



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA

**Hearing Room 416  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

**Tuesday, September 13, 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

**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  
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

## 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 are available upon request at the Clerk of the Board's Office, Room 244. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

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

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

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

## **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. 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**

## **COMMUNICATIONS**

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

*(This item will be read at the Board Meeting on the second regularly scheduled meeting each month. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's Regular Agenda as an action item.*

*By supermajority vote of the Board of Supervisors (8 votes), the Board may, by oral motion, allow an eligible District Supervisor to ask a question that was not previously posed if the question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that were not anticipated prior to the posting of this agenda. Public comment for this item will take place during general public comment.)*

**1. 110932 [Formal Policy Discussions - September 13, 2011]**

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. The proposed California Pacific Medical Center (CPMC) expansion offers the City an opportunity to potentially improve the health care options available to its residents. This expansion could also result in the loss of critical services to some of our most vulnerable citizens. Six Supervisors have publicly indicated that they will not support a CPMC deal that does not include a Community Benefits Agreement that is acceptable to the various community coalitions that have been negotiating with CPMC for the past two years. I understand that there has been much progress made towards drafting a Development Agreement between the City and CPMC. However, a Development Agreement, for legal reasons, cannot contain some of the provisions that are of most importance to the community, such as giving the community the ability to enforce whatever agreements that are made in the Development Agreement. Are you willing to require that CPMC enter into a Community Benefits Agreement before their proposal is approved by the City? (Supervisor Mar, District 1)

2. A series of pilot projects on Market Street in the past few years has reduced MUNI delays and improved safety for people walking and bicycling while also supporting local business with increased foot traffic. Given these successes and the fact that most San Francisco drivers already know to avoid the lower Market Street gridlock, do you support a trial diversion of private automobiles from Market Street downtown except to cross it, and the implementation of additional pilot projects to significantly increase the priority and safety of people using public transit, bicycling, and walking on Market Street? Specifically, what on-the-ground pilots should happen soon while long-term planning process continues on San Francisco's most important transit, bicycling, and walking street? And by when should these pilots occur? (Supervisor Chiu, District 3)

3. As a result of AB 109, and Realignment, San Francisco is projected to receive \$5.7 million from the state in FY2011-2012 to help accommodate approximately 700 additional criminal offenders. Adult Probation Chief Wendy Still estimates that a combination of state and local funding does not cover the costs of San Francisco's realignment plan. Chief Still projects that the City will be \$1.5 million to \$3.5 million short of meeting local realignment funding objectives. How do you propose to address this funding gap? (Supervisor Mirkarimi, District 5)

4. Please discuss the current status, progress, and future of the Central Subway Project? (Supervisor Elsbernd, District 7)

5. The Controller's Office found that City departments overspent their budgeted overtime by 40 million in FY2010-2011. The top 10 City departments that use the most overtime (SF Municipal Transportation Agency (SFMTA), Fire, Police, Public Health, Sheriff, Public Utilities Commission, Airport, Public Works, Emergency Management, and Recreation and Park) account for 97% of total Citywide overtime hours. The SFMTA alone represents 42% of overtime overruns. I, along with Supervisor Farrell, introduced legislation to require departments that propose spending more on overtime than previously budgeted to first obtain approval from the Board of Supervisors in the form of a supplemental appropriation. We also urged the SFMTA, whose budget line items the Board of Supervisors and the Mayor cannot change, but whose overall budget we can approve or reject - to create an overtime spending reduction plan. Will you support our good governance legislation? As we seek funds to improve service for MUNI riders, how will you ensure that the SFMTA decreases its overtime overruns? (Supervisor Campos, District 9)

6. The Board of Supervisors and Mayor approved a process for question time that has led to a very scripted interaction between our two bodies. I do not believe this was the intent of the legislation. What are you willing to do to change the format to make it a truly interactive, substantive, and dynamic exchange? (Supervisor Avalos, District 11)

**Discussion: The Mayor shall discuss the eligible questions with the Board of Supervisors.**

## CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

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

### Items 2 through 4

#### Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

- 2. **101574 [Elections Code - E-mailing the Voter Information Pamphlet]**  
**Sponsor: Mirkarimi**  
 Ordinance amending the San Francisco Municipal Elections Code Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.  
  
