



# 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, January 25, 2011 - 2:00 PM

#### Regular Meeting

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DAVID CHIU, PRESIDENT  
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,  
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.sfbos.org](http://www.sfbos.org)

#### BOARD COMMITTEES

##### Committee Membership

**Budget and Finance Committee**  
Supervisors Chu, Mirkarimi, Kim

**City and School District Select Committee**  
Supervisors Cohen, Avalos, Chu

**City Operations and Neighborhood Services Committee**  
Supervisors Avalos, Mar, Elsbernd

**Government Audit and Oversight Committee**  
Supervisors Campos, Farrell, Chiu

**Land Use and Economic Development Committee**  
Supervisors Mar, Cohen, Wiener

**Public Safety Committee**  
Supervisors Mirkarimi, Cohen, Campos

**Rules Committee**  
Supervisors Kim, Elsbernd, Farrell

##### Meeting Days

Wednesday  
11:00 AM

2nd and 4th Thursday  
3:30 PM

2nd and 4th Monday  
10:00 AM

2nd and 4th Thursday  
10:00 AM

Monday  
1:00 PM

1st and 3rd Thursday  
10:30 AM

1st and 3rd Thursday  
1:30 PM

## Meeting Procedures

Board procedures do not permit: 1) persons in the audience at a Board 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) bringing in or displaying signs in the meeting room; 4) standing in the meeting room. The public is encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

**AGENDA PACKET:** Available for review in Clerk's Office, Room 244, City Hall, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

**LANGUAGE INTERPRETERS:** Requests 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 debe recibirse antes de mediodía 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](mailto: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.sfbos.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](http://www.sfgov.org/ethics)

## **Agenda Item Information**

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, 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**

*There are no items.*

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**Recommendation of the Public Safety Committee**

*Present: Supervisors Chiu, Mirkarimi, Elsbernd*

1. [100455](#) **[Environment Code - San Francisco Safe Drug Disposal Ordinance]**

**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

**Attachments:** [Legislation VER1](#)

[Response PLN 051710](#)

[Response PLN 051710B](#)

[Comm Packet 101810](#)

[Board Packet 102610](#)

[Legislation VER2](#)

[Legislation VER3](#)

[Board Packet 112310](#)

[Legislation VER4](#)

[Board Packet120710](#)

10/26/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/26/2010; CONTINUED AS AMENDED ON FIRST READING.

11/23/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/23/2010; CONTINUED AS AMENDED ON FIRST READING.

12/07/2010; CONTINUED ON FIRST READING.

12/14/2010; PASSED ON FIRST READING.

01/04/2011; CONTINUED ON FINAL PASSAGE. Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 18, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Elsbernd*

2. [101410](#) **[Airport Promotion and Event Fund]**  
**Sponsor: Mayor**  
Ordinance establishing a special fund to receive donations and authorizing expenditures for the purpose of holding events to promote the opening of the newly renovated Terminal 2 of the San Francisco International Airport; and deleting obsolete provisions.

**Attachments:** [Board Packet 012511](#)

[Comm Packet 011211](#)

[Board Packet 012511](#)

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

3. [101499](#) **[Payment of Reward to John Doe - \$10,000]**  
**Sponsor: Wiener**  
Ordinance authorizing the Mayor's Office to reward John Doe \$10,000 for providing information that led to the arrest of a criminal defendant.

**Attachments:** [101499](#)

[Comm Packet 011211](#)

[Board Packet 012511](#)

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

4. [101413](#) **[Accept and Expend Grant - Congestion Management Agency Block Grant - \$11,553,000]**  
**Sponsor: Mayor**  
Resolution authorizing the Department of Public Works to accept and expend \$11,553,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds awarded through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program.

