

Board of Supervisors



City Hall
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Legislation Introduced

March 9, 2010

From the Board

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

100268 [Accept and Expend Grant - Federal Edward Byrne Memorial Justice Assistance and Amend Annual Salary Ordinance FY2009-2010 - \$729,932]

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families to retroactively accept and expend grant funding in the amount of \$729,932 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs; and amending the Annual Salary Ordinance No. 183-09 for FY2009-2010 to reflect the addition of one Class 1822 grant-funded position (0.50 FTE) at the Department of Children, Youth & Their Families (CHF) and one Class 2910 grant-funded position (0.50 FTE) at the Public Defender's Office (PDR). RECEIVED AND ASSIGNED to Public Safety Committee.

091251 [Development Fee Collection Procedure; Administrative Fee]

Sponsors: Mayor; Duffy

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; providing that the ordinance's operative date is May 15, 2010; and adopting findings, including environmental findings. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091252 [Affordable Housing Transfer Fee Restriction Alternative for Inclusionary and Jobs Housing Linkage Programs]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by amending Sections 313.4 and 315.5 and by adding Section 313.16 to add an alternative for compliance with the Jobs Housing Linkage Program and the Residential Inclusionary Affordable Housing Program by allowing a project sponsor to defer 33% of its obligation under either Program in exchange for recording an Affordable Housing Transfer Fee Restriction on the affected property providing that 1% of the value of the property be paid to the Citywide Affordable Housing Fund at every future transfer of the Property; and making findings including findings under the California Environmental Quality Act. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091275 [Development Impact and In-Lieu Fees]

Sponsors: Mayor; Duffy

Ordinance amending the San Francisco Planning Code to create Article 4 for development impact fees and requirements, move Planning Code Sections 135(j), 135.3(d), 135.3(e), 139, 143, 149, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4, and renumber and amend the sections; to provide that the Department of Building Inspection (DBI) will collect the development fees prior to issuance of the first building permit or other document authorizing project construction and verify that any in-kind public improvements required in lieu of a development fee are implemented prior to issuance of the first certificate of occupancy; to allow a project sponsor to defer payment of a development fee upon agreeing to pay a deferral surcharge, which option shall expire after three years unless further extended; to add introductory sections to Article 4 for standard definitions and procedures, delete duplicative code provisions and use consistent definitions, language and organization throughout; to require annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; to provide that the ordinance's operative date is May 15, 2010; and to instruct the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number; adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - \$5,000,000]

Sponsor: Elsbernd

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of \$5,000,000, from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula corridor Joint Powers Board. TRANSFERRED to Budget and Finance Committee.

100264 [Urging Lennar Corporation to Issue a Formal Written Apology]