 09/06/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
  
- 3. **110806 [Administrative Code - Deleting Outdated References to Telecommunications Commission]**  
 Ordinance repealing the San Francisco Administrative Code Section 11.84, thereby dissolving the Telecommunications Commission. (Clerk of the Board)  
  
 09/06/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
  
- 4. **110809 [Administrative Code - Dissolving Drug Abuse and City-Wide Alcoholism Advisory Boards]**  
 Ordinance repealing the San Francisco Administrative Code Sections 15.17 and 15.19, thereby dissolving the Drug Abuse Advisory Board and the City-Wide Alcoholism Advisory Boards, respectively. (Clerk of the Board)  
  
 09/06/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### Recommendation of the Budget and Finance Sub-Committee

*Present: Supervisors Chu, Mirkarimi, Kim*

5.    **110503**    **[Administrative Code - Regulating Overtime Available for City Employees]**  
          **Sponsor: Chiu**  
          Ordinance amending the San Francisco Administrative Code, Section 18.13.1 to limit the overtime worked in any fiscal year by any employee to 20% of regularly scheduled hours and to specify and modify written reports to be submitted regarding overtime information.
- 07/26/2011; CONTINUED ON FIRST READING.  
          08/02/2011; CONTINUED ON FIRST READING.  
          09/06/2011; CONTINUED ON FIRST READING.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

#### From the Land Use and Economic Development Committee Without Recommendation

*Present: Supervisors Mar, Cohen, Wiener*

6.    **110857**    **[Street Vacation Order and Jurisdictional Transfer - Mandan Avenue and a Portion of Cayuga Avenue]**  
          **Sponsors: Mayor; Avalos**  
          Ordinance: 1) ordering the vacation of an approximately 8,490 square foot portion of public right-of-way located on Cayuga Avenue, west of Naglee Avenue; 2) approving the jurisdictional transfer of such portion of public right-of-way from the Department of Public Works to the Recreation and Park Department; 3) approving the jurisdictional transfer of Mandan Avenue and portion of Cayuga Avenue, previously vacated by Board of Supervisors Resolution No. 5468, from the Department of Public Works to the Recreation and Park Department; 4) adopting environmental findings and findings that the actions contemplated herein are consistent with the City's General Plan and Planning Code Section 101.1; and 5) authorizing official acts in connection with this Ordinance.
- 09/06/2011; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Chu, Kim*

7.     **110496**     **[License Agreement - Non-Stop Music Library, L.C.]**  
Ordinance retroactively approving an agreement with Non-Stop Music Library, L.C., to license the use of a music library and waiving certain requirements of the Administrative Code with respect to the license agreement. (Department of Technology)

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

*Present: Supervisors Chu, Mirkarimi*

8.     **110781**     **[Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2011-2012]**  
**Sponsor: Mayor**  
Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate of residential tenants pursuant to Chapter 37 of the Administrative Code for FY ending June 30, 2012.

(Fiscal Impact)

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

9.     **110782**     **[Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]**  
**Sponsor: Mayor**  
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for FY ending June 30, 2012.

(Fiscal Impact)

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

10.    **110783**     **[Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]**  
**Sponsor: Mayor**  
Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for FY ending June 30, 2012.

(Fiscal Impact)

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



**11. 110784 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2011-2012]**

**Sponsor: Mayor**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid transit District purposes for FY ending June 30, 2012.

(Fiscal Impact)

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

**12. 110902 [Public Employment - Amendment to the Annual Salary Ordinance for Adult Probation, District Attorney, and Public Defender - FY2011-2012]**

**Sponsors: Mayor; Mirkarimi**

Ordinance amending Ordinance No. 146-11 (Annual Salary Ordinance FY2011-2012) to reflect the addition of 31 positions (20.59 FTE) in various job classes for Assembly Bill 109 Public Safety Realignment consisting of adding 27 positions (17.76 FTE) in Adult Probation, 2 positions (1.50 FTE) in Public Defender, and 2 positions (1.33 FTE) in District Attorney.

