



# 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, July 19, 2011 - 2:00 PM

#### Regular Meeting

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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](http://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

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The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

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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. The Sunshine 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 the 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](mailto: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](http://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

## APPROVAL OF MEETING MINUTES

*Approval of the June 7, 2011, and June 14, 2011, Board Meeting Minutes.*

## 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.*

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

### Items 1 through 4

### Recommendation of the Budget and Finance Committee

*Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu*

1. **110664 [Contract - San Francisco AIDS Foundation - Housing and Urban Rent Subsidies Services]**  
**Sponsor: Mayor**  
Resolution approving a contract between the Department of Public Health and the San Francisco AIDS Foundation for rent subsidies services for people living with HIV/AIDS.  
  
(Fiscal Impact)  
  
**Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Public Safety Committee**

*Present: Supervisors Mirkarimi, Cohen, Campos*

- 2.     **110450     [Accept and Expend Grant - Community Justice Center Intensive Outpatient Program - \$205,000]**

**Sponsor: Chiu**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$205,000 from Department of Justice to fund the project entitled "San Francisco Community Justice Center Intensive Outpatient Program" for the period of October 1, 2010, through September 30, 2011.

**Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Farrell*

- 3.     **110797     [Appointments, Ballot Simplification Committee - June Fraps, Betty Packard, and Adele Fasick]**

Motion appointing June Fraps, Betty Packard, and Adele Fasick, terms ending November 30, 2012, to the Ballot Simplification Committee. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?**

*Present: Supervisors Kim, Farrell, Wiener*

- 4.     **110741     [Appointment, SRO Task Force]**

Motion appointing Victor Nelson, term ending December 31, 2012, to the SRO Task Force. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?**

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

*The public comment legally required under California Government Code Section 54954.3 and San Francisco Administrative Code Section 67.15(a) prior to approval was provided and completed on April 26, 2011.*

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

5.    **110345    [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]**  
Motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.  
  
04/26/2011; CONTINUED.  
  
05/24/2011; CONTINUED.  
  
06/28/2011; CONTINUED.  
  
**Question: Shall this Motion be APPROVED?**
6.    **110346    [Reversing the Exemption Determination - AT&T Network "Lightspeed" Upgrade]**  
Motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.  
  
04/26/2011; CONTINUED.  
  
05/24/2011; CONTINUED.  
  
06/28/2011; CONTINUED.  
  
**Question: Shall this Motion be APPROVED?**
7.    **110347    [Preparation of Findings to Reverse the Exemption Determination - AT&T Network "Lightspeed" Upgrade]**  
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.  
  
04/26/2011; CONTINUED.  
  
05/24/2011; CONTINUED.  
  
06/28/2011; CONTINUED.  
  
**Question: Shall this Motion be APPROVED?**

**Recommendations of the Budget and Finance Committee**

*Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu*

*(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2011, nor later than August 1, 2011.)*

**8. 110387 [Consolidated Budget and Annual Appropriation Ordinance - FYs 2011-2012 and 2012-2013]**

**Sponsor: Mayor**

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FY ending June 30, 2012; and for FYs ending June 30, 2012, and June 30, 2013, for the Airport, Port Commission and Public Utilities Commission.

(Fiscal Impact)

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**9. 110386 [Annual Salary Ordinance - FYs 2011-2012 and 2012-2013]**

**Sponsor: Mayor**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2012; FY ending June 30, 2013, for the Airport, Port Commission, and the Public Utilities Commission; and continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

(Fiscal Impact)

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**10. 110534 [Administrative Code - Public Works Greening Fund]**

**Sponsor: Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-371 to establish the Department of Public Works Greening Fund as a Category Six Fund.

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 11. 110549 [Park Code - Harding Park and Fleming Golf Courses Fees]**  
**Sponsor: Elsbernd**  
Ordinance amending the San Francisco Park Code, Article 12, Section 12.12 to: 1) authorize the Recreation and Park Commission to approve special promotions of up to 25% of the applicable rate, and increases of up to 50% for non-resident and tournament fees at Harding Park and Fleming Golf Courses; 2) designate weekday and weekend hours; and 3) making environmental findings.  
  
07/12/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 12. 110550 [Park Code - Lincoln Park Golf Fees]**  
**Sponsor: Elsbernd**  
Ordinance amending the San Francisco Park Code, Article 12, Section 12.13 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Lincoln Park; and 3) making environmental findings.  
  
