

Board of Supervisors

City and County of San Francisco

*Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689*



AGENDA
Tuesday, November 3, 2009
2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the October 6, 2009, 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 9

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 091094 [Approving agreements for procurement, installation and implementation of San Francisco Public Utilities Commission Advanced Meter Infrastructure System]

Ordinance approving agreements necessary for the procurement, installation and implementation of the San Francisco Public Utilities Commission's Advanced Meter Infrastructure System, including Water Enterprise Agreement No. CS-936 with VSI Meter Services, Inc., related software license and maintenance agreements with Aclara RF Systems Inc., and a related source code escrow agreement with Aclara RF Systems and U.S. Bank National Association, under Charter Section 9.118; making findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; and ratifying the procurement and contracting processes used by the San Francisco Public Utilities Commission. (Public Utilities Commission)

(Fiscal Impact.)

10/27/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 091169 [Accept and Expend Grant - Police Department - \$16,562,750]

Mayor

Ordinance authorizing the City and County of San Francisco's Police Department to retroactively accept and expend ARRA grant funds in the amount of \$16,562,750 from the U.S. Department of Justice COPS Program for implementation of the COPS Hiring Recovery Program to hire 50 new Q-2 San Francisco Police Officers and placing \$14,112,750 of the accepted funds on Budget and Finance Committee reserve and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

(Fiscal Impact.)

10/27/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10/27/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

7. 090780 [Revisions to Division I of the San Francisco Transportation Code]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)

8/3/2009, SUBSTITUTED.

10/27/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Daly, Alioto-Pier

8. 090523 [Eastern Neighborhoods Citizens Advisory Committee] Supervisors Daly, Campos

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

10/27/2009, PASSED, ON FIRST READING.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chiu

13. **091166** **[Approval of Management and Operations Agreement for the Cable Car Museum]** **Supervisor Chiu**
- Resolution retroactively approving Municipal Transportation Agency Management and Operations Agreement with the Friends of the Cable Car Inc., for the Cable Car Museum for a term of ten years with two five-year options to extend the term.

Question: Shall this Resolution be ADOPTED?

14. **091178** **[Approval of Lease for Pier 15 and a portion of Pier 17, and related Parking Agreement and Licenses]** **Mayor, Supervisor Chiu**
- Resolution approving and authorizing a 66-year Lease of Pier 15 and a portion of Pier 17 and a related Parking Agreement at Seawall Lot 321, two Curb Indent Licenses in front of Piers 15 and 17 and a Curb Space License at Green Street between the Exploratorium and the City and County of San Francisco acting by and through the San Francisco Port Commission.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

15. **091179** **[CEQA Findings in Connection with the Exploratorium Relocation Project]** **Mayor, Supervisors Chiu, Dufty**
- Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and Administrative Code Chapter 31 in connection with the Exploratorium Relocation Project proposed to be located on Pier 15 and a portion of Pier 17 in the Port of San Francisco, City and County of San Francisco.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly, Chiu

16. **080323** **[Place of Entertainment Permits and Board of Appeals procedures]** **Mayor, Supervisor Dufty**
- Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1,

inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

23. **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. Rules of Order Section 3.11 provides that a unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 24 through 29

24. **091255** **[Declaring November 8 to November 14, 2009, Radiology Week]** **Supervisor Dufty**
Resolution declaring November 8 to November 14, 2009, Radiology Week in San Francisco.

10/27/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

25. **091256** **[Celebrating the Cliff House on its Centennial of the 1909 building]** **Supervisors Mar, Alioto-Pier**
Resolution celebrating the Cliff House on its Centennial of the 1909 building.

10/27/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Question: Shall this Resolution be ADOPTED?

29. 091239 [Final Map - 748 Innes Avenue]

Motion approving Final Map 5308, a Mixed-Use 6 Unit Residential and 1 Unit Commercial Condominium Project, located at 748 Innes Avenue being a subdivision of Lot No. 005A in Assessors Block No. 4644 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW No. 1278,382; District 10.)

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

30. 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. 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 20, 2009, to October 26, 2009, for reference by President to appropriate committee on November 3, 2009.

091230 [Department of Building Inspection cash revolving fund]

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Department)

10/22/2009, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/21/2009.

091231 [Authorizing the Municipal Transportation Agency to implement on-street parking meter and parking control pilot projects]

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFPark parking meter and parking control pilot projects. (Municipal Transportation Agency)

10/23/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/22/2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from October 20, 2009, to October 26, 2009, for reference by President to appropriate committee on November 3, 2009.

090679 [Amendment to the John Stewart Company Sublease]

Resolution approving and authorizing the execution of a Fifth Amendment to Sublease with the John Stewart Company to discontinue Earthquake and Flood Insurance. (Treasure Island Development Authority)

10/22/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

091232 [Approval of the Ryan White HIV Emergency Relief Grant Program application]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit an application to continue to receive funding for the "HIV Emergency Relief Programs (Ryan White Programs, Part A)" grant from the Health Resources Services Administration (HRSA), requesting \$36,118,233 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area (EMA); from March 1, 2010, through February 28, 2011. (Public Health Department)

10/26/2009, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091236 [Approval of contract for Personal Assisted Employment Services Program for the Department of Public Health]

Resolution authorizing the San Francisco Department of Public Health to enter into a contract with Richmond Area Multi-Services, Inc., to provide mental health services through the Personally Assisted Employment Services program for the term of January 1, 2010, through June 30, 2016. (Public Health Department)

10/26/2009, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

091240 [Petitions and Communications]

Petitions and Communications received from October 20, 2009, through October 26, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 3, 2009.

