

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, October 7, 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.

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 13

Recommendation of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

- | | | | |
|-----------|---------------|--|----------------------------|
| 1. | 081084 | [Authorizing the Department of Public Health to perform and award contracts for public work under a specified procedure]

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.69, to authorize the Department of Public Health to perform and award contracts for health facilities public work through competition among a pre-qualified pool of contractors.

9/23/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED? | Supervisor Elsbernd |
|-----------|---------------|--|----------------------------|

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, McGoldrick, Elsbernd

through June 30, 2011.

(Fiscal Impact.)

9/23/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Sandoval, Peskin

9. 081074 [Changing the official sidewalk width - Harrison Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1581 to change the official sidewalk width on the north side of Harrison Street east of Fourth Street; 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)

9/23/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Dufty, Ammiano

10. 081062 [Appointment, Sunshine Ordinance Task Force, Doyle Johnson]

Motion appointing Doyle Johnson, term ending April 27, 2010, to the Sunshine Ordinance Task Force.

Doyle Johnson, new designation, seat 7, must be member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government, for a two-year term ending April 27, 2010.

Question: Shall this Motion be APPROVED?

11. 081143 [Appointment, Western SOMA Citizens Planning Task Force, John Rosenbaum]

Motion appointing John Rosenbaum, term ending June 30, 2010, to the Western SOMA Citizens Task Force, residency requirement waived.

John Rosenbaum, succeeding Catherine Ann Swineford, seat 23, term expired, must be a person representing the interests of homeless individuals, for term ending June 30, 2010 (residency requirement waived).

Question: Shall this Motion be APPROVED?

12. 081144 [Appointments, SOMA Community Stabilization Fund Community Advisory Committee, Judith Barker and Steven Sarver]

Motion appointing Judith Baker and Steven Sarver, terms ending April 27, 2010, to the SOMA Community Stabilization Fund Community Advisory Committee, residency requirement waived.

Judith Baker, succeeding Kelly Wilkinson, seat 6, term expired, must provide direct services to SOMA families, for a two-year term ending April 27, 2010.

Steven Sarver, succeeding himself, seat 7, term expired, must have small business expertise and a familiarity with the SOMA neighborhood, for a two-year term ending April 27, 2010 (residency requirement waived).

Question: Shall this Motion be APPROVED?

13. 080848 [Appointment, Community Oversight Committee Regarding Enforcement of Marijuana Offenses, Mesha Monge-Irizarry]

Motion appointing Mesha Monge-Irizarry, term ending January 1, 2009, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Mesha Monge-Irizarry, succeeding Camilla Field, seat 6, resigned, must be a representative of a drug policy reform organization, for the unexpired portion of a two-year term ending January 1, 2009.

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Government Audit and Oversight Committee Without Recommendation

Present: Supervisors Peskin, Ammiano, Maxwell

14. 081107 **[MOU - SF Police Officers' Association (SFPOA), P-2B]** **Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), P-2B, to be effective July 1, 2007 through June 30, 2011.
(Fiscal Impact.)

9/23/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Sandoval, Peskin

15. 080521 **[Citywide Affordable Housing Preference for Certificate of Preference Holders]** **Supervisors Mirkarimi, Dufty, Maxwell**
Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

9/9/2008, CONTINUED. Continued to September 23, 2008
9/23/2008, CONTINUED. Continued to October 7, 2008
Question: Shall this Ordinance be PASSED ON FIRST READING?
16. 081087 **[Condominium conversion lottery based on seniority of participation]** **Supervisor McGoldrick**
Ordinance amending the Subdivision Code by amending Section 1396 to extend the annual 200-unit condominium conversion lottery; amending Section 1396.3 to continue the prioritization of the condominium conversion lottery based on seniority of participation in prior lotteries; and making environmental findings.

