



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, April 23, 2013 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

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 Farrell, Mar, Avalos, Breed, Wiener

Budget and Finance Sub-Committee
Supervisors Farrell, Mar, Avalos

City and School District Select Committee
Supervisors Kim, Avalos, Farrell, Commissioners Mendoza - McDonell, Norton, Wynns

Government Audit and Oversight Committee
Supervisors Cohen, Tang, Campos

Land Use and Economic Development Committee
Supervisors Wiener, Kim, Chiu

Neighborhood Services and Safety Committee
Supervisors Campos, Mar, Yee

Rules Committee
Supervisors Yee, Breed, Cohen

Meeting Days

Wednesday
1:00 PM

Wednesday
10:00 AM

4th Thursday
3:30 PM

2nd and 4th Thursday
10:00 AM

Monday
1:30 PM

1st and 3rd Thursday
10:00 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 Derek Evans (415) 554-7702.

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

APPROVAL OF MEETING MINUTES

Approval of the March 19, 2013, Board Meeting Minutes.

COMMUNICATIONS

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

Pursuant to Charter Section 3.100(7), this item will be read at the Board Meeting on the second Tuesday of each month, unless rescheduled by the Mayor and the Board President. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's 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. [130353](#) [Formal Policy Discussions - April 23, 2013]

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 Districts 1, 3, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. According to the 2010 census, 35.6% of San Franciscans are foreign born and City residents speak more than 28 different languages. Our City's Language Access Ordinance has been in effect since 2009 to make sure that the various needs of this population are well served. Yet, I am aware, from feedback from community groups, that our City Departments still struggle to meet the language needs of San Francisco's diverse communities. In heavily immigrant populated Districts, like the Richmond, it is critical that our City's services have the ability to serve all of our residents equitably. I am particularly concerned that our first responders and other Tier 1 Departments be in compliance with the Ordinance and recently called for a hearing to examine this issue. I would like to know what your office is doing to ensure the requirements of the Language Access Ordinance are fully met? (Supervisor Mar, District 1)

2. Mr. Mayor, my office recently implemented San Francisco's first pilot program in participatory budgeting. As practiced in 1,500 cities around the world, including Chicago and New York City, participatory budgeting is a direct democratic process in which residents decide how to spend a portion of a public budget, which leads to better and fairer decisions, makes government more accountable and efficient, builds community in our neighborhoods, and increases public confidence in how our city works. With the partnership of the Controller's Office and community groups, my office successfully managed a process that included collecting ideas proposed by residents, winnowing implementable projects, and a week of voting at locations around District 3. This year, my hope is that we can expand our participatory budget pilot beyond the modest \$100,000 of funding available this year, which represents less than 1/70,000th of our annual budget. Will you join me to make San Francisco a participatory budgeting leader in the United States? (Supervisor Chiu, District 3)

3. A small area of the Oceanview, Merced Heights, and Ingleside (OMI) neighborhood has experienced a high level of gun violence and a rash of homicides over the past several years, mostly affecting African American men in the Broad Street corridor. In November, OMI residents and service providers held a public safety town hall meeting attended by many City departments, most of which committed to stepping up their work in the neighborhood. Earlier this year after a young African American man was shot at the Minnie and Lovie Ward Recreation Center playground, you and I spoke directly about creating a violence prevention plan specific to the OMI neighborhood and its African American community. Thank you for your attention to this matter. Please tell us the status of the plan to bring jobs and violence prevention and intervention resources to the OMI to address the crisis of gun violence. (Supervisor Avalos, District 11)

Question: Shall this Hearing be HEARD AND FILED?

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 9

Recommendation of the Budget and Finance Sub-Committee

Present: Supervisors Farrell, Avalos

2. [130285](#) **[Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]**
Sponsors: Farrell; Chiu, Cohen, Wiener, Yee, Kim, Mar, Breed, Tang and Campos
Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.
04/16/2013; PASSED, ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Cohen, Tang, Campos

3. [130271](#) **[Approving the 2013 Budget and Legislative Analyst Services Work Plan]**
Sponsors: Chiu; Cohen
Motion approving the Budget and Legislative Analyst Services work plan for 2013, which allocates hours for Calendar Year 2013; 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 requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2013 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.
Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Wiener, Kim, Chiu

4. [121065](#) **[Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]**
Sponsor: Chiu

Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making 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.

