



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, March 2, 2010 - 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

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/bos

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee
Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee
Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee
Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Dufty

Rules Committee
Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings 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 at a Committee meeting 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; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or 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 IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings 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.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. 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

Agenda Item Information

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 on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

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 11

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

1. [100052](#) **[Appropriating \$410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]**
Sponsor: Elsbernd

Ordinance appropriating \$410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 021010](#)

[Board Packet 022310](#)

[Board Packet 030210](#)

02/23/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [100142](#) **[Appropriating \$2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]**

Sponsors: Mayor; Dufty

Ordinance appropriating \$2,816,535 of various revenues, including \$672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, \$1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and \$828,702 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010, and placing \$284,783 of salaries and fringe benefits in the In-Home Support Services Investigations program on Budget and Finance Committee reserve.

(Fiscal Impact.)

Attachments: [Legislation_VER1](#)

[Comm_Packet_021710](#)

[Board_Packet_022310](#)

[Board_Packet_030210](#)

02/23/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. [100143](#) **[Public Employment - Human Services Agency]**

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 42 new positions (17.64 FTEs) at the Human Services Agency.

(Fiscal Impact.)

Attachments: [Comm_Packet_021710](#)

[Legislation_Ver1](#)

[Board_Packet_022310](#)

[Board_Packet_030210](#)

02/23/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. [100161](#) **[Adopting Implementation Plan for CleanPowerSF]**

Sponsors: Mirkarimi; Campos, Mar, Dufty, Chiu and Daly

Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

Attachments: [Legislation_Ver1](#)

[Comm_Packet_021710](#)

[Board_Packet_022310](#)

[Board_Packet_030210](#)

02/23/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Elsbernd

5. [091424](#) **[Liquor License - 84 Second Street]**
Resolution determining that the issuance of a Type 21 Off-Sale beer, wine, and distilled spirits license to Nassir A. Zughayir for Sammy's located on Second at 84 Second Street will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.
Attachments: [Response PLN 021010](#)
[Comm Packet 022210](#)
[Response Police 021910](#)
[Legislation Ver1](#)

Question: Shall this Resolution be ADOPTED?

6. [100032](#) **[Liquor License, 461 Pacific Avenue]**
Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Jim Howell, for the Barrel Cellar, LLC located at 461 Pacific Avenue, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.
Attachments: [Response PLN 021010](#)
[Comm Packet 022210](#)
[Response Police 021910](#)
[Legislation Ver1](#)
[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

7. [100083](#) **[Liquor License, 2111 Market Street]**
Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Maarten Bon, for Cork located at 2111 Market Street, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.
Attachments: [Response PLN 021010](#)
[Comm Packet 022210](#)
[Response Police 021910](#)
[Legislation Ver1](#)
[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

8. [100137](#) **[Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - \$200,000]**

Sponsor: Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of \$200,000 for the Urban Forestry Project.

Attachments: [Legislation VER1](#)

[Comm Packet 022210](#)

[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

9. [100138](#) **[Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - \$65,000]**

Sponsor: Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Education Grant administered by the California Department of Forestry and Fire Protection in the amount of \$65,000 for the Urban Forestry Project.

Attachments: [Legislation Ver1](#)

[Comm Packet 022210](#)

[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

10. [091407](#) **[Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]**

Sponsors: Mar; Maxwell

Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes."

Attachments: [Legislation Ver1](#)

[Comm Packet 012510](#)

[Board Packet 022310](#)

02/23/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. [100009](#) **[Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]**

Sponsor: Dufty

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

Attachments: [Legislation Ver1](#)

[Comm Packet 020810](#)

[Legislation Ver2](#)

[Board Packet 022310](#)

02/23/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

12. [100039](#) **[Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Attachments: [Legislation_Ver1](#)

[Board_Packet_020910](#)

01/12/2010; AMENDED. Duplicated, see File No. 090583.

01/12/2010; CONTINUED AS AMENDED ON FIRST READING.

02/09/2010; CONTINUED ON FIRST READING.

02/23/2010; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

(Pursuant to Municipal Elections Code Section 300(a), the Board of Supervisors may submit one late proposed Charter Amendment or bond measure per election.)

13. [091433](#) **[Reducing Employer Retirement Benefit Costs]**

Sponsors: Elsbernd; Mayor

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

Attachments: [Legislation_Ver1](#)

[Comm Packet 012110](#)

[Comm Packet 012810](#)

[Comm Packet 020410](#)

[Board Packet 020910](#)

[Board Packet 022310](#)

[Legislation_Ver2](#)

[Board Packet 030210](#)

02/09/2010; DUPLICATED. See File Nos. 100156 and 100157.

