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 20, 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.

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

Items 1 through 6

Recommendations of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu

1. 080519 [Accept-Expend Sidney E. Frank Foundation Grant and Amendment to the Annual Salary Ordinance, FY 2007-2008 - \$200,000]

Supervisor Alioto-Pier

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$200,000 from the Sidney E. Frank Foundation to carry out the critical task of engaging key stakeholders and interest groups to solicit input for a wave energy project and amending Ordinance Number 175-07 to reflect the addition of one (1) grant-funded position at the Department of the Environment.

5/13/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 080565 [Accept-Expend Federal Grant and Amend Annual Salary Ordinance, FY 2007-2008 - \$307,375]

Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$307,375 from the California Employment Development Department for workforce development activities, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

5/13/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, McGoldrick, Elsbernd

3. 080601 [Waiver of temporary street space occupancy fee on May 17, 2008 for Small Business Week Sidewalk Sale] Supervisors Elsbernd, Chu

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 17, 2008 as part of Small Business Week.

5/13/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell, Chu

4. 080404 [Appropriating \$593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008]

Mayor, Supervisor Chu

Ordinance appropriating \$593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008. Place total appropriation of \$593,490,962 on Controller's Reserve pending sale of the bonds.

(Fiscal Impact.)

5/13/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Dufty, Ammiano

5. 080509 [Settlement of Lawsuit - Debra Denise Reed - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Debra Denise Reed against the City and County of San Francisco for \$65,000; the lawsuit was filed on November 22, 2006 in San Francisco Superior Court, Case No. 458-146; entitled Debra Denise Reed, et al., v. City and County of San Francisco, et al (City Attorney)

5/13/2008, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 080510 [Settlement of Lawsuit - Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422]

Ordinance authorizing settlement of the coordinated lawsuits, entitled Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422, filed by AMEC Construction Management, Inc. ("ACMI") against the City and County of San Francisco, and filed by the City and County of San Francisco and the People of the State of California ("San Francisco") against ACMI, its parent and sister companies, its Surety companies, and its bond broker. (City Attorney)

5/13/2008, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu

7. 080464 [Implementing a Deferred Retirement Option Program for certain members of the Police Department]

Ordinance adding Sections 16.63 through 16.63-10 to the Administrative Code to implement

the Deferred Retirement Option Program approved by the San Francisco voters. (Retirement System)

(Supervisor Daly dissented in Committee.)

5/13/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell, Alioto-Pier

8. 080592 [Appropriating \$273,015,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power project for Fiscal Year 2007-2008]

Supervisors Maxwell, Peskin

Ordinance appropriating \$273,015,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.) (Fiscal Impact.)

5/13/2008, CONTINUED. Continued to May 20, 2008

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. 080523

[Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code.

(Fiscal Impact.)

(Supervisor Alioto-Pier dissented in committee.)

5/13/2008, CONTINUED. Continued to May 20, 2008

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 080577

[Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property

to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

5/13/2008, CONTINUED. Continued to May 20, 2008

Question: Shall this Resolution be ADOPTED?

11. 080524 [Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in

connection therewith]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in committee.)

5/13/2008, CONTINUED. Continued to May 20, 2008

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi, Chu

12. 080568

[Refunding or Conversion of Laguna Honda Variable Rate Demand General Obligation Bonds, Series 2005B, Series 2005C and Series 2005D-\$120,000,000] Mayor

Ordinance approving the form and authorizing the execution of refunding bonds to refinance, in whole and/or in part, the \$120,000,000 City and County of San Francisco Variable Rate Demand General Obligation Bonds (Laguna Honda Hospital, 1999) Series 2005B, Series 2005C and 2005D (the "Prior Variable Rate Bonds") or approving the conversion of said bonds; approving the form and authorizing the execution of a Declaration of Trust relating to the refunding bonds; approving the tax levy for repayment of the refunding bonds; authorizing the appointment of the Treasurer as paying agent and the appointment of agents for the refunding bonds; authorizing the form of an Official Notice of Sale and Notice of Intention to Sell, and authorizing the City's compliance with a Continuing Disclosure Agreement relating to the refunding bonds; directing the publication of the Notice of

Intention to Sell Bonds; approving the form of an Official Statement in preliminary and final form and authorizing the execution and delivery of a final Official Statement relating to the refunding bonds; approving the execution of a Bond Purchase Contract and authorizing the appointment of underwriters relating to the converted bonds; approving the form of an Official Statement Supplement in final form and authorizing the execution and delivery of a final Official Statement Supplement relating to the converted bonds; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take all necessary action in connection with the authorization, issuance, sale and delivery of said bonds or the conversion of said bonds.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Ammiano, Maxwell

13. 080506 [Declaration of intent to transfer the duties of the Taxi Commission to the Municipal Transportation Agency]

Supervisor Peskin

Resolution declaring the intent of the Board of Supervisors to transfer the duties of the Taxi Commission to the Municipal Transportation Agency.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Peskin

14. 080338 [Zoning Map Amendments in connection with the Bayview Hunters Point Area Plan]

Ordinance amending Zoning Map Sheets 8, 9, 10, and 10 SU of the City and County of San Francisco Planning Code to replace various M-1 and M-2 zones with PDR-1, PDR-2, and special use district designations in the South Basin and Northern Industrial areas of the Bayview Hunters Point Study Area, consistent with the Bayview Hunters Point Area Plan; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. 080339 [Bayview Rezoning]

Ordinance amending the Planning Code by adding Sections 121.5, 121.7, 210.7, 210.8, 210.9, 230 and 249.32 and amending Sections 204.3, 204.4, 210, 210.6, and 213 through 227 to create a new Design and Development Special Use District and modify the existing M (Industrial) Districts to establish PDR-1 (Light Industrial Buffer) and PDR-2 (Production, Distribution and Repair) Districts and specify the use controls for activities in the PDR Districts, which generally will principally permit light manufacturing, wholesale and repair activities, prohibit or require a conditional use permit for heavy industry, prohibit housing, limit the size of retail and office uses, place controls on subdivision of large lots, provide accessory use guidelines and regulate the demolition of industrial buildings. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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.

16. 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

1/29/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. There were none. Continued to February 26, 2008

2/26/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to March 11, 2008

3/11/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to March 25, 2008

3/25/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to April 22, 2008

4/22/2008, CONTINUED. Continued to May 20, 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.)

17. 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

1/29/2008, CONTINUED. Continued to February 26, 2008

2/26/2008, CONTINUED. Continued to March 11, 2008

3/11/2008, CONTINUED. Continued to March 25, 2008

3/25/2008, CONTINUED. Continued to April 22, 2008

4/22/2008, CONTINUED. Continued to May 20, 2008

Question: Shall this Motion be APPROVED?

18. 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

1/29/2008, CONTINUED. Continued to February 26, 2008

2/26/2008, CONTINUED. Continued to March 11, 2008

3/11/2008, CONTINUED. Continued to March 25, 2008

3/25/2008, CONTINUED. Continued to April 22, 2008

4/22/2008, CONTINUED. Continued to May 20, 2008

Question: Shall this Motion be APPROVED?

19. 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

1/29/2008, CONTINUED. Continued to February 26, 2008

2/26/2008, CONTINUED. Continued to March 11, 2008

3/11/2008, CONTINUED. Continued to March 25, 2008

3/25/2008, CONTINUED. Continued to April 22, 2008

4/22/2008, CONTINUED. Continued to May 20, 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 Government Audit and Oversight Committee at a Regular Meeting on Monday, May 19, 2008 at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, May 20, 2008.

20. 080593 [Appropriating \$1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008]

Mayor

Ordinance appropriating \$1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008. (Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 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.

