



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, February 26, 2013 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, CARMEN CHU, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Farrell, Mar, Avalos

City and School District Select Committee
Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns

City Operations and Neighborhood Services Committee
Supervisors Campos, Mar, Yee

Government Audit and Oversight Committee
Supervisors Chu, Cohen, Campos

Land Use and Economic Development Committee
Supervisors Wiener, Kim, Chiu

Public Safety Committee
Supervisors Campos, Mar, Yee

Rules Committee
Supervisors Yee, Breed, Cohen

Meeting Days

Wednesday
11:00 AM

4th Thursday
3:30 PM

1st and 3rd Thursday
10:00 AM

2nd and 4th Thursday
10:00 AM

Monday
1:30 PM

1st and 3rd Thursday
10:00 AM

1st and 3rd Thursday
1:30 PM

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.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience 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; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, 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. 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.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

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, 1 Dr. Carlton B Goodlett Place, or 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 Derek Evans (415) 554-7702.

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 (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 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. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the January 15, 2013, 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.

Items 1 through 12

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

Recommendations of the Budget and Finance Committee

Present: Supervisors Farrell, Mar, Avalos

1. **121105 [Administrative Code - Expanding Public Utilities Commission Local Business Enterprise Contracting Opportunities]**
Sponsors: Chiu; Mar
Ordinance amending the Administrative Code, Sections 14B.2 and 14B.5, to increase contracting opportunities for certified Public Utilities Commission Local Business Enterprises and to make corresponding technical changes.

02/12/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 2. 121165 **[Public Employment - Amendment to the Annual Salary Ordinance for Department on the Status of Women and the District Attorney's Office - FY2012-2013]**
Sponsors: Chiu; Cohen, Kim, Mar, Farrell, Avalos, Wiener and Campos
Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FY2012-2013) to reflect the addition of 1 position (0.33 FTE) in the Department on the Status of Women and 9 positions (2.97 FTEs) in the District Attorney's Office.

(Fiscal Impact)

02/12/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 3. 121166 **[Appropriating \$631,893 for the San Francisco Department on the Status of Women and the District Attorney's Office]**
Sponsors: Chiu; Cohen, Kim, Mar, Farrell, Avalos, Wiener and Campos
Ordinance appropriating \$278,973 to the San Francisco Department on the Status of Women and \$352,920 to the District Attorney's Office for FY2012-2013.

(Fiscal Impact)

02/12/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Wiener, Kim, Chiu

- 4. 120900 **[Planning Code - Car Share Parking Spaces]**
Sponsors: Wiener; Chiu, Cohen, Chu and Campos
Ordinance amending the Planning Code, Section 166, to authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums; allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space; and 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.

02/12/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. **121018 [Housing Code - Telephone Jacks and Grab Bars]**
Sponsors: Mar, Chiu, Campos, Kim, Avalos and Yee
Ordinance amending the Housing Code, Section 206, to add Section 1002 to the list of retroactive provisions; Section 505, to require grab bars in hotel common-use water closets and bathing facilities; Section 1002, to include as a substandard housing condition the failure to provide a usable telephone jack and telephone wiring as required by the California Civil Code; establishing an operative date; and making environmental findings, legislative findings, and findings pursuant to California Health & Safety Code, Section 17958.5.

02/12/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. **130005 [Street Artist Spaces - Market Street, Spear to Steuart Streets]**
Resolution approving designation of six selling spaces on Market Street, north side, Spear to Steuart Streets, for street artists certified by the Arts Commission; and exempting said spaces from the regulations of Police Code, Section 2405, relating to street artist display size. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

7. **130063 [Street Artist Spaces - Post Street at Stockton Street]**
Resolution approving re-designation, for six months, two temporary selling spaces on Post Street, northwest corner, at Stockton Street, for street artists certified by the Arts Commission. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

8. **130064 [Street Artist Space - Leavenworth Street at Jefferson Street]**
Resolution approving re-designation of one selling space on Leavenworth Street, west side, at Jefferson Street, for six months, for street artists certified by the Arts Commission; exempting said space from the regulations of Police Code, Section 2405(c) (6) and (11), prohibiting selling within ten feet from the outer edge of any entrance to any building and prohibiting selling within five feet from the display of any other street artist. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Yee, Breed, Cohen

