



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, March 1, 2011 - 2:00 PM

Regular Meeting

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

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Budget and Finance Sub-Committee
Supervisors Chu, Mirkarimi, Kim

City and School District Select Committee
Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton

City Operations and Neighborhood Services Committee
Supervisors Avalos, Mar, Elsbernd

Government Audit and Oversight Committee
Supervisors Campos, Farrell, Chiu

Land Use and Economic Development Committee
Supervisors Mar, Cohen, Wiener

Public Safety Committee
Supervisors Mirkarimi, Cohen, Campos

Rules Committee
Supervisors Kim, Elsbernd, Farrell

Meeting Days

Wednesday
1:00 PM

Wednesday
10:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
10:00 AM

Monday
1:00 PM

1st and 3rd Thursday
10:30 AM

1st and 3rd Thursday
1:30 PM

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

Meeting Procedures

Board procedures do not permit: 1) persons in the audience at a Board meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; 4) standing in the meeting room. The public is encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

Disability Access

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

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

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

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

Know Your Rights Under The Sunshine Ordinance

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

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

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

Agenda Item Information

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

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

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, Reception Desk on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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 24

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

1. **110079 [Accept and Expend Grant - Zellerbach Family Foundation - \$159,000]**
Sponsor: Mayor
Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of \$159,000 from the Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

Question: Shall this Resolution be ADOPTED?

2. **110080 [Accept and Expend Grant - San Francisco Adult Treatment Drug Court - \$325,000]**
Sponsor: Mayor
Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$325,000 from Substance Abuse and Mental Health Services to fund the San Francisco Adult Treatment Drug Court for the period September 30, 2010, through September 29, 2011.

Question: Shall this Resolution be ADOPTED?

3. 110081 **[Accept and Expend Grant - San Francisco Community Justice Center - \$325,000]**
Sponsor: Mayor
Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Substance Abuse and Mental Health Services in the amount of \$325,000 to fund the San Francisco Community Justice Center for the period September 30, 2010, through September 29, 2011.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen, Campos

4. 101120 **[Police Code - Discharge of Firearms; Fireworks]**
Sponsor: Mayor
Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.
- 02/15/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
5. 110075 **[Accept and Expend Grant - Safe Routes to School - \$500,000]**
Sponsor: Chiu
Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$500,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvements Funds through the Metropolitan Transportation Commission's Safe Routes to School Grant Program for the period September 1, 2011, through August 31, 2013, waiving indirect costs, stating assurance to complete the project, and to delegate authorization to execute these agreements and any amendments thereto to the Director of Public Health.
- Question: Shall this Resolution be ADOPTED?**
6. 110157 **[Accept and Expend Grant - Carl Moyer Program - \$178,962]**
Sponsor: Chiu
Resolution authorizing the Police Department to retroactively accept and expend a Carl Moyer Grant in the amount of \$178,962 from the Bay Area Air Quality Management District to replace the engines on board the Marine 1 Police Boat.
- Question: Shall this Resolution be ADOPTED?**
7. 110158 **[Accept and Expend Grant - State Department of Boating and Waterways - \$65,000]**
Sponsor: Chiu
Resolution authorizing the Police Department to retroactively accept and expend a grant in the amount of \$65,000 from the California State Department of Boating and Waterways for a Boating Safety and Enforcement Grant to purchase equipment for the Marine Unit.
- Question: Shall this Resolution be ADOPTED?**

8. 110159 **[Accept and Expend Grant - Safe Havens: Supervised Visitation and Safe Exchange Continuation Project - \$141,586]**

Sponsor: Cohen

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Department of Justice in the amount of \$141,586 to fund the project entitled "Safe Havens: Supervised Visitation and Safe Exchange Continuation Project" for the period of October 1, 2010, through September 30, 2011.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

9. 101585 **[Settlement of Lawsuit - Kevin Montague - \$60,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 101586 **[Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - \$34,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for \$34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 101587 **[Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - \$350,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for \$350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

12. 101588 **[Settlement of Lawsuit - KLW, LLC - \$210,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 13. 101589 [Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$127,372]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 14. 101590 [Settlement of Lawsuit - Kroll Furniture - \$65,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for \$65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 15. 101591 [Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - \$55,000]**
Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for \$55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 16. 101600 [Settlement of Lawsuit - National Union - Receipt of \$925,000]**
Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of \$925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 17. 101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - \$183,479.00]**
Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 18. 110048 [Settlement of Lawsuit - Timothy J. Chamberlain - \$65,000]**
Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 19. 110049 [Settlement of Lawsuit - Garcia, et al. - \$191,000]**
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 20. 110107 [Settlement of Lawsuit - Paul Graham - \$34,271.51]**
Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for \$34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 21. 101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - \$57,892.75]**
Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company, as subrogee for Michelle Azevedo, against the City and County of San Francisco for \$57,892.75; claim was filed on January 13, 2009. (City Attorney)

Question: Shall this Resolution be ADOPTED?