22. 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 23 through 30

23. 080667 [90 day extension for Planning Commission review - Supervisor Sandoval Liquor Stores]

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the Planning Code by adding Section 226.5 to impose a distance requirement of 500 feet or more between new offsale liquor stores and existing liquor stores, schools, public libraries, and recreation centers and establishing conditions for operation of liquor stores.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

24. 080668

[Commending Theresa Sparks, Joan Benoit, Joey Cain, Julius Turman, Marvin Burrows, Erick Arguello, Evan Low, and the Gay Asian Pacific Alliance on their selection as grand marshals for the 38th Annual San Francisco LGBT Pride Celebration and Paradel **Supervisors Sandoval, Ammiano**

Resolution commending Theresa Sparks, Joan Benoit, Joey Cain, Julius Turman, Marvin Burrows, Erick Arguello, Evan Low, and the Gay Asian Pacific Alliance on their selection as grand marshals for the 38th Annual San Francisco LGBT Pride Celebration and Parade.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

25. 080669

[Commending Kelly McMenimen, Elizabeth Rutzick, and Ian Tuller for their efforts to stop the proposed spraying for the Light Brown Apple Moth]

Supervisors Sandoval, Mirkarimi

Resolution commending Kelly McMenimen, Elizabeth Rutzick, and Ian Tuller for their efforts to stop the proposed spraying to eradicate the Light Brown Apple Moth and for their Stop the Spray Town Hall Meeting, which took place on Thursday, May 8, 2008.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

26. 080670

[Urging Governor Schwarzenegger and the State Legislature to restore funding for public higher education]

Supervisors Ammiano, Elsbernd, Dufty

Resolution expressing deep concern over the proposed budget cuts to the CSU and CCC systems and urging our Governor and Legislature to restore and reinvigorate funding for public higher education in California.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

27. 080671

[Peace Officers' Memorial Day and National Police Week]

Supervisor Alioto-Pier

Resolution declaring May 15 Peace Officers' Memorial Day and the week in which May 15 falls as National Police week.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

28. 080672 [Funds to support HIV rapid testing and counseling in drug abuse treatment programs - \$18,676]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of \$18,676 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the National Institutes of Health, to support a study of HIV rapid testing and counseling in drug abuse treatment programs, for the period of September 1, 2007 through August 31, 2008.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

29. 080665

[Waiver permitting City employees to assist the Department of Elections with the June 3, 2008 election]

Supervisor Peskin

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 June 3, 2008 election.

5/13/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

30. 080666

[Adopting the Planning Department's report on the Interim Moratorium on Tobacco Paraphernalia Retail Stores] **Supervisor Sandoval**

Motion adopting the Planning Department's report on the interim zoning moratorium to prohibit the establishment of new Tobacco Paraphernalia Retail Stores for 45 days.

5/13/2008, 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:						

31. 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 May 6, 2008 to May 12, 2008, for reference by President to appropriate committee on May 20, 2008.

080628 [Settlement of Lawsuit - CCSF v. Competent Builders, Inc.]

Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148). (City Attorney)

5/6/2008, RECEIVED AND ASSIGNED to Rules Committee.

080629 [Settlement of Lawsuit - Tamara Josi - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for \$75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al. (City Attorney)

5/6/2008, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolution received from May 6, 2008 to May 12, 2008, for reference by President to appropriate committee on May 20, 2008.

080589 [Agreement to Accept the Dolores Hotel Located at 35-37 Woodward Street]

Resolution approving and authorizing the execution and performance of an Agreement to Transfer and an Irrevocable Assignment and Assumption Agreement and Amendment to Loan Documents relating to the property commonly known as Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the transfer is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

5/12/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080505 [Petitions and Communications]

Petitions and Communications received from May 6, 2008 through May 12, 2008 for

reference by the President to May 20, 2008.

