



# BOARD OF SUPERVISORS

## CITY AND COUNTY OF SAN FRANCISCO

### AGENDA

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

Tuesday, February 15, 2011 - 2:00 PM

#### Regular Meeting

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DAVID CHIU, PRESIDENT  
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,  
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.sfbos.org](http://www.sfbos.org)

#### BOARD COMMITTEES

##### Committee Membership

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

**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  
11:00 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

## 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 January 11, 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 9

### Recommendations the Budget and Finance Committee

*Present: Supervisors Chu, Mirkarimi, Kim*

1. [110012](#) **[Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$603,888]**

**Sponsors: Mayor; Mar**

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

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

[Comm Packet 020211](#)

[Board Packet 020811](#)

[Board-Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

2. [110071](#) **[Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34th America's Cup Event]**  
**Sponsors: Mayor; Mirkarimi, Chiu, Elsbernd, Farrell, Cohen, Avalos, Wiener and Mar**

Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the San Francisco Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34th America's Cup Event and coordinating and developing submittals for associated federal and state permits.

**Attachments:** [Comm Packet 020211](#)

[110071](#)

[Board Packet 020811](#)

[Board-Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

3. [110072](#) **[Accept and Expend Grant - Federal Green Jobs Workforce Development Training Project and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$238,000]**

**Sponsors: Mayor; Mar**

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$238,000 from the United States Department of Labor Employment and Training Administration to fund the Green Jobs Workforce Development Training Project, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 1824 Principal Administrative Analyst at 0.5 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

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

[Comm Packet 020211](#)

[Board Packet 020811](#)

[Board-Packet-021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

*Present: Supervisors Chu, Kim*

4. [101557](#) **[Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]**

**Sponsors: Mayor; Kim**

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

(Fiscal Impact.)

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

[Leg Digest Ver1](#)

[Comm Packet 012411](#)

[Comm Packet 013111](#)

[Comm Packet 020211](#)

[Budget Analyst 072811](#)

[Response SBC 013111](#)

[Legislation Ver2](#)

[Board Packet 020811](#)

[Board Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

**Recommendations of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Farrell*

**5. [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)

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

[Comm Packet 020311](#)

[Board Packet 020811](#)

[Board Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

**6. [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)

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

[Comm Packet 020311](#)

[Board Packet 020811](#)

[Board Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

7. [101592](#) **[Settlement of Lawsuit - Mackin, et al. - \$63,020]**  
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)

**Attachments:** [Legislation VER1](#)  
[Comm Packet 020311](#)  
[Legislation Ver2](#)  
[Board Packet 020811](#)  
[Board Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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

8. [110021](#) **[Settlement of Lawsuit - Jason Davis - \$4,000,000]**  
Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for \$4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

**Attachments:** [Legislation VER1](#)  
[Comm Packet 020311](#)  
[Board Packet 020811](#)  
[Board Packet 021511](#)

02/08/2011; PASSED, ON FIRST READING.

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



9. [110050](#) **[Settlement of Lawsuit - Toni Battle - \$105,000]**  
Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for \$105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 020311](#)  
[Board Packet 020811](#)  
[Board Packet 021511](#)

02/08/2011; 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*

10. [101464](#) **[Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]**

**Sponsor:** Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from the new controls and payment of the infrastructure fee; and adopting findings, including environmental findings, 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\\_SBC\\_011911](#)

[Comm\\_Packet\\_013111](#)

[Board\\_Packet\\_020811f](#)

[Board\\_Packet\\_021511](#)

02/08/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

02/08/2011; PASSED ON FIRST READING AS AMENDED.

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

Present: Supervisors Mar, Cohen, Wiener

11. [101522](#) **[Public Works Code - Handbill Distribution]**

**Sponsor:** Chiu

Ordinance amending the San Francisco Public Works Code by amending Sections 184.69, 184.70, and 184.72 to ban distribution of handbills on private premises unless the handbills are securely placed upon or attached to and do not damage the premises, specifying a minimum of 30-point font size for "No Handbills" signs, and replacing criminal penalties for unlawful distribution of handbills with administrative penalties, and making environmental findings.

