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 2, 2010 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/bos

BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|----------------------|
| Budget and Finance Committee | Wednesday |
| Supervisors Avalos, Mirkarimi, Elsbernd | 11:00 AM |
| City and School District Select Committee | 1st and 3rd Thursday |
| Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 3:30 PM |
| City Operations and Neighborhood Services Committee | 2nd and 4th Monday |
| Supervisors Chu, Avalos, Elsbernd | 10:30 AM |
| Government Audit and Oversight Committee | 2nd and 4th Thursday |
| Supervisors Mar, Chu, Maxwell | 1:00 PM |
| Land Use and Economic Development Committee | Monday |
| Supervisors Maxwell, Mar, Chiu | 1:00 PM |
| Public Safety Committee | 1st and 3rd Monday |
| Supervisors Chiu, Mirkarimi, Dufty | 10:00 AM |
| Rules Committee | 1st and 3rd Thursday |
| Supervisors Campos, Alioto-Pier, Mar | 10:00 AM |

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 at a Committee 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求請電 (415)554-7719

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the January 5, 2010, Board Meeting Minutes.

AGENDA CHANGES

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 19

Recommendations of the Budget and Finance Committee

Present: Supervisors Mirkarimi, Chu

1. <u>091447</u> [Ordinance Levying Special Taxes Within Special Tax District No. 2009-1 San Francisco Sustainable Financing]

Sponsors: Mayor: Mar and Dufty

Ordinance to authorize and levy special taxes within the City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the special tax rate and amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

Attachments: Legislation Ver1

Legislation Ver2

Comm Packet 011310

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

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Present: Supervisors Avalos, Mirkarimi, Chu

2. <u>091464</u> [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]

Sponsors: Mayor; Chiu and Mirkarimi

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

Attachments: Legislation Ver1

Comm Packet 011310

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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Present: Supervisors Avalos, Mirkarimi, Elsbernd

3. 100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$50,000]

Sponsor: Maxwell

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

Attachments: Legislation Ver1

Comm Packet 012010.pdf

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

4. <u>100074</u> [Accept and Expend Grant - PG&E Efficiency Contract - \$11,540,000] Sponsor: Mayor

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$11,540,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco.

Attachments: Legislation Ver1

Comm Packet 012710

Board Packet 020210

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Elsbernd

5. <u>100011</u> [Accept and Expend Grant - HIV Prevention Programs - \$512,960] Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$512,960 from the California Department of Public Health Office of AIDS to assist with a project entitled "HIV Prevention Programs;" for the period of July 1, 2009, through June 30, 2010.

Attachments: Legislation_Ver1

Comm_Packet_012510

Board Packet 020210

Question: Shall this Resolution be ADOPTED?

6. <u>100042</u> [Accept and Expend Grant - Supporting HIV Health Services - \$3,533,612] Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$3,533,612 from the California Department of Public Health Office of AIDS, to assist with a project entitled "Single Allocation Model" for the period of July 1, 2009, through June 30, 2010.

Attachments: Legislation Ver1

Comm Packet 012510

Board Packet 020210

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

7. 091162

[Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]

Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and CamposOrdinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to \$100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

Attachments: Legislation Ver1

Comm_Packet_121409

Comm Packet 011110

Legislation_Ver2

Comm Packet 012510

Board Packet 012610

10/20/2009; SUBSTITUTED.

01/26/2010; PASSED, ON FIRST READING.

8. <u>091163</u> [Economic Stimulus Measures for Capital Project Acceleration] Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from \$100,000 to \$400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to \$25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from \$25,000 to \$100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from \$3,000,000 to \$5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from \$200,000 or \$400,000 (depending on the program) to \$400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

Attachments: Legislation Ver1

Comm Packet 121409

Comm Packet 011110

Comm Packet 012510

Board Packet 012610

Legislation Ver2

01/26/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 091404

[Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]

Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

Attachments: Comm Packet 121409

Comm Packet 011110

Comm Packet 012510

Board Packet 012610

Legislation Ver1

01/26/2010; PASSED, ON FIRST READING.

10. 091405

[Local Business Enterprise and Non-Discrimination in Contracting Ordinance] Sponsors: Chiu; Chu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 and 14B.15 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to establish a goal to set aside not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, but the 25% goal shall become a requirement after 120 days, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$400,000 and \$20 million, except that in the case of contracts \$10 million and under, the 2% discount shall not apply if a Small or Micro-LBE would otherwise be the winning bidder or proposer, and (6) provide that subcontracting participation goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may set goals based on the availability of all LBEs and permit contractors to satisfy those goals with SBA-LBEs, in addition to Small and Micro LBEs. or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting participation goals are to be exempt from satisfying good faith outreach requirements, and (8) total LBE participation on a bid or proposal is to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established subcontracting goals for them on the contract.

