#### **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, December 16, 2008 02:00 PM

#### **Regular Meeting**

#### AARON PESKIN, PRESIDENT MICHELA ALIOTO-PIER, DAVID CAMPOS, 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 November 4, 2008 and November 18, 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

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

Present: Supervisors McGoldrick, Mirkarimi

# 1. 081283 [Approving an Amendment to the Western Addition A-2 Redevelopment Plan to Extend the Redevelopment Agency's Time for Issuing and Repaying Debt and to Suspend the Limit on Total Tax Increment Revenue for Affordable Housing Development]

**Supervisor Mirkarimi** 

Ordinance approving an amendment to the Western Addition A-2 Redevelopment Plan to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan in order to continue financing Low and Moderate Income Housing Fund activities under the Plan.

11/25/2008, CONTINUED ON FIRST READING. Continued to December 9, 2008. 12/9/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 12/9/2008, PASSED ON FIRST READING AS AMENDED.

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

# 2. 081499 [Accept and Expend FY 08 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$29,724,000]

**Supervisor Alioto-Pier** 

Ordinance authorizing the Department of Emergency Management (DEM), on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of \$29,724,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions in the Department of Emergency Management.

12/9/2008, PASSED ON FIRST READING.

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

# 3. 081500 [Obtain, Accept and Expend Federal Interoperable Emergency Communications Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$1,374,422]

**Supervisor Alioto-Pier** 

Ordinance authorizing the Department of Emergency Management (DEM), as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to obtain, accept and expend an Interoperable Emergency Communications Program Grant (IECGP) award in the amount of \$1,374,422 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for the period October 6, 2008 to May 31, 2010, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one grant-funded position (0.50 FTE - 0931 Manager III) in the Department of Emergency Management.

12/9/2008, PASSED ON FIRST READING.

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

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

Present: Supervisors Peskin, Maxwell, Campos

#### 4. 081443 [Annual Contributions to the San Francisco Self-Insurance Surety Bond Fund]

Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin, Campos

Ordinance amending the San Francisco Bonding and Financial Assistance Program to require annual contributions to the San Francisco Self-Insurance Surety Bond Fund.

(Fiscal Impact.)

12/9/2008, PASSED ON FIRST READING.

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

## 5. 081444 [Establishing the San Francisco Self-Insurance Surety Bond Fund and Setting Standards Governing Deposits into the Fund]

Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin, Campos

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-317, establishing the San Francisco Self-Insurance Surety Bond Fund, contributions thereto, and use of said Fund.

(Fiscal Impact.)

12/9/2008, PASSED ON FIRST READING.

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

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

Present: Supervisors Chu, McGoldrick, Elsbernd

# 6. 081009 [Prohibiting smoking in taxicabs and motor vehicles for hire and free distribution of tobacco products and accessories in places open to the public]

**Supervisor Maxwell** 

Ordinance amending the San Francisco Health Code by amending Section 1009.22 and amending the San Francisco Police Code by amending Section 1143 and repealing Sections 53, 53.1, and 1098, to prohibit smoking in taxicabs and other motor vehicles for hire, and amending San Francisco Police Code Section 95, to prohibit the free distribution of tobacco products and accessories in places open to the public.

12/9/2008, PASSED ON FIRST READING.

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

#### 7. 081250 [Massage practitioner requirements]

**Supervisor Dufty** 

Ordinance amending Section 1902 of the San Francisco Health Code by changing the requirement that massage practitioners obtain a certificate of graduation to a certificate of completion verifying at least 100 hours of massage instruction.

12/9/2008, PASSED ON FIRST READING.

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

#### 8. 081379 [Accept gift to the Fire Department - \$15,938]

Resolution accepting a gift to the Fire Department from the Fireman's Fund Insurance Company Heritage Program of mask fit equipment and non-permeable emergency medical bags valued at \$15,938. (Fire Department)

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

### 9. 081441 [Grant to support Cesar Chavez Street streetscape improvements - \$711,296]

**Supervisor Dufty** 

Resolution authorizing the San Francisco Planning Department to accept and expend \$711,296 from the California Department of Housing and Community Development for pedestrian safety, traffic calming, and stormwater improvements along Cesar Chavez Street.

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

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

Present: Supervisors Maxwell, Sandoval, Peskin

#### **10. 081100 [Z**

[Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in the NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City border] **Supervisor Sandoval** 

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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

12/9/2008, PASSED ON FIRST READING.