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

[Leg Digest Ver1](#)

[Response PLN 122210](#)

[Response SBC 011811](#)

[Comm Packet 012411](#)

[Legislation Ver2](#)

[Board Packet 020111.pdf](#)

[Board Packet 021511](#)

02/01/2011; CONTINUED ON FIRST READING.

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

## **NEW BUSINESS**

### **Recommendations of the Budget and Finance Committee**

Present: Supervisors Chu, Mirkarimi, Kim

12. [101124](#) **[Appropriating \$528,774 of Certificate of Participation Proceeds for Disability Access Improvement Projects and Relocation Costs in the Mayor’s Office on Disability for FY2010-2011]**

**Sponsor: Mayor**

Ordinance appropriating \$528,774 of Certificate of Participation Series 2011A proceeds, including \$477,732 to fund disability access improvements and \$51,042 for temporary relocation costs in the Board of Supervisors chambers for the Mayor’s Office on Disability in the General Services Agency, Administrative Services, for FY2010-2011 and placing \$528,774 on Controller’s reserve pending issuance of Certificate of Participation and \$51,042 on Budget and Finance Committee Reserve pending submission of the cost details for the temporary relocation of the Board of Supervisors meetings by the Department of Technology and General Services Agency.

(Fiscal Impact.)

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

[Comm Packet 020211](#)

[Legislation Ver2](#)

[Comm Packet 020911](#)

[Buget Analyst 020911](#)

[Board Packet 021511](#)

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

13. [110069](#) **[Administrative Code - Health Service System Plans and Contribution Rates for FY2011-2012]**

**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1 by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

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

[Comm Packet 020911](#)

[Buget Analyst 020911](#)

[Legislation Ver2](#)

[Board Packet 021511](#)

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

14. [101431](#) **[Lease - Portsmouth Plaza Parking Corporation - Portsmouth Square Garage Operations]**

**Sponsor: Chiu**

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Portsmouth Plaza Parking Corporation for the operation of the Portsmouth Square Garage.

**Attachments:** [Response\\_Rec\\_122110](#)

[Legislatiion\\_Ver1](#)

[Comm\\_Packet\\_020911](#)

[Board\\_Packet\\_021511](#)

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

15. [101479](#) **[Sale of Surplus Property - 909 Tennessee Street - \$1,310,000]**

Resolution approving the sale of an improved surplus property located at 909 Tennessee Street, within Lot No. 001, Block No. 4108, City and County of San Francisco, to the highest responsible cash bidder for a purchase price of not less than \$1,310,000; adopting findings pursuant to 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)

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

[Comm\\_Packet\\_020211](#)

[Legislation\\_Ver2](#)

[Comm\\_Packet\\_020911](#)

[Buget\\_Analyst\\_020911](#)

[Board\\_Packet\\_021511](#)

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

16. [101481](#) **[Contract Amendment - Ambulance Billing - \$20,000,000]**

Resolution authorizing the San Francisco Fire Department to amend the Department's ambulance billing contract with ADPI West, Inc., that anticipates approximately \$20,000,000 per year in revenues, authorize the first two-year contract extension; retroactively approve the first contract extension to July 1, 2010, and at the Department's discretion authorize the Department to exercise the second two-year extension for the contract. (Fire Department)

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

[Comm\\_Packet\\_020911](#)

[Buget\\_Analyst\\_020911](#)

[Board\\_Packet\\_021511](#)

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

17. [101502](#) **[Professional Services Agreement - Terminal 2/Boarding Area D Renovations - Not to Exceed \$16,850,000]**

Resolution approving Modification No. 5 to the Professional Services Agreement for Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities in the amount of \$1,710,000 for a new total contract amount not to exceed \$16,850,000. (Airport Commission)

- Attachments:** [Legislation Ver1](#)  
[Comm Packet 020911](#)  
[Buget Analyst 020911](#)  
[Board Packet 021511](#)

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

18. [110020](#) **[Airport Lease and Operating Agreement - Smarte Carte, Inc.]**

Resolution approving the exercise of the last of five one-year options to extend the term of Luggage Cart Lease and Operating Agreement No. 01-0343 between Smarte Carte, Inc. and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

- Attachments:** [Legislation Ver1](#)  
[Comm Packet 020911](#)  
[Buget Analyst 020911](#)  
[Board Packet 021511](#)