07/12/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 13. 110551 [Park Code - Sharp Park Golf Fees]**  
**Sponsor: Elsbernd**  
Ordinance amending the San Francisco Park Code, Article 12, Section 12.14 to: 1) designate weekday and weekend hours; 2) add junior resident and non-resident rates to the golf fees at Sharp Park; and 3) making environmental findings.  
  
07/12/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 14. 110552 [Park Code - Golden Gate Park Golf Fees]**  
**Sponsor: Elsbernd**  
Ordinance amending the San Francisco Park Code, Article 12, Section 12.16 to: 1) designate weekday and weekend hours; 2) add a junior non-resident rate to the golf fees at Golden Gate Park; and 3) making environmental findings.  
  
07/12/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- Present: Supervisors Chu, Kim, Wiener*
- 15. 110706 [Administrative Code - Fee Update]**  
**Sponsor: Mayor**  
Ordinance amending the San Francisco Administrative Code, Chapter 31, Sections 31.22, 31.23, and 31.23.1 to: 1) increase all fees based on the Controller's annual two-year average consumer price index; and 2) adopting findings, including environmental findings.  
  
07/12/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**



**16. 110707 [Planning Code - Fee Update]****Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code, Article 3.5 to: 1) increase fees based on the Controller's annual two-year average consumer price index and place a cap on the intake fee amount for applications for Planning Commission and Zoning Administrator hearing applications, certificates of appropriateness, and building permit applications; and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the priority policies of Planning Code Section 101.1.

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu*

**17. 110708 [Health Code - Patient Rates - FY2011-2012]****Sponsor: Mayor**

Ordinance amending the San Francisco Health Code, Article 3, Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2011.

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**18. 110709 [Public Works - Temporary Street Occupancy Fees]****Sponsor: Mayor**

Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and 2) making environmental findings.

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**19. 110710 [Administrative Code - Public Administrator/Public Guardian Representative Payee Services Fee]****Sponsor: Mayor**

Ordinance amending the San Francisco Administrative Code, Section 2A.211-A to add a fee of \$37 for services provided by the Public Administrator/Public Guardian Representative Payee Program.

07/12/2011; CONTINUED ON FIRST READING.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 20. 110270 [Redevelopment Agency Budget and Bonds in an Amount Not to Exceed \$84,000,000 - FY2011-2012]**  
**Sponsor: Mayor**  
Resolution approving the budget of the Redevelopment Agency of the City and County of San Francisco for FY2011-2012 and approving the Issuance by the Redevelopment Agency of bonds in an aggregate principal amount of not to exceed \$84,000,000 to finance a portion of redevelopment activities described in such approved budget for FY2011-2012.

(Fiscal Impact)

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

- 21. 110273 [Treasure Island Development Authority Budget - FY2011-2012]**  
**Sponsor: Mayor**  
Resolution approving the Budget of the Treasure Island Development Authority for FY2011-2012.

(Fiscal Impact)

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

- 22. 110274 [Adjusting the Access Line Tax with the Consumer Price Index of 2011]**  
**Sponsor: Mayor**  
Resolution concurring with the Controller's establishment of the Consumer Price Index for 2011, and adjusting the Access Line Tax by the same rate.

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

- 23. 110275 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Various Departments]**  
**Sponsor: Mayor**  
Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees for the following services: budget analyst (Board of Supervisors); absentee voter ballot distribution (Department of Elections); LGBT Anti-violence Education and Outreach Program (District Attorney); central shops security, convention facilities management, janitorial services, and security services (General Services Agency-City Administrator); security services-1680 Mission Street (General Services Agency-Public Works); mainframe system support (General Services Agency-Technology); security services (Human Services Agency); Project S.A.F.E. (Police); and food services (Sheriff).

(Fiscal Impact)

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

- 24. 110285 [Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District - 2011-2012 School Year]**  
**Sponsors: Mayor; Chiu, Kim, Cohen, Mar, Avalos, Wiener, Campos and Mirkarimi**  
Resolution declaring the City's intention to appropriate available Rainy Day Reserve Funds to the San Francisco Unified School District to help the District cope with the loss of State funding for the 2011-2012 school year.

(Fiscal Impact)

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

- 25. 110379 [Expenditure Plan for the Human Services Care Fund - FY2011-2012]**  
**Sponsor: Mayor**  
Resolution approving the expenditure plan for the Human Services Care Fund for FY2011-2012.

