#### 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

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#### AGENDA Tuesday, November 18, 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 October 7, 2008 and October 21, 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 15

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

Present: Supervisors Peskin, Ammiano, Maxwell

1.	081231	[Local Business Enterprise and Non-Discrimination in Contracting Super- Ordinance]	visor Maxwell
		Ordinance amending the San Francisco Administrative Code by amending Section 14B.8 to direct the Human Commission to assign numeric point values to the good faith outreach steps that bidders must undertake for al work/construction, architect/engineering, professional service and general service contracts that exceed the mic competitive amount or threshold amount.	l public
		11/4/2008, PASSED ON FIRST READING.	
		Question: Shall this Ordinance be FINALLY PASSED?	
2.	081289	[Public Employment - Port of San Francisco (PRT)] Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition	Mayor of one

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

11/4/2008, PASSED ON FIRST READING.

3.	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.)
		11/4/2008, PASSED ON FIRST READING.
		Question: Shall this Ordinance be FINALLY PASSED?
4.	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)
		11/4/2008, PASSED ON FIRST READING.
		Question: Shall this Ordinance be FINALLY PASSED?
5.	081377	[Suspending Sections 468.3 through 468.8 of the Menu Labeling Supervisor Ammiano Ordinance]
		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.
		11/4/2008, PASSED ON FIRST READING.
		Question: Shall this Ordinance be FINALLY PASSED?
	<u>Recommen</u>	dation of the Land Use and Economic Development Committee Present: Supervisors Maxwell, Peskin
6.	081234	[Zoning - Prohibiting Formula Retail Uses in the Chinatown Visitor Supervisor Peskin Retail District and establishing a conditional use permit requirement for formula retail uses]
		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.)
		11/4/2008, PASSED ON FIRST READING.
		Question: Shall this Ordinance be FINALLY PASSED?
	Recommen	dations of the Rules Committee
		Present: Supervisors Daly, Dufty, Ammiano
7.	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)
		11/4/2008, PASSED ON FIRST READING.
		Question: Shall this Ordinance be FINALLY PASSED?
8.	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

Question: Shall this Ordinance be FINALLY PASSED?

\$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)

11/4/2008, PASSED ON FIRST READING.

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

#### 9. 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)

11/4/2008, PASSED ON FIRST READING.

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

#### 10. 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.

11/4/2008, PASSED, ON FIRST READING.

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

#### 11. 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)

11/4/2008, PASSED ON FIRST READING.

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

#### 12. 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)

11/4/2008, PASSED ON FIRST READING.

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

#### 13. 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)

11/4/2008, PASSED ON FIRST READING.

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

#### 14. 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)

11/4/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 15. 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)

#### 11/4/2008, PASSED ON FIRST READING.

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

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

#### **REGULAR AGENDA**

#### UNFINISHED BUSINESS

#### From the Budget and Finance Committee Without Recommendation

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

#### 081086 16. [Public Works Code - annual right-of-way occupancy assessment fee for

driveways]

Ordinance amending the Public Works Code by amending Section 716 to establish an annual public right-of-way occupancy assessment fee for the portion of an automobile runway (driveway) that requires modification to the public rightof-way; and making environmental findings.

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

10/21/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/21/2008, CONTINUED AS AMENDED. Continued as amended to November 18, 2008.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

Present: Supervisors Chu, McGoldrick, Elsbernd

#### 17. 080658 [General advertising on City buildings and street furniture]

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.

11/4/2008, CONTINUED. Continued to November 18, 2008

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

#### **Recommendation of the Government Audit and Oversight Committee**

Present: Supervisors Peskin, Ammiano, Maxwell

081376 18. [Municipal Identification Cards]

#### Supervisor Ammiano

Supervisor McGoldrick

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.

11/4/2008, PASSED ON FIRST READING.

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

#### From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Maxwell, Peskin

#### 19. 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.

20.

081120

11/4/2008, CONTINUED. Continued to November 18, 2008

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

Ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano

Supervisor Elsbernd

Present: Supervisors Maxwell, Sandoval, Peskin

[Ordering vacation of the Ingleside Path]