9. **130034 [Settlement of Lawsuit - Mary Bull - \$465,000]**
Ordinance authorizing settlement of a lawsuit filed by Mary Bull, Lisa Giampaoli, Alexis Bronson, Micky Mangosing, Leigh Fleming, Laura Timbrook, J. Quechan Allen, Diana Smith, Michele De Ranleau, Michael Marron, Steve Noh, Sister Bernie Galvin, and Brian Vowell against the City and County of San Francisco for an amount not to exceed \$465,000; the lawsuit was filed on April 23, 2003, in United States District Court, Northern District of California, Case No. C03-1840 (CRB); entitled Mary Bull et al. v. City and County of San Francisco. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 130050 **[Amending the Board's Rules - Establish Neighborhood Services and Safety Committee - Combining the City Operations and Neighborhood Services and the Public Safety Committees]**

Sponsor: Chiu

Motion amending the Board of Supervisors Rules of Order, Rule 3.27, and deleting Rule 3.29, to establish the Neighborhood Services and Safety Committee by combining the City Operations and Neighborhood Services Committee and the Public Safety Committee.

Question: Shall this Motion be APPROVED?

11. 130073 **[Appointments, Veterans' Affairs Commission - Mary Tramil and Dottie Guy]**

Motion appointing Mary Tramil and Dottie Guy, terms ending January 31, 2017, to the Veterans' Affairs Commission. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

12. 130081 **[Appointments, Golden Gate Bridge, Highway and Transportation District - Richard Grosboll, Michael Theriault, Dave Snyder, and Janet Reilly]**

Motion appointing Richard Grosboll, Michael Theriault, Dave Snyder, and Janet Reilly, terms ending January 31, 2015, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Farrell, Mar, Avalos

13. 121124 **[Administrative Code - Compensation For City Employees With Same-Sex Spouses Or Same-Sex Domestic Partners to Offset Federal Income Tax on Health Insurance Premiums]**

Sponsors: Farrell; Campos, Chu, Wiener, Avalos and Mar

Ordinance amending the Administrative Code, by adding Sections 16.704 and 16.29-7.6, to mandate payments to City employees to offset federal income taxation on health insurance premiums for their same-sex spouses or same-sex domestic partners and to exclude such payments from the computation of compensation under the San Francisco Employees' Retirement System.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 130017 **[Appropriating \$6,589,395 for the Department of Juvenile Probation, the Department of Public Health, the Human Services Agency, and the Art Commission - FY2012-2013]**

Sponsor: Mayor

Ordinance appropriating \$6,589,395 of State Revenue Loss Reserve to fund the de-appropriation of State revenue of \$534,406 at the Department of Public Health and appropriating uses of \$50,000 to the Department of Juvenile Probation, \$2,424,528 to the Department of Public Health, \$3,180,461 to the Human Services Agency, and \$400,000 to the Art Commission in FY2012-2013.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. 121184 **[Lease Agreement - Japan Center Garage Corporation - Japan Center Public Parking Garage - \$1]**

Resolution approving a lease agreement between the Municipal Transportation Agency and the City of San Francisco Japan Center Garage Corporation for the Japan Center Public Parking Garage with an initial term of 10 years for a base rent of \$1 and two 5-year options for a base rent of \$1 for each option. (Municipal Transportation Agency)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

- 16. 121185 [Lease Agreement - Uptown Parking Corporation - Sutter Stockton Public Parking Garage - \$1]**
Resolution approving a lease agreement between the Municipal Transportation Agency and the City of San Francisco Uptown Parking Corporation for the Sutter Stockton Public Parking Garage with an initial term of 10 years for a base rent of \$1 and two 5-year options for a base rent of \$1 for each option. (Municipal Transportation Agency)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
- 17. 121191 [Airport Concession Lease - Avila Retail Development and Management, LLC - \$162,000 Minimum Annual Guarantee]**
Resolution retroactively approving the Boarding Area "F" Specialty Store Lease between Avila Retail Development and Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission with a minimum annual guarantee of \$162,000 for a term from January 1, 2013, through December 31, 2019. (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**
- 18. 121225 [Contract Amendment - Xtech - \$90,580,000]**
Resolution authorizing the Office of Contract Administration to enter into the Seventh Amendment between the City and Xtech (part of the Technology Store procurement vehicle) in which the amendment shall increase the contract amount from \$60,490,000 to \$90,580,000 for the period of January 1, 2009, through December 31, 2013. (Office of Contract Administration)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
- 19. 130056 [California Environmental Quality Act Findings - Calaveras Dam Replacement Project]**
Resolution adopting findings under the California Environmental Quality Act related to modifications to the San Francisco Public Utilities Commission Water System Improvement Program Calaveras Dam Replacement Project, located in Alameda and Santa Clara Counties, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)
- Question: Shall this Resolution be ADOPTED?**
- 20. 130091 [Accept and Expend Grant - Anti-Human Trafficking Task Force Program - \$200,000]**
Sponsor: Chu
Resolution authorizing the Police Department to retroactively accept and expend a grant in the amount of \$200,000 from the California Emergency Management Agency for the Anti-Human Trafficking Task Force Program for the period of October 1, 2012, through September 30, 2013.
- Question: Shall this Resolution be ADOPTED?**

