



# BOARD OF SUPERVISORS

## CITY AND COUNTY OF SAN FRANCISCO

### AGENDA

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

Tuesday, January 4, 2011 - 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

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 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, Dufty

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

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

**Public Safety Committee**  
Supervisors Chiu, Elsbernd

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

##### Meeting Days

Wednesday  
11:00 AM

2nd and 4th Thursday  
3:30 PM

2nd and 4th Monday  
10:30 AM

2nd and 4th Thursday  
10:30 AM

Monday  
1:00 PM

1st and 3rd Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

## 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 November 23, 2010, December 7, 2010, and December 14, 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 14

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

1. [101148](#) **[Visitacion Valley Infrastructure Fee Revenue Appropriation - Public Library and Department of Public Works for FY2010-2011- \$2,385,068]**

**Sponsor: Maxwell**

Ordinance appropriating \$2,385,068 of Visitacion Valley Infrastructure Fee revenue from the Visitacion Valley Infrastructure Fund, including \$2,169,200 in the Public Library for the Visitacion Valley Branch Library Project and \$215,868 in the Department of Public Works, for the planning and design of utility undergrounding on Leland Avenue for FY2010-2011, and placing \$1,156,304 on Controller's reserve in the Public Library pending receipt of Visitacion Valley Infrastructure Fee revenue.

(Fiscal Impact.)

12/14/2010; PASSED, ON FIRST READING.

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

2. [101444](#) **[Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - \$250,000]**

**Sponsor: Chiu**

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of \$250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.

12/14/2010; PASSED, ON FIRST READING.

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

3. [101446](#) **[Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - \$250,000]**

**Sponsor: Mayor**

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of \$250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.

12/14/2010; PASSED, ON FIRST READING.

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

*Present: Supervisors Avalos, Mirkarimi*

4. [101463](#) **[Settlement of Lawsuit - Lexington Insurance - City to Receive \$2,750,000; Appropriating Settlement Proceeds]**

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of \$2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

12/14/2010; PASSED, ON FIRST READING.

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

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

*Present: Supervisors Chu, Avalos*

- 5.     **100761**     **[Environment Code - Restrictions on Pesticide Use]**  
          **Sponsors: Mayor; Alioto-Pier**  
          Ordinance amending the San Francisco Environment Code by amending Sections 300, 301, 302, 303, 304, 305, 306, and 308, adding Section 310, and repealing Section 307, all to strengthen restrictions on the use of pesticides on City property, and making environmental findings.  
  
          12/14/2010; PASSED, ON FIRST READING.  
  
          **Question: Shall this Ordinance be FINALLY PASSED?**
  
- 6.     **101419**     **[Environment Code - Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]**  
          **Sponsor: Mar**  
          Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.  
  
          12/14/2010; PASSED, ON FIRST READING.  
  
          **Question: Shall this Ordinance be FINALLY PASSED?**
  
- 7.     **101151**     **[Liquor License Transfer, 1092 Post Street]**  
          Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1028 Geary Street to 1092 Post Street (District 6) to Mark Aloiau for M K Aloiau LLC, dba Mark's Bar, 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.  
  
          **Question: Shall this Resolution be ADOPTED?**
  
- 8.     **101286**     **[Liquor License, 821 Divisadero Street]**  
          Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license (to upgrade current license Type 42 on-sale beer and wine) to Khaled Dajani for Bar 821, located at 821 Divisadero Street (District 5), 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.  
  
          **Question: Shall this Resolution be ADOPTED?**

9. [101484](#) **[Accept and Expend Grant - Bayview Hunters Point Healthy Homes Project - \$249,555]**  
**Sponsor: Maxwell**  
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$249,555 from the United States Department of Health and Human Services, Centers for Disease Control and Prevention to support the Bayview Hunters Point Healthy Homes Project by developing policies and services to improve indoor air quality in public housing.
- Question: Shall this Resolution be ADOPTED?**