- 22. 110022 [Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - \$30,000]**
Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for \$30,000; claim was filed on July 14, 2010. (City Attorney)

Question: Shall this Resolution be ADOPTED?

- 23. 110056 [Settlement of Anticipated Litigation Against Office Depot - Receipt of \$4,250,000/Payment of \$48,915.40]**
Resolution approving the settlement of anticipated litigation by the City and County of San Francisco against Office Depot for contract overcharge; the material terms of said settlement are: (1) the City to receive the sum of \$3,750,000 in the form of a check; (2) the City to receive from Office Depot credit in the amount of \$500,000 toward future purchases by the City over the next 5 years; and (3) payment to Office Depot of the sum of \$48,915.40 as full and complete satisfaction of all outstanding balances owed by the City under its office supplies contract with Office Depot. (City Attorney)

Question: Shall this Resolution be ADOPTED?

- 24. 110108 [Settlement of Unlitigated Claim - John Payne - \$220,229]**
Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for \$220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

25. 101124 **[Appropriating \$528,774 of Certificate of Participation Proceeds for Disability Access Improvement Projects and Relocation Costs in the Mayor's Office on Disability for FY2010-2011]**

Sponsor: Mayor

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

(Fiscal Impact.)

02/15/2011; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

26. 110069 **[Administrative Code - Health Service System Plans and Contribution Rates for FY2011-2012]**

Sponsor: Chu

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

(Fiscal Impact.)

02/15/2011; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

27. 110133 **[Appointment, Bay Area Air Quality Management District - Supervisor John Avalos]**
Motion appointing Supervisor John Avalos, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

02/15/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

28. 101483 **[Park Code - Kezar Parking Fees]**
Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?
29. 101578 **[Agreement - Olin Corporation - Sodium Hypochlorite - Estimated to Exceed \$10,000,000]**
Resolution approving the Agreement between the City and Olin Corporation, dba Olin Chlor Alkali, for Sodium Hypochlorite, which is estimated to exceed \$10,000,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
30. 110051 **[Public Auction - Tax-Defaulted Real Property]**
Resolution authorizing the Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

Question: Shall this Resolution be ADOPTED?

31. 110054 **[Emergency Contract - Replacing Sewer on Polk Street from Bush Street to Pine Street - Not to Exceed \$422,339]**
Resolution approving an emergency public work contract, under San Francisco Administrative Code Section 6.60, to replace the sewer on Polk Street from Bush Street to Pine Street with a contract amount not to exceed \$422,339. (Public Utilities Commission)

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
32. 110078 **[Memorandum of Understanding Amendment - Urban Areas Security Initiative Grant Funds]**
Sponsor: Mayor
Resolution approving a First Amendment to the Memorandum of Understanding (MOU) between the City and County of San Francisco, the City of Oakland, the City of San Jose, the County of Alameda, and the County of Santa Clara that establishes a governance structure and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative grant funds to the Bay Area Urban Area, to extend the term of the MOU to June 30, 2011, and authorizing the Executive Director of the Department of Emergency Management to execute on behalf of the City.

Question: Shall this Resolution be ADOPTED?
33. 110109 **[Airport Lease Agreement - China Airlines, Ltd. - Building 648]**
Resolution approving and authorizing the execution of Lease No. 10-0347 with China Airlines, Ltd., for cargo warehouse and support office space to be occupied by China Airlines, Ltd., in Building 648 at San Francisco International Airport.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen

34. 101422 **[Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]**
Sponsor: Chiu
Ordinance amending the San Francisco Transportation Code Article 3, Division I, to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending the Transportation Code Article 7, Division I, 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 Transportation Code Article 1100, 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.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Mirkarimi, Cohen, Campos

35. 101480 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]

Sponsor: Mirkarimi

Ordinance amending the 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.

Question: Shall this Ordinance be PASSED ON FIRST READING?