9/23/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Elsbernd, Mirkarimi

17. 081200 **[Appropriating \$51,336,923 of revenue for the Laguna Honda Hospital Replacement Project in the Department of Public Works for Fiscal Year 2008-09]** **Mayor**
Ordinance appropriating \$25,611,567 of Tobacco Settlement Revenues and \$25,725,356 of the 1999 Laguna Honda Hospital General Obligation Bond Proceeds Interest Earnings from the 2005A, 2005B, 2005C, 2005D, and 2005I Series for the Laguna Honda Hospital Replacement Project in the Department of Public Works for Fiscal Year 2008-2009.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?
18. 081203 **[Appropriating \$13,022,292 of State Proposition 42 and Proposition 1B]** **Supervisor Elsbernd**

revenue for road maintenance projects in the Department of Public Works for Fiscal Year 2008-2009]

Ordinance appropriating \$11,756,665 of FY 2008-09 Proposition 42 State Funds and \$1,265,627 of additional FY 2007-08 Proposition 1B State Funds for road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The department will use the bond funds from the State to implement Bureau of Street and Sewer Repair road maintenance and resurfacing projects at various locations.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 081027 [Clean Renewable Energy Bonds - \$6,325,000]

Resolution approving the issuance of not to exceed \$6,325,000 aggregate principal amount of clean renewable energy bonds to be issued by the Public Utilities Commission of the City and County of San Francisco (the "Commission"); approving the execution and delivery by the Commission of a Master Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, and a Bond Purchase Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

20. 081109 [Emergency contract to design, furnish, and install microwave system communication equipment along Hetch Hetchy]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to design, furnish, and install a new microwave radio system for Hetch Hetchy. (Public Utilities Commission)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

21. 081141 [Contract between the Department of Public Health and Accordis, Inc. to provide retroactive claiming of aged accounts services]

Resolution retroactively authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to execute a contract between the City and County of San Francisco and Accordis, Inc. to provide retroactive claiming of aged accounts services for the period of July 1, 2008 through June 30, 2012.

Question: Shall this Resolution be ADOPTED?

22. 081142 [Contract between the Department of Public Health and Triage Consulting Group to provide retroactive claiming of aged accounts services]

Resolution retroactively authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to execute a contract between the City and County of San Francisco and Triage Consulting Group to provide retroactive claiming of aged accounts services for the period of July 1, 2008 through June 30, 2012.

Question: Shall this Resolution be ADOPTED?

23. 081164 [Amending the agreement between the CCSF and Office Depot for office supplies to \$17,540,000]

Resolution approving the Fifth Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to \$17,540,000, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, McGoldrick, Elsbernd

24. 080621 [Amending Health Code Article 8 - Food Preparation and Service Establishment]

Mayor

Ordinance amending San Francisco Health Code Sections 451, 452, 456.4, 456.5, deleting Health Code Section 455, and amending San Francisco Business and Tax Regulations Code Section 249.1 to include definition for licensed health care

Question: Shall this Ordinance be PASSED ON FIRST READING?

- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Question: Shall this Resolution be ADOPTED?

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- Question: Shall this Resolution be ADOPTED?**

Question: Shall this Ordinance be FINALLY PASSED?

- 10-07-2008.htm[11/19/2013 9:42:52 AM]

Planning Code Section 101.1.

6/17/2008, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

8/12/2008, SUBSTITUTED. Supervisor Peskin submitted substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

38. 080567 **[Zoning - Ordinance creating a Conditional Use requirement for establishments that sell Tobacco Paraphernalia]** **Supervisor Sandoval**

Ordinance amending the Planning Code to add a new Section 227(v), to define Tobacco Paraphernalia Establishments, and to impose a conditional use requirement on the establishment of such new enterprises in all Commercial and Industrial districts; amending Section 303 of the Planning Code to refer to this requirement, and to require consideration of additional criteria when analyzing a Conditional Use application; adding a new Section 790.123, to define Tobacco Paraphernalia Establishments in the Neighborhood Commercial districts; amending sections 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, and 732.1, to refer to this definition and conditional use requirement; adding a new Section 890.89 to define Tobacco Paraphernalia Establishments in the Mixed Use districts; amending sections 803.1, 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and 827 to refer to this definition and Conditional Use requirement; and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

