



# 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, May 3, 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, Wiener, Chiu

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

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

**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  
1:00 PM

Wednesday  
10:00 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

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

## 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

## APPROVAL OF MEETING MINUTES

*Approval of the March 29, 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.*

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

### Items 1 through 8

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

*Present: Supervisors Avalos, Elsbernd*

1. [110434](#) **[Public Works Code - Waiver of Certain Temporary Street Space Occupancy Fees]**

**Sponsor: Avalos**

Ordinance waiving San Francisco Public Works Code Section 724.1(b), which imposes temporary street space occupancy fees, on Saturday, May 7, 2011, and Saturday, May 21, 2011, for certain streets in San Francisco, as part of Small Business Week Sidewalk Sales.

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

[Comm Packet 042511](#)

[Board Packet 042611](#)

[Board Packet 050311](#)

04/26/2011; PASSED, ON FIRST READING.

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

2. [110304](#) **[Mental Health Services Act FY2011-2012 Plan Annual Update]**  
Resolution authorizing adoption of the Mental Health Services Act FY2011-2012 Plan Update for community services and support, prevention and early intervention, workforce education and training, innovation, capital facilities and technological needs, and modification of the Mental Health Services Act Agreement with the California Department of Mental Health, Contract No. 07-77338-000, to include this Annual Update. (Public Health Department)

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 042511](#)  
[Board Packet 050311](#)

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

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

*Present: Supervisors Mar, Cohen, Wiener*

3. [110280](#) **[Public Works Code, Police Code - Posting of Signs on City Property, Increasing Penalty, and Enforcement]**  
**Sponsors: Mirkarimi; Wiener and Mar**  
Ordinance amending the San Francisco Public Works Code by amending Sections 184.62, 184.63, and 184.65 thereof, to: 1) increase the minimum criminal penalty for violations of Article 5.6 of the Public Works Code from \$50 to \$100; 2) amend the procedures for administrative enforcement of Article 5.6 of the Public Works Code and specify the amounts of administrative penalties; 3) provide that in any civil action or administrative proceeding to enforce Article 5.6 the City shall have the burden of proof; 4) provide that where an unlawfully posted sign proposes a commercial transaction, the fact that the sign identifies a person or entity may give rise to an inference that person or entity posted or caused the posting of the sign; and 5) amending the Police Code by amending Section 39-1 thereof, to provide that that Section shall not apply to administrative citations issued under Public Works Code Section 184.63.

**Attachments:** [Legislation Ver1](#)  
[Leg Digest Ver1](#)  
[Comm Packet 041811](#)  
[Board Packet 042611](#)  
[Board Packet 050311](#)

04/26/2011; PASSED, ON FIRST READING.

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

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

*Present: Supervisors Kim, Elsbernd, Farrell*

- 4. [110432](#) **[Appointment, San Francisco Health Authority - Brenda Yee]**  
Motion appointing Brenda Yee, term ending January 15, 2014, to the San Francisco Health Authority, residency requirement waived. (Clerk of the Board)

**Attachments:** [Comm Packet 042111](#)  
[Legislation Ver1](#)  
[Board Packet 050311](#)

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

- 5. [110433](#) **[Appointment, Medical Cannabis Task Force - Stewart Rhoads]**  
Motion appointing Stewart Rhoads, term ending July 16, 2013, to the Medical Cannabis Task Force. (Clerk of the Board)

**Attachments:** [Comm Packet 042111](#)  
[Legislation Ver1](#)  
[Board Packet 050311](#)

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

- 6. [110446](#) **[Appointments, Pedestrian Safety Advisory Committee - John Lowell, Pi Ra, Richard Rothman, Mari Hunter, and Jay Lee]**  
Motion appointing John Lowell, term ending March 28, 2012, and Pi Ra, Richard Rothman, Mari Hunter, and Jay Lee terms ending March 28, 2013, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)

**Attachments:** [Comm Packet 042111](#)  
[Legislation Ver1](#)  
[Board Packet 050311](#)

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

- 7. [110451](#) **[Appointment, Children and Families First Commission - Mary Hansell]**  
Motion appointing Mary Hansell, for an indefinite term, to the Children and Families First Commission, residency requirement waived. (Clerk of the Board)

**Attachments:** [Comm Packet 042111](#)  
[Legislation Ver1](#)  
[Board Packet 050311](#)

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

8. [110460](#) **[Appointment, SRO Task Force - Joyce Lam]**  
Motion appointing Joyce Lam, term ending December 31, 2012, to the SRO Task Force.  
(Clerk of the Board)

**Attachments:** [Comm Packet 042111](#)

[Legislation Ver1](#)

[Board Packet 050311](#)

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

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

*Present: Supervisors Mar, Cohen, Wiener*

9. [110222](#) **[Public Works Code - Declaring Illegal Dumping on Public Property a Nuisance, and Providing a Mechanism for Abating and Enforcing that Nuisance]**  
**Sponsors: Cohen; Chu, Avalos, Campos and Mar**  
Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1505 to: 1) declare the illegal dumping of debris and waste construction materials or industrial materials, or of more than 100 pounds of any other waste, refuse, or debris, on public property to be a public nuisance; 2) authorize enforcement by the City Attorney in a civil action; and 3) permit the City and County of San Francisco to collect civil penalties, costs of abatement, investigation, and attorneys' fees against the individuals or entities responsible for the dumping; and making environmental findings.

