



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, March 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.sfgbos.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, Commissioners 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

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 January 25, 2011, and February 1, 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 through 16

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

1. [101483](#) **[Park Code - Kezar Parking Fees]**
Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)

Attachments: [Legislation VER1](#)
[Response PLN 122210](#)
[Comm Packet 021611](#)
[Board Packet 030111](#)
[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen, Campos

2. [101120](#) [Police Code - Discharge of Firearms; Fireworks]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

Attachments: [Legislation Ver2](#)

[Comm Packet 020311](#)

[Board Packet 021511](#)

[BoardPacket 030111.pdf](#)

[Board Packet 030811](#)

02/15/2011; PASSED, ON FIRST READING.

03/01/2011; CONTINUED ON FINAL PASSAGE.

Question: Shall this Ordinance be FINALLY PASSED?

3. [101480](#) [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.

Attachments: [Legislation VER1](#)

[Comm Packet 021711](#)

[Legislation Ver2](#)

[Board Packet 030111](#)

[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. [110011](#) **[Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]**

Sponsors: Mayor; Mirkarimi

Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council.

Attachments: [Comm Packet 021711](#)

[Legislation Ver1](#)

[Board Packet 030111](#)

[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

5. [101585](#) **[Settlement of Lawsuit - Kevin Montague - \$60,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)

[Committee Packet 021711](#)

[BoardPacket 030111.pdf](#)

[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. [101586](#) **[Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - \$34,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for \$34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)

[Committee Packet 021711](#)

[BoardPacket 030111.pdf](#)

[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [101587](#) **[Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - \$350,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for \$350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)
[Committee Packet 021711](#)
[BoardPacket_030111.pdf](#)
[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. [101588](#) **[Settlement of Lawsuit - KLW, LLC - \$210,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)
[Committee Packet 021711](#)
[BoardPacket_030111.pdf](#)
[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. [101589](#) **[Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$127,372]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)
[Committee Packet 021711](#)
[BoardPacket_030111.pdf](#)
[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. [101590](#) **[Settlement of Lawsuit - Kroll Furniture - \$65,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for \$65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Attachments:** [Legislation VER1](#)
[Committee Packet 021711](#)
[BoardPacket_030111.pdf](#)
[Board Packet 030811](#)
- 03/01/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
11. [101591](#) **[Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - \$55,000]**
Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for \$55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)
- Attachments:** [Legislation VER1](#)
[Committee Packet 021711](#)
[BoardPacket_030111.pdf](#)
[Board Packet 030811](#)
- 03/01/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
12. [101600](#) **[Settlement of Lawsuit - National Union - Receipt of \$925,000]**
Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of \$925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)
- Attachments:** [Legislation VER1](#)
[Committee Packet 021711](#)
[BoardPacket_030111.pdf](#)
[Board Packet 030811](#)
- 03/01/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

13. [101608](#) **[Settlement of Lawsuit - AboveNet Communications, Inc. - \$183,479.00]**
Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

Attachments: [Legislation VER1](#)

[Committee Packet 021711](#)

[BoardPacket_030111.pdf](#)

[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

14. [110048](#) **[Settlement of Lawsuit - Timothy J. Chamberlain - \$65,000]**
Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

Attachments: [Legislation Ver1](#)

[Committee Packet 021711](#)

[BoardPacket_030111.pdf](#)

[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 15. [110049](#) **[Settlement of Lawsuit - Garcia, et al. - \$191,000]**
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

Attachments: [Legislation Ver1](#)
[Committee Packet 021711](#)
[BoardPacket 030111.pdf](#)
[Board Packet 030811](#)

03/01/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 16. [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](#)
[Committee Packet 021711](#)
[BoardPacket 030111.pdf](#)
[Board Packet 030811](#)

03/01/2011; 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

From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Mar, Cohen, Wiener

17. [110019](#) **[Street Vacation Order - Transbay Transit Center]**
Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Comm Packet 013111](#)
[Board Packet 030111](#)
[Board Packet 030811](#)

03/01/2011; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen

18. [101422](#) **[Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]**

Sponsor: Chiu

Ordinance amending the San Francisco Transportation Code Article 3, Division I, to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending the Transportation Code Article 7, Division I, to make it a misdemeanor to operate a taxi, a dispatch service, or a color scheme, or to drive a motor vehicle for hire, without a permit, to solicit or accept payment for referral of passengers to a motor vehicle for hire, to solicit or accept payment for motor vehicle for hire shifts, assignments or dispatch calls, to knowingly make false or misleading representations in connection with application for, renewal of, possible revocation of, or operation of a vehicle pursuant to a permit issued under Transportation Code Article 1100, to refuse to pay the legal fare to a driver of a motor vehicle for hire, and to charge excessive rates for transport in a motor vehicle for hire; and amending the San Francisco Police Code by deleting Sections 1078, 1089, 1105, 1110, 1132, 1135, and 1145.