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

19. [110052](#) **[Construction Management Contract - Harry Tracy Water Treatment Plant Long Term Improvements Project - Not to Exceed \$16,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-919R, Harry Tracy Water Treatment Plant Long Term Improvements Project, Construction Management Services Staff Augmentation, with HDR Engineering, Inc, for an amount not to exceed \$16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

- Attachments:** [Legislation Ver1](#)  
[Comm Packet 020911](#)  
[Buget Analyst 020911](#)  
[Board Packet 021511](#)

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

20. [110076](#) **[Establishing Monthly Contribution Amount to the Health Service Trust Fund]**  
**Sponsor: Chu**  
Resolution establishing monthly contribution amount to the Health Service Trust Fund.

(Fiscal Impact.)

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 020911](#)  
[Buget Analyst 020911](#)  
[Board Packet 021511](#)

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

**Recommendation of the Public Safety Committee**

*Present: Supervisors Mirkarimi, Cohen, Campos*

21. [101120](#) **[Police Code - Discharge of Firearms; Fireworks]**  
**Sponsor: Mayor**  
Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506, to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

**Attachments:** [Legislation VER1](#)  
[Comm Packet 020311](#)  
[Board Packet 021511](#)

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

**Recommendation of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Farrell*

22. [110037](#) **[Confirming Appointment, San Francisco Relocation Appeals Board - Paul Kelly]**  
**Sponsor: Mayor**  
Motion confirming the appointment of Paul Kelly to the San Francisco Relocation Appeals Board, for the unexpired portion of a three-year term ending January 2, 2012.

(Supervisor Kim dissented in Committee.)

**Attachments:** [Legislation VER1](#)  
[Comm Packet 020311](#)  
[Board Packet 021511](#)

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

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

## SPECIAL ORDER 4:00 P.M.

### APPEAL PROCEDURES

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

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

**23. [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](#)

**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.)**



24. [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](#)

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

25. [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](#)

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

26. [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](#)

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

## COMMITTEE REPORTS

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

*The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, February 10, 2011, at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, February 15, 2011.*

27. [110073](#) **[Agreement - Owners' Association for Administration/Management of Mission Miracle Mile Business Improvement District]**

**Sponsor: Campos**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Mission Miracle Mile Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

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

[Comm Packet 021011](#)

[Board Packet 021511](#)

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

**Recommendations from the Rules Committee**

*The following items will be considered by the Rules Committee at a Special Meeting on Thursday, February 10, 2011, at 3:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 15, 2011.*

28. [110133](#) **[Appointment, Bay Area Air Quality Management District - Supervisor John Avalos]**

Motion appointing Supervisor John Avalos, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

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

[Comm Packet 021011](#)

[Board Packet 021511](#)

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

29. [110136](#) **[Appointment, Transbay Joint Powers Authority - Supervisor Jane Kim]**

Motion appointing Supervisor Jane Kim to the Transbay Joint Powers Authority. (Clerk of the Board)

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

[Comm Packet 021011](#)

[Board Packet 021511](#)

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

30. [110135](#) **[Appointment, Urban Counties Caucus - Supervisor Eric Mar]**  
Motion appointing Supervisor Eric Mar, term ending December 31, 2012, to the Urban Counties Caucus. (Clerk of the Board)

**Attachments:** [Legislation VER1](#)  
[Comm Packet 021011](#)  
[Board Packet 021511](#)

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

31. [110137](#) **[Appointments, Golden Gate Bridge, Highway and Transportation District - Supervisors Sean Elsbernd, Carmen Chu, David Campos and Eric Mar]**  
Motion appointing Supervisors Sean Elsbernd, Carmen Chu, David Campos, and Eric Mar, terms ending January 31, 2013, to the Board of Directors, Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

**Attachments:** [Comm Packet 021011](#)  
[Board Packet 021511](#)

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

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

32. [101493](#) **[Charter Amendment - Compensation of Board of Education Members]**  
**Sponsors: Kim; Campos, Mar, Avalos and Chiu**  
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of \$500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

