#### 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, November 4, 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

#### APPROVAL OF MEETING MINUTES

Approval of the September 23, 2008 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 through 20

#### Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors McGoldrick, Elsbernd

# 1. 081193 [Prohibiting sale of tobacco products on property owned by or under the control of the City and County of San Francisco]

Supervisor McGoldrick

Ordinance amending the San Francisco Health Code by adding Article 19K, Sections 1010 through 1010.4, to prohibit sales of tobacco products on property owned by or under the control of the City and County of San Francisco.

10/28/2008, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?** 

### Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell

#### 2. 080954 [Planning Code - Amending Article 11 Designation of 690 Market

Supervisor Peskin

Street]

Ordinance amending the designation of 690 Market Street from "Unrated-Category V" to "Significant-Category II" under

Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

7/22/2008, RE-REFERRED to Government Audit and Oversight Committee.

10/21/2008, CONTINUED. Continued to October 28, 2008

10/28/2008, 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

#### 3. 081010 [Building - Ban on Wooden Fixed Utility Ladder]

Supervisor McGoldrick

Ordinance amending the San Francisco Housing Code to add Section 605 prohibiting wooden fixed utility ladders in R-1, R-2, and R-3 Occupancies, and making findings under the California Environmental Quality Act.

10/28/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### 4. 080349 [Zoning Map Amendment - 5050 Mission Street, corner of Seneca Ave]

Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by amending Zoning Map ZN 12 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 6969, Lot 11, located at the southwest corner of Mission and Seneca Streets, from RH-1 (Residential, House, One Family) District to NC-3 (Moderate-scale Neighborhood Commercial) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

10/28/2008, PASSED ON FIRST READING.

**Ouestion: Shall this Ordinance be FINALLY PASSED?** 

# 5. 081118 [Administrative Code - Community Preservation and Blight Reduction Act]

**Supervisor Sandoval** 

Ordinance amending the San Francisco Administrative Code by adding Chapter 80, Sections 80.1 through 80.10, to establish a uniform procedure for enforcement of blight-related provisions of existing municipal code sections and to provide for: additional definition of blight conditions subject to enforcement, administrative penalties for failure to abate blight, summary abatement for certain blighted conditions, an administrative process for contesting the Director's declaration of blight, and civil penalties and injunctive remedies for continuing violations; and making environmental findings.

10/7/2008, SUBSTITUTED. Supervisor Sandoval submitted a substitute Ordinance bearing new title.

10/28/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# 6. 080281 [Building Code - Slope Protection Act]

Supervisor Peskin

Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4 et seq. to establish the Slope Protection Act and create procedures to review and make recommendations on specified permit applications for all property that fall within certain mapped areas of the City, and to require mandatory denial of the permit by the Building Official under specified circumstances; amending Section 105A.6.2 to specify the composition of the Structural Advisory Committee for permit applications within the Slope Protection Act area when the Building Official authorizes establishment of such a Committee; amending Building Code Section 106A.3.2 to require that the applicant for certain permit applications subject to the Slope Protection Act provide substantial documentation that there exists sufficient infrastructure to support the proposed residential development and that the proposed emergency access routes meet standards in effect at the time of the application; amending Building Code Section 1701A.5 to require special inspections throughout the construction process for sites subject to the Slope Protection Act.

10/28/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## **Recommendations of the Public Safety Committee**

Present: Supervisors Mirkarimi, Dufty

# 7. 081072 [Authorizing the Sheriff to execute contracts with the State and accept and expend funds associated with a Secure Reentry Program Facility]

Supervisors Mirkarimi, Dufty

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) and accept and expend funds associated with the contracts. The purpose of the contract is to establish a pilot San Francisco County Secure Reentry Program Facility (SRPF) that will provide up to 12 months of

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intensive, in-custody evidence based reentry programming which will address the offender's underlying employment, mental health and substance abuse issues. This will be followed by 12 months of accountability based out-of-custody reentry programming. (Sheriff)

Question: Shall this Resolution be ADOPTED?