02/09/2010; CONTINUED.

02/23/2010; CONTINUED.

Question: Shall this Charter Amendment be SUBMITTED?

Board of Supervisors Sitting as a Committee of the Whole

14. [100218](#) **[Committee of the Whole - Reducing Employer Retirement Benefit Costs]**
Hearing of persons interested in or objecting to proposed Charter Amendments relating to reducing employer retirement benefit costs. (Clerk of the Board)
Attachments: [Board Packet 030210](#)

Action: _____

Committee of the Whole Adjourn and Report Without Recommendation

From the Board

(Pursuant to Municipal Elections Code Section 300(a), the Board of Supervisors may submit one late proposed Charter Amendment or bond measure per election.)

15. [100156](#) **[Reducing Employer Retirement Benefit Costs]**

Sponsors: Mar; Campos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, City and County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

Attachments: [Legislation VER1](#)

[Board Packet 022310](#)

[Legislation Ver2](#)

[Legislation Ver3](#)

[Board Packet 030210](#)

02/09/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

02/09/2010; CONTINUED AS DIVIDED.

02/23/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

02/23/2010; CONTINUED AS AMENDED.

Question: Shall this Charter Amendment be SUBMITTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

(Pursuant to Charter Section 9.113(c) File Nos. 100059 and 100099 require a vote of two-thirds of all members of the Board of Supervisors to approve such a supplemental appropriation.)

16. [100059](#) **[Appropriating \$3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**
Sponsor: Mayor
Ordinance appropriating \$3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing \$406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. [100099](#) **[Appropriating \$1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]**
Sponsor: Mar
Ordinance appropriating \$1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. [100134](#) **[Health Service System Plans and Contribution Rates]**
Sponsor: Elsbernd
Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. [100135](#) **[Establishing Monthly Contribution Amount to Health Service Trust Fund]**
Sponsor: Elsbernd
Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

20. [091344](#) **[Redevelopment Agency Bond Authorization - \$28,000,000]**
Sponsors: Mayor; Avalos
Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

Attachments: [Legislation Ver1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

21. [100007](#) **[Approving Central Subway Final Design Contract Package No. 2 - Stations - Not to Exceed \$39,949,948]**

Resolution approving Municipal Transportation Agency Contract No. CS-155-2, Professional Architectural and Engineering Services for the final design and construction of the Central Subway Project, with the Central Subway Design Group, a Joint Venture of Parsons Brinkerhoff, Kwan Hemni Architecture and Michael Willis Architecture, in an amount not to exceed \$39,949,948, for a term not to exceed ten years with an option to extend the term an additional two years.

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

22. [091443](#) **[Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**

Sponsors: Mar; Avalos

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, and 1009.29-1009.32, and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

Attachments: [Legislation Ver1](#)

[Leg_Digest_Ver1](#)

[Comm Packet 020110](#)

[Legislation Ver2](#)

[Leg_Digest_Ver2](#)

[Response Youth 021810](#)

[Comm Packet 022210](#)

[Legislation Ver3](#)

[Leg_Digest_Ver3](#)

[Board Packet 030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. [091477](#) **[Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

Attachments: [Legislation Ver1](#)

[Leg_Digest_Ver1](#)

[Response_PLN_021010](#)

[Comm_Packet_022210](#)

[Board_Packet_030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Campos, Mar

24. [091370](#) **[Determining Surviving Spouse Status for Retirement Purposes]**

Sponsor: Elsbernd

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

Attachments: [Legislation Ver1](#)

[Comm Packet 021810](#)

[Board Packet 030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. [091435](#) **[Child Care Planning and Advisory Council Membership]**

Sponsor: Chiu

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

Attachments: [Legislation Ver1](#)

[Comm Packet 021810](#)

[Board Packet 030210](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. [100055](#) **[Initiative Ordinance - Budget Line Item for Police Department Dignitary Security - June 8, 2010, Election]**
Sponsor: Mirkarimi
Motion ordering submitted to the voters an ordinance requiring the City's annual budget to include an appropriation for the Police Department's expenditures on security for City officials and dignitaries at an election to be held on June 8, 2010.
Attachments: [Legislation_Ver1](#)
[Comm_Packet_021810](#)
[Board_Packet_030210](#)

Question: Shall this Motion be APPROVED?