04/16/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. [130235](#) **[Urging the Municipal Transportation Agency to Implement a Full-Scale Bike Sharing Program by 2014]**

Sponsors: Wiener; Chiu, Mar and Campos

Resolution urging the Municipal Transportation Agency to implement a full-scale bike sharing program by 2014.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Yee, Breed, Cohen

6. [130071](#) **[Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - \$95,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for \$95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

04/16/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [130167](#) **[Settlement of Lawsuit - Jane Martin, et al. - \$1,748,840.74]**
Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for \$1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

04/16/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. [130278](#) **[Settlement of Lawsuit - Dadario v. CCSF - \$72,500]**
Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for \$72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

04/16/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. [130279](#) **[Settlement of Lawsuit - Willis v. CCSF, et al. - \$210,000]**
Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

04/16/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Farrell, Avalos, Breed, Wiener

10. [130275](#) **[Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of \$4,384,994 Supporting Shortfalls - FY2012-2013]**

Sponsor: Mayor

Ordinance appropriating \$3,568,579 in the Sheriff's Department, including \$3,277,905 from General Reserve and \$290,674 from State Disability Claim Reimbursement in the amount of \$1,189,268 for Worker's Compensation Expense, \$3,195,726 for overtime expenditures, and \$538,690 for reduction of revenues; including revenue de-appropriation of \$538,690 for reduction of State revenues and expenditure de-appropriation of \$1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for \$3,195,726 of this request.

(Fiscal Impact)

04/16/2013; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Farrell, Mar

11. [130131](#) **[Administrative Code - Agricultural Inspection Fees]**

Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

Question: Shall this Ordinance be FINALLY PASSED?

12. [130132](#) **[Administrative Code - Weights and Measures Fees]**

Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

Question: Shall this Ordinance be FINALLY PASSED?

13. [130133](#) **[Administrative Code - Public Health Solid Waste Penalties Fund]**
Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)

Question: Shall this Ordinance be FINALLY PASSED?

14. [130187](#) **[Annual Fundraising Drive - 2013]**
Resolution designating those agencies qualified to participate in the 2013 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Farrell, Mar, Avalos

15. [130264](#) **[Adoption of Guidelines for the Establishment and Use of an Infrastructure Financing District on Port Land]**
Sponsors: Mayor; Kim
Resolution adopting Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land Under the Jurisdiction of the San Francisco Port Commission.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

16. [130267](#) **[Contract Amendment - Transbay Transit Center Program Services - Not to Exceed \$5,393,677]**
Sponsor: Kim
Resolution approving the Second Amendment to Contract No. CS -159 between the Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center program services pursuant to Charter, Section 9.118, to increase the not to exceed amount from \$3,280,677 to \$5,393,677 for the period of July 21, 2009, through December 31, 2017.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Mar, Avalos

17. [130303](#) **[Urging City College of San Francisco to Preserve the Quality and Diversity of the School's Education and the City to Consider New Support]**
Sponsors: Mar; Cohen and Avalos
Resolution urging the City College of San Francisco (CCSF) Board of Trustees and administration to utilize Proposition A Funds, as outlined in the language of Proposition A, to preserve the quality and diversity of education that has served San Francisco well; and for the City to consider additional support for CCSF by evaluating the fees currently charged by the City to CCSF, the possibility of providing more in-kind services, and exploring long-term local support structures.

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Farrell, Avalos

18. [130123](#) **[Urging the Retirement Board to Divest from Fossil Fuel Companies]**
Sponsors: Avalos; Mar and Breed
Resolution urging the Retirement Board of the Employees' Retirement System to divest from publicly traded fossil fuel companies.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Cohen, Tang, Campos

19. [130179](#) **[Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-Needed Contract Requirements In Order to Complete Design and Engineering of Bayview Opera House - \$1,275,000]**
Sponsor: Cohen
Ordinance waiving the as-needed contract modification not to exceed amount requirement under Administrative Code, Section 6.64, and authorizing the Director of Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot Fisch/Knapp Architects, JV by increasing the not to exceed amount by \$150,000 from \$1,125,000 to \$1,275,000 for the limited purpose of completing the design and engineering for the Bayview Opera House project for the period of September 2, 2010, through September 1, 2015.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Wiener, Kim, Chiu

20. [120901](#) **[Planning Code - Upper Market Zoning]**
Sponsor: Wiener
Ordinance amending Planning Code, Sections 721.1 and 733.1, to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; Section 703.2(b), to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; Section 733, making clerical corrections in tables; and making 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.
Question: Shall this Ordinance be FINALLY PASSED?
21. [120902](#) **[Planning Code, Zoning Map - Upper Market Zoning Map]**
Sponsor: Wiener
Ordinance amending Planning Code, Sectional Map Sheets ZN07 and HT07, to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District; change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 62-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.
Question: Shall this Ordinance be FINALLY PASSED?