#### 8. 081271 [Accept - Expend Federal grant, Port - \$1,522,536]

**Supervisor Alioto-Pier** 

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of \$1,522,536 from the Department of Homeland Security, Infrastructure Protection Program for security enhancements at the Port of San Francisco.

**Ouestion: Shall this Resolution be ADOPTED?** 

# 9. 081326 [Airport grant - Accept-Expend State grant - \$139,462.72]

Supervisor Alioto-Pier

Resolution authorizing the Airport Commission to retroactively accept and expend funding \$139,462.72 from the State of California 9-1-1 Emergency Communications Office for the San Francisco International Airport (SFO) Communications 9-1-1 Phone Upgrade project.

Question: Shall this Resolution be ADOPTED?

#### **Recommendations of the Rules Committee**

Present: Supervisors Daly, Dufty, Ammiano

# 10. 081068 [Settlement of City's Lawsuit Against Defendant EnCana Corp - \$265,695.80]

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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 11. 081165 [Settlement of Lawsuit - Twylah Sperka - \$49,000]

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for \$49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 12. 081166 [Settlement of Lawsuit - J. Hadley Louden - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Louden against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Louden v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

### 13. 081205 [Settlement of Lawsuit, Gladys DeWitt - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 14. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 15. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 16. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 17. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 18. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 19. 081169 [Appointment, Graffiti Advisory Board, Jana Lord]

Motion appointing Jana Lord, term ending April 10, 2009, to the Graffiti Advisory Board, residency requirement waived.

Jana Lord, succeeding Alexander Mamak, resigned, seat 17, must represent contracting agency for Municipal Railway shelters, for unexpired portion of a two-year term ending April 10, 2009.

Question: Shall this Motion be APPROVED?

### 20. 081274 [Appointment, Peak Oil Preparedness Task Force, Benjamin Lowe]

Motion appointing Benjamin Lowe, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

Benjamin Lowe, succeeding Jan Lundberg, seat 4, resigned, must represent the public-at-large, for unexpired portion of two-year term ending March 27, 2009.

**Ouestion: Shall this Motion be APPROVED?** 

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

# REGULAR AGENDA

### UNFINISHED BUSINESS

# Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Ammiano, Maxwell

# 21. 081228 [Appropriating \$498,304 General Fund Reserve for Mission District violence prevention and reduction grants in the Department of Children,

**Supervisor Ammiano** 

Youth and Their Families for Fiscal Year

Ordinance appropriating \$498,304 from the General Fund Reserve for high risk youth violence prevention and reduction grants focusing on intensive case management, outreach and programming in the Mission District in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009.

(Fiscal Impact.)

10/21/2008, CONTINUED. File 081228 was duplicated. File 081321 was referred to the Public Safety Committee. File 081228 was continued to November 4, 2008.

#### **Ouestion: Shall this Ordinance be PASSED ON FIRST READING?**

#### **NEW BUSINESS**

#### From the City Operations and Neighborhood Services Committee Without Recommendation

Present: Supervisors Chu, McGoldrick, Elsbernd

#### 22. 080658 [General advertising on City buildings and street furniture]

Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

(9/16/08 - Supervisor McGoldrick submitted a substitute ordinance bearing new title.)

9/16/2008, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

**Ouestion: Shall this Ordinance be PASSED ON FIRST READING?** 

#### Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Ammiano, Maxwell

# 23. 081231 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]

Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by amending Section 14B.8 to direct the Human Rights Commission to assign numeric point values to the good faith outreach steps that bidders must undertake for all public work/construction, architect/engineering, professional service and general service contracts that exceed the minimum competitive amount or threshold amount.

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 24. 081289 [Public Employment - Port of San Francisco (PRT)]

Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of one position (0.50 FTE) Class 5502, Project Manager 1 at the Port of San Francisco (PRT).