39. 080720 **[Landmark Designation of 1969 California Street (Tobin House)]** **Supervisors Peskin, Sandoval**

Ordinance designating 1969 California Street, the Tobin House, (Assessor's Block Number 0649, Lot Number 016), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

40. 081122 **[Vacation of the Ingleside Path]** **Supervisor Elsbernd**

Resolution declaring the intention of the Board of Supervisors to vacate the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets; setting the hearing date for all persons interested in the proposed vacation of the street area; and adopting environmental findings and findings that the vacation is consistent with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

Question: Shall this Resolution be ADOPTED?

From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Maxwell, Sandoval, Peskin

41. 081120 **[Ordering vacation of the Ingleside Path]** **Supervisor Elsbernd**

Ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets subject to reservations of certain utility easements in the vacated area; authorizing the quit claim of the City's interest in the vacated right-of-way pursuant to the terms of the conveyancing documents; declaring such paths abandoned; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Question: Shall this Ordinance be PASSED ON FIRST READING?

42. 080652 **[Rental Subsidy Program for Low-Income Families]** **Supervisors Daly, Ammiano, Sandoval**

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

7/29/2008, AMENDED.

7/29/2008, PASSED ON FIRST READING AS AMENDED.

7/29/2008, AMENDED.

7/29/2008, PASSED ON FIRST READING AS AMENDED.

7/29/2008, RE-REFERRED to Land Use and Economic Development Committee. Referred to Committee as amended.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Daly, Dufty, Ammiano

43. 080616 [Appointment of Independent Hearing Officer for Local Enforcement Agency] Supervisor Duffy
- Ordinance amending the San Francisco Health Code by adding Sections 315, 318, 321, 323, 324, 327, 330, 333, 335, 337, 339, and 341 to authorize the appointment of an Independent Hearing Officer from the San Francisco Rent Board to conduct Local Enforcement Agency Hearings brought pursuant to the State Public Resources Code; establish procedures and qualifications for the appointment, and establish hearing procedures, cost recovery, and bases for hearing officer disqualification.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Rules Committee Without Recommendation

Present: Supervisors Daly, Duffy, Ammiano

44. 081162 [Appointment, Veterans Affairs Commission, Wallace Levin]
- Motion appointing Wallace Levin, term ending January 31, 2012, to the Veterans Affairs Commission.
- Wallace Levin, succeeding himself, term expired, Seat 3, must be an at-large appointment, for four-year term ending January 31, 2012.

Question: Shall this Motion be APPROVED?

45. 081243 [Appointment, Veterans Affairs Commission, Stephen Noetzel]
- Motion appointing Stephen Noetzel, term ending January 31, 2012, to the Veterans Affairs Commission.
- Stephen Noetzel, succeeding Wallace Levin, term expired, Seat 3, must be an at-large appointment, for four-year term ending January 31, 2012.

Question: Shall this Motion be APPROVED?

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.*

46. 081171 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 800-808 Lyon Street/1980-1998 Golden Gate Avenue]
- Hearing of persons interested in or objecting to the decision of the Planning Department dated September 2, 2008, (Case No. 2008.1009E) (Building Permit Application No. 2008/01/28/3333) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The project involves the removal of a rear deck and stairs from the property at 1980-1998 Golden Gate Avenue that currently encroaches on the side yard of the property at 800-808 Lyon Street and includes the installation of a new fire escape at the front facade of 1980-1998 Golden Gate Avenue. (Appellants: Raquel Fox of the Tenderloin Housing Clinic, Inc. on behalf of the tenants at 800-808 Lyon Street, 1998 Golden Gate Avenue and 1960 Golden Gate Avenue.)
- (Filed September 3, 2008; Companion to Files 081172, 081173, 081174; District 5.)

Action:_____

Thursday, October 2, 2008 at 4:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, October 7, 2008.