(Fiscal Impact)

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

- 26. 110381 [Public Education Enrichment Fund - Children and Families Commission - FY2011-2012]**  
**Sponsor: Mayor**  
Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for FY2011-2012.

(Fiscal Impact)

07/12/2011; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu*

27. 110654 **[General Obligation Bond Election - Road Repaving and Street Safety - \$248,000,000]**  
**Sponsors: Mayor; Chiu, Wiener, Avalos, Campos, Cohen, Kim, Mar and Mirkarimi**  
Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 8, 2011, for the purpose of submitting to the voters a proposition to incur the following bonded debt of the City and County: \$248,000,000 to finance the repaving and reconstruction of roads, the rehabilitation and seismic improvement of street structures, the replacement of sidewalks, the installation and renovation of curb ramps, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and the construction, rehabilitation and renovation of traffic infrastructure and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act (CEQA); finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places, and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in California Government Code Section 53410; incorporating the provisions of San Francisco Administrative Code Sections 5.30 - 5.36; and waiving the time requirements specified in San Francisco Administrative Code Section 2.34.

(Fiscal Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 28. 110750 [Certificates of Participation - War Memorial Veterans Building Seismic Upgrade and Improvements - Not to Exceed \$170,000,000]**  
**Sponsors: Mayor; Chiu**  
Ordinance authorizing the execution and delivery of certificates of participation evidencing in an aggregate principal amount of not to exceed \$170,000,000 to: 1) finance the seismic upgrade of and certain improvements to the War Memorial Veterans Building; 2) authorizing the selection of a trustee by the Director of Public Finance and approving the form of a trust agreement for the certificates of participation between the City and County of San Francisco and the trustee named therein (including certain indemnities contained therein); 3) approving the forms of a property lease and a project lease between the City and the trustee of one or more portions of the San Francisco War Memorial Performing Arts Center; 4) approving the form of an official notice of sale and notice of intention to sell for the certificates of participation, if sold by competitive sale; 5) authorizing the selection of underwriters by the Director of Public Finance and approving the form of a purchase contract between the City and the underwriters relating to the certificates of participation, if sold by negotiated sale; 6) approving the forms of a preliminary and final official statement with respect to the certificates of participation; 7) approving the form of a continuing disclosure certificate; 8) finding that the proposed project is categorically exempt from the California Environmental Quality Act; 9) finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirements of Charter Section 4.105 and Administrative Code Section 2A.53; 10) granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the certificates of participation; 11) approving modifications to documents and agreements; and 12) ratifying previous actions taken in connection therewith.

(Fiscal Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 29. 110528 [Feeder Agreement - BART]**  
Resolution approving the Feeder Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District for payment for transfer trips, with a term from July 1, 2009, to June 30, 2010. (Municipal Transportation Agency)

**Question: Shall this Resolution be ADOPTED?**

- 30. 110536 [Airport Lease Agreement - XpresSpa SF International, LLC, and ILJ San Francisco, LLC]**  
Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 2 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**Question: Shall this Resolution be ADOPTED?**

- 31. 110540 [Airport Concession Leases - Subway, Jalapeno Grill, Guava & Java, and Mission Bar & Grill]**  
Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0185 with Baysubway Airport (Subway); No. 03-0187 with Luna Azul Corporation (Jalapeno Grill); No. 03-0191 with Guava & Java (SFO), Inc. (Guava & Java); and No. 03-0199 with Burger Joint, Inc. (Mission Bar & Grill), and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**
- 32. 110773 [SOMA Community Stabilization Fund Expenditures - \$325,000]**  
**Sponsor: Kim**  
Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization Fund in the amount of \$325,000 to provide housing and job readiness services to low-income residents and workers in the South of Market neighborhood.  
  