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 25. 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)

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 26. 081287 [Airport Refunding Bonds - \$2,540,000,000]

**Supervisor Peskin** 

Resolution approving the issuance of up to \$2,540,000,000 aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing bonds and subordinate bonds of the Airport Commission; and approving certain related matters.

(Fiscal Impact.)

**Question: Shall this Resolution be ADOPTED?** 

# 27. 080941 [Settlement of Lawsuit - CCSF, 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)

**Ouestion: Shall this Ordinance be PASSED ON FIRST READING?** 

#### 28. 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)

Question: Shall this Resolution be ADOPTED?

#### Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Peskin

### 29. 081058

# [Planning - Conditional Use Requirement for Power Plants in M-1 and M-2 Zoning Districts]

Supervisors Maxwell, Peskin

Ordinance amending Planning Code Section 226 to require that power plants in M-1 and M-2 zoning districts obtain conditional use authorization, adding Section 226.1 requiring additional findings; amending the Administrative Code to add Chapter 29A to require the Board of Supervisors consider the criteria of Planning Code Section 226.1(c) prior to taking City power plant approval actions; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 30. 081234

#### [Zoning - Prohibiting Formula Retail Uses in the Chinatown Visitor Retail District and establishing a conditional use permit requirement for formula retail uses]

Supervisor Peskin

Ordinance amending the Planning Code by amending Section 803.6 to prohibit formula retail uses in the Chinatown Visitor Retail District, and to create a conditional use requirement for formula retail uses in the Chinatown Community Business District and the Chinatown Residential Neighborhood Commercial District; amending Section 803.2 to refer to this prohibition and conditional use requirement, and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(9/19/08 - Economic Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### From the Land Use Committee With Recommendation "Do Not Pass"

Present: Supervisors Maxwell, Peskin

# 31. 081015

#### [Mirant Potrero Power Plant retrofit]

Mayo

Resolution authorizing and directing the negotiation and execution of a memorandum of agreement relating to the retrofit of Potrero Power Plant Units 4, 5 and 6, the closure of all Potrero Power Plant generating units if and when such units are no longer needed for electric system reliability, and the reuse of the Potrero power Plant site upon such closure.

Question: Shall this Resolution be ADOPTED?

#### From the Land Use Committee Without Recommendation

Present: Supervisors Maxwell, Peskin

# 32. 061438

### [Public Works Code - Sidewalk flower-vending stands]

**Supervisor McGoldrick** 

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# Recommendations of the Rules Committee

Present: Supervisors Daly, Dufty

# 33. 081119

#### [Noise Control Ordinance]

**Supervisor Ammiano** 

Ordinance amending the San Francisco Police Code by amending Sections 49, 2900, 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2912, 2916, 2917, and 2918, repealing Sections 2903, 2906, 2911, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a noise task force.

#### Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Daly, Dufty, Ammiano

# 34. 081190

# [Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board]

Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by amending Sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-268, to provide for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

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

#### 35. 081227

#### [Voting Systems Task Force]

**Supervisor Ammiano** 

Ordinance amending the Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force comprised of individuals with backgrounds in good government, computer science or the computer industry, election administration, and accommodations of persons with disabilities, to make recommendations to the Board of Supervisors about voting system standards, design and development.

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 36. 081285

#### [Lobbyist Ordinance amendments to regulate permit lobbying]

Supervisors Peskin, Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director, Assistant Director or Deputy Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### 37. 081317

# [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - \$380,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for \$380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

(Supervisor Daly dissented in committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

### 38. 081257

# [Confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency]

Mayor

Motion confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.

Question: Shall this Motion be APPROVED?

### SPECIAL ORDER 3:00 P.M.

# 39. 081123

# [Hearing - Ordering vacation of the Ingleside Path]

Supervisor Elsbernd

Hearing of persons interested in or objecting to proposed 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.

