

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 23, 2010 - 2:00 PM

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

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

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

Wednesday

11:00 AM

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Dufty

2nd and 4th Monday

10:30 AM

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

2nd and 4th Thursday

10:30 AM

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Monday

1:00 PM

Public Safety Committee

Supervisors Chiu, Mirkarimi, Elsbernd

1st and 3rd Monday

10:00 AM

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Volume 105 Number 39

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:16 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of October 19, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101271 [Appropriating \$9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating \$9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

Ordinance No. 295-10

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee**101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]****Sponsor: Mayor**

Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

Ordinance No. 296-10**FINALLY PASSED****Recommendations of the Rules Committee****101289 [Settlement of Lawsuit - Nyree Monroe - Up to \$31,000]**

Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to \$31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

Ordinance No. 304-10**FINALLY PASSED****101290 [Settlement of Lawsuit - Edward Kriete - \$575,000]**

Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for \$575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

Ordinance No. 303-10**FINALLY PASSED****101303 [Settlement of Lawsuit - Viz Media, LLC - \$219,000]**

Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for \$219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 302-10**FINALLY PASSED**

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive \$3,717,096.52]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of \$3,717,096.52, including previous initial payment of \$2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

Ordinance No. 305-10

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 101288 be severed so that it may be considered separately.

101288 [Settlement of Lawsuit - Cheryl Austin - \$268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for \$268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

Ordinance No. 306-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

REGULAR AGENDA**UNFINISHED BUSINESS****Vetoed by the Mayor****101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]**

Sponsors: Mar; Campos, Chiu and Avalos

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

APPROVED OVER THE MAYOR'S VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Budget and Finance Committee

091106 [Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]

Sponsor: Alioto-Pier

Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

Resolution No. 557-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Ordinance No. 297-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]

Sponsor: Dufty

Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

Ordinance No. 298-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101057 [Planning Code - Health Care Services Master Plan]

Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly

Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that any change of use to a Medical Use, as defined, that will occupy a space exceeding 10,000 gross square feet of floor area, or an expansion of any existing Medical Use by at least 5,000 gross square feet of floor area obtain a Consistency Determination from the Planning Commission or the Planning Department determining that the proposed use or expansion promotes the goals recommended in the Master Plan; providing fees for time and material costs incurred to prepare the Consistency Determination, and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and environmental findings.

Ordinance No. 300-10

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

101079 [Administrative Code - Water Efficient Irrigation]

Sponsors: Mayor; Maxwell and Mar

Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

Ordinance No. 301-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

Recommendations of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Avalos, CONTINUED AS AMENDED ON FIRST READING to December 7, 2010, by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]

Sponsors: Avalos; Campos

Ordinance amending San Francisco Health Code Article 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 596.5, and 610 to: 1) update nuisance definitions; 2) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 3) add civil penalties; and 4) expand administrative penalties and procedures.

Ordinance No. 299-10

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101331 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]

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

Resolution No. 561-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101386 [Water Revenue Bonds Issuance for 2010 - Not to Exceed \$600,000,000]

Sponsor: Elsbernd

Resolution approving the issuance of water revenue bonds and water revenue refunding bonds in an aggregate principal amount not to exceed \$600,000,000 to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

Resolution No. 562-10

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101075 [Building Code - Development Fee Collection Procedure and Administrative Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Building Code by amending Section 107A.13 to modify the method of calculating the development fee deferral surcharge rate and to clarify when a project sponsor may elect to defer the payment of development impact and in-lieu fees, adopting environmental finding.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]

Sponsors: Mayor; Mar and Campos

Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be AMENDED on Page 3, Lines 15-21, by adding 'I. The Board of Supervisors also finds that the proposed General Plan Amendments in this legislation and the San Francisco Bicycle Transportation Plan and General Plan amendments related thereto are intended, in part, to satisfy the requirements of California Government Code Section 65302(b)(2)(A), a provision of the California Completed Streets Act of 2008. The Board adopted the Bicycle Transportation Plan and related General Plan amendments, in Ordinance No. 188-09, which is on file with the Clerk of the Board in File No. 090868 and incorporated herein by reference.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]**Sponsors: Mayor; Mar and Campos**

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee**101190 [Police Code - Registration and Other Requirements for Event Promoters]****Sponsors: Chiu; Maxwell**