#### 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. 11/4/2008, PASSED ON FIRST READING. **Ouestion: Shall this Ordinance be FINALLY PASSED?** 21. 080436 [Authorizing the passthrough from landlord to residential tenant of fifty Supervisors Alioto-Pier, Chu, Elsbernd percent of water and sewer services cost increases imposed through adoption of water and sewer rates after July 1, 2002, to provide incentives for the conservation of water] Ordinance amending the San Francisco Administrative Code to encourage water conservation by authorizing landlords to pass through to tenants fifty percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, where specified water conservation devices have been installed in all rental units and common areas of a building and no plumbing leaks exist in the building; and providing for passthrough administration, noticing and enforcement procedures. 10/21/2008, CONTINUED. Continued to October 28, 2008 10/28/2008, CONTINUED. Continued to November 18, 2008 **Ouestion: Shall this Ordinance be PASSED ON FIRST READING? Recommendations of the Rules Committee** Present: Supervisors Daly, Dufty 22. 081119 [Noise Control Ordinance- Establishing Noise Task Force] 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. 11/4/2008, PASSED ON FIRST READING. Question: Shall this Ordinance be FINALLY PASSED? 23. 081190 [Elections for the Retiree Health Trust Fund Board, San Francisco Supervisor Elsbernd Employee Retirement System Board and Health Service System Board] 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. 11/4/2008, CONTINUED. Continued to November 18, 2008 **Ouestion: Shall this Ordinance be PASSED ON FIRST READING?** 081227 24. [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. 11/4/2008, PASSED ON FIRST READING. **Question: Shall this Ordinance be FINALLY PASSED?** 081285 25. [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.

11/4/2008, PASSED ON FIRST READING.

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

#### 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.)

11/4/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### NEW BUSINESS

26.

#### **Recommendations of the Budget and Finance Committee**

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

### 27.081270[Accept and Expend Public Safety Interoperable Communications GrantSupervisor Alioto-Pierand Amend Annual Salary Ordinance, FY 2008-2009 - \$14,941,976.82]Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend a Public Safety Interoperable Communications grant in the amount of \$14,941,976.82 from the United States Department of Commerce and to provide \$451,122 as San Francisco's portion of required matching funds; and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions (.58 FTE - 0941 Manager VI and .58 FTE - 0931 Manager III) in the Department of Emergency Management.

(Fiscal Impact.)

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

#### 28. 081218 [Amendment to Settlement Agreement with Pacific Gas and Electric Company - Federal ID No. 94-0742640]

Resolution retroactively authorizing the Port to execute an amendment to the settlement agreement between Pacific Gas and Electric Company (PG&E) and the City and County of San Francisco, dated June 14, 2005, in the matter of PG&E's petition for relief under the Bankruptcy Code (Federal ID No. 94-0742640). The settlement resolves a claim of encroachment by PG&E's Hunter's Point Power Plant on Custer, Davidson, India and Ingalls Streets, by: (1) extending PG&E's right to continue occupying approximately 35,465 square feet of Custer and Davidson Streets until July 31, 2012, and to continue occupying approximately 56,484 square feet of Custer, Davidson, India and Ingalls Streets until July 31, 2016, with option to extend each period of occupancy for periods of 6 months at a time with the Port's prior written consent; and (2) delaying the commencement date of a 5-year lease to PG&E of approximately 1,421 square feet of Davidson Street from January 1, 2008 to August 1, 2012. (Port)

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

### 29. 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) (Fiscal Impact.)

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

 30.
 081273
 [Lease of Real Property at 25 Van Ness, Lower Level, to New Conservatory Theatre Center]
 Supervisors Ammiano, Dufty

 Resolution authorizing the lease of approximately 12,792 rentable square feet of space to New Conservatory Theatre
 Supervisors Ammiano, Dufty