From Office of the Controller, submitting the financial audit report for the Statement of Grant Revenues and Expenditures, Sheriff's Department, for the period from February 1, 2007, through June 30, 2009. (1)

From Office of the Controller, submitting an audit report for Gotham Enterprises, LLC, dba Peet's Coffee & Tea. Gotham has two lease agreements with the Airport Commission to operate six Peet's Coffee & Tea facilities in the San Francisco International Airport. Copy: Budget and Finance Committee Clerk (2)

From Department of Human Resources, submitting the annual report on Sexual Harassment complaints filed in FY 2008-2009. Copy: Each Supervisor (3)

From Human Services Agency, submitting FY 2009-2010 First Quarter Human Services Care Fund Report. Copy: Each Supervisor (4)

From Office of the Clerk of the Board, submitting Form 700 Statement of Economic Interest for Alexa Delwiche, leaving, Office of Legislative Analyst and Nilka Julio, leaving, Office of the Clerk of the Board. (5)

From Capital Planning Committee, submitting recommendations for the following S.F. Port resolutions: authorizing the issuance of revenue bonds for various capital improvements and (2) the supplemental appropriation request for various capital improvements. (6)

From Office of the Controller, submitting the Monthly Economic Barometer Report for the City and County of San Francisco for July/August 2009. (7)

From Department of Building Inspection, submitting the second Project Progress Report for the Permit and Project Tracking System. (8)

From Emil Lawrence, regarding the Board of Supervisors response to the FY 2008-2009 Civil Grand Jury Report entitled "Pensions: Beyond Our Ability to Pay." Copy: Government Audit and Oversight Committee Clerk, File No. 091159 (9)

From Sanger Sacramento Street, LLC, regarding the basement of his building at 576 Sacramento Street flooding each year after a heavy rain storm due to an inadequately sized side sewer and an inadequately sized Sacramento Street sewer line. (10)

From Office of the Controller, submitting the audit report for Portsmouth Plaza Parking Corporation. Copy: Government Audit and Oversight and Budget and Finance Committee Clerks (11)

From concerned citizens, submitting support for the expansion of Redwood Park to 555 Washington Street. 2 letters (12)

From Health Service System, regarding claims denied by Blue Shield and policies the Health Service system has on assisting members of Blue Shield. (Reference No. 20090922-001) (13)

From concerned citizens, submitting support for extending parking meter hours in San Francisco. 2 letters (14)

From concerned citizens, submitting opposition to proposed legislation to extend parking meter hours in San Francisco. 2 letters (15)

From State Office of Historic Preservation, submitting notice that on October 8, 2009, the "Roos House" was placed on the National Register of Historic Places. Copy: Each Supervisor (16)

From concerned citizens, regarding proposed legislation concerning the "Carryout Bag Rebate" Ordinance. File No. 091211, Copy: Each Supervisor, City Operations and Neighborhood Services Committee Clerk, 4 letters (17)

From concerned citizens, commenting on proposed ordinance regarding confidentiality of juveniles' immigration status. File No. 091032, 5 letters (18)

From Andrea Nelson, regarding allowing dogs on Muni. (19)

From Round the Diamond, submitting proposal to initiate a public-private partnership to build a Basketball Education and Career Pathway Arena. File Nos. 090782, 090920, Copy: Each Supervisor (20)

From Park Animal Hospital, regarding proposed legislation prohibiting onychectomy (declawing) and tendonectomy procedures on cats. File No. 091039 (21)

From William McGowan, submitting support for proposed legislation urging Federal officials to support Irish Unification. File No. 091216 (22)

From Ryan Van Lenning, urging the Board of Supervisor to adopt a Clean Power SF (Community Choice) RPF with a strong local renewable energy and efficiency mandates that conform to the original project implementation Plan passed in July 2007. (23)

From State Fish and Game Commission, submitting notice of findings regarding the American Pika which will be published in the California Regulatory Notice Register on October 23, 2009. (24)

From State Public Utilities Commission, submitting notice that PG&E has filed an application for expedited Commission authorization to change residential electric rates effective January 1, 2010. Copy: Each Supervisor (25)

From concerned citizens, regarding Sharp Park Golf Course. (26)

From concerned citizens, regarding the Entertainment Commission. 2 letters (27)

From Patrick Missue, regarding the intersection of Alemany Boulevard and San Juan Avenue. (28)

From Rebecca Sarinelli, regarding the nightclubs in North Beach. (29)

From John Morrison, regarding motorcycles and boom car noise. (30)

From Danny Tamayo, regarding the mandatory composting law in San Francisco. (31)

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the 5, 6, 7, 9, 21, 47, 49, 71, 71L, F, J, K, L, M, N, T (exit at Van Ness Station). For more information about MUNI accessible services, call (415) 701-4485.

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 by mail 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 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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics