



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, November 15, 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.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
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

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.

Meeting Procedures

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

Board procedures do not permit: 1) persons in the audience 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; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, 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. 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.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

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, 1 Dr. Carlton B Goodlett Place, or 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 (Room 250) and the Committee Room (Room 263) 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, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. 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; phone at (415) 554-7724; 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 <http://www.sfgov.org/ethics>

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item has been rescheduled for November 15, 2011. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's Regular Agenda as an action item.

By supermajority vote of the Board of Supervisors (8 votes), the Board may, by oral motion, allow an eligible District Supervisor to ask a question that was not previously posed if the question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that were not anticipated prior to the posting of this agenda. Public comment for this item will take place during general public comment.)

1. [111199](#) [Formal Policy Discussions - November 15, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, and 9. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Recently, the Board of Supervisors held a hearing looking into the creation of a municipal bank at the urging of Supervisor Avalos and OccupySF leaders. San Francisco currently divides its nearly 200 bank accounts between three massive financial firms: Wells Fargo, Union Bank of California, and Bank of America. Many residents are saying that rather than sending our savings elsewhere, and depending entirely on the private sector, with its boom/bust cycles, the City needs to look to its own assets and strengths, and develop a strategy to reinvest locally. It is not a new idea, it was a demand of the 1975 SF Community Congress, and the Board of Supervisors commissioned a Legislative Analyst Report at the request of Supervisor Matt Gonzalez on this issue in 2001. A municipal bank could eventually invest millions in low-interest loans for alternative forms of development in San Francisco, prioritizing nontraditional business models. At a time when millions of individuals are taking their money out of large banks and putting them into local institutions, it seems necessary for the City to seriously consider this option as well. In addition, throughout most of the City, including all of San Francisco's Neighborhood Commercial Districts, formula retail stores and restaurants are considered conditional uses. This means they must be approved by the Planning Commission on a case-by-case basis. This gives residents more control over the development of their communities. However, the Planning Department is interpreting the Formula Retail law narrowly to exclude banks and other entities that aren't specifically listed in the formula retail law, despite the fact that formula retail is defined with reference to a catch-all category (Sales & Service, Retail), so all of these businesses, including banks, should be covered. Do you support subjecting formula retail banks to the same Conditional Use restrictions as other formula retail uses? And, do you support the creation of a municipal bank for our City? (Supervisor Mar, District 1)

2. This fall, I requested that the Budget and Legislative Analyst perform a review of the frequency and cost to the City of contract change orders for large construction and professional services contracts. The report found that half of the contracts had modifications, totaling almost \$300 million, almost the size of the City's budget shortfall last year. The report also found that there is less public scrutiny of contracts in San Francisco than in other jurisdictions, and contract information is not kept in a uniform manner by Departments. What is your reaction to the findings in the Budget and Legislative Analyst report? Do you agree that we need to reform the way that we approve, monitor, and report contracts? (Supervisor Chiu, District 3)

3. One of the promises you made during your mayoral campaign was to focus on job training and job creation. According to information provided by the Mayor's Office of Economic and Workforce Development, San Francisco's Human Services Agency (HSA) had \$25 million in federal stimulus funds available from May 2009 to September 2010 to use towards the Jobs Now job training and job placement programs. With these funds, HSA was able to provide job services to over 4,100 low-skilled and/or unemployed San Franciscans in less than a year and a half. City data also indicates that since federal stimulus funding ran out just over a year ago, HSA has been able to serve approximately only 550 San Franciscans in these programs annually -- a significant decrease. What level of funding for these programs do you propose in the upcoming budget to fulfill your campaign pledge of job training and creation? (Supervisor Mirkarimi, District 5)

4. The San Francisco Municipal Transportation Agency (SFMTA) work orders \$60 million to other City departments for services, including services that may not have a direct connection to public transit such as the motorcycle fleet of the San Francisco Police Department. Would you commit today to reducing the amount of work orders by at least 20 percent by Fiscal Year 2012-2013 in order to increase Muni service for all riders? (Supervisor Campos, District 9)

Attachments: [Board Packet 111511](#)

Discussion: The Mayor shall discuss the eligible questions with the Board of Supervisors.