(Fiscal Impact)

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

**13. 110907 [Appropriating State Assembly Bill 109 Realignment Fund to Support Expenditures at the Adult Probation and Other Departments for FY2011-2012 - \$5,787,176]**

**Sponsors: Mayor; Mirkarimi**

Ordinance appropriating \$5,787,176 of Assembly Bill 109 Public Safety Realignment revenue to support related expenditures at Adult Probation, District Attorney, Public Defender, and Sheriff for FY2011-2012.

(Fiscal Impact)

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

*Present: Supervisors Chu, Mirkarimi, Kim*

**14. 110581 [Contract Amendment - In-Home Supportive Services Provider Benefits and Administration - \$419,187,910]**

Resolution amending Resolution No. 291-06 File No. 06033 that approved the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of administration, health and dental benefits to IHSS independent providers for the period of July 1, 2006, to June 30, 2016, in the amended amount of \$419,187,910. (Human Services Department)

(Fiscal Impact.)

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

Present: Supervisors Chu, Mirkarimi

15. 110680 **[Master Lease Amendment - U.S. Navy - Treasure Island South Waterfront]**  
Resolution approving the Twenty-Seventh Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
16. 110681 **[Master Lease Amendment - U.S. Navy -Treasure Island Childcare]**  
Resolution approving the Seventh Amendment to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
17. 110682 **[Cooperative Agreement Modification - U.S. Navy - Treasure Island]**  
Resolution approving and authorizing the Treasure Island Development Authority to enter into a modification of the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2011, to September 30, 2012. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
18. 110683 **[Master Lease Amendment - U.S. Navy - Treasure Island Event Venues]**  
Resolution approving the Twenty Third Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
19. 110684 **[Master Lease Amendment - U.S. Navy - Treasure Island Land and Structures]**  
Resolution approving the Thirty-Fifth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
20. 110685 **[Master Lease Amendment - U.S. Navy - Treasure Island Marina]**  
Resolution approving the Fifteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
21. 110920 **[2011 Public Safety Realignment Plan]**  
**Sponsor: Mayor**  
Resolution approving the City and County of San Francisco 2011 Public Safety Realignment Plan.
- Question: Shall this Resolution be ADOPTED?**

- 22. 110921 [Certificates of Participation - Moscone Center Refunding Project - Not to Exceed \$110,000,000]**  
**Sponsor: Mayor**  
Resolution approving the execution and delivery of not to exceed \$110,000,000 aggregate principal amount of Refunding Certificates of Participation for the purpose of refinancing certain lease revenue refunding bonds issued by the Redevelopment Agency; approving a property lease, project lease, escrow agreements, and a trust agreement; providing for the manner of sale of Refunding Certificates of Participation, whether by competitive or negotiated sale; approving the form of the official notice of sale and the notice of intention to sell for the Refunding Certificates of Participation; directing the publication of the notice of intention to sell for the Refunding Certificates of Participation; approving the form of the Certificate Purchase Contract; approving the form of the official statement in preliminary and final form; approving the form of the continuing disclosure certificate; authorizing the acceptance by the City of certain property in connection with the execution and delivery of the Refunding Certificates of Participation; authorizing the payment of cost of issuance; authorizing the taking of appropriate actions in connection therewith; and related matters.

(Fiscal Impact)

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

*Present: Supervisors Chu, Mirkarimi, Kim*

- 23. 110957 [Accept and Expend Grant - Airport Canine Explosives Detection Team Program - \$600,500]**  
**Sponsor: Chu**  
Resolution authorizing the Airport Commission to accept and expend funding in the amount of \$600,500 from the Transportation Security Administration for the Airport Canine (K-9) Explosives Detection Team Program.