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

*Present: Supervisors Maxwell, Mar, Chiu*

10. [100041](#) **[Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]**  
**Sponsors: Avalos; Campos, Mar, Chiu and Chu**  
Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.
- 12/14/2010; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
11. [101007](#) **[Administrative Code - Revising Requirements for Purchasing Goods and Services]**  
**Sponsors: Chu; Chiu**  
Ordinance amending Administrative Code Chapters 21 and 21C to conform Purchasing requirements to Administrative Code Chapter 14B by defining minimum competitive amounts of \$100,000 for professional services and commodities contracts and \$400,000 for general services contracts, clarify "bid-splitting," and make miscellaneous changes to City procurement requirements; to clarify information technology purchases; to update and conform references to Administrative Code Chapter 14B; to rescind the Sealer of Weights and Measures' authority under Section 21.32 to donate food purchases; to rescind the local tax adjustment set forth in Administrative Code Chapter 21C; to enact a new Section 21.32 to adjust bids likely to result in local sales tax revenue; to reenact and renumber Administrative Code Sections 21.25, 21.25-1, 21.25-2, 21.25-3, 21.25-4, and 21.25-x regarding prevailing wage requirements as Chapter 21C; and to make certain technical corrections.
- 12/14/2010; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

12. [101091](#) **[Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]**

**Sponsors: Alioto-Pier; Chiu**

Ordinance amending the San Francisco Planning Code by amending Section 243 to require notice for "Other Entertainment Uses" in the Van Ness Avenue Special Use District; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

12/14/2010; PASSED, ON FIRST READING.

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

13. [101247](#) **[Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]**

**Sponsor: Maxwell**

Ordinance amending Planning Code Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.

12/14/2010; PASSED, ON FIRST READING.

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

14. [101447](#) **[Accept and Expend Grant - Market and Octavia Historic Resource Preservation Project - \$83,529]**

**Sponsor: Chiu**

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of \$83,529 from the National Park Service for the period August 1, 2010, through August 31, 2012, in order to conduct the Market and Octavia Historic Resource Preservation Project.

**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

15. [101609](#) **[Findings Disapproving Conditional Use for Property Located at 10 Bernal Heights Boulevard]**  
Motion adopting findings disapproving the Planning Commission's approval of Conditional Use Authorization No. 2010.0306C (which approved the installation of wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50 foot tall communications tower and to modify the conditional use approval under case No. 2008.1157C to change the number of allowed antennas on the site within a RH-1(D) zoning district and a 40-X height and bulk district).
- Question: Shall this Motion be APPROVED?**

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

*Present: Supervisors Maxwell, Mar, Chiu*

16. [101006](#) **[Administrative Code - Revisions to Local Business Enterprise Ordinance]**  
**Sponsors: Chu; Chiu**  
Ordinance amending Administrative Code Chapter 14B to increase minimum competitive amount for general services contracts to \$400,000; to clarify ownership requirements for certification of local businesses with no single majority owner and make other clarifications to address certification of businesses under common ownership or with multiple locations; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to exclude contracts under the threshold amount or minimum competitive amount from good faith efforts outreach and documentation requirements; to simplify and coordinate reporting requirements; to re-authorize the Treasurer to negotiate financial instruments in support of the Surety Bond and Financial Assistance Program after these provisions were inadvertently rescinded; and to make technical corrections.
- 12/14/2010; AMENDED.
- 12/14/2010; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

17. [101094](#) **[Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]**

**Sponsors: Dufty; Alioto-Pier, Chiu, Mar, Maxwell and Campos**

Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

12/07/2010; AMENDED.

12/07/2010; PASSED ON FIRST READING AS AMENDED.

12/14/2010; AMENDED.

12/14/2010; PASSED ON FIRST READING AS AMENDED.

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

18. [100495](#) **[Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**

**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents.

12/14/2010; CONTINUED ON FIRST READING.

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

**Recommendation of the Public Safety Committee**

*Present: Supervisors Chiu, Mirkarimi, Elsbernd*

- 19. [100455](#) **[Environment Code - San Francisco Safe Drug Disposal Ordinance]**  
**Sponsor: Mirkarimi**  
 Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

(Supervisor Elsbernd dissented in Committee.)

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

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

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

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

12/07/2010; CONTINUED ON FIRST READING.

12/14/2010; PASSED ON FIRST READING.

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

**NEW BUSINESS**

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

*Present: Supervisors Chu, Avalos*

- 20. [101482](#) **[Annual Reports - Castro/Upper Market Community Benefit District]**  
**Sponsor: Dufty**  
 Resolution regarding Castro/Upper Market Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code § 36600 et seq.) and Section 3.4 of the District's management contract with the City.

