



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, November 9, 2010 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee
Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee
Supervisors Chu, Avalos, Dufty

Government Audit and Oversight Committee
Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Elsbernd

Rules Committee
Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
11:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
10:30 AM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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**

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Know Your Rights Under The Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

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

Agenda Item Information

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

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the October 5, 2010, 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 13

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

1. **101248 [Appropriating \$85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]**

Sponsors: Mayor; Chiu

Ordinance appropriating \$85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including \$76,603,071 to the Department of Public Works, and \$8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller’s Reserve pending the sale of the bonds.

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Avalos, Mirkarimi

2. **101268** **[Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]**
Sponsor: Elsbernd
Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
3. **101269** **[Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$300,000]**
Sponsor: Maxwell
Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of \$300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
4. **101270** **[Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$500,000]**
Sponsor: Mirkarimi
Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of \$500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

5. 100829 [Planning Code - Car-Share Controls]

Sponsors: Chiu; Mar and Maxwell

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. **101217** **[Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]**
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. **101218** **[Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]**
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Elsbernd

9. **101317** **[Accept and Expend Grant - San Francisco Re-entry Center Program - \$750,000]**
Sponsor: Chiu
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$750,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Re-entry Center" for the grant period of October 1, 2010, through March 31, 2012.

Question: Shall this Resolution be ADOPTED?

10. 101363 [Accept and Expend Grant - No Violence Alliance One Family Reentry Initiative - \$300,000]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend \$300,000 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the No Violence Alliance One Family Reentry Initiative will provide a comprehensive, family-focused continuum from in-custody to post-release for sentenced probationers incarcerated in the San Francisco County Jail with a history of substance abuse and minor children.

Question: Shall this Resolution be ADOPTED?

11. 101364 [Accept and Expend Grant - FY2010 Forensic DNA Backlog Reduction Program - \$320,274]

Sponsors: Mayor; Alioto-Pier

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant totaling \$320,274 from the U.S. Department of Justice/ National Institute of Justice for the FY2010 Forensic DNA Backlog Reduction Program.

Question: Shall this Resolution be ADOPTED?

12. 101365 [Accept and Expend Grant - The Keystone Project - \$599,298]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend \$599,298 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the Keystone Project will strive to increase public safety and reduce recidivism among offenders with co-occurring disorders in the City and County of San Francisco, and waiving any indirect costs.

Question: Shall this Resolution be ADOPTED?

13. 101366 [Accept and Expend Grant - FY2010 Technology Program Gunshot Location System - \$750,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a \$750,000 grant from the U.S. Department of Justice/Office of Community Oriented Policing FY2010 Technology Program for a Gunshot Location System.

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Duffy

14. 101009 **[Environment Code - Healthy Air and Clean Transportation Program]**
Sponsors: Mayor; Duffy, Mar and Campos
Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.
- 11/02/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 11/02/2010; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu

15. 101157 **[Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]**
Sponsor: Mayor
Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.
- 10/26/2010; CONTINUED ON FIRST READING.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

- 16. 101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]**
Sponsors: Mar; Campos, Chiu and Avalos
Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.
- 10/19/2010; CONTINUED ON FIRST READING.
11/02/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
11/02/2010; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendation of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

- 17. 101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]**
Sponsor: Campos
Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.
- 11/02/2010; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi

18. 101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]

Sponsors: Mirkarimi; Dufty

Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; and (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 101100 [Business and Tax Regulations Code - Adding to the Definition of "Control", Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]

Sponsors: Mirkarimi; Dufty

Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 101356 [Assessment Ballots for City-Owned Parcels for Proposed Ocean Avenue Community Benefits District]

Sponsor: Avalos

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of two parcels and part of a third parcel of real property over which the Board of Supervisors has jurisdiction, where those two parcels and the partial parcel would be subject to assessment in the proposed property and business improvement district to be named the Ocean Avenue Community Benefits District.

Question: Shall this Resolution be ADOPTED?