Action:			

#### From the Land Use Committee Without Recomendation

Present: Supervisors Maxwell, Sandoval, Peskin

#### 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.

10/7/2008, CONTINUED. Continued to a public hearing on November 4, 2008 at 3:00 p.m.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

#### **COMMITTEE REPORTS**

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

The following items will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Monday, November 3, 2008 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 Tuesday, November 4, 2008.

# 41. 081376 [Municipal Identification Cards]

**Supervisor Ammiano** 

Ordinance amending Section 95.2 of the Administrative Code to revise the documentation requirements for proof of identity and proof of residency for municipal identification card applicants.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 42. 081377 [Suspending Sections 468.3 through 468.8 of the Menu Labeling Ordinance]

**Supervisor Ammiano** 

Ordinance amending the San Francisco Health Code by adding Section 468.9, to suspend Sections 468.3 through 468.8 of the Menu Labeling Ordinance.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 43. 080953

40.

# [Approval of an historical property contract for 690 Market Street ("Chronicle Building")]

**Supervisor Peskin** 

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between RC Chronicle Building LP and 690 Market Master Association, the owners of 690 Market Street ("Chronicle Building"), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

#### 44. 081290

#### [Disposition and Development Agreement for the Old Mint]

Mayor

Resolution approving and authorizing an amendment to the Old Mint Disposition and Development Agreement between the City and County of San Francisco and the San Francisco Museum and Historical Society to extend the dates for performance.

**Question: Shall this Resolution be ADOPTED?** 

### 45. 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.

#### 46. 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 47-53

#### 47. 081349

# [Commending the Blue Ribbon Panel and prioritizing California Pacific Medical Center's Long Range Development Plan]

Supervisor Alioto-Pier

Resolution commending the work of the Blue Ribbon Panel and urging all City Departments to prioritize the California Pacific Medical Center Long Range Development Plan ("LRDP").

 $10/21/2008, {\rm REFERRED}$  FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/28/2008, CONTINUED. Continued to November 4, 2008

**Question: Shall this Resolution be ADOPTED?** 

#### 48. 081385

### [Authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for

Mayor

Resolution authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal transportation grants expiring on June 30, 2009.

10/28/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 49. 081386

# [Accept and Expend Gift - Excelsior Youth Center - \$50,000]

Supervisor McGoldrick

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend a gift from Macy's West, Inc. in the amount of \$50,000 for operations and programming at the Youth Center in the Excelsior District.

10/28/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 50. 081387

#### [Market and Octavia Community Advisory Committee]

Supervisor Mirkarimi

Resolution establishing the Market and Octavia Community Advisory Committee according to Planning Code Section 341.5.

10/28/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

# 51. 081312

# [Final Map - 631 Folsom Street]

Motion approving Final Map 4220, a 114 Residential and 2 Commercial Unit Mixed-Use Condominium Project, located at 631 Folsom Street being a subdivision of Lot 090 in Assessors Block No. 3750 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,814; District 6.)

10/22/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

# 52. 081313

#### [Final Map - 1360-1364 Stevenson Street]

Motion approving Final Map 4927, a 5 Unit Residential Condominium Project, located at 1360 - 1364 Stevenson Street being a subdivision of Lot 073 in Assessors Block No. 3513 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,853; District 6.)

 $10/22/2008, {\rm REFERRED}$  FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

### 53. 081314 [Final Map - 231 Franklin Street, 327 & 315 Hayes Street]

Motion approving Final Map 4457, a 32 Residential and 1 Commercial Unit Mixed-Use Condominium Project, located at 231 Franklin Street, 327 & 315 Hayes Street being a subdivision of Lots 002, 017, and 022 in Assessors Block No. 0816 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,858; District 6.)

10/22/2008, 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:\_\_\_\_\_\_

#### 54. 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 ordinance received from October 21, 2008 to October 27, 2008, for reference by President to appropriate committee on November 4, 2008.