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations**COMMITTEE REPORT**

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

The following item will be considered by the Neighborhood Services and Safety Committee at a Regular Meeting on Thursday, April 18, 2013, 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, April 23, 2013.

22. [130134](#) **[Liquor License - 2379 Chestnut Street]**
Resolution determining that the issuance of Type 42 on-sale beer and wine license to Ferris Ferdon for Ferdon Olive Oil, Inc., dba We Olive, located at 2379 Chestnut Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)
Question: Shall this Resolution be ADOPTED?

23. 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.

24. 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****25. [130317](#) [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]**

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the best interest of the public that the Board elect at this time to disclose its closed session deliberations.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

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

Items 26 through 32

- 26. [130344](#) [Urging the California State Legislature to Pass Assembly Bill 900]**
Sponsor: Chiu
Resolution urging the California State Legislature to pass Assembly Bill 900 to eliminate the reduction in Medi-Cal rates for distinct part nursing facilities included in the State budget for FY2011-2012.
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 27. [130345](#) [Commendation - Laura Lai - Distinguished Service]**
Sponsors: Chiu; Mar
Resolution commending Laura Lai for her lifetime of community activism, civil rights advocacy, and documentation of Chinese American history, and declaring April 27, 2013, as Laura Lai Day in the City and County of San Francisco.
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 28. [130346](#) [Urging the California State Legislature to Pass Assembly Bill 336]**
Sponsors: Campos; Wiener, Avalos, Mar and Yee
Resolution urging the California State Legislature to pass Assembly Bill 336, which states that possession of one or more condoms shall not be used as evidence of soliciting or engaging in prostitution in the State of California.
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 29. [130347](#) [Urging the California State Legislature to Pass Assembly Bill 1266]**
Sponsors: Campos; Wiener, Avalos, Kim and Mar
Resolution urging the California State Legislature to pass Assembly Bill 1266, the School Success and Opportunity Act.
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

30. [130348](#) **[Urging the California State Legislature to Pass Assembly Bill 580]**
Sponsors: Mar; Chiu and Breed
Resolution urging the California State Legislature to pass Assembly Bill 580, to restore \$75 million in annual funding to the California Arts Council.
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
31. [130349](#) **[Municipal Transportation Agency Fiscal Agent - Local Priority Development Area Planning and Implementation Funds]**
Sponsor: Wiener
Resolution authorizing the Municipal Transportation Agency to act as the fiscal agent for \$2,380,000 in funds received by the Planning Department through Metropolitan Transportation Commission Resolution No. 4035 for the implementation of the County Priority Development Area Planning and Implementation Program.
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
32. [130337](#) **[Final Map - 7044 - 5499 California Street /208 17th Avenue and 210-212, 216 17th Avenue]**
Motion approving Final Map 7044, a two Lot Subdivision, Parcel A being a one residential unit and one commercial unit mixed-use condominium project and Parcel B being a three unit residential condominium project, located at 5499 California Street, 208 17th Avenue, and 210-212, 216 17th Avenue; being a subdivision of Assessor's Block No. 1417, Lot No. 031, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)
- 04/16/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?**

33. 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

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCE

130336

[Settlement of Lawsuit - Bosque v. CCSF - \$49,505.70]

Ordinance authorizing settlement of the lawsuit filed by Rosemary Bosque against the City and County of San Francisco for \$49,505.70; the lawsuit was filed on May 14, 2010 in San Francisco Superior Court, Case No. CGC-10-499909, entitled Bosque v. City and County of San Francisco. (City Attorney's Office)

04/12/2013; RECEIVED FROM DEPARTMENT.

04/23/2013; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

130324

[Airport Lease Modification - United Air Lines, Inc. - Plots 16 and 16B]

Resolution approving the execution of Modification No.5 to Lease L73-0066 at Plots 16 and 16B with United Air Lines, Inc. at San Francisco International Airport to: increase the ground rent to \$12,040,710.00 per year; reduce the premises by 6.53 acres of land, resulting in a modified premises of approximately 124.13 acres, together with certain rights-of-way and easements; and grant a one-time option to relinquish up to thirty percent of the land comprising the Premises and equivalent land comprising the Employee Parking. (Airport Commission)

(Fiscal Impact)

04/09/2013; RECEIVED FROM DEPARTMENT.

04/23/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130332

[Airport Lease and Use Agreement - China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc.]