From concerned citizens, urging the Board to oppose the Below Market Rate Condominium Conversion Program. File 080520, Copy: Each Supervisor, 4 letters.(1)

From Department of Public Health, submitting Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report.(2)

From concerned citizens, urging the Board to hold hearings to evaluate the purposes and practices of the San Francisco Zoo. File 080031, Copy: Each Supervisor, 7 letters.(3)

From concerned citizens, urging the Board to disapprove ICI Paints application for a Conditional Use permit on property located at 1575 South Van Ness Avenue. File 080460, Copy: Each Supervisor, 3 letters.(4)

From Ken Allen, requesting the Board to grant approval to ICI Paints application for a Conditional Use permit on property located at 1575 South Van Ness Avenue. File 080460, Copy: Each Supervisor.(5)

From Office of the Clerk of the Board, submitting Form 700 Statement of Economic Interests from:(6)

Manish Goyal, Legislative Assistant for Supervisor Michela Alioto-Pier

From Elections Commission, submitting Commission Annual Report from January 1 to December 31, 2007.(7)

From Creg Darby, urging the Board to implement the City's Trash Receptacle Ordinance. File 080586, Copy: Each Supervisor.(8)

From concerned citizens, opposing to the Electrical Reliability Power project. File 080592, Copy: Each Supervisor, 2 letters.(9)

From Francisco Da Costa, submitting articles from www.indybay.org regarding various subjects. 2 letters.(10)

From Kevin Reed, submitting support to the Board regarding extension for medical cannabis dispensaries. File 080232, Copy: Each Supervisor.(11)

From Kimo Crossman, regarding his immediate disclosure request - Sunshine Ordinance Task Force duties/organization chart, etc.(12)

From Municipal Transportation Agency, responding to an inquiry relating to safety concerns on MUNI vehicles.(13)

From concerned citizens, urging the Board to implement the Community Choice Solar Power. File 080523, Copy: Each Supervisor, 55 letters.(14)

From Department of the Environment, submitting Environmentally Preferable Purchasing Annual Report.(15)

From Terry Rolleri, submitting support regarding increase in fines for parking citations. Copy: Each Supervisor.(16)

From Joan Joaquin-Wood, opposing the construction of natural gas-fired combustion turbine generation facilities. File 080524.(17)

From Cheryl Richard, commenting on various issues regarding wireless setup in San Francisco. 2 letters.(18)

From Reynaldo Fimbres, commenting on commercial fishing vessels illegally using amateur radio frequencies. (19)

From Alvin Johnson, commenting on various issues. 3 letters.(20)

From Ann Garrison, submitting information regarding military aircraft.(21)

From Hayes Valley Neighborhood Association, submitting support for the Hayes Valley playgrounds proposal.(22)

From Bobby Skedsmo, submitting a letter to Bay Area Rapid Transit (BART) regarding food and drink violations on BART. (23)

From Yau Ng, commenting on various issues related to crime.(24)

From Police Department, responding to Supervisor Ammiano's request for information regarding Shotspotter systems. (Reference 20080429-011)(25)

From Andrew Drapkin, commenting on the sewage plant proposal.(26)

From Library Users Association, opposing new lost book fee and other provisions in proposed library fines and fees legislation. Copy: Each Supervisor.(27)

From Coalition for San Francisco Neighborhoods, regarding resolution to protect the historic main parade ground from inappropriate development.(28)

From Adrienne Krug, commenting on buildings height in downtown.(29)

From Benjamin Kerensa, commenting on homeless shelters.(30)

From Roy Langford, submitting opposition to legislation prohibiting pharmacies from selling tobacco products. File 080594, Copy: Each Supervisor.(31)

From John deCastro, submitting support to approve the combustion turbine peaker plants. File 080523, Copy: Each Supervisor.(32)

From Kimo Crossman, submitting an inquiry to Sunshine Ordinance Task Force regarding the May 14, 2008 meeting packet for Compliance and Amendment Committee.(33)

From concerned citizen, commenting on various issues and concerns.(34)

From Mosley Family, submitting appreciation to the Board for their expression of sympathy to the Mosley family.(35)

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 ESPA¥OL: 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