Attachments: Legislation Ver1

Comm Packet 121409

Legislation Ver2

Comm Packet 011110

Legislation Ver3

Comm Packet 012510

Legislation Ver4

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

Recommendations of the Rules Committee

Present: Supervisors Campos, Daly

11. <u>091233</u> [Administrative Code Amendments Related to False Claims] Sponsor: Alioto-Pier

Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

Attachments: Legislation_Ver1

Comm_Packet_010710 Board Packet 012610

01/26/2010: PASSED. ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

12. 091381 [Settlement of Lawsuit - Marco Maestrini - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for \$40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

Attachments: Legislation_Ver1

Comm_Packet_010710 Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

13. <u>091382</u> [Settlement of Lawsuit - Ben H. Lyon - \$47,500]

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for \$47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: Legislation Ver1

Comm Packet 010710
Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

14. <u>091383</u> [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - \$158,000]

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for \$158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

Attachments: Legislation Ver1

Comm Packet 010710

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

15. <u>091387</u> [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

Attachments: Legislation Ver1

Comm Packet 010710

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

16. <u>091403</u> [Inclusion of Textiles in Sweatfree Contracting Ordinance]

Sponsors: Campos; Mar

Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

Attachments: Legislation Ver1

Comm_Packet_010710 Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

17. <u>091446</u> [Modifying the Membership of the Food Security Task Force] Sponsor: Maxwell

Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger and food insecurity in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

Attachments: Legislation Ver1

Comm Packet 010710

Legislation Ver2

Board Packet 012610

01/26/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

18. <u>100037</u> [Appointment, Small Business Commission - Kathleen Dooley]

Motion appointing Kathleen Dooley, term ending January 6, 2014, to the Small Business

Commission. (Clerk of the Board)

Attachments: Comm Packet 012110

Legislation Ver1

Board Packet 020210

Question: Shall this Motion be APPROVED?

19. <u>100038</u> [Appointments, San Francisco Health Authority - John Gressman, Tracey Faulkner and Steve Fields]

Motion appointing John Gressman, Tracey Faulkner and Steve Fields terms ending January 15, 2012, to the San Francisco Health Authority. (Clerk of the Board)

Attachments: Comm Packet 012110

Legislation Ver1

Board Packet 020210

Question: Shall this Motion be APPROVED?

| Questions on the | Consent Agenda | are on final | l passage, firs | t reading, | adoption, | or approved, | a |
|------------------|----------------|--------------|-----------------|------------|-----------|--------------|---|
| indicated: | | | | | | | |

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Consideration of the Mayor's veto pursuant to Charter Section 2.106 of an Ordinance amending the San Francisco Administrative Code Chapter 37 concerning just cause eviction protections for tenants in most residential rental units with a certificate of occupancy issued after June 13, 1979.

20. <u>090583</u> [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a) (8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units: findings in support of the legislation; severability clause; technical corrections.

Attachments: Legislation Ver1

Legislation Ver2

Comm Packet

Legislation Ver3

Board Packet

Legislation Ver4

Board Packet 010510

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 22, 2010. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before Sunday, February 21, 2010.

12/15/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/15/2009; PASSED ON FIRST READING AS AMENDED.

01/05/2010; CONTINUED ON FINAL PASSAGE.

01/12/2010; DUPLICATED. See File No. 100039.

01/12/2010; FINALLY PASSED.

| Action: | |
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Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi

21. <u>100065</u> [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$10,193,602 of sources and \$4,556,230 of uses and de-appropriating \$1,444,829 of sources and \$30,908,851 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for Fiscal Year 2009-2010, de-appropriating \$1,444,458 of General Fund Reserve, and de-appropriating \$35,680,341 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.

(Fiscal Impact.)

Attachments: Comm Packet 012010.pdf

Board Packet 012610

Legislation Ver3

Board Packet 020210

01/26/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

01/26/2010; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Maxwell

22. <u>091218</u> [MOU, Amendment #2 - Local 798, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

Attachments: Legislation Ver1

Comm Packet 011410

Board Packet 012610

01/26/2010; PASSED ON FIRST READING.

23. <u>091219</u> [MOU, Amendment #2 - Local 798, Unit 2]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

Attachments: Legislation Ver1

Comm Packet 011410

Board Packet 012610

01/26/2010; PASSED ON FIRST READING.

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

24. 090835

[Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]

Sponsors: Mar; Chiu

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction during the school year where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

(Supervisor Maxwell dissented in Committee.)