		Center, a California non-profit corporation, in the lower level of 25 Van Ness, San Francisco.	
		Question: Shall this Resolution be ADOPTED?	
31.	081336	[Accept and Expend grant funds to support a juvenile mental health Supervision program - \$200,000]	sor Maxwell
		Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactivel the amount of \$200,000 from the United States Department of Justice, for a project entitled "AIIM Higher," for of September 1, 2008 through August 31, 2010.	
		Question: Shall this Resolution be ADOPTED?	
32.	081353	[Approval of a contract for the Department of Public Health - \$16,472,460]	
		Resolution authorizing the San Francisco Department of Public Health to enter into a contract for fiscal interme services related to the San Francisco Mental Health Plan's for Private Provider Network, residential care faciliti mental health wraparound services for the term of January 1, 2009 through December 31, 2009.	
		Question: Shall this Resolution be ADOPTED?	
		Present: Supervisors McGoldrick, Mirkarimi	
33.	081343	[Appropriating \$34,755,000 of bond sale proceeds and Library Preservation Fund balance for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009]	Mayor
		Ordinance appropriating \$34,755,000 of bond sale proceeds, unappropriated fund balance and unappropriated greserve for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009 Controller's Reserve \$33,955,000 of the bond sale proceeds pending sale of the bond.	
		(Fiscal Impact.)	
		Question: Shall this Ordinance be PASSED ON FIRST READING?	
34.	081344	[Appropriating \$13,222,746 of State Proposition 1B Revenue for Street Mayor, Supervis Resurfacing Projects in the Department of Public Works for Fiscal Year 2008-2009]	or Elsbernd
		Ordinance appropriating \$13,222,746 of FY 2008-09 State Proposition 1B Local Streets and Roads Improvement road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The of will use the funds to implement road maintenance and resurfacing projects at various locations.	
		(Fiscal Impact.)	
		Question: Shall this Ordinance be PASSED ON FIRST READING?	
35.	081345	[Lease Financing for Library Projects] Ordinance approving the issuance and sale of lease revenue bonds to finance various projects under the Branch Improvement Program, as further described herein; approving the form of a Facilities Lease by and between the County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the relating to certain real property described herein; approving the form of a Master Lease by and between the Coro and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (i certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignm Agreement by and between the Corporation and a trustee; approving the form of a Purchase Contract and authorizing the appointment of one or more underwriters for the revenue bonds; approving the form of an Official Statement in preliminary and final form and directing the Cor return to the Board at a later date with a revised official statement; approving the form of a Continuing Disclos Certificate; authorizing the payment of cost of issuance; authorizing the reimbursement of certain expenditures; general authority to City officials to take certain actions in connection with the lease revenue bonds; approving findings under the California Environmental Quality Act ("CEQA") and pursuant to City Planning Code Section 101.1 and City Administrative Code Section 2A.53; and ratifying previotateen in connection therewith. (Fiscal Impact.)	e City and he "City") rporation ncluding ent a Notice of venue bonds; e lease htroller to ure granting findings
36.	081384	[Transfer of Responsibilities for Court Facilities]	Mayor

Resolution authorizing the transfer of responsibilities for three court facilities at 375 Woodside Avenue and 850 Bryant Street and the agreement to make ongoing payments of fixed court facility payments following such transfers to the State of California equal to \$78,275 per year, adjusted by an inflation index, and of \$28,116 per year, adjusted by an inflation index, for the two court facilities at 375 Woodside Avenue, \$703,105 per year, adjusted by an inflation index, for the court facility at 850 Bryant Street.

(Fiscal Impact.)

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

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

Present: Supervisors Maxwell, Peskin

### 37. 081082 [Requiring Activation of Closed Captions During Video Events] Supervisor Alioto-Pier Ordinance amending the San Francisco Police Code by amending Sections 4401 and 4402 to require the activation of Supervisor Alioto-Pier

closed captioning during video events in a park, open space, zoo, or other outdoor recreation area.

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

#### 38. 081340 [Amending Administrative, Police, Public Works, Business & Tax and Transportation Codes, to conform to the 11/06/2007 Proposition on Transit Reform, Parking Enforcement and Emissions Reduction]

Ordinance amending San Francisco Administrative Code Sections 2A.81, 5.20, 5.130-5.132, Chapter 17, and repealing Administrative Code Sections 2A.180 and 10.150-10.151; amending San Francisco Police Code Sections 386, 835-839, 939, 1054, 1076, 1175-1180, 3057, 3910, adding Police Code Sections 835.1-835.2, 939.1-939.6, 975.1-975.5, and repealing Police Code Sections 710.2, 1166, 1170-1171, and Article 16, Division IX; amending San Francisco Public Works Code Sections 2.4.3 and 724.4, and repealing Section 701; repealing San Francisco Business & Tax Code Sections 1.11-1.14 and 129.2-129.5; repealing and re-enacting San Francisco Transportation Code Division 1, to conform those sections to the 11/06/2007 Proposition on Transit Reform, Parking Regulation, and Emissions Reduction.

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

Present: Supervisors Maxwell, Sandoval, Peskin

# 39. 081002 [Zoning - Violations of General Advertising Sign Requirements] Supervisors Alioto-Pier, Peskin Ordinance amending the San Francisco Planning Code by amending Section 610 to require response to a notice of violation to be given within 30 days instead of 45 days and to add subsection (f), which addresses repeat violations of general advertising sign requirements by a single entity on the same property; adopting findings, including environmental findings

Question: Shall this Ordinance be PASSED ON FIRST READING?

and findings required by Section 302 and Section 101.1 of the Planning Code.

### 40. 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.

11/4/2008, RE-REFERRED to Land Use and Economic Development Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### 41. 081335 [Summary Vacation of Public Utility Easements at the intersection of Crescent Way and Executive Park Boulevard]

Ordinance ordering the summary vacation of unused and unnecessary public utility easements located at the intersection of Cresent Way and Executive Park Boulevard in San Francisco (within Assessor's Block 4991); making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the conveyance of the vacated public utility easements to Top Vision Development, LLC; and authorizing other actions in furtherance of this Ordinance.