- | | | | |
|-----|--------|---|------------------------------|
| 54. | 081196 | [Appropriating \$40,520,000 2008 of Clean and Safe Park Bond proceeds for capital improvements for the Recreation and Park Department and Port Commission in Fiscal Year 2008-2009] | Supervisors Peskin, Elsbernd |
|-----|--------|---|------------------------------|

Ordinance appropriating \$40,520,000 of 2008 Clean and Safe Park Bond sale proceeds fund the improvement and construction at various recreation and park facilities, including \$36,875,562 in the Recreation and Park Department and \$3,644,438 in the Port Commission for Fiscal year 2008-2009.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- | | | | |
|-----|--------|---|------------------------------|
| 55. | 081236 | [Appropriating \$130,462.77 of unappropriated fund balance for the Pier 43 Bay Trail Link in the Port of San Francisco for Fiscal Year 2008-2009] | Supervisors Peskin, Elsbernd |
|-----|--------|---|------------------------------|

Ordinance appropriating \$130,462.77 of unappropriated fund balance for the construction of the Pier 43 Bay Trail Link public promenade from Powell to Taylor streets in the Port of San Francisco for Fiscal Year 2008-2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

56. 081127 [PG&E rate increases] Supervisors Peskin, Dufty

Resolution establishing the City's support for affordable rates for PG&E customers and directing the City Attorney and the Public Utilities Commission to participate in PG&E rate proceedings to advocate for reasonable rates.

Question: Shall this Resolution be ADOPTED?

- ## 57. 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.

- 58. 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 59-60

59. 081255 [Conflict Resolution Day - October 16, 2008] Supervisor Daly

Resolution declaring October 16th "Conflict Resolution Day", to be recognized in San Francisco for the purpose of fostering awareness and use of conflict resolution tools within our schools and communities.

9/23/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 60. 080781 [Final Map - 580 Washington Street]**

Motion approving Final Map 5025, a 9 Residential Unit and 3 Commercial Unit Mixed-Use Condominium Project, located at 580 Washington Street being a subdivision of Lot 029 in Assessors Block No. 0196 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,782; District 3.)

9/19/2008, 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: _____

61. 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 September 16, 2008 to September 29, 2008, for reference by President to appropriate committee on October 7, 2008.

080941 [Settlement of Lawsuit - City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al. - \$2,750,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Factory Mutual Insurance Company and Bombardier Transportation, Inc. for \$2,750,000 AND OTHER CONSIDERATION; the lawsuit was filed on DECEMBER 15, 2004, in The United States District Court, Northern District of California, Case No. C 04-5307 FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al. (Airport Commission)

9/22/2008, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080942 [Approval of contract pursuant to settlement; Waiver of competitive bidding - \$56,500,000]

Ordinance waiving competitive bid requirements and approving the award of an Operations and Maintenance Contract ("O&M") with Bombardier Transportation (Holdings) USA, Inc. (Bombardier) to operate and maintain the San Francisco International Airport's AirTrain system for five years in the amount of \$56,500,000. (Airport Commission)

9/22/2008, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

081068 [Settlement of City's Lawsuit Against Defendant EnCana Corp]

Ordinance authorizing partial settlement of the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023), filed by the City and County of San Francisco on June 8, 2004, and coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$265,695.80 to the City from defendant EnCana Corp. (City Attorney)

9/22/2008, RECEIVED AND ASSIGNED to Rules Committee.

081216 [Reward for Information about underpayment of property tax]

Ordinance approving Assessor's recommended reward for information that led to detection of underpayment of property tax from unreported change of ownership.

081259 [Settlement of Lawsuit - Karen Douma - \$1,695,100.00]

Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for \$1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)

9/23/2008, RECEIVED AND ASSIGNED to Rules Committee.

081260 [Settlement of Lawsuit - James R. Figueroa - \$65,000]

Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for \$65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)

9/23/2008, RECEIVED AND ASSIGNED to Rules Committee.

081261 [Settlement of Lawsuit - Husam Sajjan - \$100,000.00]

Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for \$100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)

9/23/2008, RECEIVED AND ASSIGNED to Rules Committee.