Attachments: Legislation Ver2

Comm Packet

Legislation Ver3

Board_Packet_010510

Board Packet 020210

01/05/2010; CONTINUED ON FIRST READING.

01/12/2010; CONTINUED ON FIRST READING.

01/26/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

01/26/2010; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Campos, Daly

25. <u>091402</u> [Medical Cannabis Task Force]

Sponsors: Campos; Mirkarimi, Avalos and Daly

Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

Attachments: Legislation_Ver1

Comm Packet 010710

Legislation Ver2

Board Packet 012610

Legislation Ver3

Board Packet 020210

01/26/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

01/26/2010; PASSED ON FIRST READING AS AMENDED.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

26. <u>091457</u> [Earthquake Safety and Emergency Response General Obligation Bonds - \$652.070.000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2.34.

(Fiscal Impact.)

Attachments: Legislation Ver1

Comm Packet 010610

Legislation Ver2

Comm Packet 012710

Board Packet 020210

Question: Shall this Resolution be ADOPTED?

27. <u>091458</u> [Earthquake Safety and Emergency Response General Obligation Bond Election - \$652,070,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code: finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

Attachments: Legislation Ver1

Legislation Ver2

Comm_Packet_012710

Board Packet 020210

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 100049

[Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$80,000] Sponsor: Dufty

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

Attachments: Legislation VER1

Comm Packet 012710

Board Packet 020210

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu

29. <u>091454</u> [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A] Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.

(Fiscal Impact.)

Attachments: Legislation Ver1

Comm Packet 011310
Board Packet 020210

Question: Shall this Ordinance be PASSED ON FIRST READING?

30. <u>091455</u> [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B] Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.

(Fiscal Impact.)

Attachments: Legislation Ver1

Comm_Packet_011310 Board Packet 020210

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Elsbernd

31. <u>091441</u> [Recreation and Park Department - Animal Protections; Increasing Penalties for Park Code Violations]

Sponsor: Elsbernd

Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to \$500 maximum for an infraction and up to \$1000 for a misdemeanor.

Attachments: Legislation_Ver1

Comm_Packet_012510 Board Packet 020210

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

32. <u>091231</u> [Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

Attachments: Legislation Ver1

Comm_Packet_012510

Board Packet 020210

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

COMMITTEE REPORTS

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

The following item will be considered by the Rules Committee at a Special Meeting on Thursday, January 28, 2010, 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 2, 2010.

(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 and considered at least one week prior to submission to the electorate.)

33. <u>091429</u> [Establishing a Film Commission, its Membership, Qualifications, and Powers]

Sponsors: Alioto-Pier; Daly, Campos and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

Attachments: Legislation Ver1

Comm Packet 012110
Comm Packet 012810

Question: Shall this Charter Amendment be SUBMITTED?

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, February 1, 2010, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, February 2, 2010.

34. <u>100047</u> [Planning Code - Interim Controls Related to Affordable Housing Requirements]

Sponsors: Mayor; Chiu

Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Attachments: Legislation Ver1

Response PLN 012010
Comm Packet 012510
Comm Packet 020110

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. <u>100106</u> [Supporting the Department of Public Works Accreditation Efforts]

Sponsor: Dufty

Resolution supporting the Department of Public Works' application to the American Public Works Association for accreditation.

Attachments: Legislation Ver1

Board Packet 020210

01/26/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. <u>100107</u> [Declaring February 5, 2010, as Joe Illick Day in San Francisco]

Sponsor: Dufty

Resolution declaring February 5, 2010, as Joe Illick Day in San Francisco.

Attachments: Legislation_Ver1

Board Packet 020210

01/26/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. <u>100108</u> [Commending the Obama Administration for the Granting of Temporary Protected Status to Haitians Living in the United States]

Sponsors: Campos; Avalos and Chiu

Resolution commending the Obama Administration for granting temporary protected status to Haitians in the United States, and directing the Clerk of the Board to send a letter of support to President Obama, Secretary Napolitano, Speaker Pelosi, Senator Feinstein, and Senator Boxer.

Attachments: Legislation_Ver1

Board Packet 020210

01/26/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. <u>100109</u> [In Solidarity With the Workers of the Mexican Electricians Union] Sponsor: Avalos

Resolution urging President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

Attachments: Legislation Ver1

Board Packet 020210

01/26/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

39. <u>100110</u> [Declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco]

Sponsor: Dufty

Resolution declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco.

Attachments: Board Packet 020210

01/26/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. <u>100111</u> [Urging Congress and President Obama to Increase California's Federal Medical Assistance Percentage by Renewing Federal Stimulus Funds]

Sponsor: Avalos

Resolution urging Congress and President Obama to increase California's Federal Medical Assistance Percentage by renewing federal stimulus funds.