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

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

Present: Supervisors Daly, Dufty

### 11. 081477 [Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - \$67,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for \$67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)

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

### 12. 081478 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - \$500,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

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

### 13. 081479 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - \$45,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

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

### 14. 081480 [Settlement of Claim - SFD Union Square, LLC - \$40,000]

Resolution approving the settlement of unlitigated claim of SFD Union Square, LLC dba Sir Francis Drake Hotel against San Francisco for \$40,000; claim was filed on August 25, 2008. (City Attorney)

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

### 15. 081501 [Settlement of Administrative Civil Liability Complaint - \$64,000]

**Supervisor Peskin** 

Resolution approving the settlement of the unlitigated administrative civil liability complaint filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$64,000; and alternatively approving an environmental mitigation project, subject to approval of the Regional Board Water Quality Control Board, in an amount not to exceed \$32,000, plus payment of a \$32,000 penalty.

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

### 16. 081112 [Appointment, Biodiesel Access Task Force - Shannon Devine]

Motion appointing Shannon Devine, term ending December 31, 2009, to the Biodiesel Access Task Force.

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

# 17. 081426 [Appointments, Market and Octavia Community Advisory Committee - Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Katherine Hodge]

Motion appointing Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Katherine Hodge, for two-year terms, to the Market and Octavia Community Advisory Committee.

#### **Question: Shall this Motion be APPROVED?**

### 18. 081427 [Appointments, Ballot Simplification Committee - June Fraps, Betty Packard and Adele Fasick]

Motion appointing June Fraps, Betty Packard and Adele Fasick, terms ending November 30, 2010, to the Ballot Simpilification Committee.

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

### 19. 081431 [Appointments, Urban Forestry Council - John Malcolm Hillan and Jocelyn Cohen]

Motion appointing John Malcolm Hillan and Jocelyn Cohen, terms ending November 18, 2010, to the Urban Forestry Council.

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

### 20. 081483 [Appointment, Immigrant Rights Commission - Ana Perez]

Motion appointing Ana Perez, term ending June 6, 2009, to the Immigrant Rights Commission, residency requirement waived.

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

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

#### **REGULAR AGENDA**

#### **UNFINISHED BUSINESS**

#### **Vetoed by the Mayor**

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance, which would prohibit general advertising on City buildings and street furniture.

### 21. 080658 [General advertising on City buildings and street Supervisor McGoldrick 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.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 5, 2008. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 4, 2009.

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

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

11/18/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/18/2008, PASSED ON FIRST READING AS AMENDED.

11/25/2008, FINALLY PASSED.

<b>Action:</b>	

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

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

### 22. 081449 [Changes to the Payroll Expense Tax exclusion for clean energy technology businesses]

**Supervisor McGoldrick** 

Ordinance amending San Francisco Business and Tax Regulations Code by amending Article 12-A, Section 906.2 to expand eligibility for the clean technology payroll tax exclusion to include solar panel and other clean technology research and development-related businesses, and to include businesses with fewer than ten employees.

12/9/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 12/9/2008, PASSED ON FIRST READING AS AMENDED.

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

#### **23. 081453**

[Appropriating \$1,923,629,194 of Water Revenue Bond proceeds for the Water System Improvement Program in the Public Utilities Commission for Fiscal Year 2008-2009]

Mayor

Ordinance appropriating \$1,923,629,194 of San Francisco Water Revenue Bond authorized in 2002 to fund construction and financing costs for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for Fiscal Year 2008-2009, placing the entire appropriation by project on Controller's reserve subject to SFPUC and Board of Supervisors' discretionary approvals following completion of project-related analysis pursuant to California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, adopting environmental findings, placing on Budget and Finance Committee reserve any project in excess of \$100,000,000 and authorizing the increase of the Water Commercial Paper Program from \$250,000,000 to \$500,000,000 to facilitate projected WSIP financing needs.

(Fiscal Impact.)

12/9/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 12/9/2008, PASSED ON FIRST READING AS AMENDED.

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

#### 24. 081440

[De-Appropriating \$998,145 of General Fund and \$761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]

**Supervisors Daly, McGoldrick** 

Ordinance de-appropriating \$998,145 of General Fund in the Mayor's Office of Community

Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in committee.)

12/9/2008, CONTINUED ON FIRST READING. Supervisor Sandoval was previously excused from voting on this matter. Continued to December 16, 2008.

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

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

Present: Supervisors Peskin, Maxwell, Campos

# 25. [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]

**Supervisor Peskin** 

Ordinance amending Sections 1106, 1108, 1108.4,1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

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

#### 26. 081451 [Property Tax Refund Claim Processing]

**Supervisor Peskin** 

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

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

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

Present: Supervisors Maxwell, Sandoval, McGoldrick

### 27. 080520 [Below Market Rate Condominium Conversion Mayor, Supervisor McGoldrick Program]

Ordinance amending the San Francisco Subdivision Code by adding Section 1344 to update and clarify the provisions relating to Below Market Rate Units under the Condominium Conversion Program including provisions related to the calculation of sales price, renting, capital improvements, duration and monitoring of affordability, marketing, and ongoing regulations and the provisions relating to Original Subdividers who rent their Units; providing for alternatives for compliance with the ordinance; and amending Sections 1308, 1309, 1341, 1341B, 1343, 1359, and 1385 to make conforming changes, and making findings including findings under the California Environmental Quality Act (CEQA).

