



**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, February 8, 2011 - 2:00 PM

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim

Wednesday
11:00 AM

City and School District Select Committee
Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Murase, Norton

2nd and 4th Thursday
3:30 PM

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

2nd and 4th Monday
10:00 AM

Government Audit and Oversight Committee
Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday
10:00 AM

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

Monday
1:00 PM

Public Safety Committee
Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday
10:30 AM

Rules Committee
Supervisors Kim, Elsbernd, Farrell

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

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

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

APPROVAL OF MEETING MINUTES

Approval of the Regular January 4, 2011, Special January 7, 2011, and Inaugural January 8, 2011, Board Meeting Minutes.

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 and 2

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Avalos, Mar, Elsbernd

1. [101147](#) **[Public Works Code - Establishment of Regulatory Controls for the Discharge of Fats, Oils, and Grease Into Sewers]**

Sponsor: Mar

Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding Sections 140 - 140.7 to provide prohibitions, limitations, and requirements for the discharge of fats, oils, and grease into the City's sewerage system by food service establishments.

Attachments: [Board Packet 020811](#)

[Comm Packet 012411](#)

[Board Packet 020111.pdf](#)

[Board Packet 020811](#)

02/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

- 2. **101105** **[Environment Code - Existing Commercial Buildings Energy Performance]**
Sponsors: Mayor; Chiu, Wiener and Mar
 Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

- Attachments:** [Legislation Ver1](#)
[Response Small 091710](#)
[Response PLN 092810](#)
[Legislation Ver2](#)
[Leg Digest Ver2](#)
[Comm Packet 120610](#)
[Comm Packet 121310](#)
[Legislation Ver3](#)
[Leg Digest Ver3](#)
[Comm Packet 012411](#)
[Board Packet 020111.pdf](#)
[Board Packet 020811](#)

02/01/2011; 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

There are no items.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

3. [110012](#) **[Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$603,888]**
Sponsor: Mayor

Ordinance authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Office of Economic and Workforce Development.

Attachments: [Legislation Ver1](#)

[Comm Packet 020211](#)

[Board Packet 020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

4. [110071](#) **[Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34th America's Cup Event]**
Sponsors: Mayor; Mirkarimi, Chiu, Elsbernd, Farrell, Cohen, Avalos, Wiener and Mar

Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the San Francisco Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34th America's Cup Event and coordinating and developing submittals for associated federal and state permits.

Attachments: [Comm_Packet_020211](#)

[110071](#)

[Board_Packet_020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

5. [110072](#) **[Accept and Expend Grant - Federal Green Jobs Workforce Development Training Project and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$238,000]**

Sponsor: Mayor

Ordinance authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$238,000 from the United States Department of Labor Employment and Training Administration to fund the Green Jobs Workforce Development Training Project, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 1824 Principal Administrative Analyst at 0.5 FTE in FY2010-2011 in the Office of Economic and Workforce Development.

Attachments: [Legislation Ver1](#)

[Comm Packet 020211](#)

[Board Packet 020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

6. [101595](#) **[Sale Agreement - Permanent and Temporary Easements for Highway 84 Improvement Project in Alameda County - \$6,000]**

Resolution approving and authorizing an agreement for the sale and conveyance of property rights in fee interest, two nonexclusive permanent easements and three temporary easements over portions of Assessor's Parcel Numbers 85A-5400-2-3 and 507-762-005-00 located in Alameda County under the jurisdiction of the San Francisco Public Utilities Commission to State of California acting through its California Department of Transportation for a purchase price of \$6,000 which includes \$2,500 payment for City and County of San Francisco's administration and legal fees; adopting SFPUC's Resolution 10-0094; further adopting findings that the conveyance is in conformity with the City's General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code; is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting that the sale/conveyance is "Categorically Exempt" from environmental review under Class 12-Surplus Government Property Sales under CEQA Guidelines; and authorizing City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Attachments: [Legislation VER1](#)

[Comm Packet 020211](#)

[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

7. [110013](#) **[Accept and Expend Grant - Community Services Block Grant - \$750,000]**
Sponsor: Mayor

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a Community Services Block Grant in the amount of \$750,000 from the California State Department of Community Services and Development, through the Economic Opportunity Council, to support CityBuild, the Summer Youth Employment Program, and RAMP SF.

- Attachments:** [Legislation Ver1](#)
[Comm Packet 020211](#)
[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen

8. [101464](#) **[Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]**

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

- Attachments:** [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response SBC 011911](#)
[Comm Packet 013111](#)
[Board Packet 020811f](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Kim

9. [110036](#) **[Adoption of Guidelines for the Establishment and Use of Infrastructure Financing Districts]**

Sponsor: Elsbernd

Resolution adopting guidelines for the establishment and use of Infrastructure Financing Districts in the City and County of San Francisco.