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.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

Items 2 through 6

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

2. [111031](#) **[Appropriating \$304,120,801 of Water System Improvement Program Project Funds - Finance Committee Reserve of \$215,338,107 - Public Utilities Commission - FY2011-2012]**

Sponsor: Chu

Ordinance de-appropriating \$304,120,801 in existing Water System Improvement Program (WSIP) project budgets and re-appropriating the funds to the revised WSIP program budgets adopted by the San Francisco Public Utilities Commission, and placing \$215,338,107, as well as future project savings, on Finance Committee reserve.

(Fiscal Impact)

Attachments: [Legislation Ver1](#)

[Comm Packet 092811](#)

[Budget Analyst 092811](#)

[Budget Analyst 110211](#)

[Comm Packet 110211](#)

[Legislation Ver2](#)

[Leg Digest Ver1&2](#)

[Board Packet 110811](#)

[Board Packet 111511](#)

11/08/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. [111103](#) **[De-Appropriating \$17,080,000 of 2008 Clean and Safe Neighborhood Parks Bond Proceeds from Various Voter-Approved Projects and Re-Appropriating to Other Voter-Approved Projects]**

Sponsor: Mayor

Ordinance de-appropriating \$17,080,000 of 2008 Clean and Safe Neighborhood Parks Bond proceeds, Series 2008A, which were appropriated upon sale of the second issuance to specific voter-approved projects and re-appropriating \$17,080,000 to other, voter-approved projects.

(Fiscal Impact)

Attachments: [Legislation Ver1](#)

[Budget Analyst 110211](#)

[Comm Packet 110211](#)

[Board Packet 110811](#)

[Board Packet 111511](#)

11/08/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

4. **111167** **[Agreement - Eastern Neighborhoods Rental Incentive Option - 720 and 740 Illinois Street and 2121 Third Street]**

Sponsor: Cohen

Resolution approving an agreement and authorizing the Director of Planning to execute the agreement on behalf of the City and County of San Francisco in order to implement the Eastern Neighborhoods Rental Incentive option under San Francisco Planning Code Section 419.5(b) for the residential development proposed at 720 and 740 Illinois Street and 2121 Third Street (Lot Nos. 002 & 006 in Assessor's Block No. 4045).

Attachments: [Legislation Ver1](#)

[Comm Packet 110711](#)

[Board Packet 111511](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

5. **111098** **[Appointments, Veteran Affairs Commission - Dorothy Guy, and Jordan Towers]**

Motion appointing Dorothy Guy, term ending January 31, 2013, and Jordan Towers, term ending January 31, 2014, to the Veteran Affairs Commission. (Clerk of the Board)

Attachments: [Comm Packet 110311](#)

[Legislation Ver1](#)

[Board Packet 111511](#)

Question: Shall this Motion be APPROVED?

6. **111180** **[Appointment, Bicycle Advisory Committee - Marc Brandt]**

Motion appointing Marc Brandt, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Attachments: [Comm Packet 110311](#)

[Legislation Ver1](#)

[Board Packet 111511](#)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

7. [110999](#) **[Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]**
Sponsors: Mayor; Chiu, Farrell and Chu
Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller)

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Budget Analyst 102611](#)
[Comm Packet 102611](#)
[Legislation Ver2](#)
[Leg Digest Ver2](#)
[Board Packet 110111](#)
[Board Packet 111511](#)

11/01/2011; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Chu, Mirkarimi, Kim

8. [111162](#) **[Appropriating \$3,448,827 of State Revenue Loss Reserves and Federal Revenues for Adult Day Health Centers at the Human Services Agency - FY2011-2012]**

Sponsors: Mayor; Kim, Chiu and Mirkarimi

Ordinance appropriating \$3,370,001 of State revenue loss reserves and \$78,826 of Adult Protective Services federal match revenues to provide one-time bridge funding to Adult Day Health Centers, through the Human Services Agency, in order to mitigate state cuts in FY2011-2012.