21. 130121 [Lease - Los Altos Hotel Associates, LLC - Hotel Parking and Recreation Purposes - \$52,324 Annually Plus Adjustments]**Sponsor: Mayor**

Resolution authorizing the General Manager of the Public Utilities Commission to execute a 20 year lease, for \$52,324 annually with an annual increase of four percent, with Los Altos Hotel Associates, LLC, for approximately 47,916 square feet of land known as Bay Division Pipelines 3 and 4, Parcel No. 232A, located in the City of Los Altos, Santa Clara County, California, for hotel parking and recreation purposes.

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Campos, Mar, Yee

22. 120747 [Liquor License - 313 Ivy Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Angel Davis and Nguey Lay for 7682, LLC, dba Fig and Thistle, located at 313 Ivy Street (District 5), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with Business and Professions Code, Section 23958.4, with conditions.

Question: Shall this Resolution be ADOPTED?

23. 120998 [Liquor License - 310-320 Geary Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Lynne Carmichael for Eno St. Francis, LLC, dba Eno, located at 310-320 Geary Street (District 3), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with Business and Professions Code, Section 23958.4, with conditions.

Question: Shall this Resolution be ADOPTED?

Referred from the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Wiener, Kim, Chiu

24. 121168 [Street Encroachment - 54 Peralta Avenue]**Sponsor: Chiu**

Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to occupy a portion of the public right-of-way to remove and reconstruct a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade, that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Assessor's Block No. 5512, Lot No. 029), conditioned upon the payment of an annual assessment fee of \$215; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

12/11/2012; RE-REFERRED to the Land Use and Economic Development Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Yee, Breed, Cohen

25. 130075 **[Reappointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]**
Motion reappointing Supervisor David Campos, term ending January 31, 2015, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)
Question: Shall this Motion be APPROVED?

26. 130076 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Scott Wiener]**
Motion appointing Supervisor Scott Wiener, term ending January 31, 2015, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)
Question: Shall this Motion be APPROVED?

Present: Supervisors Breed, Cohen

27. 130077 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Norman Yee]**
Motion appointing Supervisor Norman Yee, term ending January 31, 2015, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)
Question: Shall this Motion be APPROVED?

Present: Supervisors Yee, Breed

28. 130078 **[Reappointment, Association of Bay Area Governments Executive Board - Supervisor Malia Cohen]**
Motion reappointing Supervisor Malia Cohen, term ending June 30, 2014, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)
Question: Shall this Motion be APPROVED?

Present: Supervisors Yee, Breed, Cohen

29. 130079 **[Reappointment, Bay Area Air Quality Management District - Supervisor Eric Mar]**
Motion reappointing Supervisor Eric Mar, term ending February 1, 2017, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)
Question: Shall this Motion be APPROVED?

30. 130080 [Reappointment, Bay Area Air Quality Management District - Supervisor John Avalos]

Motion reappointing Supervisor John Avalos, term ending February 1, 2017, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

31. 130107 [Appointment, Historic Preservation Commission - Aaron Hyland]

Motion approving the Mayor's nomination for appointment of Aaron Hyland to the Historic Preservation Commission, for a term ending December 31, 2016. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 29, 2013.)

Question: Shall this Motion be APPROVED?

32. 130108 [Reappointment, Historic Preservation Commission - Diane Matsuda]

Motion approving the Mayor's nomination for reappointment of Diane Matsuda to the Historic Preservation Commission, for a term ending December 31, 2016. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - January 29, 2013.)