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

SPECIAL ORDER 3:00 P.M

Supervisor Maxwell

Supervisor Peskin

081381	[Hearing - Ground Lease of Redevelopment Agency Land for 365 Fulton Street Supportive Housing]	Supervisor Mirkarimi
	Hearing of persons interested in or objecting to proposed resolution approving the Rede County of San Francisco's Ground Lease (the "Ground Lease") for Block 792, Lot 28, Freeway Parcel G Supportive Housing (the "Project") at 365 Fulton Street, southeast co San Francisco, California (the "Site") in the Western Addition A-2 Redevelopment Pro California limited partnership, for 65 years for the purpose of developing housing for v residents.	commonly known as Central orner of Fulton and Gough Streets, ject Area, to 365 FULTON, L.P., a
	Action:	
081382	[Ground Lease of Redevelopment Agency Land for 365 Fulton Street Supportive Housing]	Supervisor Mirkarimi
	Resolution approving the Redevelopment Agency of the City and County of San Franc Lease") for Block 792, Lot 28, commonly known as Central Freeway Parcel G Support Fulton Street, southeast corner of Fulton and Gough Streets, San Francisco, California A-2 Redevelopment Project Area, to 365 FULTON, L.P., a California limited partnersh developing housing for very low-income formerly homeless residents.	tive Housing (the "Project") at 365 (the "Site") in the Western Addition
	Question: Shall this Resolution be ADOPTED?	
SPECIAL	ORDER 3:30 P.M - Recognition of Commendations	
SPECIAL	ORDER 4:00 P.M.	
	APPEAL PROCEDURES Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. A scheduled, then the Clerk, in consultation with the President, may determine the order scheduled. Second and later appeals may be scheduled at specified times later than 4 p prior to its scheduled time on the calendar, and it may not be called until the Board's c earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedu order at 4pm:	in which the appeals will be om. An appeal shall not be heard consideration of appeals scheduled
	<ol> <li>Appeals where all parties have agreed to request a continuance or a tabling of the a</li> <li>Continued appeals from previous Board meetings (continued appeals will be listed in for Board decision).</li> <li>Appeals appearing on the calendar for the first time, in chronological order of receip</li> <li>Multiple appeals appearing on the calendar may be staggered at times specific, beging</li> <li>Appeals involving participants who have ADA considerations may be set for specific</li> </ol>	n order of those closest to deadlines pt by the Clerk. inning at 4pm.
081365	[Public Hearing - Appeal of Final Environmental Impact Report for the 690 Stanyan Street Project]	
	Hearing of persons interested in or objecting to the Planning Commission's October 23 Environmental Impact Report identified as Planning No. 2006.0460E, through it's Moti development at 690 Stanyan Street, Assessors Block No. 1228, Lots 005 and 006. (App	ion No. 17732, for a proposed
	(Filed 10/24/08; Companion measure to 081366, 081367, 081368)	
	Action:	
Impact Rep in this notic	Government Code Section 65009, the following notice is hereby given: if you challenge, in ort described above, you may be limited to raising only those issues you or someone else ra ce, or in written correspondence delivered to the Board of Supervisors at, or prior to, the pu	aised at the public hearing described
(Only one of	of the following two motions should be approved.)	
081366	[Affirming certification of 690 Stanyan Street Project FEIR] Motion offication the certification by the Diaming Commission of the Final Environme	untal Impact Danast for the 600
	Motion affirming the certification by the Planning Commission of the Final Environme Stanyan Street Project. (Clerk of the Board)	anai impact keport for the 690
	Orest and Shall the Maders has ADDOVED9	

Question: Shall this Motion be APPROVED?

#### 46. 081367 [Disapproving certification of 690 Stanyan Street Project FEIR]

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for 690 Stanyan Street Project. (Clerk of the Board)

42.

43.

44.

45.