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

**From the City Operations and Neighborhood Services Committee Without Recommendation**

*Present: Supervisors Chu, Avalos*

- 21. [101445](#) **[Public Works Code - Banners on the Path of Gold]**  
**Sponsor: Dufty**  
Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
  
- 22. [091365](#) **[Supporting the Report of the Declining Fossil Fuel Supplies]**  
**Sponsors: Mirkarimi; Mar**  
Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.  
  
12/08/2009; REFERRED to the City Operations and Neighborhood Services Committee.  
**Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Government Audit and Oversight Committee**

*Present: Supervisors Mar, Chu, Maxwell*

- 23. [101358](#) **[Annual Reports - Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District]**  
**Sponsor: Chiu**  
Resolution approving annual reports to the City for Fisherman's Wharf Community Benefit District and for Fisherman's Wharf Portside Community Benefit District, receiving and approving the Districts' Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the Districts' management contracts with the City.  
**Question: Shall this Resolution be ADOPTED?**
  
- 24. [101361](#) **[Annual Reports - Noe Valley Community Benefit District]**  
**Sponsor: Dufty**  
Resolution regarding Noe Valley Community Benefit District annual reports to the City, receiving and approving the District's annual reports for District FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code § 36600 et seq.) and Section 3.4 of the District's management contract with the City.  
**Question: Shall this Resolution be ADOPTED?**

## SPECIAL ORDER 3:00 P.M

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

*(Pending approval of File No. 101465, Item No. 45.)*

25. [101466](#) **[Public Hearing - Appointment of a Successor Mayor]**  
**Sponsor: Daly**  
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.  
**Question: Shall this Hearing be HEARD AT PUBLIC HEARING?**

### Committee of the Whole Adjourn and Report

26. [101467](#) **[Appointment of a Successor Mayor]**  
**Sponsor: Daly**  
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.  
**Question: Shall this Motion be APPROVED?**

## SPECIAL ORDER 3:00 P.M

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

*(Pursuant to File No. 101525, approved December 14, 2010.)*

27. [101526](#) **[Public Hearing - Establish the Civic Center Community Benefit District]**  
**Sponsor: Mayor**  
Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings. (Clerk of the Board)  
**Question: Shall this Hearing be HEARD AT PUBLIC HEARING?**

### Committee of the Whole Adjourn and Report

28. [101527](#) **[Resolution to Establish the Civic Center Community Benefit District]**  
**Sponsor: Mayor**  
Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings.

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

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

### **SPECIAL ORDER 4:00 P.M.**

#### *APPEAL PROCEDURES*

*Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:*

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).*
- 3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.*
- 4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.*
- 5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.*

29. [101551](#) **[Public Hearing - Appeal of Tentative Parcel Map for 74-76 Castro Street]**  
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated November 30, 2010, approving a Tentative Parcel Map for a 2-unit condominium conversion located at 74-76 Castro Street, Lot No. 013, in Assessor's Block No. 2611. (District 8) (Appellant: James Coy Driscoll on behalf of Martin Hyland) (Clerk of the Board)

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

**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 Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be approved.)**

30. [101552](#) **[Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 74-76 Castro Street]**  
Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013.  
**Question: Shall this Motion be APPROVED?**
31. [101553](#) **[Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 74-76 Castro Street]**  
Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**
32. [101554](#) **[Findings Related to the Tentative Parcel Map Disapproval for 74-76 Castro Street]**  
Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**

**COMMITTEE REPORTS**

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

*The following items will be considered by the Rules Committee at a Special Meeting on Monday, January 3, 2011, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, January 4, 2011.*

**(Only one of the following two motions should be approved.)**

33. [101507](#) **[Appointment, Public Utilities Commission - Vince Courtney]**  
Motion approving the Mayor's appointment of Vince Courtney to the Public Utilities Commission, Seat No. 5, for the unexpired portion of a four-year term ending August 1, 2012. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**

34. [101508](#) **[Appointment, Public Utilities Commission - Vince Courtney]**  
Motion rejecting the Mayor's appointment of Vince Courtney to the Public Utilities Commission, Seat No. 5, for the unexpired portion of a four-year term ending August 1, 2012. (Clerk of the Board)

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

**(Only one of the following two motions should be approved.)**

35. [101509](#) **[Reappointment, Historic Preservation Commission - Andrew Wolfram]**  
Motion approving the Mayor's nomination for reappointment of Andrew Wolfram to the Historic Preservation Commission, Seat No. 2, for a four-year term ending December 31, 2014. (Clerk of the Board)

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

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

36. [101510](#) **[Reappointment, Historic Preservation Commission - Andrew Wolfram]**  
Motion rejecting the Mayor's nomination for reappointment of Andrew Wolfram to the Historic Preservation Commission, Seat No. 2, for a four-year term ending December 31, 2014. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101509. Transmittal date - December 1, 2010.)