Sponsor: Daly

Resolution urging the Lennar Corporation to issue a formal, written apology to members of the Stop Lennar Action Movement (SLAM) and the City and County of San Francisco for irresponsible and potentially dangerous behavior. RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 100265 [Urging the Treasury Oversight Committee to Ratify Socially Responsible Investment Goals in the City's Investment Policy to Encourage Investments Related to Foreclosure Mitigation]**
Sponsor: Chiu
 Resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's Investment Policy to encourage investments related to foreclosure mitigation. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 100266 [Urging the Department of Technology to Respond to Google's Request for Information with a Proposal that Allows the City to Maintain Control Over Fiber Networks]**
Sponsor: Chiu
 Resolution urging the City and County of San Francisco's Department of Technology to respond to Google, Inc.'s Request for Information with a proposal to build a fiber network in San Francisco that is consistent with the City's core value of maintaining control over fiber infrastructure deployed in the City. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 100269 [Approving Commercial Paper Reimbursement Agreement and Dealer Agreements]**
Sponsor: Mayor
 Resolution of the City and County of San Francisco approving the form of Reimbursement Agreement or Reimbursement Agreements and the form of Dealer Agreement in connection with its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation, authorizing the execution and delivery of one or more of such Reimbursement Agreement and the execution and delivery of one or more Dealer Agreements and authorizing other related actions. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 100271 [Accept and Expend Grant - U.S. Department of Justice 2009 COPS Technology Initiative for the Expansion of a Gunshot Location System Project - \$1,000,000]**
Sponsor: Mayor
 Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$1,000,000 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project. RECEIVED AND ASSIGNED to Public Safety Committee.
- 100274 [Commemorating the 75th Anniversary of the Works Progress Administration]**
Sponsors: Mar; Avalos
 Resolution commemorating the 75th anniversary of the Works Progress Administration on April 10, 2010. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 100275 [Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation]**
Sponsor: Mar
 Resolution Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 100276 [Saluting the Alice Fong Yu Chinese Immersion Alternative School Exchange Program]**
Sponsor: Mar
 Resolution Saluting the Exchange Program between the Experimental High School Attached to Beijing Normal University and the Alice Fong Yu Chinese Immersion Alternative School in San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 100277 [Reallocate Grant - Capital Projects in Golden Gate Park - \$2,067,663]**
Sponsor: Mar
 Resolution authorizing the reallocation of \$2,067,663 in Proposition 40 grant funds among two capital projects in Golden Gate Park. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 100278 [Supporting California Senate Bill 1225 Regarding Child Care Facilities]**
Sponsors: Avalos; Dufty
 Resolution supporting Senate Bill 1225 which would extend until 2016 the subsidy program that allows San Francisco child care facilities to serve children from low-income families. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 100279 [Accept and Expend Gift – Recreation and Park Department – \$15,000]**
Sponsor: Chu
 Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift in the amount of \$15,000 to cover the staff overtime cost associated with the August 4th and 5th 2009 Maccabi Games volunteer event. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 100280 [Urging the Governor of California to Approve the Transit Assistance Funding Package]**
Sponsors: Mayor; Chiu, Dufty, Avalos, Elsbernd, Mirkarimi, Mar, Maxwell, Campos and Chu
 Resolution urging the Governor of California to sign the transit assistance funding package as approved by the California State Legislature on March 4, 2010. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 100281 [Declaring March 23, 2010, as Gordon Park Li Day]**
Sponsor: Dufty
 Resolution congratulating Mr. Gordon Park Li, on his outstanding career and thanking him for his exceptional service to the City and County of San Francisco over the past 37 years and declaring March 23, 2010, as Gordon Park Li Day in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**
Sponsors: Mirkarimi; Maxwell
 Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers". REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 100240 [Supporting Senate Bill 330 Regarding University of California]**
Sponsor: Mar
Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems. REFERRED to Government Audit and Oversight Committee.

Charter Amendment

- 100267 [Amending the Charter's Definition of Voter]**
Sponsor: Mirkarimi
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Article XVII to change the definition of "voters." ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Requests for Hearing

- 100270 [Existing Shelter System Serving the Needs and Ensuring Equal Treatment of Lesbian, Gay, Bisexual, and Transgender (LGBT) People]**
Sponsor: Campos
Hearing on how the existing shelter system is serving the needs and ensuring equal treatment of Lesbian, Gay, Bisexual, and Transgender (LGBT) people. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 100272 [San Francisco Public Utilities Commission's Plan for Utilizing and Protecting San Francisco's Watersheds]**
Sponsor: Campos
Hearing on the San Francisco Public Utilities Commission's plan for utilizing and protecting San Francisco's watersheds. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 100273 [Treasure Island Redevelopment Plans]**
Sponsor: Maxwell
Hearing on the status of the redevelopment of former Naval Station at Treasure Island including the land use planning, infrastructure plans, and draft design for development document. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Motions

- 100262 [Removal of Tommy Escarcega from the Reentry Council]**
Sponsor: Campos
Motion removing Tommy Escarcega from the Reentry Council. RECEIVED AND ASSIGNED to Rules Committee.

100283 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100284 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e). ASSIGNED to Board of Supervisors.

Introduced by the President at Request of Department

PROPOSED ORDINANCES

100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - \$25,750]

Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc. against the City and County of San Francisco for \$25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

100179 [Settlement of Lawsuit - Vincente V. Vista - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

100180 [Settlement of Lawsuit - Thomas Barnes - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

100181 [Settlement of Lawsuit - Elbert Harris - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for \$100,000, plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