Attachments: [Legislation Ver1](#)

[Comm Packet 020311](#)

[Comm Packet 021711](#)

[Board Packet 030111](#)

[Legislation Ver2](#)

[Board Packet 030811](#)

03/01/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

03/01/2011; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

19. [110150](#) **[Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]**

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

Attachments: [Legislation Ver1](#)

[Committee Packet 021711](#)

[Legislation Ver2](#)

[Board Packet 030111](#)

[Board Packet 030811](#)

03/01/2011; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Chu, Mirkarimi

20. [110068](#) **[Administrative Code - Rewards to Informants for Information Related to the Detection of Underpayment of Property Tax]**

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code by amending Chapter 10, Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco.

Attachments: [Legislation Ver1](#)

[030211 B&F Committee Report](#)

[Comm Packet 030211](#)

[Legislation Ver2](#)

[Board Packet 030811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. [110183](#) **[Accept and Expend Grant - Broadband Technology Opportunities Program and Amendment to the Annual Salary Ordinance, FY2010-2011 - \$7,931,632]**

Sponsors: Mayor; Chiu

Ordinance authorizing the Department of Technology to accept and expend a grant in the amount of \$7,931,632 from the U.S. Department of Commerce through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) Broadband Technology Opportunities Program for Sustainable Broadband Adoption Training and Services, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY 2010-2011) to reflect the addition of two (2) grant-funded positions for the Department of Aging and Adult Services in Class 1823 Senior Administrative Analyst, and four (4) grant-funded positions for the Department of Technology as follows: one (1) position in Class 1823 Senior Administrative Analyst; one (1) position in Class 1844 Senior Management Assistant; one (1) position in Class 1766 Media Production Technician; and one (1) position in Class 1769 Media Production Supervisor.

Attachments: [Legislation Ver1](#)

[Comm Packet 030211](#)

[Board Packet 030811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Avalos, Mar, Elsbernd

22. [110186](#) **[Establishing a Comprehensive Recycling Program]**
Sponsors: Mirkarimi; Avalos, Mar and Campos
Resolution requesting the Recreation and Parks Department and the Department of the Environment collaborate to establish a comprehensive Parks recycling program utilizing the expertise, volunteer base, and facilities of the HANC Recycling Center in Golden Gate Park, for the Department of the Environment, to establish an Independent Recycling Center Master Plan, and requesting the Recreation and Parks Department to rescind the eviction of the HANC Recycling Center from Golden Gate Park.

(Supervisor Elsbernd dissented in Committee.)

Attachments: [Legislation Ver1](#)
[Comm Packet 022811](#)
[Board Packet 030811](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

23. [110009](#) **[Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]**
Sponsor: Cohen
Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response PLN 011411](#)
[Response PLN 021711](#)
[Comm Packet 022811](#)
[Legislation Ver2](#)
[Board Packet 030811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

24. [110115](#) [Summary Vacation, Jurisdictional Transfer, and Sale of City Property - Ocean Avenue and Phelan Avenue]

Sponsors: Elsbernd; Avalos

Ordinance: (1) ordering the summary vacation of an approximately 17,050 square foot portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the California Streets and Highways Code Sections 8330 et seq.; (2) authorizing the jurisdictional transfer of such portion of City property from the Department of Public Works to the Municipal Transportation Agency; (3) authorizing the sale of an approximately 25,772 square foot portion of City property located near Ocean Avenue and Phelan Avenue to the San Francisco Redevelopment Agency for \$4,056,580 and the grant of a pedestrian access easement and an emergency fire apparatus access easement over a portion of adjacent City property; (4) adopting environmental findings and other findings that the actions set forth in this Ordinance are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; (5) adopting findings that Administrative Code Chapter 23A does not apply to the sale of such portion of City property; and (6) authorizing other actions in furtherance of this Ordinance.

Attachments: [Legislation Ver1](#)

[Comm Packet 022811](#)

[Board Packet 030811](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

COMMITTEE REPORTS

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

The following item will be considered by the Rules Committee at a Regular Meeting on Thursday, March 3, 2011, at 1:30 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, March 8, 2011.

25. [110211](#) **[Appointments, Citizen's Committee on Community Development - Utuma Belfrey, Peter Cohen, and Nicole Rivera]**

Motion appointing Utuma Belfrey, Peter Cohen, terms ending February 23, 2013, and Nicole Rivera, term ending February 23, 2012, to the Citizen's Committee on Community Development.