12/9/2008, PASSED ON FIRST READING.

12/9/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 12/9/2008, PASSED ON FIRST READING AS AMENDED.

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

Present: Supervisors Maxwell, Sandoval, Peskin

#### 28. 081513 [Limited Equity Housing Cooperative Conversions] Supervisors Peskin, Mirkarimi

Ordinance amending the Subdivision Code by adding Article 11, consisting of Sections 1399.1 through 1399.22, to create a method for Limited Equity Housing Cooperatives to convert existing residential buildings to limited-equity housing cooperatives, and making findings including findings under the California Environmental Quality Act.

12/9/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Mirkarimi requested to be added as a co-sponsor.

12/9/2008, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

#### From the Board

### 29. 081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

12/9/2008, PASSED ON FIRST READING.

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

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

Present: Supervisors Maxwell, McGoldrick

### 30. 081088 [Requirement of Conditional Use Authorization for any permit application to remove dwelling units] Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

12/9/2008, PASSED ON FIRST READING.

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

#### **Recommendation of the Rules Committee**

Present: Supervisors Daly, Dufty

#### 31. 081230 [Medical Cannabis Dispensary Permits]

**Supervisor Daly** 

Ordinance amending Section 3308 of the San Francisco Health Code to include the installation of platform lifts under the minimum disability access standards for Medical Cannabis Dispensaries.

12/9/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 12/9/2008, PASSED ON FIRST READING AS AMENDED.

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

#### **NEW BUSINESS**

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

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

# 32. 081519 [Sale of San Francisco General Hospital Bond Anticipation Notes, Series 2009A - Not to Exceed \$136,000,000]

Mayor

Resolution authorizing and directing the sale of Not to Exceed \$136,000,000 General Obligation Bond Anticipation Notes, Series 2009A in anticipation of the issuance of \$136,000,000 General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2009A; Prescribing the Form and Terms of Said Notes; Providing For the Levy of a Tax To Pay the Interest and, if Applicable, the Principal Thereon; Authorizing the Execution, Authentication and Registration of Said Notes; Providing For the Appointment of Depositories and Other Agents For Said Notes; Providing For the Establishment of Accounts Related Thereto; Providing For the Manner of Sale of Said Notes, Whether By Competitive Sale or Negotiated Sale; Approving the Forms of Official Notice of Sale and Notice of Intention To Sell Notes; Directing the Publication of the Notice of Intention To Sell Notes; Approving the Form and Execution of the Note Purchase Agreement for the Sale of Said Notes; Approving the Form and Execution of the Official Statement Relating to the Sale of Said Notes; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications To Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority To City Officials To Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Notes.

(Fiscal Impact.)

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

### 33. 081520 [San Francisco General Hospital General Obligation Bond Issuance - Not to Exceed \$887,400,000]

Mayor

Resolution Providing for the Issuance of Not to Exceed \$887,400,000 Aggregate Principal Amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008); Authorizing the Execution, Authentication and Registration of Said Bonds; Providing for the Levy of a Tax to Pay the Principal and Interest Thereof; Providing for the Appointment of Depositories and Other Agents for Said Bonds; Providing for the Establishment of Accounts Related Thereto; Ratifying Certain Actions Previously Taken; Adopting Findings Under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, Including the Adoption of a Mitigation Monitoring and Reporting Program and a Statement Of

Overriding Considerations; Finding that the Proposed Project Is In Conformity With the Priority Policies Of Planning Code Section 101.1(B) and With the General Plan Consistency Requirement Of Charter Section 4.105 and Administrative Code Section 2A.53; and Granting General Authority to City Officials to Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Bonds.

(Fiscal Impact.)

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

### 34. 081521 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not To Exceed \$136,000,000]

Mayor

Resolution Authorizing and Directing the Sale of Not To Exceed \$136,000,000 General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2009A; Prescribing the Form and Terms of Said Bonds; Authorizing the Execution, Authentication and Registration of Said Bonds; Providing For the Appointment of Depositories and Other Agents For Said Bonds; Providing For the Establishment of Accounts Related Thereto; Providing For the Manner of Sale of Said Bonds, Whether by Competitive Sale or Negotiated Sale; Approving the Forms of Official Notice of Sale and Notice of Intention To Sell Bonds; Directing the Publication of the Notice of Intention To Sell Bonds; Approving the Form and Execution of the Bond Purchase Agreement Relating Thereto; Approving the Form and Execution of the Official Statement Relating To the Sale of Said Bonds; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications To Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority To City Officials To Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Bonds.