**Attachments:** [Legislation Ver1](#)

[Comm Packet 011211](#)

[Board Packet 012511](#)

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

5. [101428](#) **[Grant Agreements - Bicycle Projects - \$166,200]**  
**Sponsor: Mar**  
Resolution approving three Bicycle Facility Program Grant Agreements with the Bay Area Air Quality Management District with contract terms of more than 10 years.  
**Attachments:** [Legislation Ver1](#)  
[Comm Packet 011211](#)  
[Board Packet 012511](#)

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

6. [101453](#) **[Professional Services Agreement - Howard, Needles, Tammen & Bergendoff - \$11,704,955]**  
**Sponsor: Mayor**  
Resolution approving the Professional Services Agreement, Airport Contract 9015.1 Master Architect for Replacement Air Traffic Control Tower/Terminal 1 Complex Redevelopment Program between Howard, Needles, Tammen & Bergendoff, and the City and County of San Francisco, acting by and through its Airport Commission, in the lump sum amount of \$11,704,955, and a contingency budget of \$1,626,412 for Airport and FAA requested changes, pursuant to San Francisco Charter Section 9.118(b).  
  
(Fiscal Impact.)  
**Attachments:** [Board Packet 012511](#)  
[Comm Packet 011211](#)  
[Board Packet 012511](#)

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

7. [101504](#) **[Airport Concession Lease - Museum of Modern Art]**  
Resolution approving the International Terminal Museum/Gallery Store Lease between San Francisco Museum of Modern Art and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)  
**Attachments:** [Board Packet 012511](#)  
[Comm Packet 011211](#)  
[Board Packet 012511](#)

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

8. [101505](#) **[Purchase Agreement - Permanent Access Road Easement - Stanislaus County - \$13,000]**  
Resolution (1) approving and authorizing an agreement for the purchase of a permanent access road easement totaling 2.16 acres over portions of Assessor's Parcel Numbers 016-002-017, 016-002-018 and 016-002-44 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$13,000; (2) adopting findings under the California Environmental Quality Act; (3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and (4) authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

**Attachments:** [Legislation VER1](#)  
[Board Packet 012511](#)

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

9. [101506](#) **[Master Lease - Hotel Le Nain at 730 Eddy Street]**  
Resolution authorizing the Master Lease of the Hotel Le Nain at 730 Eddy Street for the Department of Public Health. (Real Estate Department)

**Attachments:** [Legislation VER1](#)  
[Comm Packet 011211](#)  
[Board Packet 012511](#)

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

10. [101524](#) **[Accept and Expend Grant - Green Cleaning Project - \$75,463]**  
**Sponsor: Mayor**  
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$75,463 from the US Environmental Protection Agency to implement a green cleaning pilot project that will lead to the creation of multi-lingual green cleaning guidelines.

**Attachments:** [Legislation VER1](#)  
[Comm Packet 011211](#)  
[Board Packet 012511](#)

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



11. [101575](#) **[Annual Reports - Fillmore Jazz Community Benefit District]**

**Sponsor: Mirkarimi**

Resolution regarding Fillmore Jazz Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for District FYs 2007, 2008, and 2009, which include the District's proposed budget for District FY2010, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

**Attachments:** [Legislation Ver1](#)

[Comm Packet 011211](#)

[Board Packet 012511](#)

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

Present: Supervisors Chu, Mirkarimi, Kim

- 12. [101495](#) **[License with UnitedLayer to Use Property - 200 Paul Street]**  
Resolution authorizing the license of space and services with UnitedLayer at 200 Paul Street for the Department of Technology. (Real Estate Department)

(Supervisor Kim dissented in Committee.) (Fiscal Impact.)

**Attachments:** [Legislation\\_VER1](#)  
[Comm Packet 011911](#)  
[Board Packet 012511](#)

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

- 13. [101496](#) **[License with Telx to Use Property - 200 Paul Street]**  
Resolution authorizing the license of space and services with Telx at 200 Paul Street for the Department of Technology.

(Supervisor Kim dissented in Committee.)

**Attachments:** [Legislation\\_VER1](#)  
[Comm Packet 011911](#)  
[Board Packet 012511](#)

**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.

14. [101551](#) **[Public Hearing - Appeal of Tentative Parcel Map for 74-76 Castro Street]**  
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated November 30, 2010, approving a Tentative Parcel Map for a 2-unit condominium conversion located at 74-76 Castro Street, Lot No. 013, in Assessor's Block No. 2611. (District 8) (Appellant: James Coy Driscoll on behalf of Martin Hyland) (Clerk of the Board)

(Filed December 10, 2010; Companion Measure to File Nos. 101552, 101553 and 101554.)