081262 [Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - \$150,000.00]

Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for \$150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)

9/29/2008, RECEIVED AND ASSIGNED to Rules Committee.

081263 [Approval of Settlement Agreement before the Federal Energy Regulatory Commission]

Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)

9/29/2008, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from September 16, 2008 to September 29, 2008, for reference by President to appropriate committee on October 7, 2008.

080840 [Amended Treasure Island/Yerba Buena Island Survey Area]

Resolution designating and describing the Amended Treasure Island/Yerba Buena Island Survey Area in accordance with California Community Redevelopment Law. (Treasure Island Development Authority)

9/19/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080946 [Airport Concession Lease]

Resolution approving the Lease Agreements for the Rental Car Center Operations between The Hertz Corporation; Avis Budget Car Rental, LLC; EAN, LLC; DTG Operations, Inc.; and Fox Rent a Car, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

9/23/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081264 [Agreement to Purchase Property in Tuolumne County - \$70,000]

Resolution approving and authorizing an agreement for the purchase of approximately 5.61 acres of unimproved land near Moccasin in Tuolumne County, for the protection of water quality for a purchase price of \$70,000; adopting findings that the conveyance 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)

9/24/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081265 [Approval of the Substance Abuse and Crime Prevention Act of 2000 and the Substance Abuse Offender Treatment Program Implementation Plan]

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 and the Substance Abuse Offender Treatment Program for Fiscal Year 2008-2009. (Public Health Department)

9/26/2008, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

081266 [WSIP Agreement No. CS-914, Bay Division Regional Construction Management Services]

Resolution approving the selection of Jacobs Engineering; awards Water System Improvement Program-funded Agreement No. CS-914, Bay Division Regional Construction Management Services. (Public Utilities Commission)

9/26/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081278 [Petitions and Communications]

Petitions and Communications received from September 16, 2008 through September 22, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on October 7, 2008, Part 1 (Items 1 to 47).

From Office of the Controller, regarding FY 2009-10 Debt Service Requirements Inquiry. Copy: Supervisor Elsbernd.(1)

From Mayor's Office of Housing, regarding 2007-08 Civil Grand Jury Report "Homeless Have Homes, But They're Still On the Street".(2)

From Lloyd W. Schloegel, submitting suggestions regarding the Appeal of Final Supplemental Environmental Impact Report for proposed Central Subway System Project. File 081137.(3)

From Office of the Controller - City Services Auditor, submitting Airport Commission - Compliance Audit of AirTran Airways, Inc.(4)

From concerned citizens, submitting opposition to MUNI changing the M line route. 2 letters. (5)

From R. J. Thorsen, expressing concerns regarding the City's MUNI service, specifically N Judah and 19 Polk bus lines.(6)

From Office of the Clerk of the Board, submitting Memorandums to inform the Board members that the following individuals have submitted a Form 700 Statement:(7)

David Noyola, Legislative Assistant to Supervisor Peskin
David Owen, Legislative Assistant to Supervisor Peskin
Luke Klipp, Legislative Assistant to Supervisor Sandoval

From Office of the Clerk of the Board, submitting Memorandums to inform the Board members the following City departments have submitted their conflict-of-interest code notice:(8)

Citizen's Counsel Obligation Board Oversight Committee
Department of Children, Youth and Their Families
Department of Environment
Department of Public Works
Department of Technology
Fine Arts Museum
Fire Department
Health Service System
Landmark Preservation Advisory Board
Law Library
Office District Attorney
Office of Assessor-Recorder
Redevelopment Agency
Office of Economic and Workforce Development
Office of the City Administrator/General Services Agency
Police Department
Public Library
Public Utilities Commission
Taxi Commission

From concerned citizens, submitting support for Community Choice Energy Aggregation. 23 letters.(9)

From Judy West, submitting support for the Appeal of the Planning Commission Certification of the Final EIR for the Eastern Neighborhoods. File 081133, Copy: Each Supervisor.(10)

