)
Question: Shall this Resolution be ADOPTED?
11. 090387 [Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - \$32,223,133.25]
 Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of \$2,520,000 for a total contract amount not to exceed \$32,223,133.25. (Municipal Transportation Agency)
 (Fiscal Impact.)
Question: Shall this Resolution be ADOPTED?
12. 090370 [Amending PG&E Energy Conservation Revenue Contract] **Mayor**
 Resolution authorizing the Department of the Environment to amend a revenue contract with Pacific Gas and Electric Company ("PG&E") to add up to \$3,700,000 and to further amend such contract up to an additional \$3,000,000 to continue the Partnership Program between PG&E and the City and County of San Francisco for the Energy Use and Demand Reduction through Energy Efficiency Program.
 (Fiscal Impact.)
Question: Shall this Resolution be ADOPTED?
13. 090479 [Accept and Expend - U.S. Department of Housing and Urban Development Grant - \$3,000,000] **Mayor, Supervisor Dufty**
 Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$3,000,000.
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.*

14. 090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]
 Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos.

2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

3/3/2009, CONTINUED. Continued to April 7, 2009.

4/7/2009, CONTINUED. Continued to May 12, 2009.

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.)

- 15. 090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**
Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.
3/3/2009, CONTINUED. Continued to April 7, 2009.
4/7/2009, CONTINUED. Continued to May 12, 2009.
Question: Shall this Motion be APPROVED?
- 16. 090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**
Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.
3/3/2009, CONTINUED. Continued to April 7, 2009.
4/7/2009, CONTINUED. Continued to May 12, 2009.
Question: Shall this Motion be APPROVED?
- 17. 090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue 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 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.
3/3/2009, CONTINUED. Continued to April 7, 2009.
4/7/2009, CONTINUED. Continued to May 12, 2009.
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 City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, May 11, 2009, at 10:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, May 12, 2009.

- 18. 090526 [Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale] Mayor**
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.
Question: Shall this Ordinance be PASSED ON FIRST READING?

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, May 7, 2009, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on

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

19. **090504** **[Reappointment, Arts Commission - Cass Calder Smith]**
Motion approving the Mayor's reappointment of Cass Calder Smith to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

20. **090505** **[Reappointment, Arts Commission - Cass Calder Smith]**
Motion rejecting the Mayor's reappointment of Cass Calder Smith to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

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

21. **090506** **[Reappointment, Arts Commission - John Calloway]**
Motion approving the Mayor's reappointment of John Calloway to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

22. **090507** **[Reappointment, Arts Commission - John Calloway]**
Motion rejecting the Mayor's reappointment of John Calloway to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

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

23. **090508** **[Appointment, Arts Commission - Amy Chuang]**
Motion approving the Mayor's appointment of Amy Chuang to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

24. **090509** **[Appointment, Arts Commission - Amy Chuang]**
Motion rejecting the Mayor's appointment of Amy Chuang to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure

of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

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

25. **090510** **[Appointment, Arts Commission - Leo Chow]**
Motion approving the Mayor's appointment of Leo Chow to the Arts Commission for the term ending January 15, 2011.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

26. **090511** **[Appointment, Arts Commission - Leo Chow]**
Motion rejecting the Mayor's appointment of Leo Chow to the Arts Commission for the term ending January 15, 2011.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

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

27. **090512** **[Reappointment, Retirement Systems Board - Richard Peterson, Jr.]**
Motion approving the Mayor's reappointment of Richard Peterson, Jr. to the Retirement Systems Board for the term ending February 20, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

28. **090513** **[Reappointment, Retirement Systems Board - Richard Peterson, Jr.]**
Motion rejecting the Mayor's reappointment of Richard Peterson, Jr. to the Retirement Systems Board for the term ending February 20, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

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

29. **090514** **[Appointment, Commission on the Status of Women - Julie Soo]**
Motion approving the Mayor's appointment of Julie Soo to the Commission on the Status of Women for the term ending April 13, 2012.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

30. **090515** **[Appointment, Commission on the Status of Women - Julie Soo]**
Motion rejecting the Mayor's appointment of Julie Soo to the Commission on the Status of Women for the term ending

April 13, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

31. 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.

32. 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.

CLOSED SESSION

(Pending approval of File No. 090565.)

33. 090566 [Closed Session - Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources] Supervisor Chiu

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

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 34 through 41

34. 090565 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources] Supervisor Chiu

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

35. 090535 [Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority] Supervisors Dufty, Mar, Mirkarimi, Daly

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top priority for Federal Small Starts Funding.

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/5/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

5/5/2009, CONTINUED AS AMENDED. Supervisor Daly requested to be added as a co-sponsor. Continued to May 12, 2009.