47.	081368	68 [Preparation of findings to disapprove certification of 690 Stanyan Street Project FEIR]		
		Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 690 Stanyan Street Project FEIR. (Clerk of the Board)		
		Question: Shall this Motion be APPROVED?		
	COMMITTE	EE REPORTS		
		ts from committees, if any, recommending emergency or urgent measures.		
	1 5	The following items will be considered by the Land Use & Economic Development Committee at a Regula Monday, November 17, 2008 at 1:30 p.m. The Chair intends to request the Committee to send the following Board as a committee report on Tuesday, November 18, 2008.		
48.	081235	[Subdivision Code - notice and appeal procedures, DBI review fee] S Ordinance amending the Subdivision Code Section 1313 to modify noticing procedures for subdivision ap delete the Department of Public Works appeal hearing on engineering and surveying matters; amending Se concerning appellants so that it conforms with the California Subdivision Map Act; amending Section 135 the abovementioned amendments; amending Section 1315 to include a processing fee for all subdivisions Department of Building Inspection reviews; and making environmental findings.	ection 1314 9 to conform with	
		Question: Shall this Ordinance be PASSED ON FIRST READING?		
49.	081247	[Zoning - Conditional use authorization for new development in the Supe Bernal South Slope Area]	ervisor Ammiano	
		Ordinance amending Planning Code Section 242 to require conditional use authorization for new developm South Slope Area, and making findings of consistency with the priority policies of Planning Code Section environmental findings.		
		Question: Shall this Ordinance be PASSED ON FIRST READING?		
50.	081152	[Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans - the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans]		
		Ordinance amending the San Francisco General Plan by adding four new area plans, entitled the Mission A East South of Market (East SoMa) Area Plan, the Showplace Square/Potrero Hill Area Plan and the Centra Area Plan and approving General Plan amendments to implement the four aforementioned Eastern Neighb Plans by amending the Commerce and Industry and Recreation and Open Space Elements, the Land Use I South of Market, Northeastern Waterfront, and Central Waterfront Area Plans; making environmental find that the proposed amendments are consistent with the General Plan and the eight priority policies of the Plans Element)	al Waterfront porhoods Area index, and the dings and findings	
		Question: Shall this Ordinance be PASSED ON FIRST READING?		
51.	081153	[Planning Code amendments for the Eastern Neighborhoods Area Plans]		
		Ordinance amending the San Francisco Planning Code by adding and amending various sections to impler Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrer Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including e findings and findings of consistency with the General Plan and priority policies of Planning Code Section Department)	o Hill, and the ; adopting the environmental	
		Question: Shall this Ordinance be PASSED ON FIRST READING?		
52.	081154	[Zoning Map Amendments in connection with the Eastern Neighborhoods Area Plans]		
		Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the City a San Francisco Planning Code with revised use districts and height and bulk districts within the four Easter Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Centra Area Plans; and creating four special use districts for Life Science and Medical Special Use District bound Mariposa Street to the north, Ilinois Street to the west, Iowa Street to the east, and 23rd Street to the south Industries Incubator Special Use District bounded generally by 3rd Street to the west, Illinois Street to the south; for Transit Oriented Retail Special Use District on 16th Street bo by Capp Street to the east, Potrero Avenue to the west, 15th Sreet to the north and 17th Street to the south	n Neighborhoods ral Waterfront ded generally by a; for Innovative e east, 20th Street bunded generally	

Question: Shall this Motion be APPROVED?

PDR Special Use District bounded generally by Cesar Chavez Street to the south, Pennsylvannia and Iowa Street to the
west, 23rd Street to the north and Michigan and Maryland Streets to the east; and making various findings, including
CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

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

#### 081155 [Eastern Neighborhoods Area Plans - monitoring program, CAC, integrated PDR TIDF fee]

Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings. (Planning Department)

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

#### 54. 081332 [Zoning - Mission District Housing and PDR Replacement Program]

Ordinance amending the Planning Code to add Section 319.5 to adopt specified affordable housing requirements in the UMU zone within the Mission Plan Area, in RTO-Mission, and in the Valencia Street, 24th and Mission Streets, and the Mission Street NCTs, including in-lieu affordable housing fees; adding Section 231.1 to establish a PDR replacement program, including an in-lieu PDR Replacement fee, in these same zones; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

53.

56.

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

#### 55. 081333 [Zoning - SoMa Youth and Family Zone Special Use Districts]

Ordinance amending the San Francisco Planning Code by adding Section 249.41 and amending various sheets of the Zoning Map of the City and County of San Francisco to establish the South of Market (SoMa) Youth and Family Zone Special Use District, bounded generally by Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th Street on the west, to address youth and family concerns and expand affordable housing opportunities, including establishment of in-lieu affordable housing fees; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

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

#### 081334 [Zoning - Potrero Center Mixed-Use Special Use District]

Ordinance amending the San Francisco Planning Code by adding Section 249.40 and amending Sheet SU08 of the Zoning Map of the City and County of San Francisco to establish the Potrero Center Mixed-Use Special Use District for the existing shopping center at 2300 16th Street between Bryant Street and Potrero Avenue (Assessor's Block 3930A Lot 002); and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