**Attachments:** [Legislation VER1](#)  
[Comm Packet 020311](#)  
[Legislation VER2](#)  
[Comm Packet 021011](#)  
[Board Packet 021511](#)

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

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

*The following items will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, February 14, 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, February 15, 2011.*

33. [101287](#) **[Liquor License - 1005 Minnesota Street]**  
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license and the transfer of a Type 20 off-sale beer and wine license from Ferry Building, Market Place, Unit 33, the Embarcadero, to Wayne Garcia, for DIGWines, LLC, located at 1005 Minnesota Street (District 10), 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.
- Attachments:** [Comm Packet 021411](#)  
[Board Packet 021511](#)

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

34. [110074](#) **[MUNI Youth Lifeline Discount Fast Pass Program Changes]**  
**Sponsors: Campos; Mirkarimi, Avalos, Cohen, Kim, Mar and Chiu**  
Resolution urging the San Francisco Municipal Transportation Agency to adopt changes to the Youth Lifeline Discount Fast Pass Program for qualified low-income youth.
- Attachments:** [Legislation Ver1](#)  
[Comm Packet 021411](#)  
[Board Packet 021511](#)

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

**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 35 through 40****35. [110161](#) [Accept and Expend Grant - Installation of Rubber Sidewalks - Not to Exceed \$12,600]****Sponsor: Cohen**

Resolution authorizing the Department of Public Works to apply for grant funds in the amount up to, but not to exceed, \$12,600 from the California Department of Resources Recycling and Recovery, Tire-Derived Product Grant Program for the purpose of installing rubber sidewalks and preserving mature trees.

**Attachments:** [Legislation\\_Ver1](#)[Board Packet 021511](#)

02/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?****36. [110162](#) [Oliver W. Sipple Day - September 22, 2011]****Sponsors: Campos; Wiener**

Resolution declaring September 22, 2011, as Oliver W. Sipple Day in San Francisco to honor a gay American hero, who on September 22, 1975, saved the life of President Gerald Ford outside of St. Francis Hotel in Union Square in San Francisco.

**Attachments:** [Legislation\\_Ver1](#)[Board Packet 021511](#)

02/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?****37. [110170](#) [Protect Proposition 10 Funding]****Sponsors: Mar; Campos**

Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping \$1,000,000,000 in Prop 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Prop 10 revenues.

**Attachments:** [Legislation\\_Ver1](#)[Board Packet 021511](#)

02/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

38. [110171](#) **[Park Branch Library Reopening]**  
**Sponsor: Mirkarimi**  
Resolution recognizing the grand reopening of the Park Branch Library and commending the San Francisco Public Library, and its team, for their hard work and commitment to San Francisco and its residents.

**Attachments:** [Legislation\\_Ver1](#)  
[Board\\_Packet\\_021511](#)

02/09/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

39. [110167](#) **[Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.1 Concerning the Budget and Finance Committee Structure]**  
**Sponsor: Chu**  
Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.1 to amend the date the Budget and Finance Committee expands to five members and the date the three member subcommittee is established from April 1 to March 1.

**Attachments:** [Legislation\\_Ver1](#)  
[Board\\_Packet\\_021511](#)

02/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

40. [110172](#) **[Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.7 Extending the Joint City and School District Committee for One Year Ending March 1, 2012]**  
**Sponsor: Cohen**  
Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.7 to extend the term of the Joint City and School District Select Committee for one year ending March 1, 2012.

**Attachments:** [Board\\_Packet\\_021511](#)  
[Legislation\\_Ver1](#)

02/09/2011; 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: \_\_\_\_\_

#### 41. 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 February 1, 2011, through February 7, 2011, for reference by President to appropriate committee on February 15, 2011.*

**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](#)

02/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**110147**

**[General Plan Amendment - Mission District Streetscape Plan]**

Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

02/03/2011; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

### PROPOSED RESOLUTIONS

*Proposed resolutions received from February 1, 2011, through February 7, 2011, for reference by President to appropriate committee on February 15, 2011.*

**110148**

**[Approval of Lease with ParkWide Activities, LLC - Master Bike Rental Concession Operation]**

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks. (Recreation and Park Department)

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

02/07/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110179 [Petitions and Communications]**

Petitions and Communications received from February 1, 2011, through February 7, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 15, 2011.