Question: Shall this Motion be APPROVED?

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

COMMITTEE REPORT

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 Rescheduled Meeting on Monday, February 25, 2013, at 10:00 a.m., to be called at Special Order at 1:30 p.m. The Chair intends to request the Committee to send the following item to the Board as a Committee Report on Tuesday, February 26, 2013.

33. 130019 [Planning Code, Zoning Map - Central Subway Tunnel Boring Machine Extraction Site Special Use District]

Sponsor: Chiu

Ordinance amending the Planning Code, by adding Section 249.70, to create the Central Subway Tunnel Boring Machine Extraction Site Special Use District for the property located at Assessor's Block No. 0101, Lot No. 004, known as 1731-1741 Powell Street, to facilitate the removal of the tunnel boring machines used in the construction of the Central Subway Project and allow the construction of a previously approved mixed-use residential/retail building; amending Sectional Zoning Maps HT 01 and SU 01 to reflect the Central Subway Tunnel Boring Machine Extraction Site Special Use District; adopting findings, including environmental findings, and findings of consistency with the General Plan.

Question: Shall this Ordinance be PASSED ON FIRST READING?

34. 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.

35. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 36 and 37

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

- 36. **130151 [Opposing the Indefinite Detention Provisions of the National Defense Authorization Act]**
Sponsors: Chiu; Avalos, Breed, Campos, Kim and Mar
 Resolution opposing the indefinite detention provisions of the National Defense Authorization Act, instructing public agencies to decline requests by Federal agencies acting under detention powers, urging law enforcement officials to allow detainees to due process, and requesting members of Congress to repeal the detention provisions of the Act.

02/12/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 37. **130152 [UCSF Philip R. Lee Institute for Health Policy Studies Day - February 27, 2013]**
Sponsor: Mar
 Resolution commending the Philip R. Lee Institute for Health Policy Studies at the University of California, San Francisco (UCSF), and declaring February 27, 2013, as UCSF Philip R. Lee Institute for Health Policy Studies Day in the City and County of San Francisco.

02/12/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. 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

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

130131 [Administrative Code - Agricultural Inspection Fees]

Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

02/08/2013; RECEIVED FROM DEPARTMENT.

02/26/2013; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

130132 [Administrative Code - Weights and Measures Fees]

Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

02/08/2013; RECEIVED FROM DEPARTMENT.

02/26/2013; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

- 130133 [Administrative Code - Public Health Solid Waste Penalties Fund]**
Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)
- 02/08/2013; RECEIVED FROM DEPARTMENT.
- 02/26/2013; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.
- 130135 [Settlement of Lawsuit - Shawn and Sarah Myers - \$200,000]**
Ordinance authorizing settlement of the lawsuit filed by Shawn and Sarah Myers against the City and County of San Francisco for \$200,000; the lawsuit was filed on February 27, 2008, in United States District Court, Case No. 08-cv-1163; entitled Shawn Myers, et al., v. City and County of San Francisco, et al. (City Attorney)
- 02/11/2013; RECEIVED FROM DEPARTMENT.
- 02/26/2013; RECEIVED AND ASSIGNED to the Rules Committee.
- 130136 [Settlement of Lawsuit - Veronica Hinkley Reck - \$70,000]**
Ordinance authorizing settlement of the lawsuit filed by Veronica Hinkley Reck against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 27, 2011, in Alameda Superior Court, Case No. RG-11-587571; entitled Veronica Hinkley Reck, et al. v. City and County of San Francisco, et al. (City Attorney)
- 02/11/2013; RECEIVED FROM DEPARTMENT.
- 02/26/2013; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

- 130110 [Street Artist Spaces - Market Street at Spear Street]**
Resolution approving designation of five selling spaces on Market Street, north side, at Spear Street, for Saturday use by street artists certified by the Arts Commission; exempting said spaces from the regulations of Police Code, Section 2405(c), relating to street artist display size, distance from entrances, and distance between artists' displays. (Arts Commission)
- 02/11/2013; RECEIVED FROM DEPARTMENT.
- 02/26/2013; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
- 130137 [Settlement of Unlitigated Claim - SF Works - \$110,000]**
Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against SF Works for \$110,000. (City Attorney)
- 02/11/2013; RECEIVED FROM DEPARTMENT.
- 02/26/2013; RECEIVED AND ASSIGNED to the Rules Committee.