(Fiscal Impact)

Attachments: [Budget Analyst 110211](#)

[Legislation Ver1](#)

[Comm Packet 110211](#)

[Board Packet 110811](#)

[Board Packet 111511](#)

11/08/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen

9. **110993** **[Police Code - Commercial Parking Permits]**
Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Comm Packet 110311](#)
[Board Packet 111511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. **111053** **[Memorandum of Understanding - Regional Agreement - Federal Homeland Security Grant Funds]**
Sponsors: Mayor; Chiu, Farrell and Mirkarimi
Resolution approving a Memorandum of Understanding (MOU) with the Cities of Oakland and San Jose and the Counties of Alameda, Contra Costa, Marin, Monterey, San Mateo, Santa Clara, and Sonoma that: 1) provides governance structures and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative (UASI) grant funds to the Bay Area Urban Area, as well as for other federal grant funds to the Bay Area Urban Area as permitted under the MOU; and 2) continues San Francisco as the primary grantee and fiscal agent for UASI grant funds to the Bay Area Urban Area, as well as for other federal grant funds to the Bay Area Urban Area as permitted under the MOU.

Attachments: [Legislation Ver1](#)
[Comm Packet 110311](#)
[Board Packet 111511](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

11. [110904](#) **[Administrative Code - References to the Bureaus of Architecture, Engineering, and Construction Management]**
Ordinance amending the San Francisco Administrative Code Section 2A.190 to deem each reference to the "Bureau of Architecture," "Bureau of Engineering," and "Bureau of Construction Management" in the San Francisco Municipal Code to be a reference to the "Department of Public Works." (Public Works Department)

Attachments: [Legislation Ver1](#)
[Comm Packet 110311](#)
[Board Packet 111511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

(Approved on November 8, 2011, to Sit as a Committee of the Whole.)

Board of Supervisors Sitting as a Committee of the Whole

12. [111200](#) **[Public Hearing - Administrative Code - Health Care Security Ordinance]**
Hearing of persons interested in or objecting to proposed amendment of the whole entitled, "Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Sections 14.1.5 and 14.1.6 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to health reimbursement account remain available to the employee for two years, rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date." (Clerk of the Board)

Attachments: [Board Packet 111511](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

From the Board

13. [111030](#) **[Administrative Code - Health Care Security Ordinance]**

Sponsors: Chiu; Cohen

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Sections 14.1.5 and 14.1.6 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to health reimbursement account remain available to the employee for two years, rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

Attachments: [Legislation Ver1](#)

[Comm Packet 101311](#)

[Board Packet 102511](#)

[Board Packet 110111](#)

[Legislation Ver2](#)

[L](#)

[Board Packet 111511](#)

10/25/2011; CONTINUED ON FIRST READING.

11/01/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/01/2011; CONTINUED AS AMENDED ON FIRST READING. Supervisor Cohen requested to be added as a co-sponsor.

Privilege of the floor was granted to Jason Elliot (Mayor's Office) who responded to questions raised throughout the discussion.

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

(Pursuant to File No. 111130, approved November 8, 2011.)

Board of Supervisors Sitting as a Committee of the Whole

14. [111131](#) [Hearing - Ground Lease - Redevelopment Agency Land - 474 Natoma Street]

Hearing of persons interested in or objecting to proposed Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 474 Natoma, Assessor's Block No. 3725, Lot No. 101, to 474 Natoma, LLC, a California limited liability company, an affiliate of BRIDGE Housing Corporation, a California nonprofit public benefit corporation, for 75 years, with an option to extend for 24 years, for the purpose of providing housing for very low-income households.

Attachments: [Board Packet 111511](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

15. [111132](#) **[Ground Lease - Redevelopment Agency Land - 474 Natoma Street]**
Sponsor: Kim
Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 474 Natoma, Assessor's Block No. 3725, Lot No. 101, to 474 Natoma, LLC, a California limited liability company, an affiliate of BRIDGE Housing Corporation, a California nonprofit public benefit corporation, for 75 years, with an option to extend for 24 years, for the purpose of providing housing for very low-income households.

Attachments: [Legislation Ver1](#)
[Board packet 111511](#)

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.

(Pursuant to File No. 111203, approved November 8, 2011.)

16. [111227](#) **[Public Hearing - Federal Securities Law Disclosure Responsibilities]**
Sponsor: Chiu
Hearing on the disclosure responsibilities of public officials under federal securities law.