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

Supervisor Chiu, seconded by Supervisor Mirkarimi, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be RE-REFERRED to the Public Safety Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101456 [Public Hearing - Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Hearing to discuss the proposed Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed selection process as referenced in File No. 101457. Angela Calvillo, Clerk of the Board, provided an overview of the proposed process. A question and answer period followed. Ms. Calvillo responded to questions raised throughout the discussion. Francisco DaCosta; Abdallah Megaheed; Walter Paulson; Stephanie Lemos; Julian Davis; Daniel Landry; Male Speaker; Eric Brooks; Douglas Yep; Antonio Morales; Male Speaker; Male Speaker; Female Speaker; Otto Duffy; expressed various concerns relating to proposed process. There were no other speakers. Another question and answer period followed. Orry P. Korb and Nancy J. Clark, Outside Counsel from Santa Clara County, responded to questions raised throughout the discussion. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101457 [Creating a Process for the Appointment of a Successor Mayor]

Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that Exhibit A to this Motion be AMENDED. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Motion No. M10-178

APPROVED AS AMENDED. The motion FAILED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that Exhibit A to this Motion be AMENDED to remove that would require a two-thirds vote according to Roberts' Rules of Order. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Lines 1-2 by deleting '; Possibly Amending Rules of Order' and Lines 5-6 by deleting '; possibly amending the Rules of Order by adding a new Section 7,' and Lines 6-7 by deleting '; and waiving Rules 4.38, which refers amendments to the Rules of Order to the Rules Committee.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs and create said process. (Clerk of the Board)

Motion No. M10-178

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]

Sponsor: Daly

Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 7, 2010.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]

Sponsor: Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Motion is CONTINUED to December 7, 2010.

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

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the members of the Caper Cutters in recognition of 60 years of do-se-doing, their accomplishments, and continued community support.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to MamaCoAtl Chantiko in recognition of her accomplishments and continued community support.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

101237 [Appointment, Planning Commission - Rodney Fong]

Sponsor: Mayor

Motion approving the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101238. Transmittal date - September 24, 2010.)

Motion No. M10-175

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101238 [Appointment, Planning Commission - Rodney Fong]

Motion rejecting the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101237. Transmittal date - September 24, 2010.)

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Walter Paulson; shared in song certain concerns with the Board.

Female Speaker; expressed concerns relating to appointing successor Mayor.

Male Speaker; expressed concerns relating to security guards and officers.

Francisco DaCosta; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101390 [Gift Acceptance - Equipment and Furnishings - \$14,000]

Sponsor: Elsbernd

Resolution authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to accept a gift of merchandise, furniture, fixtures and equipment from Laguna Honda Volunteers, Inc. with a monetary value of up to \$14,000.

Resolution No. 560-10

ADOPTED

101451 [Accept and Expend Grant - High Risk Program and Pest Exclusion/Nursery Inspection - \$47,796]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreement Nos. 10-0539 and 10-0404) totaling \$47,796 from the California Department of Food and Agriculture to fund the High Risk Program and the Pest Exclusion/Nursery Inspection, both for the period of July 1, 2010, through June 30, 2011.

Resolution No. 559-10

ADOPTED

101452 [Accept and Expend Grant - Crucial Transitions in Young Opioid Users in Iran - \$6,280]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$6,280 from the University of California San Francisco, to participate in a program entitled "Crucial Transitions in Young Opioid Users in Iran," for the period of November 1, 2010, through August 31, 2011.

Resolution No. 558-10

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Daly requested that File No. 101407 be severed so that it may be considered separately.

101407 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010, at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider acquisition of various real properties by eminent domain for the public purpose of constructing the Transbay Transit Center Program.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 2, Lines 10-14, by replacing '85 Natoma Street (File Nos. 101441 and 101442) (Block No. 3721, Lot Nos. 109-118)' with '13 parking easement interests across and through 85 Natoma Street (File Nos. 101441 and 101442) (Benefitted parcels Block No. 3721, Lot Nos. 093-105; burdened parcels Block No. 3721, Lot Nos. 109-118).' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M10-176

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that File Nos. 101455 and 101465 be severed so that they may be considered separately.