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?**
- 33. 110494 [Amendment to the Budget and Legislative Analyst Contract to Exercise Two-Year Option]**  
Motion approving and exercising the final option set forth in the Agreement for Professional Budget and Legislative Analyst Services between the City and County of San Francisco and Harvey M. Rose Associates, LLC, Debra A. Newman, and Louie & Wong, LLP, (A Joint Venture), thereby extending the term of the Agreement from January 1, 2012, through December 31, 2013. (Clerk of the Board)
- (Fiscal Impact)
- Question: Shall this Motion be APPROVED?**

### **Recommendation of the City Operations and Neighborhood Services Committee**

*Present: Supervisors Avalos, Mar, Elsbernd*

- 34. 110656 [Environment Code - Cell Phone Disclosure Requirements]**  
**Sponsor: Avalos**  
Ordinance amending the San Francisco Environment Code Sections 1101 through 1105 to require cell phone retailers to provide their customers with information regarding how to limit exposure to the radiofrequency energy emitted by cell phones in place of the mandatory disclosure of Specific Absorption Rate Values for cell phone models.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Avalos, Elsbernd*

**35. 110458 [Accept and Expend Grant - Civic Center Sustainable Resources District Project - \$970,000]**

**Sponsor: Kim**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a U.S. Environmental Protection Agency administered grant in the amount of \$970,000 for a Civic Center Sustainable Resources District Project.

**Question: Shall this Resolution be ADOPTED?**

**From the City Operations and Neighborhood Services Committee Without Recommendation**

*Present: Supervisors Avalos, Elsbernd*

**36. 110332 [Liquor License Transfer - 2801 Jones Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 511 Crescent Street to 2801 Jones Street (District 3) to Daniel J. Kramer of Haas Najarian, LLP, for Walgreen Co., dba Walgreens, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Land Use and Economic Development Committee**

*Present: Supervisors Mar, Cohen, Wiener*

**37. 110180 [Changing the Official Sidewalk Width - Clarence Place]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both, of facilities affected by the sidewalk width change. (Public Works Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**38. 110277 [Planning Code - Vintage Signs]**

**Sponsor: Campos**

Ordinance amending San Francisco Planning Code Section 608.14 to 1) authorize vintage signs; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 39. 110623 [Changing the Official Sidewalk Width - Brotherhood Way]**  
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 40. 110627 [General Plan Amendment - Community Safety Element]**  
Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; 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. (Planning Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 41. 110771 [Jurisdictional Transfer and Exchange of Real Property - Ocean Avenue and Phelan Avenue]**

**Sponsor: Elsbernd**

Resolution 1) approving the jurisdictional transfer of an approximately 5,835 square foot portion of City property located near Ocean Avenue and Phelan Avenue under the jurisdiction of the San Francisco Public Utilities Commission with an approximately 6,264 square foot portion of adjacent City property under the jurisdiction of the San Francisco Municipal Transportation Agency; 2) approving the subsequent exchange of the 6,264 square foot portion of such City property and an approximately 6.21 acre portion of adjacent City property under the jurisdiction of the San Francisco Public Utilities Commission for adjacent real property owned by the San Francisco Community College District and comprised of approximately 6.60 acres; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3) authorizing other actions in furtherance of this Resolution.

**Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Kim, Farrell, Wiener*

- 42. 110400 [Campaign and Governmental Conduct Code - Modifying Registration and Disclosure Requirements for Campaign Consultants]**

**Sponsor: Wiener**

Motion ordering submitted to the voters an ordinance amending Article I, Chapter 5, of the Campaign and Governmental Conduct Code, to modify registration and disclosure requirements for campaign consultants at an election to be held on November 8, 2011.

**Question: Shall this Motion be APPROVED?**



- 43. 110798 [Appointment, Entertainment Commission]**  
Motion appointing D. Gill Sperlein, term ending July 1, 2015, to the Entertainment Commission. (Clerk of the Board)

(Supervisor Kim dissented in Committee.)

**Question: Shall this Motion be APPROVED?**

## **SPECIAL ORDER 3:00 P.M.**

### **Board of Supervisors Sitting as a Committee of the Whole**

- 44. 110746 [Public Hearing - Charter Amendment - City Retirement Benefits and Health Care Benefits]**

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System. (Clerk of the Board)

**Question: Shall this Hearing be HEARD AT PUBLIC HEARING?**

### **Committee of the Whole Adjourn and Report**

- 45. 110058 [Charter Amendment - City Retirement Benefits and Health Care Benefits]**  
**Sponsors: Mayor; Elsbernd, Avalos, Chiu, Chu, Cohen, Farrell, Wiener and Campos**  
Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System.

06/28/2011; CONTINUED.