21. 101302 **[Harry Tracy Water Treatment Plant Improvements Project Findings]**
Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Harry Tracy Water Treatment Plant Long-Term Improvements Project No. CUW36701, part of the Water System Improvement Program, for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

22. 101357 **[Settlement of Unlitigated Claims - Skyline Stables Corporation - \$650,000]**
Sponsor: Avalos
Resolution approving the settlement of the unlitigated claims by and between Skyline Stables Corporation (Skyline) and City and County of San Francisco, related to the lease between Skyline and the San Francisco Public Utilities Commission (SFPUC) of a portion of the SFPUC Harry Tracy Water Treatment Plant (HTWTP) site in San Mateo County, the SFPUC approval of the HTWTP Long Term Improvement Project to improve water service reliability and seismic stability of the HTWTP, the SFPUC termination of Skyline's lease and Skyline's vacation of the lease premises, and SFPUC's offer to acquire the leasehold interest, calling for SFPUC to pay \$650,000 to Skyline, and including other material terms and conditions in a settlement and release agreement.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu, Maxwell

23. 101155 **[Administrative Code - Open Data Policy]**
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data policy and require City departments to make appropriate data available to the public.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Mar, Chu

24. 101025 **[Directing the Budget and Legislative Analyst's to Conduct Three Audits in FY2010-2011 and Setting Priorities]**
Sponsor: Mar
Motion directing the Budget and Legislative Analyst to conduct three audits to evaluate (a) the City's policies and revenues for advertising on private property; (b) the financial impact to the City of the fiscal provisions of the City's Memoranda of Understanding with labor unions; and (c) the impact of hiring five new positions in the Assessor's Office on the property assessment backlog and property tax revenue.

Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Chiu

25. 100992 **[General Plan - Portion of 222-2nd Street]**
Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. 100993 **[Zoning Map - Portion of 222-2nd Street]**
Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Maxwell, Mar, Chiu

27. 101229 **[Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]**
Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Land Use and Economic Development Committee With Recommendation "Do Not Pass"

Present: Supervisors Maxwell, Mar, Chiu

28. 101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]

Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

COMMITTEE REPORTS

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

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, November 4, 2010, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, November 9, 2010.

29. 101332 [Reappointment, Treasure Island Development Authority Board of Directors - Claudine Cheng]

Motion approving the Mayor's reappointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors, for the term ending February 26, 2014. (Clerk of the Board)

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Question: Shall this Motion be APPROVED?

30. 101334 [Reappointment, Treasure Island Development Authority Board of Directors - John Elberling]

Motion approving the Mayor's reappointment of John Elberling to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2014. (Clerk of the Board)

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Question: Shall this Motion be APPROVED?

31. 101336 [Appointment, Treasure Island Development Authority Board of Directors - Linda Richardson]

Motion approving the Mayor's appointment of Linda Richardson to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2014. (Clerk of the Board)

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Question: Shall this Motion be APPROVED?

32. 101338 [Reappointment, Treasure Island Development Authority Board of Directors - Jean-Paul Samaha]

Motion approving the Mayor's reappointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors, for the term ending February 26, 2014. (Clerk of the Board)

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Question: Shall this Motion be APPROVED?

33. 101379 [Appointment, Small Business Commission - Robert Paterson]

Motion rejecting the Mayor's appointment of Robert Paterson to the Small Business Commission, for the term ending January 6, 2014. (Clerk of the Board)

(Charter Section 3.100 (17) provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 14, 2010.)

Question: Shall this Motion be APPROVED?

ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 34 and 35

- 34. 101388 **[Denouncing the Deportation of Shing Ma “Steve” Li and Urging Congress to Pass the DREAM Act]**
Sponsors: Mar; Chiu, Avalos, Campos and Mirkarimi
 Resolution denouncing the deportation of Shing Ma “Steve” Li, a DREAM Act student at City College of San Francisco, calling for Immigration and Customs Enforcement to grant him deferred action status, and urging Congress to pass the DREAM Act.

 11/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. 101376 [2011 Board of Supervisors Regular Meeting Schedule]

Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 10 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

11/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda: _____

36. IMPERATIVE AGENDA

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

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

Proposed ordinances received from October 26, 2010, through November 1, 2010, for reference by President to appropriate committee on November 9, 2010.

101381 [Settlement of Lawsuit - Allison Ayer - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for \$30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

10/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

101382 [Settlement of Lawsuit - Charles Haynes - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attorney)

10/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

101383 [Settlement of Lawsuit - Guillermo Chavez - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for \$30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) \$10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) \$11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of \$8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

10/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from October 26, 2010, through November 1, 2010, for reference by President to appropriate committee on November 9, 2010.