Resolution approving the terms of 2011 Lease and Use Agreements between China Eastern Airlines Corporation Limited and Scandinavian Airlines of North America, Inc., respectively, and the City and County of San Francisco, acting by and through its Airport Commission, for a term ending in approximately eight years and two months. (Airport Commission)

(Fiscal Impact)

04/09/2013; RECEIVED FROM DEPARTMENT.

04/23/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130333

[Airport Lease Amendments - Concessions and Stores]

Resolution approving Amendment No. 2 to Boarding Area E Candy Kiosk Lease No. 08-0016 with Pacific Gateway Concessions, LLC; Terminal 3 Specialty Store Lease B No. 04-0167 with Marilla Chocolate Company; Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 3 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission for a term of five years. (Airport Commission)

(Fiscal Impact)

04/11/2013; RECEIVED FROM DEPARTMENT.

04/23/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130334

[Airport Lease Agreement - Pelican Communications, Inc.]

Resolution approving Amendment No. 1 to Lease No. 09-0229 with Pelican Communications, Inc., to lower rent to 20% of gross revenue for the term January 1, 2010, through December 3, 2013. (Airport Commission)

04/11/2013; RECEIVED FROM DEPARTMENT.

04/23/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130335 [Airport Lease Amendment - Gotham Enterprises, LLC - Minimum Annual Guarantee \$37,353]

Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Lease No. 03-0193 between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of \$37,353, for the term of September 29, 2003, through February 23, 2017. (Airport Commission)

04/11/2013; RECEIVED FROM DEPARTMENT.

04/23/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130331 [Petitions and Communications]

Petitions and Communications received from April 8, 2013, through April 15, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on April 23, 2013.

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 will not be redacted.

From Capital Planning Committee, submitting supplemental appropriation requests for the Public Utilities Commission, the Port, and the Airport for FYs 2013-2014. Copy: Each Supervisor, Budget & Finance Committee Clerk. (1)

*From Office of the Controller - City Services Auditor Division, submitting a report on its audit of the Alameda Siphon No. 4 Construction Management of the Public Utilities Commission. (2)

From concerned citizens, regarding the Open Data Policy Ordinance. File No. 121017. 2 letters. Copy: Each Supervisor. (3)

From Bernard Choden, regarding CEQA appeals amendment hearing. File No. 121019. Copy: Each Supervisor. (4)

From concerned citizens, regarding the Masonic Avenue bike lane proposal. 4 letters. Copy: Each Supervisor. (5)

From Anna Lou, supporting Woodhouse on Marina Green. File No. 120987. Copy: Each Supervisor, Government Audit & Oversight Committee Clerk. (6)

From Larry P. Barsetti, submitting letter to Supervisor Farrell regarding Healthcare Liability. File No. 121027. Copy: Each Supervisor, Budget & Finance Committee Clerk. (7)

From Planning, submitting Notice of Availability of Draft Environmental Impact Report for Regional Groundwater Storage and Recovery Project. Copy: Each Supervisor. (8)

From concerned citizens, regarding Central Subway. 4 letters. Copy: Each Supervisor. (9)

From Supervisor Campos, requesting the Board to hear the Liquor License at 2379 Chestnut Street at the April 23, 2013, meeting as a Committee Report. File No. 130134. Copy: Clerk of the Board, Neighborhood Services & Safety Committee Clerk, Legislative Deputy. (10)

From concerned citizens, regarding condo conversions. File No. 120669. 2 letters. Copy: Each Supervisor. (11)

From concerned citizens, regarding Sharp Park Wetlands. 2 letters. Copy: Each Supervisor. (12)

From Marion Gourlay, regarding Valencia Street Planned Parenthood offices. Copy: Each Supervisor. (13)

From John T. Reed, regarding the Blue Angels. Copy: Each Supervisor. (14)

From Lee Goodin, regarding the Bay Bridge bolt failure. Copy: Each Supervisor. (15)

From Ivan E. Pratt, regarding Senior Citizen Education Program. Copy: Each Supervisor. (16)

From Lee Goodin, concerning CleanPowerSF. Copy: Each Supervisor. (17)

From Janette Barroca, regarding Glenn Beck's new book. Copy: Each Supervisor. (18)

From MaryLou Corrigan, regarding parking by Fire Department Headquarters. Copy: Each Supervisor. (19)

From John Mburu Njoroge, regarding The ABC's of Apostilles. Copy: Each Supervisor. (20)

From concerned citizens, regarding various issues. 2 letters. (21)

*(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