Attachments: [Legislation Ver1](#)

[Comm Packet 012411](#)

[Comm Packet 013111](#)

[Response SBC 013111](#)

[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

10. [101559](#) **[Approving the Infrastructure Financing Plan - Rincon Hill Area]**

Sponsor: Mayor

Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)

[Comm Packet 012411](#)

[Comm Packet 013111](#)

[Response SBC 013111](#)

[Legislation Ver2](#)

[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

Board of Supervisors Sitting as a Committee of the Whole

(Pursuant to Resolution File No. 101571, adopted January 4, 2011.)

11. [110132](#) **[Hearing - Infrastructure Financing District No. 1 - Rincon Hill Area]**

Hearing of persons interested in or objecting to the proposed legislation: (1) creating the Infrastructure Financing District and adopting the Infrastructure Financing Plan for Infrastructure Financing District No. 1 (Rincon Hill Area); (2) calling for a special election and declaring the results for the Infrastructure Financing District No. 1 (Rincon Hill Area); and (3) authorizing the issuance of bonds for the Infrastructure Financing District No. 1 (Rincon Hill Area). (Clerk of the Board)

Attachments: [Board Packet 020811](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Kim

12. [101558](#) **[Formation of an Infrastructure Financing District - Rincon Hill Area]**
Sponsor: Mayor
Resolution proposing the formation of an Infrastructure Financing District for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

Attachments: [Legislation_Ver1](#)
[Comm_Packet_012411](#)
[Comm_Packet_013111](#)
[Response_SBC_013111](#)
[Legislation_Ver2](#)
[Board_Packet_020811f](#)

Question: Shall this Resolution be ADOPTED?

13. [101562](#) **[Intention to Issue Bonds for the Infrastructure Financing District - Rincon Hill Area]**
Sponsor: Mayor
Resolution of intention to issue bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

Attachments: [Legislation_Ver1](#)
[Comm_Packet_012411](#)
[Comm_Packet_013111](#)
[Response_SBC_013111](#)
[Legislation_Ver2](#)
[Board_Packet_020811f](#)

Question: Shall this Resolution be ADOPTED?

14. [101560](#) **[Special Election for the Infrastructure Financing District - Rincon Hill Area]**

Sponsor: Mayor

Resolution calling for a special election for the City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)

[Comm Packet 012411](#)

[Comm Packet 013111](#)

[Response SBC 013111](#)

[Legislation Ver2](#)

[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

15. [101561](#) **[Declaring the Results of the Special Election for the Infrastructure Financing District - Rincon Hill Area]**

Sponsor: Mayor

Resolution declaring the results of special election for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)

[Comm Packet 012411](#)

[Comm Packet 013111](#)

[Response SBC 013111](#)

[Legislation Ver2](#)

[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

16. [101557](#) **[Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]**

Sponsor: Mayor

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

- Attachments:** [Legislation Ver1](#)
[Leg_Digest Ver1](#)
[Comm Packet 012411](#)
[Comm Packet 013111](#)
[Comm Packet 020211](#)
[Budget Analyst 072811](#)
[Response SBC 013111](#)
[Legislation Ver2](#)
[Board Packet 020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. [101563](#) **[Authorizing Issuance of Bonds for the Infrastructure Financing District - Rincon Hill Area]**

Sponsors: Mayor; Kim

Resolution authorizing the issuance of bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

- Attachments:** [Legislation Ver1](#)
[Comm Packet 012411](#)
[Comm Packet 013111](#)
[Response SBC 013111](#)
[Board Packet 020811](#)

Question: Shall this Resolution be ADOPTED?

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

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, February 3, 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, February 8, 2011.

18. [101576](#) **[Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive \$75,000]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons and Sheldon Morris for \$45,000 from defendant Alexander A. Deanda and \$30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

Attachments: [Legislation_VER1](#)

[Comm_Packet_020311](#)

[Board_Packet_020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. [101577](#) **[Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - \$270,000]**

Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for \$270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

Attachments: [Legislation_VER1](#)

[Comm_Packet_020311](#)

[Board_Packet_020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. [101592](#) [Settlement of Lawsuit - Mackin, et al. - City to Pay \$63,020 for Easement]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

Attachments: [Legislation VER1](#)

[Comm Packet 020311](#)

[Legislation Ver2](#)

[Board Packet 020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. [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](#)

[Comm Packet 020311](#)

[Board Packet 020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. [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](#)

[Comm Packet 020311](#)

[Board Packet 020811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, February 7, 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, February 8, 2011.