Question: Shall this Resolution be ADOPTED?

- 36. 090560 [Proclaiming May 17-23, 2009, as Public Works Week in San Francisco] Supervisor Chiu**
Resolution declaring May 17-23, 2009, as Public Works Week in San Francisco; acknowledging that the San Francisco Department of Public Works is an integral part of the community and has produced significant achievements; encouraging all San Francisco residents and businesses to work in collaboration with the department.
5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 37. 090561 [Issuance and Sale of Revenue Bonds - 178 Townsend Street Housing Project] Supervisor Daly**
Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments for Nonprofit Corporations in an aggregate principal amount not to exceed \$30,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.
5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 38. 090562 [Richmond/Senator Milton Marks Branch Library grand re-opening] Supervisor Mar**
Resolution recognizing the grand re-opening of the Richmond/Senator Milton Marks Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.
5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 39. 090563 [Commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco] Supervisors Dufty, Maxwell**
Resolution commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco.
5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 40. 090564 [Urging the Controller's Office to undertake a performance audit of the J Church Metro line] Supervisors Dufty, Avalos**
Resolution urging the Controller's Office to undertake a performance audit of the J Church Metro line.
5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 41. 090559 [Authorization for designated City and County officials to obtain federal financial assistance provided by the Department of Homeland Security] Supervisor Alioto-Pier**
Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the law of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California, including the following grants: Emergency Management Performance Grant, Hazard Mitigation Grant, Pre-Disaster Mitigation Grant, and Emergency Operations Center Grant.
5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

42.

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.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from April 28, 2009, to May 4, 2009, for reference by President to appropriate committee on May 12, 2009.

090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003 as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees.

5/5/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from April 28, 2009, to May 4, 2009, for reference by President to appropriate committee on May 12, 2009.

090500 [Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]

Resolution approving a settlement of a claim by the City and County of San Francisco against the Sprint/Nextel Corporation (Sprint) for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)

5/1/2009, RECEIVED AND ASSIGNED to Rules Committee.

090571 [Petitions and Communications]

Petitions and Communications received from April 28, 2009, through May 4, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on May 12, 2009.

From Muni, submitting request for waiver of Administrative Code Chapter 12B for Star Machine and Tool Company.(1)

From Department of Public Health, submitting notice that Swine Flu information is available at www.sfcdep.org and public

inquiries can call 311.(2)

From Department of Emergency Management, submitting a Swine Influenza update as of 5:50 p.m. on April 27, 2009.(3)

From Pat Missud, regarding the dangerous intersection of Alemany Boulevard and San Juan Avenue. 2 letters(4)

From concerned citizens, submitting support for proposal to initiate the process of restoring Sharp Park to a natural area. 51 letters(5)

From concerned citizens, submitting support for full funding of public access television. File No. 090287. Copy: Each Supervisor. 11 letters(6)

From Shona Gochenaur, submitting support for proposed resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries. File No. 090486(7)

From Office of the Controller, submitting the results of a review of the Department of Elections for services to other districts. Copy: Each Supervisor (8)

From Ahimsa Sumchai, congratulating City Attorney Dennis Herrera for standing up to Mirant's Corporation.(9)

From Joan Wood, urging the Board of Supervisors to reject the MTA budget for fiscal year 2009-2010.(10)

From Alan Moody, commenting on the absentee style of the mayor and that he resigns if he continues to be absent. Copy: Supervisor Elsbernd(11)

From Francisco Da Costa, submitting letter regarding California Senators and other San Francisco City Officials.(12)

From Francisco Da Costa, submitting letter regarding California natural resources and water panders to big developers.(13)

From concerned citizens, urging the Board of Supervisors to protect the habitat and open space at Candlestick Point State Recreation Area.(14)

From Round the Diamond, urging the Board of Education and the Board of Supervisors to draft a resolution supporting the construction of a basketball education and career pathway arena, in collaboration with the Seawall Lot No. 337 development team, the Port of San Francisco and the City and County of San Francisco. Copy: Each Supervisor(15)

From State Senate Rules Committee, submitting reappointment of Margo Brown of Sacramento and Carole Migden of San Francisco as members of the California Integrated Waste Management Board.(16)

From Arthur Evans, commenting on proposed resolution regarding medical cannabis dispensaries.(17)

From Shirley Jaeger, commenting on proposal to cutting more services and increasing transportation fees.(18)

From Robert Burke, asking what, if anything is being done to prepare for the current Swine flu alert, and is anything being done to prepare for the Avian flu virus, should a mutant strain reassert itself?(19)

From Nikki Baker, submitting opposition to any increase for motorcycle parking in San Francisco.(20)

From State Fish and Game Commission, submitting notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to Marine protected areas.(21)

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