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

#### 57. 081339 [Zoning - Publicly-owned properties in the Eastern Neighborhoods]

Ordinance amending the Zoning Map of the City and County of San Francisco to rezone various publicly-owned properties in the Eastern Neighborhoods Plan Area to a "P" (Public) zoning district; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

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

#### 58. 080934 [Requiring Air Quality Assessment and Ventilation for Certain Urban Infill Residential Developments]

Ordinance amending the San Francisco Health Code by adding new Article 38 to require air quality assessment and ventilation for certain urban infill residential developments; amending the San Francisco Building Code by adding a third paragraph to Section 1203.5 and amending the San Francisco Mechanical Code by adding new Section 419 to require special ventilation systems for certain urban infill residential developments; making environmental findings; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission.

(Economic Impact.)

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

Supervisor Peskin

Supervisor Ammiano

Supervisor Maxwell

Supervisor Maxwell

Supervisor Maxwell

The following item will be considered by the Rules Committee at a Regular Meeting on Thursday, November 13, 2008 at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, November 18, 2008.

59.	081248	[Changing the name of Rowland Street in North Beach to Dirk Dirksen Alley]	Supervisor Ammiano
		Resolution changing the name of Rowland Street on Broadway in North Beach to "Dirk Dirksen Dirk Dirksen, who will be remembered as one of the most important figures in the musical and c Francisco; and authorizing initiation of the process to install a commemorative plaque on said street.	ultural history of San
		10/21/2008, SUBSTITUTED.	
		Question: Shall this Resolution be ADOPTED?	
		The following items will be considered by the Government Audit and Oversight Committee at a R Monday, November 17, 2008 at 10:00 a.m. The Chair intends to request the Committee to send th Board as a committee report on Tuesday, November 18, 2008.	
60.	081383	[Transferring the powers and duties of the Taxi Commission to the Municipal Transportation Agency and setting operative date for transfer]	Supervisor Peskin
		Ordinance amending the San Francisco Police Code by adding Section 1075.1, to transfer the pov Commission to the Municipal Transportation Agency, and setting an operative date for the transfer	
		Question: Shall this Ordinance be PASSED ON FIRST READING?	
61.	081341	[Accept-Expend State Grant for Jefferson Street Redesign/Bay Trail Feasibility Study - \$30,000]	Supervisor Peskin
		Resolution authorizing the Planning Department to retroactively accept and expend up to \$30,000 Bay Area Government for Jefferson Street Redesign/Bay Trail Feasibility Study for FY2008-200	
		Question: Shall this Resolution be ADOPTED?	

#### 62. 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.

#### 63. 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 64-72

64.	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 Pacific Medical Center Long Range Development Plan ("LRDP").	prioritize the California
		10/21/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENI MEETING.	)A AT THE NEXT BOARD
		10/28/2008, CONTINUED. Continued to November 4, 2008	
		11/4/2008, CONTINUED. Continued to November 18, 2008	

		Question: Shall this Resolution be ADOPTED?	
65.	081407	<b>[Commending Tina Modotti]</b> Resolution commending Tina Modotti an independent, liberated woman of incredible talent, intel commitment who resided in San Francisco in 1913 through 1918.	Supervisor Peskin ligence and social
		11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA MEETING.	AT THE NEXT BOARD
		Question: Shall this Resolution be ADOPTED?	
66.	081408	[Urging the San Francisco Municipal Transportation Agency's Board of Directors to change the name of the MUNI Metro East Maintenance Facility to the ''Willie L. Brown, Jr. Light Rail Facility'']	Supervisor McGoldrick
		Resolution urging the San Francisco Municipal Transportation Agency's Board of Directors to ch Metro East Maintenance Facility to the "Willie L. Brown, Jr. Light Rail Facility."	ange the name of the
		11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA MEETING.	AT THE NEXT BOARD
		Question: Shall this Resolution be ADOPTED?	
67.	081409	<b>[Brady Street Memorial]</b> Resolution dedicating Brady Street in San Francisco to the memory of Margaret and Bernard Bra other historical figures for whom the street was named.	Supervisor McGoldrick dy and recognizing the
		11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA . MEETING.	AT THE NEXT BOARD
		Question: Shall this Resolution be ADOPTED?	
68.	081406	<b>[2009 Board of Supervisors Regular Meeting Schedule]</b> Motion revising the 2009 Board of Supervisors regular meeting schedule by canceling the Board February 17, May 26, September 8, September 29, October 13, and December 1; and by further c Committee meetings during the summer and winter breaks from August 19 through September 8, though December 31, 2009. (Clerk of the Board)	anceling all Board and
		11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA . MEETING.	AT THE NEXT BOARD
		Question: Shall this Motion be APPROVED?	
69.	081410	[Approval of a historical property contract for 690 Market Street ("Chronicle Building")]	Supervisor Peskin
		Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical p RC Chronicle Building LP and 690 Market Master Association, a nonprofit mutual public benefit of 690 Market Street ("Chronicle Building"), and the City and County of San Francisco; authorize Planning and the Assessor to execute the historical property contract.	association, the owners
		11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA MEETING.	AT THE NEXT BOARD
		Question: Shall this Resolution be ADOPTED?	
70.	081411	<b>[Opposing location of proposed Presidio Fine Arts Museum]</b> Resolution declaring official City policy opposing preferred alternatives 2 and 2A in the San Fran Draft Supplemental Environmental Impact Statement (DSEIS) that propose the construction of a facility in the Presidio.	
		11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA MEETING.	AT THE NEXT BOARD
		Question: Shall this Resolution be ADOPTED?	
71.	081412	[Appointment - Treasury Oversight Committee, Todd Rydstrom] Resolution appointing Todd Rydstrom, term ending June 5, 2009, to the Treasury Oversight Com requirement waived.	Supervisor Peskin mittee, residency
		11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA MEETING.	AT THE NEXT BOARD