23. [110026](#) **[Accept and Expend State Grant - Removal of Abandoned Recreational Watercraft - \$15,200]**

Sponsor: Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$15,200 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund, for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

Attachments: [Legislation Ver1](#)

[Comm Packet 020711](#)

[Board Packet 020811](#)

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 24 through 35

24. **110100** **[Opposing the Sale of KUSF's FCC License to Broadcast on 90.3 FM]**
Sponsors: Mirkarimi; Mar
Resolution recognizing the long and valuable public service of radio station KUSF, opposing the sale of KUSF's FCC license to broadcast on 90.3 FM, requesting the USF Board of Regents to rescind the decision to transfer KUSF's license and reinstate KUSF programming, and urging San Francisco's Federal representatives to express their opposition to KUSF's sale to the Federal Communications Commission.
- Attachments:** [Legislation Ver1](#)
[Board Packet 020111.pdf](#)
[Board Packet 020811](#)

01/25/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

02/01/2011; CONTINUED.

Question: Shall this Resolution be ADOPTED?

25. **110119** **[Supporting Local 87 Janitors at 1 South Van Ness Avenue]**
Sponsors: Wiener; Kim, Chiu, Avalos and Cohen
Resolution supporting reinstating the Janitors who have worked at 1 South Van Ness Avenue represented by Local 87.
- Attachments:** [Board Packet 020811](#)
[Legislation Ver1](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

26. [110121](#) **[Consolidation of Special Municipal Election with Special Statewide Election Anticipated for June 7, 2011]**

Sponsor: Chiu

Resolution calling a Special Municipal Election for June 7, 2011, and consolidating that election with the Statewide Special Election anticipated to be held on the same date.

Attachments: [Legislation Ver1](#)

[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

27. [110122](#) **[Commending The De Marillac Academy]**

Sponsors: Elsbernd; Kim

Resolution commending The De Marillac Academy on the occasion of its tenth anniversary and commending the Academy on its outstanding educational work.

Attachments: [Leg VER1](#)

[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

28. [110123](#) **[Approving a 90-Day Extension for Planning Commission Review of Parking Controls in SoMa and Mission Bay]**

Sponsor: Kim

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend the San Francisco Planning Code Sections 151, 151.1, 155, 161, 249.1, 249.23, and Part VII of Article 9 to: (1) remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts; (2) require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking; and (3) make parking controls in the Mission Bay Districts that are subject to the Planning Code consistent with requirements of neighboring districts; and making environmental findings, General Plan findings, and other required findings.

Attachments: [Board Packet 020811](#)

[Legislation Ver1](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

29. [110124](#) **[Condemning Rush Limbaugh for Mocking Chinese President Hu Jintao]**
Sponsors: Mar; Avalos, Chu, Campos, Chiu, Kim and Cohen
Resolution condemning Rush Limbaugh for mocking the Chinese language and Chinese President Hu Jintao on his radio show on January 19, 2011.

Attachments: [Legislation VER1](#)
[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. [110125](#) **[Apply for Department of Forestry and Fire Protection Grant for Fruit Bearing Trees]**

Sponsor: Mayor
Resolution authorizing the Department of the Environment for the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) as provided through Propositions 40 and 84 for a project to plant fruit bearing trees on appropriate City land.

Attachments: [Legislation VER1](#)
[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. [110126](#) **[Accept and Expend Grant - Implementation of Programs for the Prevention, Care, and Treatment of HIV/AIDS - \$13,001]**

Sponsor: Wiener
Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$13,001 from the University of California San Francisco to participate in a program entitled "Implementation of Programs for the Prevention, Care, and Treatment of HIV/AIDS" for the period of July 1, 2010, through June 30, 2011.

Attachments: [Legislation Ver1](#)
[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [110127](#) [Accept and Expend Grant - Western States Node of the National Drug Abuse Treatment Clinical Trials Network - \$16,876]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$16,876 from the University of California San Francisco to participate in a program entitled "Western States Node of the National Drug Abuse Treatment Clinical Trials Network" for the period of September 1, 2010, through August 31, 2011.

Attachments: [Legislation Ver1](#)
[110127.pdf](#)
[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [110128](#) [Accept and Expend Grant - Integrating I-Tech International AIDS Education and Training Center - \$20,682]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$20,682 from the University of California San Francisco to participate in a program entitled "Integrating I-Tech International AIDS Education and Training Center" for the period of April 1, 2010, through March 31, 2011.