(Fiscal Impact.)

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

## 35. 081522 [Appropriating \$136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health

Mayor

for Fiscal Year 2008-2009]

Ordinance appropriating \$136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

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

#### 36. 081523 [General Obligation Bond Short-Term Indebtedness]

Mayor

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

(Fiscal Impact.)

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

### 37. 081507 [Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 \$1,024,467.00]

**Supervisor Elsbernd** 

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of \$1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

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

### 38. 081417 [Purchase of Real Property located at 5027-5033 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)

(Fiscal Impact.)

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

# 39. 081484 [WSIP Agreement No. CS-917, San Joaquin Regional Construction Management Services - Not to Exceed \$28,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to award and execute the Water System Improvement Program-funded Professional Service Agreement No. CS-917, San Joaquin Regional Construction Management Services, with PMA Consultants LLC to provide Construction Management Services for the San Joaquin Regional Projects, for an amount not to exceed \$28,000,000, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

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

#### 40. 081518 [Lease Financing For Library Projects]

Mayor

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Finance Corporation lease revenue bonds and authorizing the preparation, execution and delivery of a final official statement; ratifying the approvals and terms and conditions of a previous ordinance; and related matters.

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

### 41. 081524 [Accept-Expend Federal Regional Catastrophic Preparedness Grants - \$10,000,000]

Mayor

Resolution authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend Regional Catastrophic

Preparedness Grant Program awards in the amount of \$10,000,000 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for regional catastrophic preparedness for the period September 1, 2008 through August 31, 2010.

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

Present: Supervisors McGoldrick, Elsbernd

#### 42. 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. (Port)

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

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

Present: Supervisors Chu, McGoldrick, Elsbernd

#### 43. 081124 [Prohibiting advertisements for alcoholic beverages on Supervisors Mirkarimi, City property]

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

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

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

Present: Supervisors Peskin, Maxwell, Campos

#### 44. 081362 [Prevailing wages for (1) workers on public works and improvement projects, (2) workers in theatrical services; (3) workers performing moving services; and (4) workers hauling solid waste.]

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers engaged in theatrical or technical services for shows on property owned by the City; (3) workers performing moving services under City contracts at facilities owned or leased by the City; and (4) 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. (Civil Service Commission)

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

#### **45.** 081514 [Appropriating \$45,000,000 of Certificates of **Participation Revenue for the Moscone Center Improvement Project in the Office of the City** Administrator for Fiscal Year 2008-2009

**Supervisor Peskin** 

McGoldrick

Ordinance appropriating \$45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs. (Fiscal Impact.)

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

### 46. 081515 [Lease Financing For Improvements to Moscone Convention Center]

**Supervisor Peskin** 

Resolution authorizing the execution, delivery and sale of Certificates of Participation (the "Certificates") evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City under a Lease Agreement, for the purpose of financing various capital projects at Moscone Convention Center; approving the form of a Trust Agreement by and between the City and County of San Francisco (the "City") and a corporate trustee to be selected by the City (the "Trustee"), including without limitation certain indemnification obligations of the City contained therein; authorizing the selection of the Trustee; approving the form of a Facilities Lease by and between the City and the Trustee relating to certain real property described herein; approving the form of the Lease Agreement by and between the Trustee and the City relating to said real property; authorizing the payment of costs of issuance; authorizing the reimbursement of certain expenditures; granting general authority to City officials to take certain actions in connection with the Certificates, the Trust Agreement, the Facilities Lease and the Lease Agreement; authorizing modifications to documents; and ratifying previous actions taken in connection therewith. (Fiscal Impact.)

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

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

Present: Supervisors Maxwell, Sandoval, Peskin

### 47. 080872 [Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]

**Supervisor Alioto-Pier** 

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, 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?**

### 48. 081125 [Promoting and Sustaining Music and Culture in San Supervisors Mirkarimi, Maxwell Francisco]

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission

to review and make recommendations relating to implementation of that policy.

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

Present: Supervisors Maxwell, Peskin

### 49. 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)

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

Present: Supervisors Maxwell, Sandoval, Peskin

### 50. 081280 [Accept and Expend State Coastal Commission Grant Funds - \$185,000]

Supervisor Chu

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a State Coastal Commission Grant in the amount of \$185,000.