**Attachments:** [Board Packet 010411](#)

01/04/2011; CONTINUED. The President inquired as to whether any member of the public wished to address the Board relating to a continuance. Martin Hyland (Appellant) spoke in support of a continuance. There were no other speakers. The President continued the public hearing open to January 25, 2011.

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map 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.)**

**15. [101552](#) [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 74-76 Castro Street]**

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013.

**Attachments:** [Legislation VER1](#)  
[Board Packet 010411](#)

01/04/2011; CONTINUED.

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

**16. [101553](#) [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 74-76 Castro Street]**

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)

**Attachments:** [Legislation VER1](#)  
[Board Packet 010411](#)

01/04/2011; CONTINUED.

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

**17. [101554](#) [Findings Related to the Tentative Parcel Map Disapproval for 74-76 Castro Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)

**Attachments:** [Legislation VER1](#)  
[Board Packet 010411](#)

01/04/2011; CONTINUED.

**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 Rules Committee at a Special Meeting on Thursday, January 20, 2011, at 1:30 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, January 25, 2011.*

18. [101509](#) **[Reappointment, Historic Preservation Commission - Andrew Wolfram]**  
Motion approving the Mayor's nomination for reappointment of Andrew Wolfram to the Historic Preservation Commission, Seat No. 2, for a four-year term ending December 31, 2014. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101510. Transmittal date - December 1, 2010.)

**Attachments:** [Comm Packet 010311](#)  
[Legislation VER1](#)  
[Comm Packet 012011](#)  
[Board Packet 012511](#)

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

19. [101511](#) **[Appointment, Historic Preservation Commission - Richard Johns]**  
Motion approving the Mayor's nomination for appointment of Richard Johns to the Historic Preservation Commission, Seat No. 4, for a four-year term ending December 31, 2014. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101512. Transmittal date - December 1, 2010.)

**Attachments:** [Comm Packet 010311](#)  
[Legislation VER1](#)  
[Comm Packet 012011](#)  
[Board Packet 012511](#)

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

20. [101513](#) **[Reappointment, Historic Preservation Commission - Karl Hasz]**  
Motion approving the Mayor's nomination for reappointment of Karl Hasz to the Historic Preservation Commission, Seat No. 6, for a four-year term ending December 31, 2014.  
(Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101514. Transmittal date - December 1, 2010.)

**Attachments:** [Comm Packet 010311](#)  
[Legislation VER1](#)  
[Comm Packet 012011](#)  
[Board Packet 012511](#)

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

21. [101516](#) **[Confirming Appointments, San Francisco Relocation Appeals Board - Harry Kim and Herb Cohn]**  
**Sponsor: Mayor**  
Resolution confirming the appointments of Harry Kim and Herb Cohn to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 010311](#)  
[Comm Packet 012011](#)  
[Board Packet 012511](#)

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

22. [101517](#) **[Confirming Appointment, City Hall Preservation Advisory Commission - Florence Kong]**  
**Sponsor: Mayor**  
Resolution confirming the appointment of Florence Kong to the City Hall Preservation Advisory Commission, term ending January 13, 2012.

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 010311](#)  
[Comm Packet 012011](#)  
[Board Packet 012511](#)

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

*The following items will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, January 24, 2011, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, January 25, 2011.*

23. [101001](#) **[Liquor License - 191 Pine Street]**  
Resolution determining that the issuance of a Type 75 on-sale general brew-pub liquor license to Cuong Truong for Champango, LLC, dba Unicorn Pan Asian Restaurant, located at 191 Pine Street (District 3), 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. (Clerk of the Board)

**Attachments:** [Comm Packet 011011](#)  
[Comm Packet 012411](#)  
[Legislation Ver1](#)  
[Board Packet 012511](#)

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

24. [101211](#) **[Liquor License - 685 Ellis Street]**  
Resolution determining that the issuance of a Type 51 beer and wine Club license to Jose Lima for Golden Gate Council of American Youth Hostels, Inc., dba Ivys Place, located at 685 Ellis Street (District 6), 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:** [Comm Packet 011011](#)  
[Comm Packet 012411](#)  
[Legislation Ver1](#)  
[Board Packet 012511](#)

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

25. [101538](#) **[Accept and Expend Grant - Integrating HIV/Geriatric for People with HIV 50 & Older - \$402,596]**  
**Sponsor: Chu**  
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$402,596 from the University of California San Francisco to participate in a program entitled "Integrating HIV and Geriatric for People Living with HIV 50 & Older" for the period of December 1, 2010, through November 30, 2011.