27. [100056](#) **[Declaration of Policy - Cannabis Regulation and Control - June 8, 2010, Election]**
Sponsors: Mirkarimi; Campos
Motion ordering submitted to the voters a declaration of policy regarding the regulation of the cultivation and sale of cannabis at an election to be held on June 8, 2010.
Attachments: [Legislation_VER1](#)
[Comm_Packet_021810](#)
[Legislation_Ver2](#)
[Board_Packet_030210](#)

Question: Shall this Motion be APPROVED?

28. [100186](#) **[Appointment to San Francisco LAFCO - Supervisor Ross Mirkarimi]**
Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)
Attachments: [Legislation_Ver1](#)
[Comm_Packet_021810](#)
[Board_Packet_030210](#)

Question: Shall this Motion be APPROVED?

29. [100187](#) **[Appointment to Peninsula Corridor Joint Powers Board - Supervisor Sean Elsbernd]**
Motion appointing Supervisor Sean Elsbernd, term ending June 30, 2012, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)
Attachments: [Legislation_Ver1](#)
[Comm_Packet_021810](#)
[Board_Packet_030210](#)

Question: Shall this Motion be APPROVED?

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

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.

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 30 through 35

30. [100211](#) **[Potrero Branch Library Reopening]**
Sponsor: Maxwell
Resolution recognizing the Grand Reopening of the Potrero Branch Library and commending the San Francisco Public Library, residents of the Potrero, the Department of Public Works, and their team, for their hard work and commitment to San Francisco and its residents.
Attachments: [Legislation_Ver1.doc](#)
[Board Packet 030210](#)
- 02/23/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
31. [100212](#) **[Plan for Bicycle Facilities at Certain Dangerous Intersections and Street Segments]**
Sponsor: Daly
Resolution calling upon the Municipal Transportation Agency to commence study and planning for bicycle facilities around the intersections of Market, Polk, Oak and 10th Street, and of Howard, South Van Ness, 13th Street and Division, and along Division, 13th Street and Duboce from Folsom to Valencia.
Attachments: [Legislation_Ver.doc](#)
[Board Packet 030210](#)
- 02/23/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
32. [100213](#) **[Urging Further Collaboration to Improve the 2010 Bay to Breakers]**
Sponsor: Mirkarimi
Resolution commending the improvements made to the 2009 Bay to Breakers and urging the race sponsors to further collaborate with City agencies, neighborhoods, and race advocates to develop plans that will minimize adverse impacts on affected neighborhoods while including floats and non-running participants and ensuring the long-term financial and logistical success of the race.
Attachments: [Board Packet 030210](#)
- 02/23/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

33. [100214](#) **[Commending Brooks Orpik]**
Sponsors: Chu; Dufty
Resolution commending Brooks Orpik for representing San Francisco in the 2010 Winter Olympics.
Attachments: [Legislation Ver1.docx](#)
[Board Packet 030210](#)

02/23/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [100215](#) **[Urging the State Legislature and San Francisco's State Legislative Delegation to Permit the Continued Sale of Rice-Based Noodles]**
Sponsor: Chiu
Resolution urging the State Legislature and San Francisco's State Legislative Delegation to permit the continued sale of rice-based noodles.
Attachments: [Legislation Ver1.doc](#)
[Board Packet 030210](#)

02/23/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. [100216](#) **[Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 8, 2010, Election]**
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 8, 2010, Election. (Clerk of the Board)
Attachments: [Board Packet 030210](#)

02/23/2010; 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: _____

36. 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 eight (8) votes or a unanimous six (6) or seven (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.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

Proposed resolutions received from February 16, 2010, to February 22, 2010, for reference by President to appropriate committee on March 2, 2010.

100174

[Approval of Mental Health Services Act Innovation Work Plan]

Resolution authorizing adoption of the Mental Health Services Act Innovation Work Plan and modification of Contract No. 07-77338-000 to include this Plan in the agreement. (Public Health Department)

02/16/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100175

[Approval of Mental Health Services Act FY2010-2011 Annual Plan Update]

Resolution authorizing adoption of the Mental Health Services Act FY2010-2011 Plan Update for the Community Services and Support, Prevention and Early Intervention, and Workforce Education and Training and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

Attachments: [Legislation VER1](#)

02/16/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100176

[Approve a Lease with the Federal Express Corporation at Building 900]

Resolution approving and authorizing the execution of Lease No. 09-0280 with Federal Express Corporation for cargo warehouse and support office space to be occupied by Federal Express Corporation in Building 900 at San Francisco International Airport. (Airport Commission)

Attachments: [Legislation VER1](#)

02/17/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100177

[Real Property Lease Amendment - One Market Plaza]

Resolution approving a lease at One Market Plaza, for the Department of Emergency Management under Administrative Code Section 23.27. (Real Estate Department)

02/22/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100192 [Petitions and Communications]

Petitions and Communications received from February 13, 2010, through February 22, 2010, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 2, 2010.