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

### 51. 081284 [Intent to change the name of Avery Street between Post Street and Geary Boulevard to Boswell Way]

Supervisor Mirkarimi

Resolution declaring the Board of Supervisors' intention to change the name of Avery Street between Geary Boulevard and Post Street to Boswell Way in recognition of Reverend Hamilton T. Boswell, the longtime pastor of the Jones Memorial United Methodist Church and advocate for San Francisco's African American community.

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

### 52. 081327 [Preserving the Francisco Reservoir as public recreation and open space]

**Supervisor Alioto-Pier** 

Resolution declaring the policy of the Board of Supervisors to maintain the Francisco Reservoir as open space and urging the San Francisco Public Utilities Commission, in light of the General Plan designating the property as such, to preserve the property for public recreation and open space.

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

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

Present: Supervisors Daly, Dufty

### 53. 081474 [Appointment, Assessment Appeals Board No. 2 - Joseph Tham]

Motion appointing Joseph Tham, term ending September 5, 2011, to the Assessment Appeals Board No. 2.

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

### 54. 081475 [Appointments, Assessment Appeals Board No. 1 - Diane Robinson and Richard Lee]

Motion appointing Diane Robinson and Richard Lee, terms ending September 5, 2011, to the Assessment Appeals Board No. 1.

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

SPECIAL ORDER 3:00 P.M.

#### 55. 081516 [Hearing - Tourism Improvement District]

Hearing of persons interested in or objecting to proposed Resolution of Formation: Establishing a business-based business improvement district to be known as the "Tourism Improvement District," ordering the levy and collection of assessments against defined hotel businesses located in that district for fifteen (15) years commencing January 1, 2009, subject to conditions as specified, and making environmental findings.

Action:		

### 56. 081517 [Resolution to Establish the Tourism Improvement Mayor, Supervisor Peskin District]

Resolution of Formation: Establishing a business-based business improvement district to be known as the "Tourism Improvement District," ordering the levy and collection of assessments against defined hotel businesses located in that district for fifteen (15) years commencing January 1, 2009, subject to conditions as specified, and making environmental findings.

12/9/2008, SUBSTITUTED. Supervisor Peskin submitted a substitute resolution bearing same title.

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

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

#### SPECIAL ORDER 4:00 P.M.

#### APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.

- 2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
- 3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
- 4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
- 5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

# 57. 081432 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2655 Scott Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 16, 2008, that a project at 2655 Scott Street (Building Permit Application No. 2007.04.18.9061, Case No. 2008.0492D) is exempt from environmental review under Categorical Exemption [State CEQA Guidelines Section 15301 (Class One - Minor Alteration of Existing Facility)]. The proposal would add a vertical addition (partial 4th floor) and fire escapes to a single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District (Assessor's Block 0960, Lot 0010). (Appellants: Stephen M. Williams on behalf of Thomas and Annabel Yasuda)

(Filed November 10, 2008; companion to Files 081433, 081434, 081435; District 2.)

Action:
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Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

### 58. 081433 [Affirming the categorical exemption issued for the 2655 Scott Street project]

Motion affirming the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 59. 081434 [Disapproving the categorical exemption issued for the 2655 Scott Street project]

Motion disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 60. 081435 [Preparation of findings related to the 2655 Scott Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2655 Scott Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

#### SPECIAL ORDER 4:00 P.M.

# 61. 081486 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 1864-1868 Green Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2008, Case No. 2007.0591E, exempting from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposal would construct a three-story rear yard addition to an existing three-story over basement three-unit residential structure and install a garage in the existing basement, which would require raising the building by 20 inches at property (Assessor's Block 0543, Lot 015) located in a RH-3 (Residential House District, Three-Family) and a 40-X Height and Bulk District. (Appellant: Stephen M. Williams on behalf of Ben and Susan Lee)

(Filed 11/17/08; Companion measure to 081487, 081488, 081489; District 2.)

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

### 62. 081487 [Affirming the categorical exemption issued for the 1864-1868 Green Street project]

Motion affirming the determination by the Planning Department that the 1864-1868 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 63. 081488 [Disapproving the categorical exemption issued for the 1864-1868 Green Street project]

Motion disapproving the determination by the Planning Department that the 1864-1868 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 64. 081489 [Preparation of findings related to the 1864-1868 Green Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the

determination by the Planning Department that the project at 1864-1868 Green Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

#### SPECIAL ORDER 4:30 P.M.

# 65. 081530 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2626 Filbert Street]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated August 26, 2008, that a project at 2626 Filbert Street (Case No. 2007.1478E), is exempt from environmental review under Categorical Exemption, Classes 1 and 3 [State CEQA Guidelines Sections 15301(1)(1) and 15303(a)]. The proposal would demolish an existing building and construct a new three-story-over-basement single-family residence with two off-street parking spaces located at the ground floor in an RH-1 (Residential House, One-Family) District, and a 40-X Height and Bulk District (Assessor's Block 0943, Lot 003B). (Appellants: Brooke Sampson and Lori Brooke on behalf of the Cow Hollow Association, Inc.)

