



# 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 9, 2010 - 2:00 PM

## Regular Meeting

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

Angela Calvillo, Clerk of the Board

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## BOARD COMMITTEES

### Committee Membership

**Budget and Finance Committee**  
Supervisors Avalos, Mirkarimi, Elsbernd

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

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

**Government Audit and Oversight Committee**  
Supervisors Mar, Chu, Maxwell

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

**Public Safety Committee**  
Supervisors Chiu, Mirkarimi, Dufty

**Rules Committee**  
Supervisors Campos, Alioto-Pier, Mar

### Meeting Days

Wednesday  
11:00 AM

1st and 3rd Thursday  
3:30 PM

2nd and 4th Monday  
10:30 AM

2nd and 4th Thursday  
1:00 PM

Monday  
1:00 PM

1st and 3rd Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

## Meeting Procedures

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

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

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting.

Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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

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

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

## Disability Access

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

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

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

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

## **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](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.sfgov.org/sunshine>

## **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](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 Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk on the Friday preceding a regularly scheduled Board meeting.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## AGENDA CHANGES

## APPROVAL OF MEETING MINUTES

*Approval of the January 12, 2010, 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 through 4

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

1. [100049](#) **[Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$80,000]**

**Sponsor: Dufty**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**Attachments:** [Legislation\\_VER1](#)

[Comm\\_Packet\\_012710](#)

[Board\\_Packet\\_020210](#)

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

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

2. [100028](#) **[Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three-Year Program and Expenditure Plan]**

Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three-Year Program and Expenditure Plan and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

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

[Comm Packet 020310](#)

[Board Packet 020910](#)

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

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

*Present: Supervisors Maxwell, Mar, Chiu*

3. [091231](#) **[Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]**

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

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

[Comm Packet 012510](#)

[Board Packet 020210](#)

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

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

### **Recommendation of the Public Safety Committee**

*Present: Supervisors Chiu, Mirkarimi, Dufty*

4. [100027](#) **[Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]**

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

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

[Comm Packet 020310](#)

[Board Packet 020910](#)

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

5. [100145](#) **[Adopting Findings Related to the Conditional Use Appeal on Property Located at 1969 California Street]**  
Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)  
**Attachments:** [Board Packet\\_020910](#)  
[Legislation\\_VER1](#)
- 02/02/2010; REFERRED to the Board of Supervisors.
- Question: Shall this Motion be APPROVED?**
6. [100039](#) **[Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**  
**Sponsors: Avalos; Campos, Mirkarimi and Mar**  
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.  
**Attachments:** [Legislation\\_Ver1](#)  
[Board Packet\\_020910](#)
- 01/12/2010; AMENDED. Duplicated, see File No. 090583.
- 01/12/2010; CONTINUED AS AMENDED ON FIRST READING.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

**From the Budget and Finance Committee Without Recommendation**

*Present: Supervisors Avalos, Mirkarimi, Chu*

- 7. **091454** **[MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.  
  
(Fiscal Impact.)  
**Attachments:** [Legislation Ver1](#)  
[Comm Packet 011310](#)  
[Board Packet 020210](#)

02/02/2010; PASSED ON FIRST READING. Privilege of the floor was granted to Martin Gran (Department of Human Resources) who provided an overview and responded to questions raised throughout the discussion.

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

- 8. **091455** **[MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.  
  
(Fiscal Impact.)  
**Attachments:** [Legislation Ver1](#)  
[Comm Packet 011310](#)  
[Board Packet 020210](#)

02/02/2010; PASSED ON FIRST READING.

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

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

*Present: Supervisors Chu, Avalos, Elsbernd*



9. [091441](#) **[Recreation and Park Department - Animal Protections; Increasing Penalties for Park Code Violations]**

**Sponsor: Elsbernd**

Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to \$500 maximum for an infraction and up to \$1000 for a misdemeanor.

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

[Comm Packet 012510](#)

[Board Packet 020210](#)

[Legislation Ver2](#)

[Board Packet 020910](#)

02/02/2010; AMENDED.

02/02/2010; PASSED ON FIRST READING AS AMENDED.

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

**Recommendation of the Rules Committee**

*Present: Supervisors Campos, Mar*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter Amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter Amendment appropriately may be continued and considered at least one week prior to submission to the electorate.)*

10. [091429](#) **[Establishing a Film Commission, its Membership, Qualifications, and Powers]**

**Sponsors: Alioto-Pier; Daly, Campos and Mar**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

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

[Comm Packet 012110](#)

[Comm Packet 012810](#)

02/02/2010; CONTINUED.