From SFBG Online, submitting copy of editorial regarding The Eastern Neighborhoods Plan.(11)

From concerned citizens, expressing concern about San Francisco Zoo. File 080818, 2 letters.(12)

From Judith Droz Keyes, expressing support of the appointment of Stephen Noetzel to the Veterans Affairs Commission.(13)

From Chief Medical Examiner, regarding Board of Supervisors inquiry, (Reference 20080909-067).(14)

From Department of Human Resources, regarding Board of Supervisors inquiry, (Reference 20080909-030).(15)

From Department of Public Works, regarding Board of Supervisors inquiry, (Reference 20080722-002).(16)

From John Jenkel, submitting Abuse News #3822.(17)

From Karl B. Pleskot of Broadway Corridor Group, submitting opposition to Broadway Entertainment Corridor Community Benefit District (CBD). File 080913, Copy: Each Supervisor.(18)

From Kimo Crossman, regarding Immediate Disclosure Request written advice on complying with SO 67.14C-recording/posting digital audio.(19)

From James Chaffee, regarding Sunshine Appointment.(20)

From Department of the Environment regarding Board of Supervisors inquiry (Reference 20080909-046).(21)

From Department of Public Works, regarding Board of Supervisors inquiry (Reference 20080805-002).(22)

From Urban Counties Caucus, submitting various Legislative Updates. 2 letters.(23)

From David G. Eselius, regarding "Behind Mexico's Wave of Beheadings" is Congressional "illegal drug" legislation and American consumption of "illegal drugs."(24)

From The Peplies Family, regarding homicide investigation of Bert Peplies, August 31, 2007.(25)

From Office of the Treasurer, submitting portfolios statistics of investment activity under the Treasurer's management from July 1, 2008 to August 31, 2008.(26)

From City Administrator & Capital Planning Committee, submitting recommendations on (1) the Supplemental Appropriation for the First Issuance of 2008 Clean and Safe Neighborhood Parks and Bonds, and (2) the Supplemental Appropriation for the Port of San Francisco's Pier 43.5 Promenade Project.(27)

From James Keys, urging improvements to the Gene Friend Recreational Center.(28)

From Mayor Newsom, designating various Supervisors as Acting-Mayor from 8:05am on Monday, September 22, 2008 until 2:15pm on Friday, September 26, 2008.(29)

From various City Departments, submitting list of sole source contracts entered into during the fiscal year 2007-2008:(30)

Department of Public Works

From Department of Building Inspection, submitting a Response to City Grand Jury Recommendations, File 080924.(31)

From James Chaffee, regarding Sunshine Complaint.(32)

From Department of Public Works, regarding Board of Supervisors inquiry (Reference 20080708-003).(33)

From Department of Public Works, regarding Board of Supervisors inquiry (Reference 20080805-003).(34)

From Department of Elections, regarding Board of Supervisors inquiry (Reference 20080909-062).(35)

From the San Francisco Public Utilities Commission, submitting a Declaration of Emergency- Replacement of Kirkwood Generator Stator Core.(36)

From Jonette Burton, opposing requirements for SF businesses to offer commuter benefits to their employees.(37)

From Francisco Da Costa, submitting an article on twenty thousand units down the pipeline.(40)

From Tortuga Bi Liberty, submitting a testimony about Nude political demonstration.(41)

From Ahimsa Porter Sumchai, commenting on America's shortage of primary care doctors. 2 letters.(42)

From Paul Nisbett, commenting on local grocery stores closing in San Francisco.(43)

From concerned citizens, commenting on various ways to address disposition of garbage receptacles. 2 letters. (44)

From concerned citizens, commenting on various issues. 5 letters.(45)

From U.S. Fish and Wildlife Service, regarding Critical Habitat Proposed for California Red-Legged Frog, Comment Period Open through Nov. 17, 2008.(46)

From Alvin Johnson, commenting on employment abuse issues.(47)

081279 [Petitions and Communications]

Petitions and Communications received from September 23, 2008 through September 29, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on October 7, 2008, Part 2 (Items 48 to 82)