Attachments: [Board Packet 111511](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

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 4:00 p.m. 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 4:00 p.m. 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 4:00 p.m.:

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 4:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4:00 p.m.

17. [111125](#) **[Public Hearing - Conditional Use Appeal - 3901 Mission Street]**
Hearing of persons interested in or objecting to the decision of the Planning Commission's September 15, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2011.0664C, by its Motion No. 18442, under Planning Code Sections 711.83 and 303, to install a wireless telecommunications facility consisting of eight panel antennas and related equipment on an existing one-story commercial building as part of the AT&T wireless telecommunications network within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, on property located at 3901 Mission Street, Assessor's Block No. 5802, Lot No. 044. (District 9) (Appellant: Tom Cantrell, on behalf of the College Hill Neighborhood Association)

Attachments: [Board Packet 111511](#)

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 conditional use application decision 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.)

18. [111126](#) **[Approving Planning Commission Decision Related to Conditional Use Authorization - 3901 Mission Street]**
Motion approving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Attachments: [Legislation_Ver1](#)

[Board Packet 111511](#)

Question: Shall this Motion be APPROVED?

19. [111127](#) **[Disapproving Planning Commission Decision Related to Conditional Use Authorization – 3901 Mission Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 18442, approving Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 111511](#)

Question: Shall this Motion be APPROVED?

20. [111128](#) **[Preparation of Findings Related to the Conditional Use Authorization - 3901 Mission Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0664C on property located at 3901 Mission Street. (Clerk of the Board)

Attachments: [Board Packet 111511](#)

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.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

Items 21 through 28

21. [111219](#) **[Accept and Expend Gift - GearUp Fund - \$50,000]**
Sponsor: Chiu
Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift in-place, valued at \$50,000 from the San Francisco Parks Trust to support the GearUp Fund.
Attachments: [Board Packet 111511](#)

11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
22. [111220](#) **[Accept and Expend Grant - Oil Spill Response Planning - \$10,000]**
Sponsor: Cohen
Resolution authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of \$10,000 from the California Department of Fish and Game for oil spill response planning for the of period July 1, 2011, through June 30, 2012.
Attachments: [Board Packet 111511](#)

11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
23. [111221](#) **[Multi-Family Housing Revenue Bonds, Series 2008B-Geary Senior Housing]**
Sponsor: Mar
Resolution approving the execution and delivery of a First Supplemental Indenture of Trust in connection with the financing of Geary Senior Housing, authorizing consent to extension of maturity date of related loan, and granting general authority to City officials to take actions necessary to implement this resolution, and related matters.
Attachments: [Board Packet 111511](#)

11/09/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

24. [111222](#) [Opposing the Federal “Super Committee” Farm Bill Process]**Sponsor: Mar**

Resolution urging our elected United States Senators and Representatives to oppose the inclusion of the Farm Bill in the “Super Committee” process and to support a full legislative process for the 2012 Farm Bill.

Attachments: [Board Packet 111511](#)

11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

25. [111223](#) [Accept and Expend Gift - Recycling/Trash Containers for Golden Gate Park - \$30,000]**Sponsor: Mar**

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift in-place, valued at \$30,000 from the San Francisco Parks Trust for 15 state-of-the-art recycling/trash containers for Golden Gate Park.

Attachments: [Board Packet 111511](#)

11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

26. [111224](#) [Aziza Day - November 19, 2011]**Sponsor: Mar**

Resolution honoring Chef Mourad Lahlou and proclaiming November 19, 2011, as “Aziza Day” in the City and County of San Francisco.

Attachments: [Board Packet 111511](#)

11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

27. [111225](#) [Accept and Expend Grant - Lighting at Mission Playground Soccer Field - \$25,000]**Sponsor: Wiener**

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in-place, valued at \$25,000 from the United States Soccer Foundation to support the purchase of new lighting fixtures for Mission Playground Soccer Field.

Attachments: [Board Packet 111511](#)

11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

28. [111206](#) [Final Map 5165: Mission Bay]

Motion approving Final Map No. 5165, Mission Bay, a five lot subdivision of Assessor's Block No. 8727, Lot No. 5; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1; and the Mission Bay South Redevelopment Plan and Plan Documents.