From Office of the Controller, submitting the Government Barometer Report for December 2010. (1)

From Office of the Treasurer-Tax Collector, submitting the City's investment portfolio as of December 31, 2010. (2)

From Abdalla Megahed, regarding the current situation in Egypt. 3 letters (3)

From Stow Lake Corporation, regarding the Stow Lake Concession Lease. Copy: Each Supervisor (4)

From Capital Planning Commission, regarding the Rincon Hill Infrastructure Financing District (IFD) and policy guidelines for establishing an Infrastructure Financing District. File No. 110036, Copy: Each Supervisor, Budget and Finance Committee Clerk (5)

From Office of the Controller, submitting the Real Estate Watchdog Program Report, this report covers the period from the Program's inception in 2006 through December 31, 2010. (6)

From Office of the Assessor-Recorder, submitting the Real Estate Watchdog Program Report for the period of July 1, 2009 through December 31, 2010. (7)

From concerned citizens, submitting support for keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, City Operations and Neighborhood Services Committee Clerk, 7 letters (8)

From Recreation and Park Department, submitting FY2010-2011 Second Quarterly Lead Poisoning Prevention Report. (9)

From Planning Department, submitting notice that an Environmental Impact Report is required for the proposed renovation of the Beach Chalet Athletic Fields. Copy: Land Use and Economic Development Committee Clerk (10)

From Office of the Sheriff, submitting request for waiver of Administrative Code Chapters 12B and 12C to purchase gasoline credit cards from Chevron USA. (11)

From concerned citizens, submitting support for proposed legislation to ban the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 229 letters (12)

From concerned citizens, regarding the sidewalk sitting ban. 38 letters (13)

From Office of the Assessor-Recorder, submitting information and resources for San Franciscans that seek assistance with the impacts of foreclosures. Copy: Supervisor Mirkarimi (14)

From concerned citizens, regarding the Parkmerced Project. 124 letters (15)

From David Tornheim, regarding qualifications required to serve on the HPC. (16)

From Max Hermann, commenting on restaurant food sold accompanied by toys or other youth focused incentive items. (17)

From Office of the District Attorney, submitting information and resources for

San Franciscans that seek assistance with the impacts of foreclosures. Copy:  
Supervisor Mirkarimi (18)

From concerned citizens, submitting support for closing the Haight Ashbury  
Neighborhood Council's Recycling Center. File No. 101490, 2 letters (19)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement:  
(20)

Bill Barnes, Legislative Aide - leaving  
Adam Taylor, Legislative Aide - assuming  
Malia Cohen, Supervisor - assuming

From Anmarie Mabbut, regarding FY2011-2012 budget hearings. (21)

From Human Rights Commission, submitting FY2011-2012 HRC Efficiency Plan. (22)

From Arts Commission, submitting FY2011-2013 Three-Year Strategic Plan. (23)

From Office of the Controller, submitting a concession audit report of Pacific Gateway,  
LLC. (24)

From Office of the Treasurer-Tax Collector, submitting information and resources for  
San Franciscans that seek assistance with the impacts of foreclosures. Copy:  
Supervisor Mirkarimi (25)

From Aaron Goodman, regarding a Beyond Chronicle article on the Parkmerced Project  
(26)

From Allen Jones, regarding Oliver Sipple. (27)

From Dennis MacKenzie, submitting support for waiver of the competitive bid and  
solicitation requirements in regards to the Environmental Impact Report necessary for  
housing the America's Cup on San Francisco Bay. File No. 110071, Copy: Each  
Supervisor, Budget and Finance Committee Clerk (28)

From concerned citizens, regarding the Stow Lake Concession Lease. File No. 101416,  
2 letters (29)

From Office of the Assessor-Recorder, submitting a corrected FY2009-2010 Annual  
Report. (30)

From Joan Wood, regarding the new members of the Board of Supervisors. (31)

From Caltrain News, regarding appointment of Supervisor Elsbernd to the Caltrain  
Board. (32)

From Commission on the Environment, submitting the revised Green Business Checklist  
for Hotel/Motel, Office/Retail and Restaurants. (33)

## **ADJOURNMENT**