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

[Leg Digest Ver1](#)

[Comm Packet 041811](#)

[Board Packet 042611](#)

[Legislation Ver2](#)

[Board Packet 050311](#)

04/26/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

04/26/2011; PASSED ON FIRST READING AS AMENDED.

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

*Present: Supervisors Chu, Mirkarimi, Kim*

10. [110151](#) **[Appropriating \$6,995,000 of State Loans - West Marina Yacht Harbor Renovations for FY2010-2011]**  
**Sponsor: Farrell**  
Ordinance appropriating \$6,995,000 of loan funding from the California Department of Boating and Waterways for the renovation of the West Harbor of the San Francisco Marina Yacht Harbor in the Department of Recreation and Park for FY2010-2011.

(Fiscal Impact.)

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

[Budget Analyst 030211](#)

[Comm Packet 030211](#)

[Comm Packet 042711](#)

[Budget Analyst 042711](#)

[Board Packet 050311](#)

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

11. [110396](#) **[Airport Lease Agreement - Asiana Airlines, Ltd - Building 648]**  
Resolution approving and authorizing the execution of Lease No. 11-0049 with Asiana Airlines, Inc., for cargo warehouse and support office space to be occupied by Asiana Airlines, Inc., in Building 648 at the San Francisco International Airport. (Airport Commission)

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

[Comm Packet 042711](#)

[Budget Analyst 042711](#)

[Board Packet 050311](#)

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

12. [110439](#) **[Accept and Expend Grant - U.S. Department of Housing and Urban Development Economic Development Initiative Special Projects - \$750,000]**

**Sponsors: Mayor; Cohen**

Resolution authorizing the Director of the Mayor's Office of Housing to accept and expend an Economic Development Initiative Special Projects Grant from the U.S. Department of Housing and Urban Development in a total amount of \$750,000 to assist with the redevelopment of the Sunnydale public housing site into a mixed-income community.

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

[Comm Packet 042711](#)

[Board Packet 050311](#)

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

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

*Present: Supervisors Avalos, Elsbernd*

13. **110281** **[Public Works Code, Administrative Code, and Health Code - Consolidate Existing Department of Public Works' Nuisance Enforcement, Abatement, and Cost Collection Processes]**

**Sponsors: Mirkarimi; Wiener**

Ordinance amending portions of the San Francisco Public Works Code, Administrative Code, and Health Code to: 1) consolidate and streamline Department of Public Works' enforcement, abatement, and cost collection processes for public nuisances, including amendments to Administrative Code Chapter 80, Sections 80.3 and 80.8, Public Works Code Sections 170, 174.1, 707.1, 727, 735, and Health Code Article 6, Section 291.2; 2) repealing Public Works Code Sections 174.2 through 174.13, 728 through 734, and 735.1 through 735.4; 3) renumbering Public Works Code Section 707.1 as 706.9; and 4) to make environmental and other required findings.

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

[Response PLN 042011](#)

[Comm Packet 042511](#)

[Board Packet 050311](#)

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

*Present: Supervisors Avalos, Mar, Elsbernd*

14. **110200** **[Liquor License Transfer - 3132 Clement Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 612 Kearny Street to 3132 Clement Street (District 1), to Garfield Beach CVS LLC, dba CVS Pharmacy, 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)

(Supervisor Avalos dissented in Committee.)

**Attachments:** [Comm Packet 041111](#)

[Comm Packet 042511](#)

[Legislation Ver2](#)

[Board Packet 050311](#)

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

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

*Present: Supervisors Mar, Cohen, Wiener*

**15. [110314](#) [Street Vacation - Resolution of Intention - Joe DiMaggio Playground Master Plan - Mason Street]**

**Sponsors: Mayor; Chiu**

Resolution declaring the intention of the Board of Supervisors to vacate the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; and setting the hearing date for June 7, 2011, at 3:00 p.m. for all persons interested in the proposed vacation of said public right-of-way.