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

**(Only one of the following two motions should be approved.)**

37. [101511](#) **[Appointment, Historic Preservation Commission - Richard Johns]**  
Motion approving the Mayor's nomination for appointment of Richard Johns to the Historic Preservation Commission, Seat No. 4, for a four-year term ending December 31, 2014. (Clerk of the Board)

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

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



38. [101512](#) **[Appointment, Historic Preservation Commission - Richard Johns]**  
Motion rejecting the Mayor's nomination for appointment of Richard Johns to the Historic Preservation Commission, Seat No. 4, for a four-year term ending December 31, 2014.  
(Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101511. Transmittal date - December 1, 2010.)

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

**(Only one of the following two motions should be approved.)**

39. [101513](#) **[Reappointment, Historic Preservation Commission - Karl Hasz]**  
Motion approving the Mayor's nomination for reappointment of Karl Hasz to the Historic Preservation Commission, Seat No. 6, for a four-year term ending December 31, 2014.  
(Clerk of the Board)

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

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

40. [101514](#) **[Reappointment, Historic Preservation Commission - Karl Hasz]**  
Motion rejecting the Mayor's nomination for reappointment of Karl Hasz to the Historic Preservation Commission, Seat No. 6, for a four-year term ending December 31, 2014.  
(Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101513. Transmittal date - December 1, 2010.)

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

41. [101516](#) **[Confirming Appointments, San Francisco Relocation Appeals Board - Harry Kim and Herb Cohn]**  
**Sponsor: Mayor**

Resolution confirming the appointments of Harry Kim and Herb Cohn to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

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

- 42.    101517    [Confirming Appointment, City Hall Preservation Advisory Commission - Florence Kong]**  
**Sponsor: Mayor**  
Resolution confirming the appointment of Florence Kong to the City Hall Preservation Advisory Commission, term ending January 13, 2012.  
  
**Question: Shall this Resolution be ADOPTED?**
  
- 43.    101518    [Confirming Appointment, Municipal Transportation Agency Board of Directors - Leona Bridges]**  
**Sponsor: Mayor**  
Resolution confirming the appointment of Leona Bridges to the Municipal Transportation Agency Board of Directors, term ending March 1, 2014.  
  
**Question: Shall this Resolution be ADOPTED?**
  
- 44.    101296    [Confirming Appointment, Port Commission - Michael Kim]**  
**Sponsor: Mayor**  
Motion confirming the appointment of Michael Kim to the Port Commission, term ending May 1, 2014.  
  
**Question: Shall this Motion be APPROVED?**
  
- 45.    101515    [Confirming Appointment, Port Commission - Leslie Katz]**  
**Sponsor: Mayor**  
Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.  
  
**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.*

**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 46 through 63**

- 46. [101465](#) [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]**  
**Sponsor: Daly**  
Motion that the Board of Supervisors convene as a Committee of the Whole on January 4, 2011, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.
- 11/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 11/23/2010; AMENDED.
- 11/23/2010; CONTINUED AS AMENDED.
- 12/07/2010; AMENDED.
- 12/07/2010; CONTINUED AS AMENDED.
- 12/14/2010; AMENDED.
- 12/14/2010; CONTINUED AS AMENDED.
- Question: Shall this Motion be APPROVED?**
- 47. [101529](#) [Supporting the KPFA Morning Show]**  
**Sponsors: Avalos; Campos, Mar and Mirkarimi**  
Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's Local Board, the staff members and their union to find a solution to the current programming crisis.
- 12/07/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 12/14/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 12/14/2010; CONTINUED AS AMENDED.
- Question: Shall this Resolution be ADOPTED?**

**48. [101566](#) [Accept and Expend Grant - Integrating I-Tech International AIDS Education & Training Center - \$13,001]**

**Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$13,001 from the University of California San Francisco, to participate in a program entitled "Integrating I-Tech International AIDS Education and Training Center;" for the period of April 1, 2010 through March 31, 2011.