From Police Department, submitting request for release of reserved funds in the amount of \$14,112,750 for the purpose of supporting the COPS Hiring Recovery Program. Copy: Budget and Finance Chair, Clerk (1)

From SF Bay Conservation and Development Commission, submitting the 2009 annual report. Copy: Each Supervisor (2)

From T-Mobile, submitting notification letter of a proposed cellular site at 405 Valencia Street. (3)

From T-Mobile, submitting notification letter of a proposed cellular site at 2155 Webster Street. (4)

From Ziggy Tomcich, regarding MUNI management. (5)

From Fredrick Schermer, regarding transportation and economics in Bayview Hunters Point. (6)

From Residential Rent Stabilization and Arbitration Board, submitting their efficiency plan for FY2010-2011. (7)

From Juliet Belkin, requesting a stoplight be placed at the busy intersection of 26th Avenue and Geary Boulevard. (8)

From concerned citizens, submitting support for a Charter Amendment that would make the pay scale for MUNI operators subject to collective bargaining. 2 letters (9)

From Joe Belen, regarding the Graffiti Task Force. (10)

From concerned citizens, regarding the importance of Jimmy's Old Car Picnic in Golden Gate Park. 2 letters (11)

From PUC Purchasing Department, submitting request for waiver of Administrative Code Chapter 12B for Dellner Couplers, Inc. (12)

From concerned citizens, concerning the lighting for the proposed Beach Chalet Soccer Field Project. 2 letters (13)

From Verna Shaheen, submitting opposition to any plan for artificial turf in Golden Gate Park, along with a great number of lights for the purpose of soccer fields near the Beach Chalet. (14)

From Carol Antraccoli, regarding the condition of Silver Avenue between Mission Street and San Bruno Avenue. (15)

From Office of the Mayor, requesting Supervisors Chiu, Mirkarimi, Campos, Avalos, and Mar to withdraw the proposed initiative ordinance requiring police foot patrols. Copy: Each Supervisor (16)

From Floyd Grandell, submitting opposition to legislation that mandates earthquake repairs. (17)

From Chris Coghlan, suggesting all city workers take a 5% pay cut. (18)

From Perrie & Janice Costa, regarding the recology dump site at Ostrom Road in Wheatland, CA. (19)

From Karen Grijalva, regarding the recent police crackdowns and arrests for soliciting in the Polk Street area. (20)

From Arthur Evans, regarding the public safety crisis in the Haight and other neighborhoods. 2 letters (21)

From Gloria Yee, regarding MUNI proposed budget cuts. (22)

From James Corrigan, regarding budget reductions in the Fire Department. (23)

From Jay Sath, regarding a recent MUNI accident. (24)

From Michael Adams, concerning prohibiting smoking in enclosed areas, certain unenclosed areas, and sports stadiums. File No. 091443 (25)

From Kimo Crossman, submitting questions about the Google Fiber experiment and the Committee on Information Technology. 2 letters (26)

From State Office of Historic Preservation, notifying the Board of Supervisors that One Lombard Street was placed on the National Register of Historic Places. Copy: Each Supervisor (27)

From State Public Utilities Commission, submitting notice that Pacific Gas & Electric Company has filed an application requesting changes to its electric rates effective January 1, 2011. Copy: Each Supervisor (28)

From Tim Giangioffe, regarding the homeless shelters in San Francisco. 2 letters (29)

From Office of the Controller, submitting the bi-annual and monthly overtime report for FY2009-2010. (30)

From David Guldmann, regarding the permanent homeless encampment on Stevenson Street (between Duboce Avenue and McCopin Street). (31)

From Thomas Carter, regarding student habitual truancies. (32)

From concerned citizens, submitting opposition to proposed legislation concerning discretionary review reform for a two-year trial period. 7 letters (33)

ADJOURNMENT