**Attachments:** [Board Packet 050311](#)

[Comm Packet 042511](#)

[Legislation Ver2](#)

[Board Packet 050311](#)

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

**Recommendation of the Public Safety Committee**

*Present: Supervisors Mirkarimi, Cohen*

**16. [110402](#) [Accept and Expend Grant - Community Oriented Policing Services - \$750,000]**

**Sponsor: Cohen**

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2010 Community Oriented Policing Services Grant in the amount of \$750,000 from the United States Department of Justice for the period December 16, 2009, to December 15, 2012.

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

[Comm Packet 042111](#)

[Board Packet 050311](#)

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

**Recommendation of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Farrell*

17. [110393](#) **[Appointment, Association of Bay Area Governments Executive Board - Supervisor Malia Cohen]**

Motion appointing Supervisor Malia Cohen, term ending June 30, 2012, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

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

[Comm Packet 042111](#)

[Board Packet 050311](#)

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

**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.

18. **110373** **[Public Hearing - Conditional Use Appeal - 1268 Lombard Street]**  
Hearing of persons interested in or objecting to the decision of the Planning Commission's February 17, 2011, Conditional Use Authorization identified as Planning Case No. 2009.1029C, by its Motion No. 18279, under Planning Code Sections 209.1 and 303 to allow new construction of four dwelling units at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District, on property located at 1268 Lombard Street, Lot No. 015 in Assessor's Block No. 0500. (District 2) (Appellant: Marvin Frankel, on behalf of the Russian Hill Neighbors)

(Filed March 21, 2011; Companion Measure to File Nos. 110374, 110375, and 110376.)

**Attachments:** [Board Packet 041911](#)

[Board Packet 050311](#)

04/19/2011; CONTINUED.

**Question: Shall this Hearing be HEARD AT PUBLIC HEARING?**

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision 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.)**

19. [110374](#) **[Approving Planning Commission Decision Related to Conditional Use Application - 1268 Lombard Street]**

Motion approving decision of the Planning Commission by its Motion No. 18279, approving Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

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

[Board Packet 041911](#)

[Board Packet 050311](#)

04/19/2011; CONTINUED.

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

20. [110375](#) **[Disapproving Planning Commission Decision Related to Conditional Use Application - 1268 Lombard Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 18279, approving Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

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

[Board Packet 041911](#)

[Board Packet 050311](#)

04/19/2011; CONTINUED.

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

21. [110376](#) **[Preparation of Findings Related to the Conditional Use Application - 1268 Lombard Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street.

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

[Board Packet 041911](#)

[Board Packet 050311](#)

04/19/2011; CONTINUED.

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

## 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.*

## CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Potential Litigation

22. [110522](#) **[Closed Session - Parkmerced Development Project]**

**Sponsor: Elsbernd**

Motion that Board of Supervisors convene in closed session on May 3, 2011, with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding threatened litigation, potentially arising out of the proposed Parkmerced Development Project, where City may be either defendant or plaintiff in at least one case in either instance.

This closed session is permitted by Government Code Section 54956.9(b), and Administrative Code Section 67.10(d)(2).

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

[Board Packet 050311](#)

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

*[Elect To Disclose]*

*Motion that the Board finds it is in the best interest of the public that the Board elect at this time to disclose its closed session deliberations.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.*

*After a closed session, if one occurs, pending approval of above action to disclose, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

## 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.*

*Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.*

### Items 23 through 25

23. [110468](#) **[Supporting SB 729 - California Homeowner Protection Act]**  
**Sponsors: Mirkarimi; Cohen and Campos**  
Resolution supporting Senate Bill 729, "The California Homeowner Protection Act."

**Attachments:** [Legislation Ver1](#)  
[Board Packet 042611](#)  
[Board Packet 050311](#)

04/19/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

04/26/2011; CONTINUED.

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

**24. [110521](#) [Perinatal Depression Awareness Month - May]****Sponsor: Chu**

Resolution declaring every May as Perinatal Depression Awareness Month in the City and County of San Francisco and encouraging improvements in the screening and treatment of perinatal depression.

**Attachments:** [Board Packet 050311](#)

04/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**25. [110422](#) [Committee of the Whole - Hearing on the Report of Assessment Costs for Blighted Properties]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 10, 2011, at 3:00 p.m., to hold a public hearing on the resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

**Attachments:** [Board Packet 050311](#)

04/07/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**26. 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 ORDINANCE

*Proposed ordinance received from April 19, 2011, to April 25, 2011, for reference by President to appropriate committee on May 3, 2011.*

#### **110537**

#### **[Settlement of Lawsuit - Stephanie Davis - \$45,000]**

Ordinance authorizing settlement of the lawsuit filed by Stephanie Ann Davis against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 5, 2010, in San Francisco Superior Court, Case No. CGC-10-495809; entitled Stephanie Ann Davis, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

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

04/25/2011; RECEIVED AND ASSIGNED to the Rules Committee.