From Office of the Controller - City Services Auditor, submitting Department of Public Health - Compliance Audit Reports of agencies awarded Federal funds by DPH in fiscal year 2006-07.(48)

From Office of the Controller, submitting FY2007-08 Surplus Transfers Report.(49)

From Loren Hammer, regarding parking violation fees.(50)

From Kimo Crossman, submitting opposition to the redaction of scanned documents posted online.(51)

From Christian Holmer, submitting a Board candidate questionnaire.(52)

From PRO-SF, regarding a public records request.(53)

From San Francisco Public Utilities Commission, submitting a notice of a declaration of emergency for the replacement of the Kirkwood Generator Stator Core.(54)

From concerned citizens, submitting support for a refuge zoo at the San Francisco Zoo. 24 letters.(55)

From concerned citizens, submitting support for the restoration of Sharp Park. 1,003 letters.(56)

From Francisco Da Costa, regarding the clean up of Hunters Point Naval Shipyard.(57)

From Francisco Da Costa, regarding alternatives on Hunters Point Naval Shipyard.(58)

From Shirley Stucky, submitting opposition to the elimination of the 3 Jackson bus route.(59)

From Department of Public Works, regarding the removal of graffiti on several locations. (Reference 20080805-006)(60)

From Dan Gluesenkamp, submitting support for the restoration of Sharp Park.(61)

From Jeff Miller, submitting notice of possible lawsuit over endangered species at Sharp Park.(62)

From a concerned citizen, regarding the number of panhandlers.(63)

From Florrie Goldman regarding the status of the San Francisco Zoo, File 080818.(64)

From San Francisco Public Utilities Commission, submitting Human Rights Commission Waiver Request Forms. 2 forms.(65)

From Losenuti Sam, regarding implementing fines for dog feces.(66)

From Office of the Clerk of the Board, submitting notice that the War Memorial and Performing Arts Center has submitted its conflict of interest code notice.(67)

From Marilyn Amini, regarding the Eastern Neighborhoods Rezoning Plans, File 081133-081136, Copy: Each Supervisor.(68)

From Coalition for San Francisco Neighborhoods opposing the FEIR for the Eastern Neighborhoods Rezoning and Area Plans, File 081152-081155, Copy: Each Supervisor(69)

From United States Department of the Interior, notifying the resignation of the Golden Gate National Recreation Area Representative from the San Francisco Urban Forestry Council.(70)

From concerned citizens, submitting support for Community Choice Energy Aggregation. 47 letters.(71)

From Department of Public Works, submitting notification of news rack inspections and citations. (Reference 20080805-009)(72)

From Department of Public Works, submitting notification of news rack inspections and citations. (Reference 20080722-006)(73)

From Department of Public Works, submitting notification of news rack inspections and citations. (Reference 20080812-005)(74)

From Department of Public Works, regarding the removal of graffiti on garbage cans in several locations. (Reference 20080916-003)(75)

From Department of Public Works, regarding the removal of graffiti on public properties in several locations. (Reference 20080916-002)(76)

From Department of Public Works, regarding the removal of graffiti on phone switch boxes in several locations. (Reference 20080812-003)(77)

From Department of Public Works, regarding the removal of graffiti on phone switch boxes in several locations. (Reference 20080909-001)(78)

From Department of Public Works, regarding status of sewer repairs at Waller and Fillmore Street. (Reference 20080909-002)(79)

From Ivan Pratt, regarding support for the YMCA.(80)

From California Fish and Game Commission, noticing changes to the California Code of Regulations.(81)

From Department of Public Works, submitting notification of news rack inspections and citations. (Reference 20080923-004)(82)

From Department of the Status of Women, submitting notification of violence prevention efforts in the Mission. (Reference 20080909-054)(83)

From Real Estate Division, submitting notification of violence prevention efforts in the Mission. (Reference 20080909-061)(84)

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) 554-4933 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 and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

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.



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 J, K, L, M, N and T (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