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 011011](#)  
[Comm Packet 012411](#)  
[Board Packet 012511](#)

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

26. [101556](#) **[Accept and Expend Gift - Recreation and Park Department Operations - \$171,753]**  
**Sponsor: Chu**  
Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift of \$171,753 from the San Francisco Parks Trust to support various Recreation and Park Department operations.

**Attachments:** [Legislation\\_Ver1](#)  
[Comm\\_Packet\\_011011](#)  
[Comm\\_Packet\\_012411](#)  
[Board\\_Packet\\_012511](#)

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

*The following item will be considered by the Land Use Committee at a Regular Meeting on Monday, January 24, 2011, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, January 25, 2011.*

27. [110001](#) **[Agreement to Acquire Easement in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]**  
Resolution approving and authorizing acceptance of a Right of Way Easement deed for a 50-year, exclusive, subsurface easement, at no charge, from United States Department of the Interior, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

**Attachments:** [Legislation\\_Ver1](#)  
[Comm\\_Packet\\_012411](#)  
[Board\\_Packet\\_012511](#)

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

## 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 28 through 33

28. [110031](#) **[Lease - San Francisco Forty Niners Candlestick Park Stadium]**  
**Sponsors: Chiu; Farrell**  
Resolution authorizing the City Attorney to toll the statute of limitations relating to the Forty Niners' claim under the stadium lease regarding the maintenance and repair of Candlestick Park Stadium for up to 120 days to continue to attempt to negotiate a settlement agreement and lease amendment subject to approval of the those agreements by the Recreation and Park Commission and Board of Supervisors.

**Attachments:** [Legislation VER1](#)  
[Board Packet 012511](#)

01/11/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**29. [110032](#) [Accept and Expend Grant - Disproportionate Minority Contact Support Project - \$100,000]**

**Sponsor: Cohen**

Resolution authorizing the Juvenile Probation Department to retroactively accept and expend a grant in the amount of \$100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact Support Project, administered by the Corrections Standards Authority, for calendar year 2011, to be used for implementation of a multifaceted approach to disparities reduction, including education, data, and best practice review and community outreach.

**Attachments:** [Legislation VER1](#)  
[Board Packet 012511](#)

01/11/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**30. [110033](#) [Fred T. Korematsu Day of Civil Liberties - January 30, 2011]**

**Sponsors: Mar; Avalos, Campos, Chiu, Chu, Kim and Mirkarimi**

Resolution declaring January 30, 2011, as Fred T. Korematsu Day of Civil Liberties.

**Attachments:** [110033.doc](#)  
[Board Packet 012511](#)

01/11/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**31. [110045](#) [Celebrating the 100th Anniversary of Women's Suffrage in California]**

**Sponsors: Cohen; Chu and Kim**

Resolution celebrating 100 years of women's voting rights in the State of California.

**Attachments:** [110045.doc](#)  
[Board Packet 012511](#)

01/18/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**32. [110035](#) [Suspending Board Rules to Permit the Clerk of the Board to Modify the Timeframes for Preparation of the Board's FY2011-2012 Budget for Submission to the Mayor]**

Motion suspending Board Rules 6.23 and 6.24 to permit the Clerk of the Board of Supervisors to modify the timeframes for preparation of the Board's proposed FY2011-2012 budget for submission to the Mayor by waiving the 60 and 15 day timeline requirements; instead a Committee of the Board will conduct a hearing to discuss budget balancing guidelines in January; and that a Committee hearing be conducted for review of the proposed budget prior to submission to the Mayor in February. (Clerk of the Board)