(Filed November 21, 2008; companion to Files 081531, 081532, 081533; District 2.)

Action:
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Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

### 66. 081531 [Affirming the categorical exemption issued for the 2626 Filbert Street project]

Motion affirming the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 67. 081532 [Disapproving the categorical exemption issued for the 2626 Filbert Street project]

Motion disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 68. 081533 [Preparation of findings related to the 2626 Filbert Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2626 Filbert Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

#### **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 Special Meeting on Friday, December 12, 2008 at 11:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, December 16, 2008.

# 69. 081540 [De-Appropriating \$8,515,891 of General Fund in various Departments related to the projected budget deficit for FY 2008-2009]

**Supervisor Peskin** 

Ordinance deappropriating \$8,515,891 of General Fund, including \$81,522 in the Board of Supervisors, \$2,366,392 in Economic and Workforce Development, \$52,468 in the Department of Emergency Management, \$3,948,326 in Fire Department, \$1,422,554 in the City Administrator's Office, \$83,955 in the Mayor's Office, \$560,674 in the Police Department and \$57,957 in Recreation and Park related to the project budget deficit in Fiscal Year 2008-2009.

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

#### 70. 081555 [Public Employment - Deletion of Positions]

**Supervisor Peskin** 

Draft ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the deletion of 98 positions (26.27 FTE) in various Classes and Departments.

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

The following items will be considered by the Government Audit and Oversight Committee at a Special Meeting on Tuesday, December 16, 2008 at 9:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, December 16, 2008.

### 71. 081503 [Approval of Fifth Amendment to the Management Supervisors Chu, Peskin, Dufty Agreement for Moscone Convention Center]

Resolution approving and authorizing the City Administrator to enter into a Fifth Amendment to the Management Agreement for Moscone Convention Center.

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

# 72. 081576 [Prevailing wages for (1) workers doing janitorial services and (2) 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 janitorial services; (2) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City. (Civil Service

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

#### 73. 081452 ["Know your rights" brochure for towing]

**Supervisor Peskin** 

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" Brochure and setting adminitrative penalties.

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

The following items will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, December 15, 2008 at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, December 16, 2008.

### 74. 081564 [Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]

Supervisor Peskin

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotels Rooms, and making required findings.

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

### 75. 081398 [Agreement to modify an existing Municipal Railway Easement for the J-Church line]

**Supervisor Dufty** 

Resolution approving and authorizing agreements for the modification of an existing MUNI easement in exchange for fee interest in a portion of the original easement area and rail transit improvements for the J-Church line at 21st Street and Chattanooga Street; adopting findings that the agreements are exempt from Environmental Review and are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Executive Director/CEO of the San Francisco Municipal Transportation Agency and the Director of Property to execute documents and take certain actions in furtherance of this resolution.

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

#### 76. 081401 [Street Name Change to Timothy Pflueger Place]

**Supervisor Peskin** 

Resolution changing the name of Chelsea Place in the downtown district to "Timothy Pflueger Place," in recognition of Timothy Pflueger's many contributions to the City of San Francisco.

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

### 77. 081502 [Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project]

**Supervisor McGoldrick** 

Resolution approving the Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project.

12/9/2008, SUBSTITUTED. Supervisor McGoldrick submitted a substitute resolution bearing

same title.

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

### 78. 081562 [Establishing City policy supporting Smart Grid technology and protocols for City electric systems]

**Supervisor Peskin** 

Resolution establishing City policy supporting Smart Grid technology and protocols for City electric systems and urging the Public Utilities Commission to prepare a study to identify the most effective and economic means to implement smart grid technology.

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

#### 79. 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.

#### 80. 081575 [Board of Supervisors Seniority]

Lottery to d	determine th	ne seniority of	the new	members o	of the Board	of Supervi	sors to be
scheduled a	it the Tuesd	ay, December	: 16, 2009	Board me	eeting. (Cler	k of the Bo	ard)

Action:	
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#### 81. 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 82-90**

### 82. 081526 [Requesting California establish a Do Not Mail Registry]

**Supervisors Mirkarimi, Dufty** 

Resolution urging the California State Legislature to establish a Do Not Mail Registry.

11/25/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/9/2008, CONTINUED. Continued to December 16, 2008.