36. 110011 [Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]

Sponsors: Mayor; Mirkarimi

Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

37. 110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

Question: Shall this Ordinance be PASSED ON FIRST READING?

38. 101515 [Confirming Appointment, Port Commission - Leslie Katz]

Sponsor: Mayor

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

01/04/2011; RE-REFERRED to the Rules Committee.

Question: Shall this Motion be APPROVED?

39. 110062 [Appointments, Golden Gate Bridge, Highway and Transportation District - Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault]

Motion appointing Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault to the Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2013. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

40. 110112 **[Appointment, San Francisco LAFCo - Supervisor David Campos]**
Motion appointing Supervisor David Campos to the San Francisco Local Agency Formation Commission, term ending February 4, 2015. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

41. 110141 **[Appointment, California State Association of Counties - Supervisor Eric Mar]**
Motion appointing Supervisor Eric Mar to the California State Association of Counties Board of Directors, term ending November 28, 2011. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

42. 110197 **[Hearing - Charter Amendment - Compensation of Board of Education Members]**
Sponsors: Kim; Campos, Mar, Avalos and Chiu
Hearing of persons interested in or objecting to the proposed Charter Amendments to amend the Charter of the City and County of San Francisco by amending Section 8.100, regarding compensation for members of the Board of Education.

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

From the Rules Committee Without Recommendation

Present: Supervisors Kim, Elsbernd, Farrell

- 43. 101493 [Charter Amendment - Compensation of Board of Education Members]**
Sponsors: Kim; Campos, Mar, Avalos and Chiu
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of \$500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.
- 02/15/2011; DUPLICATED.
02/15/2011; CONTINUED.
- Question: Shall this Charter Amendment be SUBMITTED?**

From the Board

- 44. 110181 [Charter Amendment - Compensation of Board of Education Members]**
Sponsors: Kim; Campos, Mar, Avalos and Chiu
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to authorize the Board of Education to set the compensation for its members, not to exceed one-half the annual salary of a first-year teacher in the San Francisco Unified School District, and to establish training and professional development requirements for Board of Education members.
- 02/15/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
02/15/2011; CONTINUED AS AMENDED.
- Question: Shall this Charter Amendment be SUBMITTED?**

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pursuant to Street and Highway Code Section 8320.)

- 45. 110018 **[Hearing - Street Vacation Order - Transbay Transit Center]**
 Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Mar, Cohen, Wiener

- 46. 110019 **[Street Vacation Order - Transbay Transit Center]**
 Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

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

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

47. 101547 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 134-136 Ord Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2010, Case No. 2009.1124DDV, that a project located 134-136 Ord Street is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves construction of a new single-family home at the front of the subject lot, which would be located in front of an existing building on the lot, on Lot No. 004, in Assessor's Block No. 2657. (District 8) (Appellant: Corbett Heights Neighbors)

(Filed December 9, 2010; Companion Measure to File Nos. 101548, 101549, 101550.)

01/11/2011; CONTINUED.

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

48. 101548 [Affirming the Exemption Determination - 134-136 Ord Street]

Motion affirming the determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

01/11/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

49. 101549 **[Reversing the Exemption Determination - 134-136 Ord Street]**
Motion reversing the determination by the Planning Department that the 134-136 Ord Street project is exempt from environmental review.

01/11/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

50. 101550 **[Preparation of Findings to Reverse the Exemption Determination - 134-136 Ord Street]**
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

01/11/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, February 28, 2011, 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, March 1, 2011.

51. 110185 **[Reciprocal Easement Agreement - Property Located at 150 Otis Street and 170 Otis Street]**

Sponsor: Chiu

Resolution approving and authorizing a reciprocal easement agreement for the conveyance of easements over portions of City-owned property located at 150 Otis Street and 170 Otis Street, required as part of the long term ground lease to 150 Otis Associates, L.P., under San Francisco Charter Section 9.118, for the development and operation of affordable housing; adopting findings that the conveyance is in conformance with CEQA, the City's General Plan, and the priority policies of Planning Code Section 101.1; and authorizing City's Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution.

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 52 through 55

- 52. 110170 [Urging the Governor to Protect Proposition 10 Funding]**
Sponsors: Mar; Campos
Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping \$1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Proposition 10 revenues.
- 02/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 02/15/2011; CONTINUED. Supervisor Campos requested to be added as a co-sponsor.
- Question: Shall this Resolution be ADOPTED?**
- 53. 110189 [Urging the California State Legislature and the Governor to Enact SB 223]**
Sponsors: Chiu; Wiener, Avalos, Elsbernd and Mirkarimi
Resolution urging the California State Legislature and the Governor to enact SB 223 to allow the Board of Supervisors of any county to ask voters to consider restoring its vehicle license fee to the 1948-1998 level, giving voters the opportunity to preserve local services, public transportation, and critical programs.
- 02/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

54. 110190 [Apply for Grant - Urban Forest for Every City]

Sponsor: Mayor

Resolution authorizing the Planning Department to apply for funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through propositions 40 and 84, to conduct a citywide tree inventory.

02/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

55. 110199 [National Sleep Awareness Week - March 7-11, 2011]

Sponsor: Elsbernd

Resolution declaring March 7-11, 2011, as "National Sleep Awareness Week" in San Francisco.

02/23/2011; 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:_____

56. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

Proposed ordinances received from February 8, 2011, to February 18, 2011, for reference by President to appropriate committee on March 1, 2011.

- 110173 [Settlement of Lawsuit - Esther Downes, et al. - \$350,000]**
Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)
- 02/18/2011; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 8, 2011, to February 18, 2011, for reference by President to appropriate committee on March 1, 2011.

- 110168 [Lease of Real Property - 1421 Broderick Street]**
Resolution authorizing the exercise of a ten year option to extend the lease of the 12,417 square foot building located at 1421 Broderick Street for the Department of Public Health. (Real Estate Department)
- 02/14/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 02/22/2011; TRANSFERRED to the Budget and Finance Sub-Committee.
- 110169 [Appointment, Transbay Joint Powers Authority - Carter R. Rohan]**
Resolution confirming the appointment of Carter R. Rohan, R. A., to serve on the Transbay Joint Powers Authority as an Alternate Member for Nathaniel P. Ford, Sr. (Municipal Transportation Agency)
- 02/14/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 110174 [Settlement of Claim - Homeless Prenatal Program, Inc. - \$135,246.65]**
Resolution approving the settlement of the unlitigated claim filed by Homeless Prenatal Program, Inc., against the City and County of San Francisco for \$135,246.65; claim was filed on September 23, 2010. (City Attorney)
- 02/16/2011; RECEIVED AND ASSIGNED to the Rules Committee.

110175 [Settlement of Unlitigated Claims - East Bay Regional Park District - Public Utilities Commission Calaveras Dam Replacement Project]

Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco and the East Bay Regional Park District (EBRPD) related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, Calaveras Dam Replacement Project, in Alameda County, calling for SFPUC to pay EBRPD \$2,000,000 related to project construction activities, and including other material terms and conditions in a settlement and release agreement. (City Attorney)

02/18/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

110176 [CEQA Findings – Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No. CUW35302, part of the Water System Improvement Program for the improvements to the regional water supply system; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

02/17/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110220 [Petitions and Communications]

Petitions and Communications received from February 8, 2011, through February 18, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 1, 2011.

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, Approximately 250 letters (1)

From James Corrigan, regarding the Fire Department. (2)

From concerned citizens, regarding the sidewalk sitting ban. 42 letters (3)

From James Chaffee, regarding the public library. (4)

From Edith McMillan, regarding proposed legislation appropriating funds for disability access improvement projects and relocation costs. File No. 101124, Copy: Each Supervisor, Mayor (5)

From Office of the Controller, submitting the FY2011-2012 Six-Month Budget Status Report. (6)

From Office of the Controller, submitting a cost-benefit analysis of supportive housing that is funded by the Human Services Agency and the Department of Public Health. (7)

From Verizon Wireless, submitting notification of six cellular antennas to be installed at 501 Laguna Honda Boulevard. Copy: Each Supervisor (8)

From State Office of Historic Preservation, submitting notice that the Rialto Building was placed on the National Register of Historic Places. Copy: Each Supervisor (9)

From Office of the Mayor, submitting request for release of reserved funds (\$44,000,000) for salaries and fringe benefits. (10)

From Department on the Status of Women, submitting a line item summary of the resources allocated to District 11. (11)

From Public Utilities Commission, submitting schedule of rates, fees, and charges for retail electric service effective March 10, 2011. Copy: Each Supervisor (12)