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

### **From the Budget and Finance Committee Without Recommendation**

*Present: Supervisors Chu, Mirkarimi, Kim*

- 24. 110847 [Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 2)]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 2), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

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

**25. 110849 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Units P-1 & P-2A)]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

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

**26. 110850 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Fire]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Fire, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

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

**27. 110851 [Memorandum of Understanding, Amendment No. 4 - San Francisco Police Officers' Association (Unit P-2B)]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

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

**28. 110852 [Memorandum of Understanding, Amendment No. 4 - Municipal Executives' Association, Police]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the Municipal Executives' Association, Police, by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014 and 2014-2015.

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

Present: Supervisors Mirkarimi, Kim

29. 110848 **[Memorandum of Understanding, Amendment No. 5 - San Francisco Firefighters, Local 798 (Unit 1)]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing Amendment No. 5 to the 2007-2013 Memorandum of Understanding (MOU) between the City and County of San Francisco and the San Francisco Firefighters, Local 798 (Unit 1), by extending the term of the MOU to June 30, 2015, and by implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.

(Supervisor Chu excused from voting.)

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

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

*(Pursuant to File No. 110737, approved July 19, 2011.)*

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

30. 110738 **[Public Hearing - Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]**  
**Sponsor: Mirkarimi**  
Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for 7 years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

07/26/2011; CONTINUED.

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

## Committee of the Whole Adjourn and Report

31. 110739 **[Resolution to Establish (Renew and Expand) and Rename Fillmore Jazz Community Benefit District as the Fillmore Community Benefit District]**  
**Sponsor: Mirkarimi**  
 Resolution establishing a property-based Community Benefit District to be known as the "Fillmore Community Benefit District (CBD)," by renewing and expanding the previously established Fillmore Jazz CBD; ordering the levy and collection of assessments against property located in the Fillmore Community Benefit District for 7 years, commencing with FY2011-2012, subject to conditions as specified; and making environmental findings.

07/26/2011; CONTINUED.

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

## 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.*

32. 110935 **[Public Hearing - Conditional Use Appeal - 3151-3155 Scott Street]**  
 Hearing of persons interested in or objecting to the decision of the Planning Commission's July 14, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ, by its Motion No. 18405, under Planning Code Sections 303 and 249.55 to convert a vacant tourist hotel (dba Edward II Inn) to a group housing use containing up to 25 units (24 units for transitional age youth between 18 and 24, and one manager's unit) within the NC-3 (Moderate Scale, Neighborhood Commercial) District, the Lombard and Scott Street Affordable Group Housing Special Use District (SUD) and a 40-X Height and Bulk District, on property located at 3151-3155 Scott Street, Assessor's Block No. 0937, Lot No. 001. (Appellant: Adam Polakoff on behalf of Cow Hollow Association and Various Associations.)

(Filed August 15, 2011; Companion Measure to File Nos. 110936, 110937, and 110938.)

**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 conditional use application decision 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.)**

**33. 110936 [Approving the Planning Commission's Decision Related to the Conditional Use Authorization - 3151-3155 Scott Street]**

Motion approving the Planning Commission's decision, by its Motion No. 18342, approving the Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

**34. 110937 [Disapproving Planning Commission's Decision Related to Conditional Use Application - 3151-3155 Scott Street]**

Motion disapproving the Planning Commission's decision, by its Motion No. 18405, approving Conditional Use Application No. 2006.0868CEKTZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

**35. 110938 [Preparation of Findings Related to the Conditional Use Authorization - 3151-3155 Scott Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street. (Clerk of the Board)

**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, September 12, 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, September 13, 2011.*

- 36. 110589 [Planning Code - Zoning Map - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street] Sponsors: Chiu; Avalos, Kim, Mar and Mirkarimi**  
Ordinance amending the San Francisco Planning Code by adding Section 249.55 and amending Section Map 2SU to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

## 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 37 through 39**

- 37. 110973 [Commendation of the Stern Grove Festival Association]**  
**Sponsors: Elsbernd; Chiu**  
Resolution commending the Stern Grove Festival Association for a successful season of high quality performances.
- 09/06/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 38. 110974 [Multifamily Housing Revenue Bonds - 1180 Fourth Street Family Housing - Not to Exceed \$50,000,000]**  
**Sponsor: Kim**  
Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Housing Development Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$50,000,000 for 1180 Fourth Street Family Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$50,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).
- 09/06/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