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

83. 081567 [Commending Gerald H. Bibelheimer and his stellar work as a Social Worker throughout the City and County of San Francisco]

**Supervisor Dufty** 

Resolution commending Gerald H. Bibelheimer and his stellar work as a Social Worker throughout the City and County of San Francisco for the past 20 years.

12/9/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

84. 081568 [Resolution to commend the 5th Anniversary of the opening of the Noe Valley Farmers' Market]

**Supervisor Dufty** 

Resolution to commend the 5th Anniversary of the opening of the Noe Valley Farmers' Market.

12/9/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

85. 081569 [Honoring Rodel Rodis for sixteen years of service to City College of San Francisco]

**Supervisor Dufty** 

Resolution honoring Rodel Rodis for sixteen years of service to City College of San Francisco.

12/9/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

86. 081570

[Honoring Scott Hall and the Gay American Heroes]

Resolution honoring Scott Hall and the Gay American Heroes

**Supervisors Dufty, Campos** 

12/9/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

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

87. 081571

[Supporting the public process in development of the master plan for Ocean Beach] Supervisors Chu, McGoldrick, Elsbernd

Resolution supporting the public process of the development of the master plan for Ocean Beach.

12/9/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

88. 081572 [Commemorating 65th anniversary of repeal of 1882]

Supervisors Chu, Mirkarimi,

#### **Chinese Exclusion Act**]

Maxwell

Resolution commemorating December 17, 2008 as the 65th Anniversary of the repeal of the 1882 Chinese Exclusion Act, which was the first significant restriction on free immigration in United States history.

12/9/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 89. 081391 [Final Map - Hudson Avenue (No Situs)]

Motion approving Final Map 5210, a 7 Lot Subdivision Project, located at Hudson Avenue (No Situs) being a subdivision of Lot 203 in Assessors Block No. 4711 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,959; District 10.)

12/5/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 90. 081573

[Approving an application form for Boards, Commissions and Committees and specifying a supplemental form for applicants to Reentry Council seats designated for former inmates] **Supervisor Mirkarimi** 

Motion approving use of designated application form for applicants to Boards, Commissions and Committees and specifying a supplemental application for those seeking the former inmates seats on Reentry Council to ascertain experiential qualifications and avoid unfair stigmatization of the formerly incarcerated applicants.

12/9/2008, 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:					

#### 91. 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 December 2, 2008 to December 8, 2008, for reference by President to appropriate committee on December 16, 2008.

#### 081395 [Settlement of Lawsuit - Denise Caicedo - \$47,500.00]

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

11/24/2008, RECEIVED AND ASSIGNED to Rules Committee.

#### PROPOSED RESOLUTIONS

Proposed resolutions received from December 2, 2008 to December 8, 2008, for reference by President to appropriate committee on December 16, 2008.

#### 081445 [Public Defender Requisition Request]

Resolution granting the Office of the Public Defender's requisitions # P8023/1103021 and P8024/1103124. (Public Defender)

12/4/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

# 081468 [Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital. (Public Works Department)

12/5/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 081502 [Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project] Supervisor McGoldrick Supervisor McGoldrick

Resolution approving the Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project.

11/25/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development

Committee.

12/9/2008, SUBSTITUTED. Supervisor McGoldrick submitted a substitute resolution bearing same title.

12/9/2008, ASSIGNED to Land Use and Economic Development Committee.

#### **081590** [Petitions and Communications]

Petitions and Communications received from December 2, 2008 through December 8, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 16, 2008.

From Police Department, notifying the Board of Supervisors that the Police Department has been enforcing Article 17.2, Section 1320.10.2 prohibiting mobile catering trucks from operating within 1500 feet of public schools. Copy: Each Supervisor, Clerk of the Board(1)

From Office of the Mayor, submitting appointment of David Campos to the vacant seat in District 9, Board of Supervisors.(2)

From Office of the Mayor, submitting veto letter for File 080658, which prohibit the City from placing new advertising on street furniture that could generate much needed funding for city services. Copy: Each Supervisor, City Attorney(3)

From Clerk of the Board, submitting names of the City departments and agencies that have submitted their conflict of interest code: Public Defender, Arts Commission.(4)

From Clerk of the Board, submitting notice that the following individual has submitted a Form 700 Statement of Economic Interests: Alexa Delwiche, Legislative Analyst.(5)

From Human Services Agency, submitting request for waiver of Administrative Code Chapter 12B to renew lease with Neopost for posting machines.(6)

From Municipal Transportation Agency, regarding status of leveraged lease transactions.(7)

From Office of the Controller, submitting an analysis of hours of operations in the Recreation and Parks Department's recreation facilities. (Reference No. 20080916-007)(8)

From 311 Customer Service Center, regarding impacts of the Outside Lands Music Festival. (Reference Nos. 20080909-012 and 20080909-013)(9)