#### 081372 [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

10/27/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

#### PROPOSED RESOLUTIONS

Proposed resolutions received from October 21, 2008 to October 27, 2008, for reference by President to appropriate committee on November 4, 2008.

# 081359 [Amending the agreement between the CCSF and Golden Gate Petroleum for backup supplies of gasoline and diesel fuel to \$20 million]

Resolution approving the First Amendment to the Agreement between the City and Golden Gate Petroleum as a backup supplier of gasoline and diesel fuel, increasing the contract's dollar amount to \$20 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

10/21/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 081360 [Lease of Real Property at 3801 Third Street, Suite 400]

Resolution authorizing the Lease at 3801 Third Street, Suite 400, for the Department of Public Health commencing retroactively on July 1, 2008. (Real Estate Department)

# 081361 [Raising a contract's not-to-exceed amount to more than \$10 million]

Resolution approving the Fourth Amendment to the Agreement between the City and County of San Francisco (City) and Firestone-Bridgestone (Contractor) for rental of bus tires, increasing the contract's not-to-exceed amount to more than \$10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

10/23/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

# 081362 [Prevailing wages for workers on public works/improvement projects, workers doing janitorial services, workers in public off-street parking lots, garages, or auto storage facilities,

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City.

10/24/2008, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

# 081363 [Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]

Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability. (City Attorney)

10/24/2008, RECEIVED AND ASSIGNED to Rules Committee.

### 081370 [Lease of Real Property - 1325A Evans Avenue]

Resolution authorizing a new lease of approximately 3,287 rentable square feet of space at 1325A Evans Avenue for the San Francisco Public Utilities Commission. (Real Estate Department)

10/27/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 081371 [Amendment to Lease of Real Property at 3119 Mission Street]

Resolution authorizing the Amendment to Lease at 3119 Mission Street for the Human Services Agency. (Real Estate Department)

10/27/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

# 081373 [Agreement for the Reimbursement for Interim Assistance Payments Pursuant to Section 1631(g) of the Social Security Act]

Resolution authorizing the renewal of Resolution 791-89 between the City and County of San Francisco and the State of California Department of Social Services for the purpose of assuring the availability of reimbursement to the City and County by the Secretary of Health and Human Services for the interim assistance paid to Social Security Income Program (SSI)/ State Supplementary Payment (SSP) Applicants. (Human Services Department)

10/27/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 081389 [Petitions and Communications]

Petitions and Communications received from October 21, 2008 through October 27, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 4, 2008.

From Elections Commission, submitting waiver allowing City employees to assist the Department of Elections with the November 4, 2008 General Election.(1)

From California Department of Transportation, submitting a report on illegal discharge (or threatened illegal discharge) of hazardous waste.(2)

From Department of Human Resources, submitting Quarterly Report of Economic Settlements for FY 2006-07, 2007-08, and July 1, 2008 through September 30, 2008.(3)

From Maria X. Martinez, submitting a resignation letter from the Family Seat of the San Francisco SRO Task Force. Copy: Supervisor Ammiano.(4)

From Mayor's Office, responding to various Board inquires. (Reference 20080909-019, 20080909-033, 20080909-021, 20080909-051).(5)

From Hot Team Agency, complaining of the conditions at 150 Otis Homeless Shelter against a maintenance worker.(6)

From Richard C. Millet, complaining of the negotiation to install a specialized Police Department at 17th and De Haro Street.(7)

From concerned citizens, regarding evaluating the purpose and practices at the San Francisco Zoo. 3 letters.(8)

From Parkmerced Residents Organization, submitting comments on various issues. File 081285, 080162, 080652, 080436 & 081301, Copy: Each Supervisor.(9)

From Parkmerced Residents Organization, commenting on the Slope Protection Act. File 080281, Copy: Each Supervisor.(10)

From Parkmerced Residents Organization, commenting on various issues. File 081004, 081005, 081281), Copy: Each Supervisor, 2 letters.(11)