**Attachments:** [Legislation Ver1](#)  
[Board Packet 012511](#)

01/12/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**33. [110038](#) [Final Map 4400 - 695 San Jose Avenue and 96 29th Street]**

Motion approving Final Map 4400, a One Commercial Unit and Four Residential Unit Mixed-Use Condominium Project, located at 695 San Jose Avenue and 96 29th Street being a subdivision of Lot 021 in Assessors Block No. 6597 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Attachments:** [Board Packet 012511](#)

01/14/2011; 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: \_\_\_\_\_

**34. 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 ORDINANCES

*Proposed ordinances received from January 4, 2011, through January 14, 2011, for reference by President to appropriate committee on January 25, 2011.*

#### **110021**

#### **[Settlement of Lawsuit - Jason Davis - \$4,000,000]**

Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for \$4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

**Attachments:** [Legislation VER1](#)

01/06/2011; RECEIVED AND ASSIGNED to the Rules Committee.

#### **110048**

#### **[Settlement of Lawsuit - Timothy J. Chamberlain - City to Pay \$65,000]**

Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

**Attachments:** [Legislation Ver1](#)

01/10/2011; RECEIVED AND ASSIGNED to the Rules Committee.

#### **110049**

#### **[Settlement of Lawsuit - Garcia, et al. - City to Pay \$191,000 for Easements]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100, to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

**Attachments:** [Legislation\\_Ver1](#)

01/14/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**110050**

**[Settlement of Lawsuit - Toni Battle - \$105,000]**

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for \$105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

**Attachments:** [Legislation Ver1](#)

01/14/2011; RECEIVED AND ASSIGNED to the Rules Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from January 4, 2011, through January 14, 2011, for reference by President to appropriate committee on January 25, 2011.*

**110004 [Mental Health Services Act Contract - Statewide Prevention and Early Intervention - \$3,020,400]**

Resolution supporting the assignment of the Mental Health Services Act Statewide Prevention and Early Intervention allocation, totaling \$3,020,400, to the Joint Powers Authority known as the California Mental Health Services Authority. (Public Health Department)

**Attachments:** [Legislation Ver 1](#)  
[Comm Packet 012411](#)

01/04/2011; RECEIVED AND ASSIGNED to the City Operations and Neighborhood Services Committee.

**110020 [Airport Lease and Operating Agreement - Smarte Carte, Inc.]**

Resolution approving the exercise of the last of five one-year options to extend the term of Luggage Cart Lease and Operating Agreement No. 01-0343 between Smarte Carte, Inc. and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

01/04/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110022 [Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - \$30,000]**

Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for \$30,000; claim was filed on July 14, 2010. (City Attorney)

**Attachments:** [Legislation VER1](#)

01/06/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**110051 [Public Auction - Tax-Defaulted Real Property]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

**Attachments:** [Legislation Ver1](#)

01/11/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110052**

**[Construction Management Contract - Harry Tracy Water Treatment Plant Long Term Improvements Project - Not to Exceed \$16,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-919R, Harry Tracy Water Treatment Plant Long Term Improvements Project, Construction Management Services Staff Augmentation, with HDR Engineering, Inc, for an amount not to exceed \$16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

**Attachments:** [Legislation Ver1](#)

01/14/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110055 [Petitions and Communications]**

Petitions and Communications received from January 4, 2011, through January 14, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 25, 2011.

From David Pilpel, submitting his analysis of provisions of the San Francisco Charter regarding vacancies in elective offices and the term of office of persons filling such vacancies. File No. 110007, Copy: Each Supervisor (1)

From Monica Henderson, submitting opposition to Richard Johns to HPC. File No. 101512 (2)

From concerned citizens, submitting opposition to proposed legislation to implement a Civic Center Community Benefit District. File No. 101527, Copy: Each Supervisor, 7 letters (3)

From Office of the Mayor, submitting notice of transfer of function under Charter Section 4.132. (4)

From Cynthia Servetnick, submitting opposition to proposed legislation regarding CEQA procedures, appeals, and public notices. File No. 100495 (5)

From Department of Public Works, submitting the Micro-LBE set aside program quarterly report. (6)

From concerned citizens, submitting support for the Parkmerced Project. 2 letters (7)