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

## 72. 081413 [Taking File #081015 - Mirant Power Plant retrofit - from the Table] Supervisors Peskin, Maxwell Motion pursuant to Board of Supervisors Rule 4.31 to remove File #081015 from the table for consideration at the next<br/>Board meeting, on Tuesday November 25th. Supervisors Peskin, Maxwell

11/12/2008, 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:

#### 73. 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 October 28, 2008 to November 10, 2008, for reference by President to appropriate committee on November 18, 2008.

#### **PROPOSED RESOLUTIONS**

Proposed resolutions received from October 28, 2008 to November 10, 2008, for reference by President to appropriate committee on November 18, 2008.

081414 [Reaffirming and Restating Finding of Fiscal Feasibility for the revised Exploratorium Project at Piers 15/17 and Finding of Lease Exemption from Competitive Bidding Policy; Endorsing Amended and Restated Term Sheet]

Resolution reaffirming and restating the Board of Supervisor's prior findings that the revised Exploratorium Project at Piers 15/17 is fiscally feasible and responsible pursuant to Administrative Code Chapter 29 and is exempt from the competitive bidding policy set forth in Administrative Code Section 2.6-1, and endorsing the Amended and Restated Term Sheet between the Exploratorium and the San Francisco Port Commission. (Port)

10/31/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081415 [Approval of Port Lease for TCHO Ventures, Inc. at Pier 17]

Resolution approving Port Commission Lease No. L-14584 with TCHO Ventures, Inc. ("TCHO") for a five (5) year term for certain real property located at Pier 17 in the City and County of San Francisco.

10/31/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081416 [Approving Seven Technology Store Contracts pursuant to Charter Section 9.118(b)] Resolution approving the award of seven contracts for Technology Store purchases pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration) 11/7/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 081417 [Purchase of Real Property located at 5033 Third Street, San Francisco for the Public Library]

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and Doug Wong and Pearl Yee Wong, husband and wife, as joint tenants (the "Seller"), for the purchase of real property and improvements located at 5027 - 5033 Third Street, San Francisco, to expand the Bayview/ Anna E Waden Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Real Estate Department)

11/10/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 081428 [Petitions and Communications]

Petitions and Communications received from October 28, 2008 through November 10, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 18, 2008.

From Port of San Francisco, submitting FY 2008-09 first quarter report for contracting activity.(1)

From Office of the Controller, submitting revised tax revenue projections for FY 2008-09. Copy: Each Supervisor.(2)

From Recreation and Park Department, submitting report for the first quarter of FY 2008-09 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention.(3)

From Mayor Newsom, communicating his decision not to sign the proposed ordinance regarding new controls on small businesses in North Beach Commercial District. File 080696, Copy: Each Supervisor.(4)

From Office of City Administrator, responding to Board of Supervisors Inquiry. (Reference 20080909-014).(5)

From Municipal Transportation Agency, submitting the Tow Refund Reports for second and third quarters of 2008.(6)

From Municipal Transportation Agency, responding to Board of Supervisors Inquiry. (Reference 20081007-003).(7)

From Jeff Porter, suggesting more buses to accommodate riders during peak times. Copy: Each Supervisor.(8)

From Brennan McBride, commenting on noise control ordinance. File 081119, Copy: Each Supervisor.(9)