From Debbie Devall, commenting on restaurant food sold accompanied by toys or other youth focused incentive items. (13)

From Dennis Mackenzie, regarding the initiation of a public/private non-profit organization to facilitate the construction of two high school academies on Port property. Copy: Each Supervisor (14)

From Office of the Controller, regarding adoption of the FY2011-2012 San Francisco Employee Retirement System employer contribution rate increase. (15)

From Animal Control and Welfare Commission, submitting the FY2010-2011 quarterly report. Copy: Each Supervisor (16)

From concerned citizens, submitting opposition to the boycott of Arizona and Arizona-based businesses until Arizona repeals Senate Bill 1070. 2 letters (17)

From concerned citizens, submitting opposition to the Central Subway Project. 10 letters (18)

From Stephen Taber, submitting support for the Central Subway Project. (19)

From Ryan Olson, submitting opposition to extending the hours of parking meters. (20)

From concerned citizens, submitting support for keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 19 letters (21)

From concerned citizens, submitting opposition to keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 12 letters (22)

From Office of the Controller, submitting the December 2010 Economic Barometer Report. (23)

From concerned citizens, regarding the long-term waste disposal contract with Recology. File No. 101225, Copy: Budget and Finance Committee Members and Clerk, 5 letters (24)

From Department of the Environment, regarding the long-term waste disposal contract with Recology. File No. 101225 (25)

From concerned citizens, regarding the Parkmerced Project. 13 letters (26)

From Bruce Brugmann, concerning better options for garbage. (27)

From Andrew Zollman, regarding safety inspection violation requirements at the Heart of the City Farmers' Market. 3 letters (28)

From concerned citizens, regarding proposed legislation concerning the distribution of handbills. File No. 101522, 2 letters (29)

From concerned citizens, regarding GGNRA's proposed dog management plan. 9 letters (30)

From Molly Tsongas, regarding Sharp Park. (31)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (32)

Mark Farrell, Supervisor - assuming
Jane Kim, Supervisor - assuming
Margaux Kelly, Legislative Aide - assuming
April Veneracion, Legislative Aide - assuming
Michela Alioto-Pier, Supervisor - assuming
Andrew Hayward, Legislative Aide - assuming

From Office of the Mayor, submitting notice that Paul Kelly has withdrawn his name for appointment to the Relocation Appeals Board. Copy: Each Supervisor, Rules Committee Clerk (33)

From Capital Planning Committee, regarding supplemental appropriation for the Marina Yacht Harbor, West Harbor Renovation Project. File No. 110151, Copy: Each Supervisor (34)

From Office of the Mayor, withdrawing appointment of Michael Kim to the Port Commission. Copy: Rules Committee Clerk, City Attorney (35)

From Supervisor Chiu, submitting the reappointment of Supervisor Sean Elsbernd to the San Francisco Retirement Board. Copy: Rules Committee Clerk (36)

From Bernal Heights Neighborhood Center, announcing their Board of Directors upcoming meetings. (37)

From Valerie Ibarra, regarding the push into the Clipper System and the elimination of the paper Fast Pass. (38)

From Department of Public Works, submitting report on the use of funds appropriated from the Local Street and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006. (39)

From concerned citizen, regarding Pat Murphy. Copy: Each Supervisor (40)

From Planning Department, regarding the Market/Octavia Street Community Advisory Committee. Copy: Each Supervisor, Rules Committee Clerk (41)

From Arthur Lembke, regarding taxi cab drivers in San Francisco. (42)

From Mary R., regarding shark fin soup. (43)

From Department of Building Inspection, submitting their FY2009-2010 Annual Report. Copy: Each Supervisor (44)

The following departments have submitted their FY2011-2012 Efficiency Plans: (45)

- Adult Probation
- Art Commission
- Board of Appeals
- Board of Supervisors Clerk's Office
- Child Support Services
- Children, Youth & Their Families
- City Administrator
- Civil Service Commission
- Controller's Office
- District Attorney
- Elections
- Emergency Management
- Ethics Commission
- Fire Department
- Health Service System
- Human Services Agency
- Law Library
- Police
- Police-Office of Citizens Complaints
- Port
- Public Defender
- Public Health
- Public Library
- Public Utilities Commission
- Public Works
- Rent Board
- Retirement System
- Sheriff
- Status of Women
- Treasurer and Tax Collector
- War Memorial and Performing Arts Center

ADJOURNMENT