From Office of the Controller, confirming that all newly elected and continuing Supervisors have been bonded. (8)

From Office of the Mayor, submitting the appointment of Paul Kelly to the Relocation Appeals Board. Copy: Each Supervisor, City Attorney, Rules Clerk (9)

From Office of the Controller, submitting report concerning the financial statement audit of the City Investment Pool held by the Office of the Treasurer and Tax Collector for the period from July 1, 2009, through June 30, 2010. (10)

From T-Mobile, submitting notification of three cellular antennas to be installed at 2201 46th Avenue. (11)

From T-Mobile, submitting notification of three cellular antennas to be installed at 4001 Judah. (12)

From T-Mobile, submitting notification of three cellular antennas to be installed at 1601 47th Avenue. (13)

From Janas Page, submitting copy of letter sent to MTA requesting a four-way stop be placed at the intersection of 25th Street at Bartlett. (14)

From John Jenkel, regarding various issues. (15)

From Gavin Newsom, submitting his resignation as Mayor of San Francisco to assume the position of Lieutenant Governor of the State of California. (16)

From concerned citizens, regarding the sidewalk sitting ban. 45 letters (17)

From Sally Sommer, urging the Board of Supervisors not to take a position on proposed resolution concerning the KPFA Morning Show. File No. 101529 (18)



From Allen Jones, urging the Board of Supervisors to honor Oliver Sipple, the gay American hero who saved the life of President Ford in San Francisco on September 22, 1975. (19)

From Sue Hauser, regarding residential parking permits. (20)

From Francisco Da Costa, regarding the Board of Supervisors. (21)

From Cynthia Servetnick, regarding the Market and Octavia Historic Resource Preservation Project. File No. 101447 (22)

From Office of the Assessor-Recorder, submitting the Real Estate Watchdog Program Annual Report for FY2009-2010. (23)

From Patrick Missud, regarding anger management training for City employees. (24)

From Jim Ross, regarding the next Mayor of San Francisco. Copy: Each Supervisor (25)

From Barbara Beth, regarding Interim Mayor Ed Lee. (26)

From Abdalla Megahed, regarding various issues. (27)

From Jim Meko, regarding the Western SoMa Task Force. (28)

From Edwin Lee, submitting his resignation as City Administrator to assume the position of Interim Mayor. (29)

From Office of the Mayor, submitting the appointment of Jason Elliott to the Commission on the Environment, and Lorna Randlett to the Commission on the Status of Women. (30)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (31)

- Supervisor Chris Daly - leaving
- Supervisor Sophie Maxwell- leaving
- Supervisor Scott Wiener - assuming
- Alice Guidry - legislative aide, leaving
- John Jackson - legislative aide, leaving
- Alexander Randolph - legislative aide, leaving
- David Todd - legislative aide, leaving
- Myrna Iton - legislative aide, assuming
- Gillian Gillett - legislative aide, assuming
- Viva Mogi - legislative aide, assuming

From Department of the Environment, regarding pesticide use on City properties in 2010 and review of proposed 2011 reduced risk pesticide use. (32)

From Californians Against Waste, submitting support for proposed legislation regarding Safe Drug Disposal. File No. 100455 (33)

From T-Mobile, submitting notification of three cellular antennas to be installed at 1227 Pacheco Street. (34)

From T-Mobile, submitting notification of three cellular antennas to be installed at 3060 Taraval Street. (35)

From T-Mobile, submitting notification of three cellular antennas to be installed at 2543 Pacheco Street. (36)

From T-Mobile, submitting notification of six cellular antennas to be installed at 340 Stockton Street. (37)

From Anne Murphy, urging the Board of Supervisors to ban wood burning fireplaces in San Francisco. (38)

From the Green Cross, regarding San Francisco's unregulated Medical Cannabis Dispensaries. (39)

From Office of the Controller, submitting DPH's Primary Care Behavioral Health Integration Project Phase One Summary Report. (40)

From Office of the Mayor, submitting the appointment of Thomas Pier to the Human Rights Commission, Lorna Randlett to the Library Commission, and Stephanie Simmons to the Commission on the Status of Women. Copy: Rules Clerk (41)

## **ADJOURNMENT**