110211 - ..comment

Utuma Belfrey, seat 1, succeeding Charlie Sciammas, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the unexpired portion of a two-year term ending date February 23, 2013. Peter Cohen, seat 2, succeeding Rene Cazenave, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for for the unexpired portion of a two-year term ending date February 23, 2013. Nicole Rivera, seat 4, succeeding Gaylen Mohre, resigned, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the expired portion of a two-year term ending February 23, 2012. (Clerk of the Board)

Utuma Belfrey, seat 1, succeeding Charlie Sciammas, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the unexpired portion of a two-year term ending date February 23, 2013. Peter Cohen, seat 2, succeeding Rene Cazenave, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for for the unexpired portion of a two-year term ending date February 23, 2013. Nicole Rivera, seat 4, succeeding Gaylen Mohre, resigned, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the expired portion of a two-year term ending February 23, 2012.

Attachments: [Comm Packet 030311](#)

[Board Packet 030811](#)

[Legislation Ver1](#)

Question: Shall this Motion be APPROVED?

CLOSED SESSION

26. [110245](#) **[Closed Session - Pension, Health Care, and Retiree Health Care Reform]**
Sponsor: Elsbernd

Motion for the Board of Supervisors to convene in closed session to consult with the City's Labor Relations Negotiators: Mayor Edwin M. Lee, Steve Kawa, Mayor's Chief of Staff, Micki Callahan, Director, Department of Human Resources, and Martin Gran, Director, Employee Relations Division, for the purpose of reviewing the City's positions and the Mayor's instructions to the Negotiators relating to: (a) pension, health care, and retiree health care reform proposals, and the meet and confer process regarding wages, hours, benefits, and working conditions currently underway between the City and City employee bargaining units to address the costs associated with providing these benefits; and (b) pending labor negotiations with organizations representing employees in the two MOUs expiring June 30, 2011 (e.g., District Attorney Investigators Association and Committee on Interns and Residents), as well as the Unrepresented Ordinance.

This closed session is held pursuant to Government Code Section 54957.6, and San Francisco Administrative Code Section 67.10(e).

(Employee Organizations:

*Automotive Machinists, Local 1414
 Committee on Interns and Residents
 Crafts Coalition
 District Attorney Investigators Association
 Deputy Probation Officers' Assoc.
 District Attorneys' Investigators Assoc.
 Deputy Sheriffs Association
 Electricians, Local 6
 Fire Fighters, Local 798
 International Federation of Professional and Technical Engineers, Local 21
 Institutional Probation Officers' Assoc.
 Laborers, Local 261
 Local 1414
 Local 21
 Municipal Attorneys' Association
 Municipal Executives' Association
 Operating Engineers Local 3
 Plumbers, Local 38
 Police Officers' Association
 Service Employees International Union, Local 1021
 Stationary Engineers, Local 39
 Supervising Probation Officers' Assoc.
 Supervising Registered Nurses
 Teamsters Local 350
 Teamsters Local 856
 Union of American Physician and Dentists.)*

These organizations represent police officers, firefighters, airport police, transit workers, nurses, miscellaneous employees, and other City employees.

Question: Shall this Motion be APPROVED?

After a closed session, if one occurs, 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.

[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 27 through 37

27. [110248](#) **[Celebrating Governor Brown's Appointment of Julie Su, California Labor Commission]**
Sponsors: Campos; Mar
Resolution commending Governor Brown for appointing Julie Su as Chief of the California Division of Labor Standards Enforcement, also known as the California Labor Commissioner, and encouraging San Francisco's Office of Labor Standards Enforcement to collaborate with Commissioner Su to protect the labor and employment rights of low-wage workers in San Francisco.
Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)
- 03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
28. [110249](#) **[Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - \$25,578]**
Sponsor: Campos
Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Regents of the University of California in the amount of \$25,578 to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of July 1, 2010, through June 30, 2011.
Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)
- 03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

29. [110250](#) [Supporting Governor Brown’s Proposal to Eliminate the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities] Sponsors: Campos; Kim, Mar and Avalos

Resolution supporting Governor Brown’s proposal to eliminate the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities, and affirming San Francisco’s moratorium against sending youth to State run detention facilities for youth.

Attachments: [Legislation_Ver1](#)
[Board_Packet_030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. [110251](#) [Accept and Expend Grant - Program Collaboration and Service Integration - \$72,962]

Sponsor: Campos

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Public Health Foundation Enterprises, Inc., in the amount of \$72,962 to participate in a program entitled “Addressing Syndemics through Program Collaboration and Service Integration” for the period of September 30, 2010, through September 29, 2011.

Attachments: [Legislation_Ver1](#)
[Board_Packet_030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. [110252](#) [Accept and Expend Grant - Implementing New Directions in HIV Prevention in San Francisco - \$26,634]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Public Health Foundation Enterprises, Inc., in the amount of \$26,634 to participate in a program entitled “Implementing New Directions in HIV Prevention in San Francisco: A Comprehensive” for the period of September 30, 2010, through September 29, 2011.