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**49. [101567](#) [Accept and Expend Grant - Oil Spill Response Planning - \$31,000]**

**Sponsor: Chu**

Resolution retroactively authorizing the Department of Emergency Management to accept and expend a grant in the amount of \$31,000 from the California Department of Fish and Game for oil spill response planning, for the period July 1, 2010, through June 30, 2011.

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**50. [101569](#) [Accept and Expend Gift - Golden Gate Park Irrigation - \$73,146]**

**Sponsor: Mar**

Resolution authorizing the Recreation and Park Department to accept and expend a gift from Warren Hellman and the Hardly Strictly Bluegrass Festival of \$73,146 to improve the irrigation systems in Speedway, Lindley, and Marx Meadows in Golden Gate Park. (Recreation and Park Department)

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**51. [101570](#) [Accept and Expend Grant - Sudden Oak Death - \$896]**

**Sponsor: Mar**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant (Agreement #10-0511) from the California Department of Food and Agriculture in the amount of \$896 to fund the project "Sudden Oak Death" for the period of July 1, 2010, through June 30, 2011. (Public Health Department)

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

52. [101571](#) **[Amending Public Hearing Date Relating to Infrastructure Financing District - Rincon Hill - From January 25, 2011, at 3:00 p.m., to February 8, 2011, at 3:00 p.m.]**

**Sponsors: Mayor; Maxwell**

Resolution amending Resolution No. 496.10 to reschedule the public hearing date relating to the formation of Infrastructure Financing District No. 1 (Rincon Hill Area), from January 25, 2011, at 3:00 p.m., to February 8, 2011, at 3:00 p.m.

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

53. [101573](#) **[Extending the Term of Service for the Power Plant Task Force]**

**Sponsor: Maxwell**

Resolution extending the termination date of the Power Plant Task Force to December 31, 2011.

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

54. [101596](#) **[Commending Supervisor Michela Alioto-Pier]**

**Sponsor: Chiu**

Resolution Commending and Honoring Supervisor Michela Alioto-Pier for her distinguished service as a Supervisor of the City and County of San Francisco.

12/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

55. [101597](#) **[Commending Supervisor Chris Daly]**

**Sponsor: Chiu**

Resolution Commending and Honoring Supervisor Chris Daly for his distinguished service as a Supervisor of the City and County of San Francisco.

12/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

56. [101598](#) **[Commending Supervisor Bevan Dufty]**

**Sponsor: Chiu**

Resolution Commending and Honoring Supervisor Bevan Dufty for his distinguished service as a Supervisor of the City and County of San Francisco.

12/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

57. [101599](#) **[Commending Supervisor Sophie Maxwell]**  
**Sponsor: Chiu**  
Resolution Commending and Honoring Supervisor Sophie Maxwell for her distinguished service as a Supervisor of the City and County of San Francisco.

12/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

58. [101568](#) **[Directing the Budget and Legislative Analyst's to Conduct Three Audits in FY2010-2011 and Set the Priority for These Three Audits]**

**Sponsor: Mar**

Motion directing the Budget and Legislative Analyst to conduct three audits to evaluate (a) the City's policies and revenues for advertising on public property; (b) the financial impact to the City of the provisions for Standby Pay, Lead Pay, and other related premium pay in the fiscal provisions of the City's Memoranda of Understanding with Labor Unions; and (c) the impact of hiring five new positions in the Assessor's Office on the property assessment backlog and property tax revenue.

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

59. [101580](#) **[Final Map 5871: 1597 - 1599 Haight Street and 612 Clayton Street]**  
Motion approving Final Map 5871, a Six Unit Mixed-Use Condominium Project (4 Unit Residential and 2 Unit Commercial), located at 1597 - 1599 Haight Street and 612 Clayton Street being a subdivision of Lot 023 in Assessors Block No. 1245 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

60. [101581](#) **[Final Map 6004: 121-9th Street]**  
Motion approving Final Map 6004, a 21 Unit Mixed-Use Condominium Project (20 Unit Residential and 1 Unit Commercial), located at 121-9th Street being a subdivision of Lot 069 in Assessors Block No. 3728 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 61. [101582](#) **[Final Map 5691: 995 - 999 Sutter Street]**  
 Motion approving Final Map 5691, a Two Lot Subdivision, Parcel "B" being a Three Residential Unit and One Commercial Unit Condominium Project, located at 995 - 999 Sutter Street being a subdivision of Lot 012 in Assessors Block No. 0300 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 62. [101583](#) **[Final Map 5955: 1816 Eddy Street]**  
 Motion approving Final Map 5955, a 19 Residential Unit Condominium Project, located at 1816 Eddy Street being a subdivision of Lot 064 in Assessors Block No. 1127 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