101455 [Committee of the Whole - Public Hearing to Create a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m. to approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Motion No. M10-177

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]**Sponsor: Daly**

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'November 23' with 'December 7' and Line 9 by replacing 'November 23' with 'December 7.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Motion that the Board of Supervisors convene as a Committee of the Whole on December 7, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED AS AMENDED to December 7, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or Mayor****Charter Amendment****101493 [Charter - Compensation of Board of Education Members]****Sponsors: Dufty; Campos, Mar, Avalos and Chiu**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8.100, 12.202, and A8.502, to increase the compensation for members of the Board of Education from a monthly stipend of \$500 to \$50,000 per year, allow members to participate in the City's employee health and pension systems, establish training and professional development requirements, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the salaries and benefits of the members of the Board of Education.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/23/2010.

Ordinances

101410 [Airport Promotion and Event Fund]

Sponsor: Mayor

Ordinance establishing a special fund to receive donations and authorizing expenditures for the purpose of holding events to promote the opening of the newly renovated Terminal 2 of the San Francisco International Airport; and deleting obsolete provisions.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101419 [Environment Code - Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]

Sponsor: Mar

Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101422 [Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]

Sponsor: Chiu

Ordinance amending Article 3 of Division I of the San Francisco Transportation Code to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending Article 7 of Division I of the Transportation Code to make it a misdemeanor to operate a taxi, a dispatch service, or a color scheme, or to drive a motor vehicle for hire, without a permit, to solicit or accept payment for referral of passengers to a motor vehicle for hire, to solicit or accept payment for motor vehicle for hire shifts, assignments or dispatch calls, to knowingly make false or misleading representations in connection with application for, renewal of, possible revocation of, or operation of a vehicle pursuant to a permit issued under Article 1100 of the San Francisco Transportation Code, to refuse to pay the legal fare to a driver of a motor vehicle for hire, and to charge excessive rates for transport in a motor vehicle for hire; and amending the San Francisco Police Code by deleting Sections 1078, 1089, 1105, 1110, 1132, 1135, and 1145.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 12/23/2010.

101478 [Park Code - Single Entrance Fee for Visitors to Enter Multiple Recreation and Park Sites]

Sponsor: Mirkarimi

Ordinance amending San Francisco Park Code, Article 12, by adding Section 12.49 to: 1) establish entrance fees for multiple park facilities; 2) require Commission approval of contracts and grants for the collection of fees; and making environmental findings.

(Fiscal Impact.)

11/23/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

101480 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]**Sponsor: Mirkarimi**

Ordinance amending San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]**Sponsors: Avalos; Mirkarimi, Campos, Daly and Mar**

Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) authorizing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.

(Economic Impact; Fiscal impact.)

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

10/27/10; REFERRED TO DEPARTMENT.

11/19/10; TRANSFERRED to Budget and Finance Committee.

11/23/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

101105 [Environment Code - Existing Commercial Buildings Energy Performance]**Sponsors: Mayor; Duffy and Chiu**

Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/9/2010.

09/01/10; REFERRED TO DEPARTMENT.

09/28/10; RESPONSE RECEIVED.

09/28/10; RESPONSE RECEIVED.

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

101091 [Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]**Sponsors: Alioto-Pier; Chiu**

Ordinance amending the San Francisco Planning Code by amending Sections 243 and 209.8 to require conditional use authorization for "Other Entertainment Uses" in the Van Ness Avenue Special Use District and that the Commercial Establishment use controls of the nearest C-2 District apply in RC Districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/03/10; REFERRED TO DEPARTMENT.

09/20/10; RESPONSE RECEIVED.

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**101413 [Accept and Expend Grant - Congestion Management Agency Block Grant - \$11,553,000]****Sponsor: Mayor**

Resolution authorizing the Department of Public Works to accept and expend \$11,553,000 in federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds awarded through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101416 [Management Agreement/Lease - Stow Lake Boathouse, LLC - Operation of the Stow Lake Boathouse Concession]**Sponsor: Mar**

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Stow Lake Boathouse, LLC, for the operation of the Stow Lake Boathouse Concession in Golden Gate Park.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101425 [Protecting and Preserving the Palace of Fine Arts Swans]**Sponsor: Alioto-Pier**

Resolution endorsing the presence of swans at the Palace of Fine Arts lagoon, and urging the Recreation and Park Department, Animal Care and Control, and the San Francisco Police Department to develop a plan for the protection and preservation of swans in the Palace of Fine Arts lagoon.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101428 [Grant Agreements - Bicycle Projects - \$166,200]**Sponsor: Mar**

Resolution approving three Bicycle Facility Program Grant Agreements with the Bay Area Air Quality Management District with contract terms of more than 10 years.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101431 [Lease - Portsmouth Plaza Parking Corporation for Operation of the Portsmouth Square Garage]**Sponsor: Chiu**

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

11/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101437 [Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]**Sponsor: Daly**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

11/23/10; RECEIVED AND ASSIGNED to Board of Supervisors.