Attachments: [111206.docx](#)

[Board Packet 111511](#)

11/07/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

29. 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 November 1, 2011, through November 7, 2011, for reference by President to appropriate committee on November 15, 2011.

[111208](#) [Administrative Code - Public Guardian/Public Administrator Gift Fund]

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-190, to create a Public Guardian/Public Administrator Gift Fund to support the operations of the Public Guardian's Office, including needs assessment and conservatorship services for vulnerable persons who are unable to manage their basic personal or financial needs. (Human Services Department)

11/04/2011; RECEIVED FROM DEPARTMENT.

11/15/2011; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

111209 [Mission Bay South - Storm Water Pump Station No. 4 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcels 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance.

11/04/2011; RECEIVED FROM DEPARTMENT.

11/15/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

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

111174 [Settlement of Unlitigated Claim - Janet O'Hara - \$100,000]

Resolution approving the settlement of the unlitigated claim filed by Janet O'Hara against the City and County San Francisco for \$100,000; claim was filed on March 11, 2011. (City Attorney)

Attachments: [Legislation Ver1](#)

11/03/2011; RECEIVED FROM DEPARTMENT.

11/15/2011; RECEIVED AND ASSIGNED to the Rules Committee.

111182 [Prevailing Wages for Various Workers Under Contracts at City Owned Facilities]

Resolution fixing prevailing wage rates for: 1) workers performing work under City contracts for public work and improvement; 2) workers performing work under City contracts for janitorial services; 3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) workers engaged in theatrical or technical services for shows on property owned by the City; 5) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City; and 6) workers performing moving services under City contracts at facilities owned or leased by the City.

11/04/2011; RECEIVED FROM DEPARTMENT.

11/15/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

111201 [Refuse Collection Agreement - Recology - Not to Exceed \$29,337,527]

Resolution approving the Second Amendment to the Refuse Collection Agreement between the City and Recology San Francisco, Recology Golden Gate, and Recology Sunset Scavenger, increasing the total not to exceed amount of the agreement from \$23,537,527 to 29,337,527, under Charter Section 9.118(b). (Office of Contract Administration)

11/04/2011; RECEIVED FROM DEPARTMENT.

11/04/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

111205 [Petitions and Communications]

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

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

From James Chaffee, regarding a false arrest lawsuit. (1)

From Office of Civic Engagement & Immigrant Affairs, regarding the FY2010-2011 Language Access Ordinance Summary Compliance Report. (2)

From concerned citizens, regarding saving the Sharp Park Wetlands. File No. 110966, Copy: Budget and Finance Committee Clerk, 9 letters (3)

From concerned citizens, regarding Occupy San Francisco. File No. 111164, 4 letters (4)

From Delta Stewardship Council, submitting notice that the draft Environmental Impact Report for the Delta Plan is available for public review and comment. (5)

From State Department of Transportation, submitting report regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety. Copy: Each Supervisor (6)

From Joseph Demko, submitting support for continued funding of the Neighborhood Emergency Response Training (NERT) program. Copy: Each Supervisor (7)

From Public Utilities Commission, regarding PG&E's compliance with all the provisions of Administrative Code Chapter 11.44 and the PG&E's Franchise. Copy: Each Supervisor (8)

From Lloyd Schloegel, regarding the Environmental Impact Report for the Transit Center District Plan. (9)

From Samuel Nigro, regarding public nudity in restaurants and public seating areas. File No. 110967, Copy: Each Supervisor (10)

From concerned citizens, regarding saving the Sharp Park Wetlands. File No. 110966, Copy: Budget and Finance Committee Clerk, 5 letters (11)

From Department of Public Health, submitting the Laguna Honda Hospital and Rehabilitation Center's Compliance Quarterly Report, regarding the reversal of the admission policy priorities that took place February 22, 2005. Copy: GAO Committee Clerk (12)

From Department of Human Resources, submitting the FY2010-2011 Annual Sexual Harassment Report. Copy: GAO Committee Clerk (13)

From concerned citizens, submitting support for bird safe buildings. File No. 110785, 3 letters (14)

From Office of Citizen Complaints, submitting the 2011 Third Quarter Statistical Report. (15)

*(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