12/14/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 63. [101584](#) **[Final Map 4169: 660 King Street]**  
 Motion approving Final Map 4169, a 21 Commercial Unit and 148 Residential Unit Mixed-Use Condominium Project, located at 660 King Street being a subdivision of Lot 007 in Assessors Block No. 3799 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

12/14/2010; 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: \_\_\_\_\_

## 64. 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 December 7, 2010, through December 27, 2010, for reference by President to appropriate committee on January 4, 2011.*

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

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

12/06/2010; RECEIVED AND ASSIGNED to the Rules Committee.

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

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

12/06/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.



**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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**101588**     **[Settlement of Lawsuit - K LW, LLC - \$210,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by K LW, 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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**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)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**101592**     **[Settlement of Lawsuit - Mackin, et al. - City to Pay \$63,020 for Easement]**  
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

12/21/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**101600 [Settlement of Lawsuit - National Union - City to Receive \$925,000; Appropriating Settlement Proceeds]**

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)

12/22/2010; RECEIVED AND ASSIGNED to the Rules Committee.

**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)

12/23/2010; RECEIVED AND ASSIGNED to the Rules Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from December 7, 2010, through December 27, 2010, for reference by President to appropriate committee on January 4, 2011.*

**101578 [Agreement - Olin Corporation - Sodium Hypochlorite - Estimated to Exceed \$10,000,000]**

Resolution approving the Agreement between the City and Olin Corporation, dba Olin Chlor Alkali, for Sodium Hypochlorite, which is estimated to exceed \$10,000,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)

12/09/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**101579 [Airport Commission Bond-Related Authorizations - Not to Exceed \$1,600,000,000]**

Resolution approving the issuance of not to exceed \$1,600,000,000 aggregate principal amount of San Francisco International Airport Second Series Refunding Revenue Bonds to refinance Airport Bonds and Subordinate Bonds; Approving the issuance of not to exceed \$125,000,000 aggregate principal amount of San Francisco International Airport Special Facilities Bonds to finance and refinance fuel storage and delivery facilities; Approving the maximum interest rates, maturity dates and number of issues of such Refunding Bonds, Subordinate Bonds and Special Facilities Bonds; Approving certain resolutions of the Airport Commission; Approving the forms of certain agreements related to such Bonds and authorizing the execution and delivery thereof; Approving certain amendments to the 1991 Resolution; and Approving certain other related matters. (Airport Commission)

12/17/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - \$57,892.75]**

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company as subrogee for Michelle Azevedo against the City and County of San Francisco for \$57,892.75; claim was filed on January 13, 2009. (City Attorney)

12/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

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

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

12/22/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**101602 [Petitions and Communications]**

Petitions and Communications received from December 7, 2010, through December 27, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 4, 2011.

From James Chaffee, regarding the Civic Center Community Benefit District. File No. 101201, Copy: Each Supervisor (1)

From concerned citizens, regarding the Parkmerced Project. File No. 100979, Copy: Supervisor Elsbernd, Land Use Committee Members and Clerk, 2 letters (2)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapters 12B and 12C for Merchant Warehouse.com. (3)

From Stow Lake Corporation, filing an official protest of the award for a new contract to operate the concession at the Stow Lake Boathouse to Stow Lake Boathouse, LLC. File No. 101416, Copy: Budget and Finance Committee Members and Clerk (4)

From San Francisco Beautiful, regarding proposed amendment to the Planning Code that provides options for project sponsors to meet public art requirements for private development projects. (5)

From United Brotherhood of Carpenters and Joiners of America, submitting support for proposed legislation regarding San Francisco's local hiring policy. File No. 101311, Copy: Each Supervisor (6)

From Calvin Tilden, submitting opposition to the Recreation and Park Department General Manager entering into a lease with Stow Lake Boathouse, LLC, for the operation of the Stow Lake Boathouse Concession in Golden Gate Park. File No. 101416, Copy: Budget and Finance Committee (7)

From UCSF Medical Center, submitting notification that their General Medicine Clinic is moving to 1545 Divisadero Street. (8)

From Office of the Mayor, submitting appointment of James Michael Myatt to the War Memorial Board of Trustees. (9)

From Jerry Cauthen and Howard Wong, regarding the Transbay and Central Subway Projects. 2 letters (10)

From concerned citizens, urging the Board of Supervisors not to take a position on proposed resolution concerning the KPFA Morning Show. File No. 101529, 5 letters (11)

From concerned citizens, submitting support for the Safe Drug Disposal Ordinance. File No. 100455, Copy: Each Supervisor, 3 letters (12)

From San Francisco Preservation Consortium, submitting opposition to proposed legislation that allows permanent signage to be affixed to the historic Path of Gold Lamp Posts. File No. 101445, Copy: City Operations and Neighborhood Services Committee (13)

From concerned citizens, submitting opposition to spending any more money studying the proposal to levy a toll or tax on those driving in certain areas of San Francisco. Copy: Each Supervisor, 11 letters (14)

From concerned citizens, submitting support for bringing the America's Cup to San Francisco. File No. 101259, Copy: Each Supervisor, Budget and Finance Committee Clerk, 11 letters (15)

From concerned citizens, urging the Board of Supervisors to take action to overturn the sidewalk sitting ban. 12 letters (16)

From Edward Van Egri, regarding energy wattage and going green. (17)

From concerned citizens, submitting support for the re-use of Kezar Recycling Center as a community garden and resource center. File No. 101491, 2 letters (18)

From James Corrigan, regarding the Fire Department budget. (19)

From concerned citizens, submitting support for proposed resolution calling for Pacifica Radio's Board, its management, and station's Local Advisory Board to fully reinstate KPFA's Morning Show staff. File No. 101529, Copy: Each Supervisor, Approximately 25 letters (20)

From James Chaffee, submitting his concerns with statements of some library commissioners. Copy: Each Supervisor, 2 letters (21)

From Office of the Controller, submitting the Government Barometer Report for October 2010. (22)

From Office of the Controller, submitting report concerning the concession audit of Bank of America, National Association, covering the period from January 1, 2007, through December 31, 2009. (23)

From Office of the Controller, submitting report concerning Administrative Code Chapter 12G, Political Activity Compliance Review. (24)

From Office of the Chief Medical Examiner, submitting their Annual Report for FY2007-2008. (25)

From Planning Department, submitting the 2010 Commerce and Industry Inventory Report. Copy: Each Supervisor (26)

From concerned citizens, submitting request for continuance of proposed legislation concerning electronic distribution of multi-page documents. File No. 101098, Copy: Each Supervisor, 3 letters (27)

From concerned citizens, submitting request for continuance of proposed legislation concerning proposed amendments to Chapter 31 of the Administrative Code on CEQA appeals to the elected decision making body from decisions of unelected city agencies. File No. 100495, Copy: Each Supervisor, 4 letters (28)

From concerned citizens, submitting opposition to proposed legislation concerning proposed amendments to Chapter 31 of the Administrative Code on CEQA appeals to the elected decision making body from decisions of unelected city agencies. File No. 100495, Copy: Each Supervisor, 6 letters (29)

From Public Utilities Commission, submitting request for wavier of Administrative Code Chapter 12B for Moody's. (30)

From Public Utilities Commission, submitting request for wavier of Administrative Code Chapter 12B for Standard & Poor's. (31)

From T-Mobile, submitting notification of three cellular antennas to be installed at 601 Market Street. (32)

From Jesse Waters, regarding the Ocean Avenue Community Benefits District. File No. 101354, Copy: Each Supervisor (33)

From Office of the Treasurer & Tax Collector, submitting their investment activity for FY-to-date of the portfolios under the Treasurer's management. (34)

From Mayor of San Bruno, submitting opposition to proposed legislation regarding local hiring policy for City projects. File No. 101311 (35)

From Mayor of Redwood City, submitting opposition to proposed legislation regarding local hiring policy for City projects. File No. 101311, Copy: Each Supervisor (36)

From Voy Wiederhold, submitting petition from the Opera Plaza Homeowners' requesting to be excluded from the Civic Center Community Benefit District. File No. 101526, Copy: Each Supervisor (37)

From SF Labor Council, submitting support for the appointment of Vince Courtney to the Public Utilities Commission. File No. 101507, Copy: Rules Committee (38)

From Francisco Da Costa, regarding the amount of airborne asbestos at Parcel A Phase 1 Development Project at Hunters Point Shipyard as of December 7, 2010. (39)

From the Great War Society, submitting support for the recology plan to transport San Francisco's landfill by rail to the Ostrom Road facility in Yuba County. File No. 101225, Copy: Each Supervisor (40)

From Recreation and Parks Department, submitting the 1st quarter status report of FY2010-2011 for the Childhood Lead Poisoning Prevention Program. (41)

From Susanna Sedgwick, submitting opposition to extending parking meters to Sundays. (42)

From SF Municipal Transportation Agency, submitting report on the frequency and number of times the SF Municipal Transportation Agency has "short-turned" light rail lines over the last two years. (Reference No. 20100928-001) (43)

From Andrew Zollman, regarding alleged legal violations at the Heart of the City Farmers' Market at U.N. Plaza. (44)

From Office of the Controller, submitting updated projections of the City's retiree (or post employment) medical benefits funding and liabilities. (45)

From Ivan Pratt, regarding Senator Bernie Sanders speech on December 7, 2010. (46)

From Allen Jones, urging the Board of Supervisors to honor a gay American hero who saved the life of President Ford in San Francisco on September 22, 1975. (47)

From Supervisor Dufty, submitting his resignation from the City Operations and Neighborhood Services Committee. Copy: City Operations and Neighborhood Services Committee Members and Clerk (48)

From Planning Department, submitting a Certificate of Determination that T-Mobile Wireless Telecommunications Facilities is Exempt from Environmental Review. Copy: Each Supervisor (49)

From Chamber of Commerce, urging the Board of Supervisors to refrain from acting on proposed legislation regarding personal wireless service facility site permits and associated fees until it is referred to the Police and Fire Commission and the Office of Emergency Services. File No. 100041 (50)

From Pam Verenz, submitting opposition to proposed legislation regarding setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096 (51)

From Public Utilities Commission, submitting request for release of reserved funds for the San Joaquin Pipeline Water System Improvement Program Project. Copy: Budget and Finance Committee Members and Clerk (52)

From James Corrigan, regarding fire fighters from across town shopping at COSTCO. (53)

From Department of Public Works, responding to request from the Rules Committee to provide information regarding the City's actions with regard to a lawsuit filed by Guillermo Chavez. File No. 101383 (54)

From Office of the Controller, submitting report from the Office of Economic Analysis regarding the America's Cup Northern Waterfront Alternative. File No. 101259 (55)

From Office of the Controller, submitting the November 2010 Monthly Overtime Report. (56)

From Office of the Controller, regarding the fiscal and organizational assessment of San Francisco Pride. (57)

From Office of the Controller, submitting memo summarizing and analyzing the management of infraction-level offenses from ticket issuance by the Police Department through processing and adjudication in the Traffic Court. (58)

From Mission Dolores Neighborhood Association, submitting their updated position letter for long-term banners on the Path of Gold, Landmark No. 200. (59)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from December 28, 2010, through December 30, 2010. Supervisor Elsbernd and Supervisor Alioto-Pier will serve as Acting Mayor. Copy: Each Supervisor (60)

From Office of the Mayor, returning pending legislation regarding the local hiring policy for construction in San Francisco unsigned. File No. 101311, Copy: Each Supervisor (61)

From Department of the Environment, submitting notice of public hearing to be held on January 18, 2011, regarding pesticide use in San Francisco. (62)

From Brightline, submitting support for the appointment of Vince Courtney to the Public Utilities Commission. File No. 101507 (63)

From Michael Crandell, regarding alleged administrative deception and retaliation. (64)

From Michael Crandell, submitting his application for the position of Interim Mayor. (65)

From Michael Crandell, regarding impeachment of Mayor Newsom. (66)

From Michael Crandell, regarding protection for political candidates and their families. (67)

From Michael Crandell, regarding reconsideration of endorsement for Mayor Newsom. (68)

From Office of the Mayor, submitting the appointments of Stephen Adams to the Small Business Commission, Dorka Keehn to the Arts Commission, and Stephen Revetria to the Golden Gate Concourse Authority. Copy: Rules Clerk (69)

## **ADJOURNMENT**