101453 [Professional Services Agreement - Howard, Needles, Tammen & Bergendoff - \$11,704,955]**Sponsor: Mayor**

Resolution approving the Professional Services Agreement, Airport Contract 9015.1 Master Architect for Replacement Air Traffic Control Tower/Terminal 1 Complex Redevelopment Program between Howard, Needles, Tammen & Bergendoff, and the City and County of San Francisco, acting by and through its Airport Commission, in the lump sum amount of \$11,704,955, and a contingency budget of \$1,626,412 for Airport and FAA requested changes, pursuant to San Francisco Charter Section 9.118(b).

(Fiscal Impact.)

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101482 [Annual Reports - Castro/Upper Market Community Benefit District]**Sponsor: Dufty**

Resolution regarding Castro/Upper Market Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101484 [Accept and Expend Grant - Bayview Hunters Point Healthy Homes Project - \$249,555]**Sponsor: Maxwell**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$249,555 from the United States Department of Health and Human Services, Centers for Disease Control and Prevention to support the Bayview Hunters Point Healthy Homes Project by developing policies and services to improve indoor air quality in public housing.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101485 [Southeast Digester Task Force - Biosolids Digester Facility Project]**Sponsor: Maxwell**

Resolution urging the Public Utilities Commission to incorporate the Southeast Digester Task Force recommendations into the Biosolids Digester Facility Project, to select the preferred site and expedite implementation.

11/23/10; RECEIVED AND ASSIGNED to Rules Committee.

101486 [Commending the Community Benefits Program]**Sponsor: Maxwell**

Resolution commending the San Francisco Public Utilities Commission's Community Benefits Program.

101487 [Single Room Occupancy Task Force]**Sponsors: Dufty; Campos**

Resolution amending the Single Room Occupancy Task Force to accurately reflect the administration of the program and to alter the membership of the task force to accurately reflect this change.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101488 [Assessment Ballots for City Parcels to Form the Proposed Civic Center Community Benefit District]**Sponsor: Mayor**

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of 11 parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

11/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101489 [Authorizing Use of General Fund Dollars as Matching Funds for Federal Medicaid Funding]**Sponsor: Mayor**

Resolution authorizing the Department of Public Health to use General Fund dollars as matching funds to receive federal Medicaid funding for services provided through the Community-Living Support Benefit Waiver (AB 2968).

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]**Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell**

Resolution approving a Host City and Venue Agreement among the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.

(Economic Impact, Fiscal Impact.)

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

11/16/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

11/23/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

Motion**101434 [Committee of the Whole - Public Hearing on Ground Lease of Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]****Sponsor: Daly**

Motion scheduling the Board to sit as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to hold a public hearing on the Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 14, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

11/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**101490 [Hearing - Short-Turning of Light Rail Vehicles]****Sponsor: Chu**

Hearing on the policy of short-turning or early turn-arounds of the Municipal Transportation Agency's LRV's, the reasons for and frequency of this practice, and the communication plan to inform the affected riders.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101491 [Hearing - Haight Ashbury Neighborhood Council's Recycling Center and Plant Nursery]

Sponsor: Mirkarimi

Hearing to review the status of the Haight Ashbury Neighborhood Council's Recycling Center and Plant Nursery, and the role of recycling centers in reaching the City's goal of producing zero waste by 2020.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101492 [Hearing - Public Utilities Commission Energy Resources Plan]

Sponsor: Maxwell

Hearing on the status of the Public Utilities Commission's work to update the Energy Resources Plan.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive \$2,750,000; Appropriating Settlement Proceeds]**

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of \$2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

11/15/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS**101460 [Airport Concession Lease - Melshire DFW, L.P.]**

Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101461 [Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed \$19,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed \$3,000,000, for a total agreement not to exceed amount of \$19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101462 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed \$26,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed \$ 4,000,000, for a total agreement not to exceed amount of \$26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney draft an ordinance establishing a Sea Level Rise Adaptation Policy to be proposed by an intracity task force requiring the City Administrator, in conjunction with DPW, SFO, Planning, DBI, Redevelopment, Port, Recreation and Parks, MTA, SFPUC, Environment Department, Mayor's Office, and other relevant City departments to develop a proposed Sea Level Rise Adaptation Strategy examining potential future flood risks associated with a range of sea level rise over the next century, including engineered and non-engineered adaptive strategies. In developing policy recommendations, the City Administrator should consult with agencies with purview over San Francisco Bay and the waters outside of the Golden Gate, including the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Agency, the San Francisco Bay Conservation and Development Commission and the California Coastal Commission.

The ordinance should also provide that the final recommendation of the task force submitted to the Board of Supervisors shall become the official Sea Level Rise Adaptation Policy of the City and County of San Francisco upon ratification by resolution of the Board of Supervisors.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

*Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight*

San Francisco Chronicle

*Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore*

SF Daily

Northwest corner of Hayes and Gough

City Star

*Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight*

SF Weekly

*Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:*

Garbage Cans

*Northwest corner of Golden Gate and Laguna
Southeast corner of Scott and Fulton
In front of 1855 Haight
All three cans on Stanyan and Haight
Northeast corner of Divisadero and Golden Gate
Northeast corner of Geary and Divisadero*

Mailboxes

*Southwest corner of Geary and Laguna
Northeast corner of Scott and McAllister*

Vacant Lots

*Northwest corner of Divisadero and Ellis
Parking lot northwest corner of Haight and Stanyan*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

Potholes, Lights and Sidewalk Issues

*At 1150 Scott
175 Carl
1833 Scott
50 Shrader
530 Scott
Curb repair at northwest corner of Divisadero and Waller
Sidewalk at 2611 Pine*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:*

*1826 Divisadero
1910 Divisadero
1918 Divisadero
201 Webster
122 Webster
249 Webster
159 Webster
1600 Post
301 ½ Webster
900 Haight
901 Haight
906 Haight
1299 Haight
401 Divisadero
616 Divisadero
655 Divisadero
848 Divisadero*

Across the street from 625 Willow
890 Page
796 Haight
799 Haight
198 Haight
100 Scott
670 Waller
702 Haight
682 Haight
630B Haight
604A Haight
598 Haight
542 Haight
546 Haight
585 Hayes

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole:
In front of 1002 Scott
In front of 1005 Laguna
In front of 1022 Scott
In front of 1030 Shrader
In front of 1108 Divisadero
In front of 1149 Laguna
Southwest corner of Willow and Laguna
Southeast corner of Scott and Haight
In front of 1221 Masonic
Southeast corner of Page and Scott

Wood Poles
Northeast corner of 16th Avenue and Judah
In front of 2060 Fillmore
Southeast corner of Elm and Scott
Southwest corner of Divisadero and Oak
In front of 617 and 681 Ivy
In front of 21 Shrader

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following public property locations:

Utility Boxes
Southwest corner of Waller and Steiner
Northeast corner of Eddy and Divisadero
Southeast corner of Stanyan and Oak
In front of 1055 Laguna
Southeast corner of Webster and Fell
Northeast corner of Shrader and Oak
Northwest corner of Divisadero and Pine

Bus Shelters

Southwest corner of Buchanan and Haight

Southeast corner of Buchanan and Hayes

Northwest corner of Pine and Fillmore

Northwest corner of Divisadero and Haight

Southeast corner of Geary and Scott

Northeast corner of Stanyan and Parnassus

Southwest corner of Geary and Scott

Southwest corner of Stanyan and Parnassus

Southwest corner of Pierce and Haight

Fillmore and Haight (all 4 bus stops, graffiti and grime on canopies)

Fire Hydrants

Southeast corner of Scott and Fell

Northeast corner of Fulton and Fillmore

Emergency Boxes

Southwest corner of Grattan and Stanyan

Southwest corner of Belgrave and Shrader

Near 2725 California

In Memoriams

Fred Goldhaber – Supervisors Dufty and Campos

Jerome A. DeFilippo – Supervisor Dufty

James Francis Coleman – Supervisor Dufty

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:12 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 4, 2011.

Angela Calvillo, Clerk of the Board