From Transbay Joint Powers Authority, submitting copy of letter sent to the California High-Speed Rail Authority Board regarding the High Speed Rail Project.(10)

From SF Unified School District, submitting annual report that describes the sufficiency of instructional materials and the condition of facilities in SF Unified School District.(11)

From Office of Economic Analysis, submitting its economic impact report regarding changes to the payroll expense tax exclusion for "clean energy" technology businesses in San Francisco. File 081449, Copy: Budget and Finance Committee(12)

From Office of the Controller, submitting monthly overtime report listing the five City departments using the most overtime in the preceding month.(13)

From Kimo Crossman, submitting copy of letter sent to the Office of the Mayor regarding the

State of the City speech on YouTube.(14)

From Administrator, Sunshine Ordinance Task Force, submitting copy of letter sent to constituent regarding audio tape duplication equipment.(15)

From Mission Dolores Neighborhood Association, submitting support for approval of a Conditional Use Authorization for additional parking for the proposed project at 299 Valencia Street. File 081420, Copy: Each Supervisor(16)

From Office of the Director of Real Estate, submitting an update on permit negotiations with the Heart of the City Farmers' Market at UN Plaza.(17)

From State Department of Alcoholic Beverage Control, submitting application for the issuance of request for a liquor license for F & M Smokes at 57 Montgomery Street.Copy: Each Supervisor, Committee Clerk(18)

From concerned citizens, regarding Tom Ammiano's remarks about Alaska Governor Sarah Palin. 2 letters(19)

From Stan & Rosalinda Chaban, submitting opposition for approval of a sidewalk encroachment permit for 133 Stanyan Street. Files 081463, 081464, 081465, Copy: Each Supervisor(20)

From concerned citizens, urging the City and County of San Francisco to restore Sharp Park Golf Course. 16 letters(21)

From Martin Winderl, suggesting some of the personnel and vehicles of the Urban Forestry Department be transferred to the Recreation and Park Department. Copy: Each Supervisor(22)

From Redflex Traffic Systems, submitting copy of letter sent to Municipal Transportation Agency regarding San Francisco's red light camera enforcement program.(23)

From Kenny Cowan, regarding his car that was vandalized on Fulton Street between Gough and Franklin Streets.(24)

From P. Murillo, suggesting that the number of City vehicles taken home by city workers be curtailed regardless of position.(25)

Nelson Castillo, urging the Board of Supervisors not to cut any unit medical clerks or nursing staff at SF General Hospital.(26)

From Beverly Hill, submitting support for reform at the San Francisco Zoo.(27)

From Jason Henderson, requesting a continuance of the appeal for 299 Valencia Street.(28)

From Stephen Williams, requesting the appeal of Categorical Exemption from Environmental Review for 1864-1868 Green Street be withdrawn.(29)

From Department of Public Works, submitting status report on removing graffiti from private property at various locations in District 5.(Reference No. 20080909-003)(30)

From Steven Foon, submitting opposition to the Presidio's plan to build a large contemporary art museum and hotel in the Presidio. File 081411, Copy: Each Supervisor(31)

From Eduardo Francisco, regarding the increase of shoppers entering stores where food items are sold accompanied by their pets.(32)

From concerned citizens, submitting opposition to proposed toll to enter and leave some areas of San Francisco. File 081281, Copy: Each Supervisor, 3 letters(33)

From Joe Arellano, submitting press release announcing Mayor Newsom's first interactive "State of the City" speech.(34)

From Mayor's Education Advisor, regarding a Lowell High School parents concerns and frustrations with the grades his son received in school for being absent.(35)

From Giselle Kruger, inquiring about the new transit mandate passed in August 2008. File 080830(36)

From Ann Lehman, regarding proposed legislation that limits the use of City funds for non-profit executive director salaries. File 080846, Copy: Each Supervisor(37)

From Michael Kinomoto, submitting opposition to the combustion turbine peaker project.(38)

From Richard Midgett, inquiring if the City and County have a policy that would allow them to remove a tenant who is already disabled from a unit and upon that unit being remodeled allow another "more disabled" tenant to occupy that same space from a prior disabled tenant. Copy: Department of Housing(39)

From Don Fontaine, submitting support to save access to San Francisco Cable Channel 29.(40)

From US Army Corps of Engineers, submitting SF District Public Notice regarding a seasonal road crossing on the Russian River.(41)

From Department of Elections, submitting the Voter Information Pamphlet, which contains the Charter Amendments, ratified by the voters of San Francisco on November 4, 2008 as Propositions D, E, G and J.File 081354(42)

#### 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 sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

#### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics