



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 22, 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 February 15, 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 5

Recommendation of the Budget and Finance Sub-Committee

Present: Supervisors Chu, Mirkarimi, Kim

1. [110154](#) **[Appropriating \$2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]**

Sponsor: Mayor

Ordinance appropriating \$2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.

(Fiscal Impact.)

Attachments: [Legislation_Ver1](#)

[Budget_Analyst_030211](#)

[Comm_Packet_030211](#)

[Comm_Packet_030911](#)

[Budget_Analyst_030911](#)

[Board_Packet_031511](#)

[Board_Packet_032211](#)

03/15/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Avalos, Mar, Elsbernd

2. [110235](#) **[Accept and Expend Grant - Medicare Improvements for Patients and Providers Act - \$143,128]**
Sponsor: Campos
Resolution authorizing the Department of Aging and Adult Services to accept and expend a grant in the amount of \$143,128 from the Centers for Medicare and Medicaid Services and the Administration on Aging, passed through the California Department on Aging, to assist in expanding Medicare beneficiary enrollment and outreach activities aimed at preventing disease and promoting health.
- Attachments:** [Legislation Ver1](#)
[Comm Packet 031411](#)
[Board Packet 032211](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

3. [110070](#) **[Planning Code - Zoning - Upper Fillmore Neighborhood Commercial District]**
Sponsor: Farrell

Ordinance amending the San Francisco Planning Code by amending Sections 703.3 and 718.1 and the Zoning Control Table for the Upper Fillmore NCD to: 1) allow as a conditional use on the first floor a new full-service restaurant, large fast food restaurant, small self-service restaurant or self-service specialty food establishment that is not defined as a formula retail use; and 2) add Specific Provisions to the Zoning Control Table to allow a bar associated with a full-service restaurant as a conditional use and require the Planning Commission to consider daytime usage on the block in conditionally approving a new restaurant; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 012511](#)

[Response PLN 020411](#)

[Response PLN 021111](#)

[Response SBC 021611](#)

[Comm Packet 030711](#)

[Legislation Ver2](#)

[Board Packet 031511](#)

[Board Packet 032211](#)

03/15/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Farrell

4. [110146](#) **[Settlement of Lawsuit - Liberato Primer, Jr. - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr., against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

Attachments: [Legislation Ver1](#)

[Comm Packet 030311](#)

[Board Packet 031511](#)

[Board Packet 032211](#)

03/15/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. [110173](#) **[Settlement of Lawsuit - Esther Downes, et al. - \$350,000]**
Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

Attachments: [Legislation_Ver1](#)
[Comm_Packet_030311](#)
[Board_Packet_031511](#)
[Board_Packet_032211](#)

03/15/2011; 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

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

6. [101523](#) **[Planning Code, Administrative Code - Development Impact and In-Lieu Fees]**
Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by: 1) amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts; 2) amending Sections 413.6 and 415.5 to provide that the annual adjustments to the Jobs-Housing Linkage and Affordable Housing fees shall be made at the same time as the cost inflation adjustments are made to the other development fees; 3) amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; and 4) adding an uncodified section providing that (a) if a development fee was evaluated in 2010 or 2011, it need not be included in the 2011 five-year evaluation and (b) authorizing the Controller to make the 2011 Infrastructure Cost Inflation Adjustments to the development fees in April rather than January; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; and adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 122210](#)

[Response PLN 122810](#)

[Response SBC 011911](#)

[Comm Packet 022811](#)

[Comm Packet 030711](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Board Packet 031511](#)

[Legislation Ver3](#)

[Leg Digest Ver3](#)

[Board Packet 032211](#)

03/15/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

03/15/2011; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

7. [110024](#) **[Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]**

Sponsor: Mirkarimi

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 021911](#)

[Comm Packet 030711](#)

[Board Packet 031511](#)

[Board Packet 032211](#)

03/15/2011; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Kim, Farrell

8. [110117](#) **[Administrative Code - Publication Requirements]**

Sponsor: Mirkarimi

Ordinance amending San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

Attachments: [Legislation Ver1](#)

[Comm Packet 030311](#)

[Board Packet 031511](#)

[Board Packet 032211](#)

03/15/2011; 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

9. **101564** **[Memorandum of Understanding - 34th America's Cup]**
Sponsors: Mayor; Chiu, Mirkarimi, Elsbernd and Chu
Resolution approving a Memorandum of Understanding between the City Controller and the Port Commission regarding the 34th America's Cup under Charter Section B7.320.

(Fiscal Impact.)

Attachments: [Legislation_Ver1](#)
[Legislation_Ver3](#)
[Comm_Packet_031611](#)
[Board_Packet_032211](#)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Chu, Mirkarimi, Kim

10. [110120](#) **[2011 Annual Joint 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.

Attachments: [Legislation Ver1](#)
[Comm Packet 031611](#)
[Board Packet 032211](#)

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Chu, Mirkarimi, Kim

11. [110184](#) **[De-Appropriating \$15,479,251 of Market Rate Bond Proceeds and Re-Appropriating to Below Market Rate - Seismic Safety Loan Program - FY2010-2011]**

Sponsor: Mayor
Ordinance de-appropriating \$15,479,251 of Market Rate General Obligation Bond Proceeds, Series 2007A, and re-appropriating \$15,479,251 to the Below Market Rate Seismic Safety Loan Program in the Mayor's Office of Housing for FY2010-2011 and maintaining on Controller's reserve the appropriation equal to the unsold portion of the bonds.

(Fiscal Impact.)

Attachments: [Legislation ver1](#)
[Comm Packet 031611](#)
[Board Packet 032211](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Campos, Farrell, Chiu

12. [110241](#) **[Setting the 2011 Budget and Legislative Analyst Services Work Plan]**

Sponsor: Campos

Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2011; (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2011 Annual Performance Evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

Attachments: [Legislation Ver1](#)

[Comm Packet 031011](#)

[Board Packet 032211](#)

Question: Shall this Motion be APPROVED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Wiener

13. [110176](#) **[CEQA Findings - Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]**
Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No. CUW35302, part of the Water System Improvement Program for the improvements to the regional water supply system; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Attachments: [Board Packet 032211](#)
[Comm Packet 031711](#)
[Board Packet 032211](#)

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.

14. 110041 [Appeal of Determination of Exemption from Environmental Review - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 8, 2009, Case No. 2008.0558E, that a project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review under Categorical Exemption, Classes 1 and 3 (State Guidelines Sections 15301(l)(4) and 15303(a)). The proposed project involves the subdivision of two existing lots into four and the construction of three new single-family homes fronting on Los Palmos Drive, Lot Nos. 116 and 117 in Assessor's Block No. 3027A. (District 7) (Appellant: Stephen M. Williams, on behalf of the Miraloma Park Improvement Club).

(Filed January 7, 2011; Companion Measure to File Nos. 110042, 110043, 110044.)

Attachments: [Board Packet 021511](#)

[Board Packet 032211](#)

02/15/2011; CONTINUED.

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review 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.)

15. [110042](#) **[Affirming the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]**

Motion affirming the determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 021511](#)

[Board Packet 032211](#)

02/15/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

16. [110043](#) **[Reversing the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]**

Motion reversing the determination by the Planning Department and Commission that the 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive project is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 021511](#)

[Board Packet 032211](#)

02/15/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

17. [110044](#) **[Preparation of Findings to Reverse the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]**

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 021511](#)

[Board Packet 032211](#)

02/15/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Existing Litigation

18. [110331](#) [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

Attachments: [Legislation_Ver1](#)

[Board_Packet_032211](#)

Question: Shall this Motion be APPROVED?

[Elect To Disclose] Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 19 through 23

19. [110319](#) **[Accept and Expend Grant - Audiovisual Digitization Project - \$9,998]**
Sponsor: Chu
Resolution authorizing the Public Library to accept and expend a grant in the amount of \$9,998 from the California State Library, as part of the Federal Library Services and Technology Act, for preserving and providing access to the Public Library's unique audiovisual collections and creating standard procedures for future audiovisual digitization projects.
Attachments: [Legislation Ver1](#)
[Board Packet 032211](#)

03/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

20. [110320](#) **[Presidio Branch Library Reopening]**
Sponsor: Farrell
Resolution recognizing the grand reopening of the Presidio Branch Library and commending the Public Library and its team for their hard work and commitment to San Francisco and its residents.
Attachments: [Legislation Ver1](#)
[Board Packet 032211](#)

03/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

21. [110321](#) **[Accept and Expend Grant - Marina Green Bicycle Trail - \$97,339]**
Sponsor: Farrell
Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$97,339 from the Association of Bay Area Governments for the Marina Green Bicycle Trail project between Laguna Street and Buchanan Street.
Attachments: [Legislation Ver1](#)
[Board Packet 032211](#)

03/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

22. [110322](#) **[Accept and Expend Gift - Mayor's Annual Earth Day Breakfast - \$12,000]**
Sponsor: Mayor
Resolution authorizing the Department of the Environment to accept and expend a gift in the amount of \$12,000 from Wells Fargo Bank, to sponsor the Mayor's Annual Earth Day Breakfast on April 20, 2011, at City Hall.

Attachments: [Legislation_Ver1](#)
[Board_Packet_032211](#)

03/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

23. [110329](#) **[Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 7, 2011, Consolidated Special Election]**
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 7, 2011, Consolidated Special Election. (Clerk of the Board)

Attachments: [Legislation_Ver1](#)
[Board_Packet_032211](#)

03/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda: _____

24. IMPERATIVE AGENDA

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

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTION

Proposed resolution received from March 8, 2011, to March 14, 2011, for reference by President to appropriate committee on March 22, 2011.

110247 **[Acceptance of Easement - Stanislaus County - San Joaquin Pipeline System Project]**

Resolution approving and authorizing an acceptance of an Easement Deed for a perpetual exclusive easement for the installation, construction, operation, inspection, maintenance, repair, and replacement of water pipelines, utilities and related appurtenances in the real property, being a portion of River Road, located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

03/11/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110311

[Petitions and Communications]

Petitions and Communications received from March 8, 2011, through March 14, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 22, 2011.

From Sogra Kadir, submitting suggestions to reduce the City budget. (1)

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 20 letters (2)

*From concerned citizens, submitting opposition to proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, Approximately 100 letters (3)

From Residential Rent Stabilization and Arbitration Board, submitting their annual report on evictions notices. Copy: Each Supervisor (4)

From Planning Department, submitting their Annual General Advertising Sign Program Report. Copy: Land Use Committee Members and Clerk (5)

From concerned citizens, regarding the sidewalk sitting ban. 22 letters (6)

From Department of Elections, submitting notice of Ballot Simplification Committee Meetings for a potential June 7, 2011, Consolidated Special Election. (7)

From Office of the Controller, submitting the January and February Monthly Overtime Report. (8)

From Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B and 14B for Sightlife to purchase medical goods. (9)

From Sara Schwab, submitting support for the preservation of dog walking access throughout the Golden Gate National Recreation Area. File No. 110196, Copy: Land Use Committee Members (10)

From Dona Templeman, urging a ban on smart meters. (11)

From concerned citizens, urging the Board of Supervisors to bring new technology to San Francisco. 2 letters (12)

From Ed Healy, submitting support for proposed taxi legislation. File No.110257 (13)

From Hannah Frank, concerning a racial discrimination complaint. (14)

From concerned citizens, submitting opposition to the owners of the Fairmont Hotel demolishing the hotel to develop condominiums. 3 letters (15)

From concerned citizens, submitting opposition to keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 6 letters (16)

From concerned citizens, regarding the Parkmerced Project. File No. 110206, Copy: Each Supervisor, 15 letters (17)

From Avalon Bay Communities, Inc., responding to proposed legislation that urges them to utilize sub-contractors that compensate workers consistent with area standard wages. File No. 110283, Copy: City Operations and Neighborhood Services Committee Members and Clerk (18)

From Jane Louie, submitting support for keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490 (19)

From Kari Podgorski, thanking the Mayor and Board of Supervisors for their support to keep Teatro ZinZanni in San Francisco. (20)

From San Francisco Labor Council, regarding the Recology contract. Copy: Each Supervisor (21)

From California Fish and Game Commission, regarding the amended petition to list the American pika as a threatened species. Copy: Each Supervisor (22)

From August Vanderhoek, regarding shark fin soup. (23)

From Kellee Marlow, regarding alleged illegal practices by Municipal Transportation Agency parking citations officers and department practices. (24)

From Doug MacTavish, requesting "No Smoking" signs at transit stops. (25)

From Ivan Pratt, regarding sustainable ecology. (26)

From Department of Public Health, submitting a line item summary of the resources allocated to District 11. (27)

From Anne Miller, submitting opposition to any increase in parking fees. (28)

From Department of Public Health, submitting resolution opposing the elimination of Medi-Cal funding for Adult Day Health Center programs. (29)

*From Chief Medical Examiner, submitting their FY2008-2009 Annual Report. (30)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (31)

Madeleine Licavoli, Deputy Director - annual

Alexander Volberding, Legislative Aide - annual

Katy Tang, Legislative Aide - annual

Lin Shao Chin, Legislative Aide - annual

Hilary Ronen, Legislative Aide - annual

*(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