07/12/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

07/12/2011; 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**

- 46. 110745 [Public Hearing - Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy Approved by the Voters on or after November 1, 2011]**  
Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy approved by the voters on or after November 1, 2011. (Clerk of the Board)

**Question: Shall this Hearing be HEARD AT PUBLIC HEARING?**

### **Committee of the Whole Adjourn and Report**

**From the Board**

- 47. 110693 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy Approved by the Voters on or after November 1, 2011]**

**Sponsor: Wiener**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy approved by the voters on or after November 1, 2011.

07/12/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. See File No. 110401.

07/12/2011; CONTINUED AS AMENDED.

**Question: Shall this Charter Amendment be SUBMITTED?**

**Recommendation of the Rules Committee**

*Present: Kim, Elsbernd, Farrell*

- 48. 110401 [Charter Amendment - Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy]**

**Sponsor: Wiener**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy.

07/12/2011; DUPLICATED. See File No. 110693.

07/12/2011; CONTINUED.

**Question: Shall this Charter Amendment be SUBMITTED?**

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

## COMMITTEE REPORTS

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

*The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, July 14, 2011 at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, July 19, 2011.*

**49. 110774 [Assessment Ballots for City-Owned Parcels for the Proposed Renewal and Expansion of Fillmore Jazz Community Benefit District to be Renamed Fillmore Community Benefit District]**

**Sponsor: Mirkarimi**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative, on behalf of the City and County of San Francisco, as the owner of five parcels over which the Board of Supervisors has jurisdiction, where those five parcels would be subject to assessment in the proposed renewed and expanded property and business improvement district currently known as the Fillmore Jazz Community Benefit District, to be renamed the Fillmore Community Benefit District.

**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.*

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

### Items 50 through 54

- 50. 110728 [Accept and Expend Grant - Altamont Education Advisory Board - \$10,000]**  
**Sponsor: Mar**  
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$10,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.
- 07/12/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 51. 110740 [Urging the United States Food and Drug Administration to Ban Menthol in Tobacco Products]**  
**Sponsor: Cohen**  
Resolution urging the U.S. Food and Drug Administration to ban menthol in cigarettes and other tobacco products.
- 07/12/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 52. 110743 [Urging the Municipal Transportation Agency to Halt Action on the Transfer of Credit Card Charges from Taxi Cab Companies to Taxi Cab Drivers]**  
**Sponsor: Campos**  
Resolution urging the San Francisco Municipal Transportation Agency to reconsider and abandon the decision to shift the burden of credit card merchant charges from taxi cab companies to the City cab drivers.
- 07/12/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

- 53. 110744 [Concern Over the Deshon Marman Incident on US Airways]**  
**Sponsors: Cohen; Campos, Kim, Mar, Mirkarimi and Wiener**  
Resolution expressing concern over the treatment of Deshon Marman by US Airways, and urging the Federal Aviation Administration to investigate US Airways' actions and develop and implement consistent dress requirements for passengers.
- 07/12/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 54. 110737 [Committee of the Whole - Public Hearing to Consider Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]**  
**Sponsor: Mirkarimi**  
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on July 26, 2011, at 3:00 p.m., to hold a public hearing to consider adopting a Resolution to establish (renew and expand) the Fillmore Jazz Community Benefit District and rename the district as the Fillmore Community Benefit District.
- 07/12/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be APPROVED?**

## **55. 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 July 2, 2011, through July 11, 2011, for reference by President to appropriate committee on July 19, 2011.*

- 110694 [Settlement of Lawsuit - Jorei Enterprises, LLC - \$125,000]**  
Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for \$125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco. (City Attorney)

07/05/2011; RECEIVED AND ASSIGNED to the Rules Committee.

- 110714 [Settlement of Lawsuit - Arash Ghanadan - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for \$50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al. (City Attorney)

07/11/2011; RECEIVED AND ASSIGNED to the Rules Committee.

### PROPOSED RESOLUTIONS

*Proposed resolutions received from July 2, 2011, through July 11, 2011, for reference by President to appropriate committee on July 19, 2011.*

- 110713 [Settlement of Unlitigated Claim - Ned Bresnahan - \$265,000]**  
Resolution approving the settlement of the unlitigated claim filed by Ned Bresnahan against San Francisco for \$265,000; claim was filed on March 28, 2011.

07/06/2011; RECEIVED AND ASSIGNED to the Rules Committee.