**Question: Shall this Charter Amendment be SUBMITTED?**

## Board of Supervisors Sitting as a Committee of the Whole

11. [100146](#) **[Committee of the Whole - Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000]**  
Hearing of persons interested in or objecting to proposed Resolution and proposed Ordinance relating to the Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000. (Clerk of the Board)  
**Attachments:** [Board Packet 020910](#)

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

## Committee of the Whole Adjourn and Report Without Recommendation

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

12. [091457](#) **[Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

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

[Comm\\_Packet\\_010610](#)

[Legislation\\_Ver2](#)

[Comm\\_Packet\\_012710](#)

[Board\\_Packet\\_020210](#)

[Board\\_Packet\\_020910](#)

02/02/2010; AMENDED.

02/02/2010; CONTINUED AS AMENDED. Continued to February 9, 2010.

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

13. [091458](#) **[Earthquake Safety and Emergency Response General Obligation Bond Election - \$652,070,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

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

[Legislation\\_Ver2](#)

[Comm\\_Packet\\_012710](#)

[Board\\_Packet\\_020210](#)

[Board\\_Packet\\_020910](#)

02/02/2010; AMENDED.

02/02/2010; CONTINUED AS AMENDED ON FIRST READING. Continued to February 9, 2010.

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

14. [091460](#) **[Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]**  
**Sponsor: Mayor**  
Ordinance approving City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.
- (Fiscal Impact.)  
(Supervisor Mirkarimi dissented in Committee.)  
**Attachments:** [Legislation Ver1](#)  
[Comm Packet 012710](#)  
[Comm Packet 020310](#)  
[Board Packet 020910](#)

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

15. [100025](#) **[Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - Not to Exceed \$65,000,000]**

**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed \$65,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010B, and City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010D (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

(Fiscal Impact.)

**Attachments:** [Comm Packet 020310](#)

[Board Packet 020910](#)

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

16. [100024](#) **[Bond Sale of San Francisco General Hospital Improvement Bonds - Not to Exceed \$305,000,000]**

**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed \$305,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010A, and City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010C (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

(Fiscal Impact.)

**Attachments:** [Comm Packet 020310](#)

[Board Packet 020910](#)

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

*Present: Supervisors Avalos, Mirkarimi*

17. [100101](#) **[Appropriating \$305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating \$305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.

(Fiscal Impact.)

**Attachments:** [100101.doc](#)

[Comm Packet 020310](#)

[Board Packet 020910](#)

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

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

## COMMITTEE REPORTS

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

*The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, February 8, 2010, 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 10, 2010.*

18. [091165](#) **[Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]**  
**Sponsor: Chiu**  
Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to offstreet parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
- (Fiscal Impact.)  
**Attachments:** [Legislation Ver1](#)  
[Leg Digest Ver1](#)  
[Response PLN 012110](#)  
[Comm Packet 020110](#)  
[Legislation Ver2](#)  
[Leg Digest Ver2](#)  
[Comm Packet 020810](#)  
[Board Packet 020910](#)

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



The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, February 4, 2010, 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, February 10, 2010.

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter Amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter Amendment appropriately may be continued and considered at least one week prior to submission to the electorate.)

19. [091430](#) **[Mandated Programming of and Expenditures for City Services, Functions, or Programs Designated by the Board of Supervisors]**

**Sponsor: Avalos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (2) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

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

[Comm\\_Packet\\_012810](#)

[Comm\\_Packet\\_020410](#)

[Comm\\_Report\\_020910](#)

**Question: Shall this Charter Amendment be SUBMITTED?**

**20. [091433](#) [Reducing Employer Retirement Benefit Costs]****Sponsors: Elsbernd; Mayor**

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

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

[Comm Packet 012110](#)

[Comm Packet 012810](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Comm Packet 020410](#)

[Comm Packet 020910](#)

**Question: Shall this Charter Amendment be SUBMITTED?**

## 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

*(Pending approval of File No. 100131.)*

21. **100132** **[Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

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

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

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

**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 22 and 23**

**22. [100131](#) [Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

**Attachments:** [Board Packet 020910](#)

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

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

**23. [100119](#) [Committee of the Whole - Redevelopment Agency Disposition and Development Agreement]**

**Sponsor: Mirkarimi**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on February 23, 2010, for the purpose of considering a resolution approving a disposition and development agreement for a vacant parcel at 1345 Turk Street.