Attachments: Legislation Ver1

Board Packet 020210

01/26/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

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 RESOLUTION

Proposed resolutions received from January 16, 2010, to January 25, 2010, for reference by President to appropriate committee on February 2, 2010.

100085 [Settlement of Unlitigated Claim - Patricia Geary - \$80,000]

Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for \$80,000; claim was filed on September 18, 2009. (City Attorney)

Attachments: Legislation VER1

01/21/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100114 [Petitions and Communications]

Petitions and Communications received from January 19, 2010, through January 25, 2010, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 2, 2010.

From the Asian Firefighters Association, submitting opposition to the proposed Charter Amendment that eliminates the 48.7 hour limit on the work week for firefighters. File No. 090606, Copy: Each Supervisor (1)

From Emerald Spear, regarding the next Earth Summit in Brazil in 2012. (2)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from January 23, 2010, until January 24, 2010. Copy: Each Supervisor, City Attorney (3)

From Police Commission, requesting the Board of Supervisors to urge the state lawmakers to do all things necessary to ensure that violent felons are prohibited from wearing body armor. Copy: Each Supervisor, City Attorney (4)

From Office of the Mayor, submitting letter vetoing ordinance that extends "just cause" eviction protections for tenants in most residential rental units with a certificate of ocupancy issued after June 13, 1979, and that are not currently under rent control. File No. 090583, Copy: Each Supervisor, City Attorney (5)

From Office of the Controller, submitting recommendations for improved streetscape project planning, design, review, and approval. Copy: Each Supervisor (6)

From Ajay Martin, submitting opposition to Muni's plan to cut service and raise fares. (7)

From Howard Chabner, regarding the North Beach branch library. (8)

From Office of the Controller, submitting Quarterly Review of the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2009. Copy: Each Supervisor (9)

From Office of the Controller, regarding the extension of gross receipts taxes to the Presidio and other federal enclaves within San Francisco. (Reference No. 20091208-001) (10)

From Ethics Commission, submitting the efficiency plan for FY2010-2013. (11)

From Office of the Controller, submitting report concerning the audit of franchise fee payments Comcast of California made to the City and County of San Francisco to operate a cable television system. Copy: Each Supervisor (12)

From Ms. Wells, submitting opposition to the Sanctuary law in San Francisco. (13)

From Andre Morand, expressing his concern about Walgreen's selling alcohol. (14)

From Office of the Clerk of the Board, submitting Form 700 Statement of Economic Interests for Stanton Jones - leaving. (15)

From Kimo Crossman, regarding the transfer tax in San Francisco. (16)

From Department of Animal Control, submitting request for waiver of Administrative Code Chapter 12B for Bayer Healthcare. (17)

From Denae Green, announcing the 30th Anniversary of Black Cuisine on March 6, 2010. (18)

From Office of the Mayor, submitting appointment of Mark Burell, Recreation and Parks Commission, term ending June 25, 2010. (19)

From Employees' Retirement System, submitting the retirement contribution rates for FY2010-2011. Copy: Each Supervisor (20)

From Dominic Paris, submitting support for a "Sit-Lie" Law in San Francisco. (21)

From concerned citizen, regarding police officers given four year scholarships to attend the Academy of Art University. (22)

From Valerie Chu, urging the Board of Supervisors to have an Environmental Impact Report done on the proposed Golden Gate Park Beach Chalet soccer fields near Ocean Beach. (23)

From Chris Dowd, submitting support for the proposed Golden Gate Park Beach Chalet soccer fields near Ocean Beach. (24)

From Matthew Nakatani, regarding complaint about an aggressive MTA fares inspector. (25)

From Supervisor David Chiu, submitting the reappointment of Supervisor Sean Elsbernd to the San Francisco Retirement Board. Copy: Rules Committee Clerk (26)

From Elections Commission, submitting its Annual Report of the Commission's activities over the previous year. Copy: Each Supervisor (27)

From Peter Scott, submitting support for the high rise condo project at 555 Washington Street. (28)

From Kate Goyette, requesting an extension of the public comment period for the Draft Environmental Impact Report on Candlestick Point/Hunters Point Shipyard Phase II. (29)

From concerned citizens, urging the Board of Supervisors to reject the all-golf alternative and support the restoration of Sharp Park to a public park that protects endangered species. File No. 091307, 5 letters (30)

From Aaron Goodman, submitting letter entitled SFMTA - Community Benefit vs. Private Interests. (31)

From Stephen Causey, regarding publishing the pictures of those arrested for solicitation of prostitution. (32)

ADJOURNMENT