130149 [Petitions and Communications]

Petitions and Communications received from February 4, 2013, through February 15, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 26, 2013.

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 will not be redacted.

From Clerk of the Board, reporting the following individuals have submitted a Form 700 Statement: (1)

- Jason Fried - LAFCo - Annual
- Stephanie Tucker - Legislative Aide - Leaving
- Christina Olague - Supervisor, LAFCo - Leaving
- Daniel Yadegar - Legislative Aide - Assuming

From Department of Public Works, submitting Notice of Tentative Approval of Wireless Service Facility Site Permit. Copy: Each Supervisor, Clerk of the Board. (2)

From Department of Public Works, submitting Branch Library Improvement Program, Quarterly Report. (3)

*From Department of Public Health, submitting Annual 2012 Title XV Evaluation Reports for each of the San Francisco detention facilities. Copy: Each Supervisor. (4)

*From Department of Public Health, submitting 2013 Certified Farmers' Market Assessment. Copy: Each Supervisor. (5)

From Department of Human Services, concerning the Human Services Agency's FY2012-2013 Saving Projections and FY2013-2014 Annual Projections for the Human Services Care Fund. Copy: Each Supervisor. (6)

*From Office of the Controller, submitting San Francisco Municipal Transportation Agency: Overhead Rates of Ten Central Subway Project Consultants Must Be Reduced report. Copy: Each Supervisor. (7)

From Office of the Controller, submitting Government Barometer: Quarter 2, FY2013 report. Copy: Each Supervisor. (8)

From Maria D'Agostino, resigning as member and Chair of the Urban Forestry Council. Copy: Each Supervisor, Clerk of the Board, Rules Committee Clerk. (9)

From Public Library, submitting Annual Report on Gifts Received up to \$10,000.00. Copy: Each Supervisor, Clerk of the Board. (10)

From Public Library, submitting notice of cancellation of the Library Commission meeting on February 21, 2013. (11)

From Sue Vaughan, regarding car share spaces. Copy: Each Supervisor. File No. 120900. (12)

From William F. Sherry, regarding the SFO Airport Advertising Lease. File No. 130072. Copy: Each Supervisor, Budget and Finance Committee Clerk. (13)

From Controller's Office of Public Finance, concerning Moody's Investors Service Upgrades. (14)

From Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B and 14B for Curascript Specialty Distribution. (15)

From Chris Geiger, submitting UCSF Mount Sutro Management Plan Public Hearing notice. (16)

From Treasurer and Tax Collector, submitting the CCSF Investment Report for January, 2013. Copy: Each Supervisor. (17)

From concerned citizens, concerning the Local Business Enterprise program. File No. 121105. 2 letters. Copy: Each Supervisor. (18)

From concerned citizens, regarding the proposed soft-story seismic retrofit ordinance. File No. 130119. 4 letters. Copy: Each Supervisor. (19)

From Lee Goodin, regarding the Central Subway project. File No. 130019. Copy: Each Supervisor, Land Use Committee Clerk. (20)

From Ray Hartz, Jr., concerning Friends of the Library. Copy: Each Supervisor. (21)

From James Chaffee, concerning Library Commissioner appointments. Copy: Each Supervisor. (22)

From concerned citizens, regarding Woodhouse on Marina Green. File No. 120987. 3 letters. Copy: Each Supervisor. (23)

From concerned citizens, regarding Supervisor Scott Weiner. Copy: Each Supervisor. 2 letters. (24)

From John Stretch, regarding Bay Bridge east span celebrations. (25)

From Sharon Thorpe, concerning Laura's Law. Copy: Each Supervisor. (26)

From Roland Salvato, concerning America's Cup. Copy: Each Supervisor. (27)

From Barbara Berwick, concerning non-violent parenting and assertive communication. Copy: Each Supervisor, Youth Commission. (28)

From Jan Stephens, concerning Charlie the Dog. Copy: Each Supervisor. (29)

From Allen Jones, concerning renaming San Francisco International Airport. Copy: Each Supervisor, Rules Committee Clerk. File No. 130037. (30)

From Jennifer Roddickgillis, expressing various concerns. (31)

From a concerned citizen, regarding plastic shopping bags. Copy: Each Supervisor. (32)

*(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