- 100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**
Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 100246 [Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of \$10,000 or Less to a Collection Agency]**
Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from \$4,000 to accounts with a fair market value of \$10,000. (Treasurer-Tax Collector). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 100247 [Additional Penalty for Underreporting Tax by Twenty-five Percent or More]**
Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more. (Treasurer-Tax Collector). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 100248 [Creation of General Reserve and Budget Stabilization Reserve]**
Sponsors: Chiu; Mayor
Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds. (Controller). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 100251 [Contract with AT&T for City Telecommunications Services - \$75,000,000]**
Ordinance approving a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000, for a four and one-half year term beginning on March 1, 2010. (Department of Technology). RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

- 100183 [Approve a Lease with the U.S. Government for Space to be Occupied by the U.S. Drug Enforcement Administration at Terminal 3 of the Airport]**
Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 100184 [Airport Concession Lease]**
Resolution approving Amendment No. 3 to the Clear Channel Outdoor, Inc. Lease Agreement, for the Airport Advertising Program at San Francisco International Airport Lease No. 00-0408 between Clear Channel Outdoor, Inc., dba Clear Channel Airports and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 100185 [Airport Lease and Operating Agreement]**
Resolution approving the exercise of the fourth of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 100249 [Settlement of Unlitigated Claim – Marlon Miranda - \$75,000]**
Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for \$75,000; claim was filed on June 18, 2009. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 100250 [Settlement of Unlitigated Claim – Thelma Jefferson - \$200,000]**
Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for \$200,000; claim was filed on September 28, 2009. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

Clerk to Act – March 9, 2010

Board Minutes for January 26, 2010, February 2, 2010, and February 9, 2010 approved.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to prepare legislation amending the City Administrative Code to require the Controller to prepare a monthly report listing the five City departments using the most comp time in the preceding month. This report should be included in the monthly overtime report required by Administrative code Section 18.13-1 and 18.13-5.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Utility Boxes

Northeast corner Geary & Divisadero

Southeast corner Webster & Fell

Southwest corner 7th Avenue & Lincoln

Southwest corner Haight & Fillmore

Northeast corner Masonic & Waller

Northeast corner Linden & Buchanan

Northwest corner Fell & Buchanan

Bus Shelters

Southwest corner 9th Avenue & Irving

Northeast corner Laguna & Hayes

Southeast corner Buena Vista East & Haight

Northeast corner Haight & Buena Vista East

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

Emergency Boxes

Northwest corner Pierce & Haight

Southeast corner Fulton & Scott

Northwest corner Ashbury & Fell

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Wood Poles

Southwest corner Fillmore & Hayes, by bus shelter
Southwest corner Baker & Fell

Metal Poles

Northwest corner Grove & Laguna
Southeast corner Hayes & Buchanan
Southeast corner Golden Gate & Broderick
Northwest corner Turk & Laguna
On Sutter, south side of street, between Broderick & Divisadero

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

959 Divisadero
2436 Bush
2498 Sutter
1401 Baker
Rosa Parks Senior Center, corner Golden Gate & Webster
1200 Laguna
548 Octavia
550 Octavia
605 Webster
299 Webster
689 Fulton
422 Grove, side of building
378 Fillmore
546 Haight
533 Haight
901 Haight
698 Haight
433 Haight
598 Waller

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes and Sidewalk issues

Irving & 10th Avenue, north side of the street
Sink hole in front of 588 Haight Street

From: Supervisor Mirkarimi

To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

Northeast corner Webster & Fulton
Southeast corner Haight & Buena Vista East
Southwest corner Eddy & Buchanan

Mailboxes

Northeast corner Scott & Haight
Northeast corner Haight & Fillmore
Southwest corner Pierce & Haight
Southwest corner McAllister & Buchanan

From: Supervisor Mirkarimi

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

San Francisco Bay Guardian

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

San Francisco Chronicle

Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore
Irving & 9th Avenue
Irvine & 7th Avenue
Southwest corner of Haight & Clayton
Southeast corner of Haight & Masonic

Examiner

Northwest corner of Fillmore & Hayes
Southeast corner of Haight & Fillmore

SF Daily

Northwest corner of Hayes & Gough

City Star

Northwest corner of Hayes & Gough
Southeast corner of Fillmore & Haight

SF Weekly

Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore

In Memoriams

Gerard Joseph Page – Supervisor Avalos

Aldo Peter Figone – Supervisor Alioto-Pier

Dr. George W. Davis – Supervisors Maxwell and Dufty

Dr. Edgar Wayburn – Supervisor Chiu