Attachments: [Legislation Ver1](#)
[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [110129](#) [Accept and Expend Grant - Risk Reduction Project - \$27,287]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$27,287 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled "Risk Reduction Project" for the period of August 1, 2010, through July 14, 2012.

Attachments: [Legislation Ver1](#)
[Board Packet 020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. [110118](#) [Opposing the Metropolitan Transportation Commission's Proposal to Add Voting Members Representing Urban Areas]



Item added as of 02/04/11

Sponsor: Wiener

Resolution opposing the Metropolitan Transportation Commission's proposal to add voting members representing urban areas but excluding San Francisco and other large Bay Area cities, and urging the California State Legislature to oppose the proposal.

Attachments: [Legislation_Ver1](#)

[Board_Packet_020811](#)

02/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

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 ORDINANCES

Proposed ordinances received from January 25, 2011, through January 31, 2011, for reference by President to appropriate committee on February 8, 2011.

110107**[Settlement of Lawsuit - Paul Graham - \$34,271.51]**

Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for \$34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation_Ver1](#)

01/27/2011; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from January 25, 2011, through January 31, 2011, for reference by President to appropriate committee on February 8, 2011.

110108**[Settlement of Unlitigated Claim - John Payne - \$220,229]**

Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for \$220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

Attachments: [Legislation_Ver1](#)

01/28/2011; RECEIVED AND ASSIGNED to the Rules Committee.

110109**[Airport Lease Agreement - China Airlines, Ltd. - Building 648]**

Resolution approving and authorizing the execution of Lease No. 10-0347 with China Airlines, Ltd. for cargo warehouse and support office space to be occupied by China Airlines, Ltd. in Building 648 at San Francisco International Airport.

Attachments: [Legislation_Ver1](#)

01/28/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

110110 [Petitions and Communications]

Petitions and Communications received from January 25, 2011, through January 31, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 8, 2011.

From Human Services Agency, regarding the Human Services Care Fund. Copy: Each Supervisor, Budget and Finance Committee Clerk (1)

From concerned citizens, submitting opposition to the appointment of Richard Johns to the HPC. File No. 101511, Copy: Each Supervisor, 9 letters (2)

From concerned citizens, regarding the sidewalk sitting ban. 17 letters (3)

From Elton Pon, submitting support for proposed agreement lease with Stow Lake Boathouse, LLC, for the operation of the Stow Lake Boathouse Concession in Golden Gate Park. File No. 101416 (4)

From James Corrigan, regarding current labor negotiations. (5)

From Joe Cappelletti, submitting opposition to adding a local surcharge to every drink purchased in San Francisco. (6)

From Arts Commission, submitting FY2010-2011 Second Quarterly Expenditures Report. (7)

From State Department of Mental Health, regarding the community placement of a person committed as a sexually violent predator. Copy: Supervisor Wiener, City Attorney (8)

From Police Department, submitting request for release of reserved funds for the COPS Hiring Recovery Program. Copy: Budget and Finance Committee (9)

From James Chaffee, regarding the public library. (10)

From Rainbow Grocery Cooperative, submitting support for proposed resolution opposing the sale of KUSF radio station. File No. 110100 (11)

From Ivan Pratt, regarding public housing and the Redevelopment Agency. (12)

From Office of the Controller, submitting its audit report on the PUC's management of the Water System Improvement Program. (13)

From Abdalla Megahed, regarding the current situation in Egypt. Copy: Each Supervisor (14)

From concerned citizens, regarding the proposed agreement lease with Stow Lake Boathouse, LLC, for the operation of the Stow Lake Boathouse Concession in Golden Gate Park. File No. 101416, 5 letters (15)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (16)

Bevan Dufty, Supervisor - leaving
Sondra Angulo, Legislative Aide - assuming
Megan Hamilton, Legislative Aide - assuming

From Office of the Controller, regarding proposed Charter Amendment concerning increasing the compensation of the Board of Education Members. File No. 101403, Supervisors Kim, Elsbernd, Farrell (17)

From Office of Citizen Complaints, submitting 2010 Annual Statistical Report. (18)

From concerned citizens, submitting support for keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 2 letters (19)

From Sue Vaughan, urging the Board of Supervisors to refer proposed legislation regarding handbills back to committee. File No. 101522 (20)

From Gerald Cauthen, regarding Caltrain operation. (21)

From Ace Washington, regarding Ace Washington's contributions to San Francisco. Copy: Each Supervisor (22)

From Branch Library Improvement Program, submitting the 2010 Fourth Quarterly Report. (23)

ADJOURNMENT