From Department of the Environment, regarding San Francisco Energy Watch (SFEW) program. (Reference 20081007-001).(10)

From a concern citizen, regarding Proposition H Wind Turbines Installed on PG&E HQ.(11)

From concern citizen, submitting abuse news report #3896, #3892, #3895, #3837, and #3897 by John Jenkel.(12)

From Office of the Treasurer, submitting investment activity for the FY 2008-09 first quarter report of the portfolios under Treasurer's management.(13)

From San Mateo County Transit District, submitting progress report for FY 2008. Copy: Each Supervisor.(14)

From Alameda Creek Alliance, submitting a letter on inadequacy of the Program Environmental Impact Report for the San Francisco Public Utilities Commission's Water System Improvement Program.(15)

From Planning Department, submitting a letter requesting release of reserved funds.(16)

From concerned citizens, commenting on Community Choice Energy. 45 letters.(17)

From Department of Public Health, regarding Immune Enhancement Project. Copy: Each Supervisor.(18)

From Xia Xu, regarding 169-181 Sixth Street at Natoma Street Hospitality House. Copy: Supervisor Daly.(19)

From Capital Planning Committee, submitting recommendations on Authorization of Library Preservation Fund Leave Revenue Bonds, Supplemental Appropriation of Lease Revenue Bonds for Branch Library Improvement Program, and Supplemental Appropriation of Proposition 1B Funding for the Department of Public Works' Street Resurfacing Program. Copy: Each Supervisor.(20)

From Seacliff Properties Association, submitting a letter regarding Lincoln Park Golf Course.(21)

From Christine Harris, commenting on safety and security issues.(22)

From Aaron Goodman, submitting comments regarding Case No. 2007.1275E San Francisco 2004 Housing Element. Copy: Each Supervisor(23)

From Office of the Controller, informing the Mayor and Board of Supervisors that the Controller's Office is revising its revenue estimates for the current fiscal year given the economic slowdown.(24)

From Lloyd Schloegel, submitting information regarding alleged voter fraud in San Francisco.(25)

From the Arts Commission, submitting report for the first quarter of FY 2008-09 with the explanation for the Arts Commission expenditures.(26)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B to purchase LRV parts from Transtech.(27)

From Department of Elections, regarding Civic Center parking changes for the November 4, 2008 Consolidated General Election.(28)

From Biodiesel Access Task Force, submitting report of activities at the Biodiesel Access Task Force.(29)

From Civil Service Commission, submitting amendments to the Civil Service Commission Rules applicable to Service-Critical Classes of the Municipal Transportation Agency Rule 403.3 Discrimination Complaints.(30)

From Department of Public Health, submitting request for waiver of Administrative Code Chapters 12B and 14B to renew the laundry services contract with Metro Park Laundry for 2 additional years or until the laundry facility at Laguna Honda Hospital becomes operational.(31)

From Office of the City Attorney, regarding timeliness of an appeal filed for an Ice Rink Permit at Union Square.(32)

From Branch Library Improvement Program, submitting the Branch Library Improvement Program's 2000 Improvement Bond Quarterly Report for the 3rd Quarter of 2008.(33)

From State Commission of Fish and Game, submitting proposed emergency regulatory action relating to incidental take of longfin smelt.(34)

From Airport Commission, submitting compliance audit of MN Airlines, LLC dba Sun Country Airlines.(35)

From Hanson Bridgett, submitting request for notice of appeal from Planning Commission Certification of PEIR on Water System Improvement Program. Copy: Joy(36)

From United Brotherhood of Carpenters and Joiners of America, regarding potential problems with the proposed fee waiver for hiring local residents from disadvantaged neighborhoods. Copy: Land Use Committee(37)

From Mayor Gavin Newsom, submitting notice that he will be out of state from November 9, 2008 and returning on November 13, 2008. Copy: Each Supervisor, City Attorney, 3 Deputy Directors(38)

From Tenants 769 North Point, regarding construction project at 2650-52 Hyde Street.(39)

From Charles Lemmon, submitting support for full funding and support for a LAFCO approved Community.(40)

From Mark Dean, regarding message from Muni to vote yes on Proposition 8. Copy: Each Supervisor(41)

From Bernard Choden, regarding the Environmental Impact Report for the 2004 Housing Element.Copy: Each Supervisor(42)

From Greg Griffin, regarding the summons he received from Department of Public Health that he could no longer provide massage services at his place of business.(43)

From Cherry Elliot, commenting that the bus shelters in San Francisco are filthy.(44)

From Neil Signo, proposing that anyone caught drinking alcohol under the age of 22 be removed and erased from the University System while being a student.

#### 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.

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#### **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