**39. 110975 [Multifamily Housing Revenue Bonds - Natoma Family Apartments - Not to Exceed \$20,000,000]**

**Sponsor: Kim**

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Housing Development Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$20,000,000 for Natoma Family Apartments; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$20,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

09/06/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**40. 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 RESOLUTIONS

*Proposed resolutions received from August 30, 2011, through September 2, 2011, for reference by President to appropriate committee on September 13, 2011.*

**110960 [Office of the Controller to Examine Confidential State Board of Equalization Tax Records]**

Resolution authorizing designated officers and employees of the City and County of San Francisco to examine sales or transactions and use tax records of the State Board of Equalization pursuant to California Revenue and Taxation Code Section 7056.  
(Controller)

08/31/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110961 [MuniServices, LLC, to Examine Confidential State Board of Equalization Tax Records]**

Resolution authorizing MuniServices, LLC (Contractor) to examine sales or transactions and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.  
(Controller)

08/31/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110989 [Petitions and Communications]**

Petitions and Communications received from August 30, 2011, through September 2, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 13, 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 Planning Department, regarding the proposed project at 660-670 4th Street. File No. 110941 (1)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (2)

Myong Hoon Leigh, Redistricting Task Force - Assuming  
Mark Schreiber, Redistricting Task Force - Assuming

From various City Departments, confirming that the funding provided in the budget for FY2011-2012 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board. (3)

Art Commission  
Office of Citizen of Complaints  
California Academy of Sciences  
Department of the Environment  
Fire Department  
Human Services Agency  
Police Department  
Public Library  
Superior Court

From Office of Clerk of the Board, confirming that the funding provided in the budget for FY2011-2012 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board with the exception of a supplemental appropriation for vacation payouts for retiring employees. (4)

From Adult Probation Department, confirming that the funding provided in the budget for FY2011-2012 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board. The Adult Probation Department has submitted a supplemental budget appropriation for the State Public Safety Realignment Act. (5)

From Law Office of Berding & Weil, withdrawing their appeal of proposed project at 1621 Montgomery Street. File No. 110831, Copy: Each Supervisor, City Attorney (6)

From Municipal Transportation Agency, submitting the Octavia Boulevard, intersection injury collision history report. (7)

From T Mobile, submitting notification of one cellular antenna to be installed at 1500 Grant Avenue. Copy: Each Supervisor (8)

From concerned citizens, submitting support for the Commission on Animal Control and Welfare's humane pet acquisition proposal in defense of animals. 2 letters (9)

From BART Board of Directors, regarding the appointment of Grace Crunican as the new BART General Manager. (10)

From State Fish and Game Commission, submitting notice of regulatory action relating to abalone sport fishing. Copy: Each Supervisor (11)

From concerned citizens, submitting support for proposed motion affirming the determination by the Planning Department that the project located at 660-670 4th Street is exempt from environmental review. File No. 110941, 3 letters (12)

From Kerman & Morris Architects, withdrawing their appeal of proposed project at 70-74 Gold Mine Drive. File No. 110825, Copy: Each Supervisor, City Attorney, 2 letters (13)

From Eileen Wampole, regarding saving the Sharp Park Wetlands. (14)

\*From Law Office of Holland & Knight, submitting petition in support of the proposed project at 660-670 4th Street. File No. 110942 (15)

From Redevelopment Agency, reporting to the Board of Supervisors on certain sales subject to California Health and Safety Code Section 33433. Copy: Each Supervisor (16)

From Law Office of Sanger & Olson, requesting the appeal of the proposed project at 1171 Sansome Street be continued to October 4, 2011. File No. 110835, Copy: Each Supervisor, City Attorney (17)

From Law Office of Holland & Knight, regarding appeal of Determination of Exemption from Environmental Review for proposed project at 660-670 4th Street. File No. 110941 (18)

From Department on the Status of Women, submitting resolution objecting to the new NBC series "Playboy Club." (19)

From Caltrain News, regarding Tom Nolan's appointment to the Peninsula Corridor Joint Powers Board. (20)

\*(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**