- 110715 [Settlement of Unlitigated Claims - Pearl Howell - \$80,000]**  
Resolution approving the settlement of unlitigated claims (DFEH No. E201011M0352 and EEOC Charge No. 550-2010-01808) filed by Pearl Howell against the City and County of San Francisco for \$80,000; claims were filed on September 15 and 16, 2010. (City Attorney)

07/11/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**110820 [Petitions and Communications]**

Petitions and Communications received from July 2, 2011, through July 11, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on July 19, 2011.

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

From concerned citizens, regarding saving the Sharp Park Wetlands. 10 letters (1)

\*From concerned citizens, submitting support for the Commission on Animal Control and Welfare's humane pet acquisition proposal in defense of animals. 78 letters (2)

From Bob Planthold, regarding resolution opposing the Golden Gate National Recreation Area's proposed preferred alternatives for dog management. (3)

From Jennifer Ziegler, urging the Board to continue funding the NERT Program. Copy: Each Supervisor, Budget and Finance Committee Clerk (4)

From Clerk of the Board, the following individual has submitted a Form 700 Statement: Erica Maybaum, Legislative Aide - Assuming (5)

From James Chaffee, regarding the Ethics Commission meeting on July 11, 2011. (6)

From Department of Public Health, submitting the June 2011 Hazardous Materials Spill Report. (7)

From T-Mobile, submitting notification of six cellular antennas to be installed at 123 Townsend Street. Copy: Each Supervisor (8)

From Luis Cancel, submitting his resignation as the Director of Cultural Affairs and the Arts Commission. (9)

From Annie Sage, regarding the proposed Initiative Ordinance concerning "Circumcision." (10)

From Patrick Monette-Shaw, regarding two Civil Grand Jury Reports. (11)

From Aaron Goodman, regarding families leaving San Francisco. Copy: Each Supervisor (12)

From Office of Contract Administration, submitting notice that the Office of Contract Administration plans to extend the MOU with Recology. Copy: Each Supervisor (13)

From Richard Magary, submitting support for the appointment of Gill Sperlein to the Entertainment Commission. (14)

From Arlene Mowles, submitting support for the AT&T upgrades. File No. 110344 (15)

From J. Ovenden, submitting support for saving Sharp Park Golf Course. Copy: Each Supervisor (16)

From National Recreation and Park Association, regarding the proposed Initiative Ordinance concerning equal public access to parks and recreation facilities. File No. 110775, Rules Committee Clerk (17)

From Clerk of the Board, regarding the Diversity Tracking System. (18)



From City Hall Building Management, submitting notice that the Recreation and Park Department will be showing this summer's Women's World Cup at Civic Center. (19)

From SF Labor Council, submitting resolution in support of more affordable housing for transitionally aged youth. Copy: Each Supervisor (20)

From Office of the Controller, submitting the FY2011-2012 Work Plan Report. (21)

From concerned citizens, urging the Board to end the sidewalk Sit-Lie Ordinance. 9 letters (22)

\*From Superior Court, 2010-2011 San Francisco County Civil Grand Jury, submitting its report to the public entitled "Whistling In The Dark: The San Francisco Whistleblower Program." Copy: Each Supervisor (23)

\*From Office of the Chief Medical Examiner, submitting the FY2011-2012 Annual Report. (24)

From John Madden, regarding the proposed Charter Amendment concerning retirement and health care benefits. File No. 110058 (25)

From Office of the Mayor, submitting Notice of Receipt of appointments by the Mayor. (26)

From concerned citizens, regarding the 2010-2011 San Francisco County Civil Grand Jury Report entitled "Whistling In The Dark: The San Francisco Whistleblower Program." 2 letters (27)

From Steven Aiello, submitting support for California Pacific Medical Center's efforts to build earthquake safe hospitals at St. Lukes campus and Van Ness and Geary. (28)

From Anthony An, submitting opposition to the AT&T upgrades. File No. 110344 (29)

From Eileen Boken, submitting opposition to the proposed Charter Amendment allowing amendments to or repeals of initiative ordinances and declarations of policy. File No. 110401 (30)

From Jack Barry, regarding the ten-year landfill disposal agreement with Recology. (31)

From Gerald Cauthen, regarding the Central Subway. (32)

From Clerk of the Board, the following departments have submitted their FY2010-2011 Sole Source Contracts: (33)  
Department of Public Health  
Department of Building Inspection  
Mayor's Office of Housing  
Health Service System  
Office of the Assessor-Recorder  
Office of the Treasurer and Tax Collector

\*(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk's Office Room 244, City Hall.)

## ADJOURNMENT