Attachments: [Legislation_Ver1](#)
[Board_Packet_030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [110253](#) **[Accept and Expend Grant - WritersCorp - \$10,000]**
Sponsor: Cohen
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant from the Friends of the San Francisco Library in the amount of \$10,000 a federal pass-through grant from the President’s Committee on the Arts and Humanities’ National Arts and Humanities Youth Program Award (formerly Coming Up Taller) for general operating support for WritersCorp.

Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [110254](#) **[Supporting Mental Health Crisis Intervention Team]**
Sponsor: Mirkarimi
Resolution commending the San Francisco Police Commission for implementing Mental Health Crisis Intervention Team (CIT) based on the “Memphis Model” urging stakeholder City departments and community based organizations to collaborate to provide adequate mental health services in order to facilitate the mission of the CIT and to ensure the CIT has the tools and resources necessary to achieve similar results to that of the Memphis Model.

Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)

03/02/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [110255](#) **[Endorsing Community Concerns of Surveillance, Racial, and Religious Profiling]**
Sponsor: Mirkarimi
Resolution endorsing “Community Concerns of Surveillance, Racial, and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities (AMEMSA) and Potential Reactivation of Police Department’s Intelligence Gathering,” a report published by the San Francisco Human Rights Commission.

Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. [110256](#) **[Opposing Elimination of Adult Day Health Center Programs]**
Sponsors: Kim; Avalos
Resolution opposing the proposed elimination of Medi-Cal funding for Adult Day Health Center programs in the State of California.

Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. [110257](#) **[Support of Peak-Hour Taxi Permits]**
Sponsor: Wiener
Resolution in support of peak-hour taxi permits, and world-class taxi service in San Francisco.

Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)

03/01/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. [110258](#) **[Gift Acceptance - ArtCare Program - \$10,000]**
Sponsor: Chiu
Resolution authorizing the Arts Commission to accept and expend a donation from the Arnhold Foundation in the amount of \$10,000 for general operating support of the ArtCare Program.

Attachments: [Legislation Ver1](#)
[Board Packet 030811](#)

03/01/2011; 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: _____

38. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

Proposed resolutions received from February 22, 2011, to February 28, 2011, for reference by President to appropriate committee on March 8, 2011.

110120

[2011 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2011 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

02/17/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

110201

[Agreement - Use of Fast Pass on BART]

Resolution approving the Special Transit Fare (Fast Pass) Agreement between the City and the Bay Area Rapid Transit District, with a term from January 1, 2010, to June 30, 2018. (Municipal Transportation Agency)

Attachments: [Legislation_Ver1](#)

02/28/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

110259 [Petitions and Communications]

Petitions and Communications received from February 22, 2011, through February 28, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 8, 2011.

From concerned citizens, regarding the Parkmerced Project. 21 letters (1)

*From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Central Valley sport fishing. (2)

From State Department of Transportation, submitting the DEIR/EIS for Yerba Buena Island Ramps Improvement Project. Copy: Each Supervisor (3)

From Clerk of the Board, the following individual has submitted a Form 700 Statement: Una Fannon, Legislative Aide - Assuming (4)

*From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 72 letters (5)

From Lauren Iannacone, regarding the sidewalk sitting ban. (6)

From Barry Weir, concerning an economical and environmentally superior way to treat sewer odor. (7)

From Sam Singer, regarding Local 2 refusing to extend restaurant contracts at SFO Airport. (8)

From Department of Real Estate, regarding the pending sale of the former fire station at 909 Tennessee Street. File No. 101479 (9)

From Recreation and Park Department, submitting a letter from their General Manager about their budget. (10)

From concerned citizens, regarding shark fin soup. 16 postcards (11)

The following departments have submitted their FY2011-2012 Efficiency Plans: (12)
Department of Child Support Services (revised)
*Human Resources
Planning

*From concerned citizens, submitting support for keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 60 letters (13)

*From concerned citizens, submitting opposition to keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 25 letters (14)

From State Public Utilities Commission, submitting notice that PG&E has filed an application for recovery costs for the Market Redesign and Technology Upgrade Initiative. (15)

From Educate Our State Team, regarding the "Let Us Vote" campaign to save public education funding. (16)

From concerned citizens, thanking the Mayor and Board of Supervisors for their support to keep Teatro ZinZanni in San Francisco. Copy: Each Supervisor (17)

From State Attorney General's Office, notifying the Board of Supervisors of a complaint received concerning the illegal discharge of hazardous waste. Copy: Each Supervisor (18)

From concerned citizens, regarding updated technology infrastructure for San Francisco. 5 letters (19)

From Library Commission, urging the elected officials in the California Legislature to restore library funding to the State budget. (20)

*(Note: 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