**Attachments:** [Board Packet 020910](#)

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

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

*Questions on the For Adoption Without Committee Reference Agenda: \_\_\_\_\_*

## 24. 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 26, 2010, to February 1, 2010, for reference by President to appropriate committee on February 9, 2010.*

#### **100112** [Including Dispatch Services in the Program for Additional Police Department Services]

Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4 and 10B.5 to include dispatch services provided by the Department of Emergency Management in the program for additional Police Department services. (Department of Emergency Management)

**Attachments:** [100112.DOC](#)

01/29/2010; RECEIVED AND ASSIGNED to the City Operations and Neighborhood Services Committee.

#### **100113** [Private Ambulance Regulatory Fee Payments]

Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

**Attachments:** [100113.DOC](#)

01/29/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**100118**

**[Settlement of Claim - Elisa Gill - \$50,000]**

Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for \$50,000. (City Attorney)

**Attachments:** [100118.DOC](#)

02/01/2010; RECEIVED AND ASSIGNED to the Rules Committee.

## PROPOSED RESOLUTION

*Proposed resolution received from January 26, 2010, to February 1, 2010, for reference by President to appropriate committee on February 9, 2010.*

### 100105

#### **[Approval of Contract for Uncompensated Reimbursement Recovery Services for the Department of Public Health]**

Resolution authorizing the San Francisco Department of Public Health to amend its contract with Health Advocates, LLC to provide uncompensated reimbursement recovery services for the term of April 1, 2006, through December 31, 2013 in the amount of \$16,570,000. (Public Health Department)

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

01/27/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**100144 [Petitions and Communications]**

Petitions and Communications received from January 26, 2010, through February 1, 2010, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 9, 2010.

From concerned citizens, submitting opposition to California Pacific Medical Center's "Master Plan" for St. Lukes Hospital and the new Cathedral Hill facility. 4 letters (1)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Transtech. (2)

From San Francisco Beautiful, urging the Recreation and Parks Department to perform a full Environmental Impact Report on the proposed expansion of the Beach Chalet Soccer Fields. (3)

From Department of Emergency Management, submitting the efficiency plan for FY2010-2011. (4)

From Department of Public Health, submitting the efficiency plan for FY2009-2010. (5)

From Civil Service Commission, submitting the efficiency plan for FY2010-2011. (6)

From the Public Library, submitting the 2000 Branch Library Improvement Bond Quarterly Report for the Fourth Quarter of 2009. (7)

From Public Utilities Commission, submitting the 2009 Annual Report for the Public Utilities Revenue Bond Oversight Committee. Copy: Each Supervisor (8)

From concerned citizens, commenting on Muni's proposed fare increase. 4 letters (9)

From concerned citizens, urging the Board of Supervisors to reject the all-golf alternative and support the restoration of Sharp Park to a public park that protects endangered species. File No. 091307, 2 letters (10)

From Stephen Teillon, requesting help addressing the safety issues posed by the San Jose Avenue exit ramp off I-280. (11)

From T Mobile, submitting notification letter for a cellular site at UCSF Hearst Tower at 1560 Third Street. (12)

From Clerk of the Board, submitting Form 700 Statement of Economic Interests for Linnette Peralta Haynes, Legislative Aide to Supervisor Campos, leaving. (13)

From Department of Technology, submitting the Justice Tracking Information System project status report. Copy: Each Supervisor (14)

From Tim Bohan, regarding the food cart at the northeast corner of Cesar Chavez and Hampshire Streets. (15)

From Children and Families Commission, submitting the efficiency plan for First 5 San Francisco for FY2010-2011. (16)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to New Restricted Species Permits and Requirements. (17)

From State Senate Rules Committee, submitting appointment of Thomas O'Malley of Atascadero as a member of the Water Quality Control Board, Central Coast Region. (18)



From Robin Zone, submitting support for legislation restricting use of cell phones in public offices, public transportation, bank public areas, libraries and other public spaces. (19)

From Ronald Won, submitting opposition for the issuance of a Request for Proposal for Community Choice Aggregation Services for CleanPowerSF. (20)

From Bicycle Coalition, urging the Metropolitan Transportation Commission to recommit the \$70,000,000 in American Recovery and Reinvestment Act stimulus funds to support transit agencies and bike and pedestrian amenities. Copy: Each Supervisor (21)

From Peter Milton, commenting the Mayor's proposal for getting some tax relief as an incentive to hiring for those in the private sector. (22)

From Lauri Fried-Lee, submitting support for the issuance of a Request for Proposals for Community Choice Aggregation Services for CleanPowerSF. (23)

## **ADJOURNMENT**