From Verizon Wireless, submitting notification for SF Noe Valley DAS 12.(12)

From Safe Paul, commenting on ID cards relating to identity theft and fraud. Copy: Each Supervisor.(13)

From Janette Barroca, supporting Proposition V on the November 4, 2008 Election ballot.(14)

From Rev. Vernon Link, suggesting incorporating a grocery store in the new mall development on Market between 5th and 6th Street.(15)

From Department of Public Health, submitting Quarterly Aids Surveillance Report through September 2008.(16)

From Police Department, responding to the Board's inquiry regarding the Outside Lands Music Festival. (Reference 20080909-10).(17)

From San Francisco Public Utilities Commission, responding to Supervisor Ammiano's inquiry. (Reference 20080909-052), Copy: Supervisor Ammiano.(18)

From Public Library Commission, submitting Resolution No. 2008-04 determining to utilize a lease financing transaction. Copy: Each Supervisor.(19)

From Fire Department, regarding renaming of Avery Street. Copy: Supervisor Mirkarimi.(20)

From Fire Department, regarding renaming of Rowland Street. Copy: Supervisor Mirkarimi.(21)

From Walk San Francisco, expressing support on annual right-of-way assessment fee for driveways. File 081086, Copy Each Supervisor.(22)

From U.S. Department of Education, submitting ED Review.(23)

From concerned citizens, commenting on Community Choice Energy. 46 letters.(24)

From Noreen Weeden, regarding restoring Sharp Park.(25)

From concern citizens, commenting on motorcycle noise control. 2 letters.(26)

From Department of Public Works, submitting Quarterly Report of Defective Sidewalk Repair Revolving Account for the period of July 1, 2008 through September 30, 2008.(27)

From Austin Law Group, submitting a letter requesting to withdraw the permit for 1166 Haight Street. Copy: Each Supervisor.(28)

From Craig Martell, commenting on Parkmerced Resident Organization. Copy: Supervisor Elsbernd.(29)

From Office of the Sheriff, regarding a State contract for a Secure Reentry Program Facility. File 081072.(30)

From Employees' Retirement System, submitting actuarial report of the cost and effect regarding regulation of the conditions for purchasing prior public service credit through the Retirement System. File 080379.(31)

From Office of the Clerk of the Board, submitting Memorandum to inform the Board members that the following individual has submitted a Form 700 Statement:(32)

Jennifer Stuart, Legislative Aide to Supervisor Alioto-Pier

From Municipal Transportation Agency, responding to Supervisor Chu's request concerning various stop sign requests in the Sunset District.(33)

From concern citizen, submitting abuse news report #3854 and #3852 by John Jenkel. Copy: Each Supervisor.(34)

From Department of Public Works, responding to Board of Supervisors inquiry. (Reference 20080909-009).(35)

From Human Services Agency, submitting an approved revised FY 08-09 savings projection for Human Services Care Fund.(36)

From Fire Department, providing a copy of a wavier request that was submitted to the Human Rights Commission.(37)

From Kevin Jefferson, supporting the require activation of closed captions during video events. File 081082.(38)

From Office of the Controller, submitting a departmental performance measures report for FY 2007-08.(39)

From Rosemary Jones, opposing on the proposal of Lincoln Park golf course.(40)

From Tenants 769NorthPoint, commenting on the construction at 2650-52 Hyde Street.(41)

From Ahimsa Sumchai, forwarding an announcement from UCSF regarding 100% smoke-free environment.(42)

From Office of the Clerk of the Board, regarding appointments by the Mayor to various Boards and Commissions. 2 letters.(43)

From Graffiti Advisory Board, submitting 12 Month Report for the period of July 2007 through June 2008. Copy: Each Supervisor.(44)

APPOINTMENT BY THE MAYOR

Environment Commission Matthew Tuchow

### 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 meetingsFor 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 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 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 soff@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