### PROPOSED RESOLUTIONS

*Proposed resolutions received from April 19, 2011, to April 25, 2011, for reference by President to appropriate committee on May 3, 2011.*

#### **110536**

#### **[Airport Lease Agreement - XpresSpa SF International, LLC and ILJ San Francisco, LLC]**

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 2 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**Attachments:** [110536](#)

04/28/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

#### **110538**

#### **[Lease of Property - MTA's Transit Management Center - 1455 Market Street]**

Resolution authorizing the lease of 39,573 sq. ft. at 1455 Market Street for ten years plus options to extend for the San Francisco Municipal Transportation Agency's Transit Management Center. (Real Estate Department)

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

04/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

**110539**

**[Settlement of Claim - Tadhge Conway - \$250,000]**

Resolution approving the settlement of the unlitigated claim filed by, Tadhge Conway against the City and County of San Francisco for \$250,000; the claim was filed on July 22, 2010, Claim No. 11-00169. (City Attorney's Office)

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

04/25/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**110541**

**[Lease Agreement for Operation and Maintenance of Public Wireless-Fidelity System at San Francisco International Airport]**

Resolution approving the Lease Agreement for Operation and Maintenance of Public Wireless-Fidelity System at San Francisco International Airport between Advanced Wireless Group, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

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

04/19/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

**110542**

**[Airport Lease Agreement - J. Avery Enterprises]**

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**Attachments:** [110542](#)

04/28/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

**110483 [Petitions and Communications]**

Petitions and Communications received from April 19, 2011, through April 25, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 3, 2011.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

\*From concerned citizens, submitting support for proposed motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review. File No. 110344, Copy: Each Supervisor, Approximately 200 letters (1)

\*From concerned citizens, submitting support for proposed motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review. File No. 110344, Copy: Each Supervisor, 25 letters (2)

From James Chaffee, regarding the 311 system of Customer Service. (3)

From Aaron Goodman, regarding the Parkmerced project. 5 letters (4)

From SoMa Leadership Council, submitting support for an independent Citizens Advisory Committee to oversee the Twitter tax exemption deal. Copy: Each Supervisor (5)

\*From concerned citizens, urging the Board of Supervisors to take action to restore the wetlands at Sharp Park Golf Course. 25 letters (6)

From concerned citizens, submitting opposition to the sidewalk sitting ban. 20 letters (7)

From Jeff Staben, regarding smart meters. (8)

From Municipal Transportation Agency, submitting the draft Departmental Climate Action Plan for 2011. (9)

From Local Agency Formation Commission, submitting Resolution in Support of SB 790, Electricity, Community Choice Aggregation. Copy: Each Supervisor (10)

From Panhandler Boycott, submitting support for enforcing the sit/lie ordinance. (11)

From concerned citizens, submitting support for the new North Beach Library. File No. 110316 (12)

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 5 letters (13)

From Cole Valley Improvement Association, submitting support for the Recology Contract. File No. 101225 (14)

From Van Arsdale, submitting support for a voluntary ban on feeding of pigeons. (15)

From Treasure Island Homeless Development Initiative, submitting support for the Treasure Island project. File No. 110296, Copy: Land Use Committee Clerk, 2 letters (16)

From James Corrigan, regarding the Fire Department. (17)

From Patrick Monette-Shaw, regarding the budget. (18)

From Roxana Rudd, submitting opposition to proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114 (19)

From Human Rights Commission, submitting support for amending the Administrative and Police Codes, to prohibit discrimination against persons on the basis of an arrest or conviction record. (20)

From Supervisor Roger Abe, Yuba County, regarding the proposed Recology Contract. File No. 101225, Copy: Budget and Finance Clerk (21)

From Office of the Controller, submitting the results of the follow-up review for the 2009 audit of the Department of Aging and Adult Services. (22)

From Office of the Controller, submitting the Schedule of Cash, Investments, and Accrued Interest Receivable Report for the Office of the Treasurer and Tax Collector. (23)

From Robert Bachman, submitting a California Preliminary 20-Day Notice pursuant to Sections 3097 and 3098 of the California Civil Code as sub-contractor to KONE, Inc. Copy: Each Supervisor (24)

From Jessica Dillon, concerning the Botanical Gardens fees. File No. 110255 (25)

From State Public Utilities Commission, submitting notice of public hearing to accept public comment on proposed new models of natural gas pipeline safety regulations applicable to all California pipelines. Copy: Each Supervisor (26)

From State Office of Historic Preservation, submitting notice that the San Francisco Juvenile Court and Detention Home was placed on the National Register of Historic Places. Copy: Each Supervisor (27)

From Civil Service Commission, regarding FY2011-2012 Salary Survey for Registered Nurse Classifications. Copy: Each Supervisor (28)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (29)

Jackson West, SOTF - assuming  
David Snyder, SOTF - annual

(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk's Office, Room 244, City Hall.)

## ADJOURNMENT