101331 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]

Resolution fixing prevailing wage rates for: (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (City Attorney)

10/28/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101374 [Purchase Agreement - Subsurface Easements - Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel - \$650]

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to obtain two permanent, exclusive, subsurface easements from Cargill, Incorporated, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel for a purchase price of \$650; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

11/01/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101375 [Construction Management Services Agreement - San Francisco General Hospital Rebuild Program - Not to Exceed \$16,400,000]

Resolution authorizing the Director of Public Works to execute an amendment to a professional construction management services agreement for the San Francisco General Hospital Rebuild Program from \$8,000,000 to \$16,400,000. (Public Works Department)

11/01/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101384 [Settlement of Unlitigated Claim - Motorist Insurance Group and Ellis Brooks Chevrolet - \$48,969.70]

Resolution approving the settlement of the unlitigated claim filed by Motorist Insurance Group and Ellis Brooks Chevrolet against the City and County of San Francisco for \$48,969.70; claim was filed on May 4, 2010. (City Attorney)

10/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

101391 [Petitions and Communications]

Petitions and Communications received from October 26, 2010, through November 1, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 9, 2010.

From State Department of Food and Agriculture, submitting notice that the State Department of Food and Agriculture is preparing a Programmatic Environmental Impact Report to evaluate the effects of implementing eradication and/or control strategies and methods for infestation of the European grapevine moth. Copy: Each Supervisor (1)

From Redevelopment Agency, submitting report on certain sales subject to California Health and Safety Code Section 33433. Copy: Each Supervisor (2)

From Department of Elections, submitting a memorandum detailing the Department's handling and processing of ballots for the November 2, 2010, Consolidated General Election. Copy: Each Supervisor (3)

From Department of Public Health, regarding the "Deemed Approved Uses" Program that addresses the role and responsibilities of businesses that sell alcohol in off-site venues in respect to community health and safety. Copy: Each Supervisor (4)

From Department of Public Works, submitting their annual report for FY2009-2010. (5)

From Alliance for Jobs and Sustainable Growth, regarding the Health Care Services Master Plan. File No. 101057, Copy: Each Supervisor, Land Use Committee (6)

From Academy of Art University, submitting report titled "Economic and Cultural Contributions to San Francisco and the Bay Area". (7)

From Branch Library Improvement Program, submitting their "2000 Branch Library Improvement Bond Quarterly Report" for the Third Quarter of 2010 (July through September). (8)

From Office of the Controller, submitting the Street and Sidewalk Maintenance Standards Annual Report for FY2009-2010. (9)

From concerned citizens, submitting support for proposed legislation regarding establishing the City's Open Data policy and require City departments to make appropriate data available to the public. File No. 101155, 5 letters (10)

From Office of Civic Engagement and Immigrant Affairs, submitting the Community Ambassadors Program Pilot Evaluation and Status Report. (11)

From Office of Citizen Complaints, submitting their Quarterly Report for the Third Quarter of 2010. Copy: Each Supervisor (12)

From Human Services Agency, submitting notice that the Human Services Commission has approved the Human Services Agency's revised FY2010-2011 savings projections for the Human Services Care Fund. Copy: Each Supervisor (13)

From Department of Public Works, regarding status of removing graffiti from newsstands at various locations in District 5. (Reference No. 20100921-005) (Reference No. 20101005-001) (Reference No. 20101019-001) (14)

From the Port, submitting the First Quarter Contracting Activity Report for FY2010-2011. Copy: Each Supervisor (15)

From Office of the Clerk of the Board, submitting the Ethics Commission amendments to the regulation which describes the exemption from the definition of "gifts." Copy: Each Supervisor (16)

From Office of the Controller, regarding the Cigarette Litter Abatement Fee Adjustment. Copy: Each Supervisor (17)

From concerned citizens, submitting support for proposed legislation regarding Safe Drug Disposal. File No. 100455, 6 letters (18)

From concerned citizens, submitting support for the Historic Preservation Commission's recommendation to designate the Marina and North Beach Branch libraries as San Francisco landmarks. File No. 101203, 7 letters (19)

From Marine Firemen's Union, submitting support for proposed legislation regarding the General Plan and Zoning Map amendments for a portion of 222-2nd Street. File Nos. 100992 and 100993, Copy: Land Use Committee Members and Clerk (20)

From Californians for Pesticide Reform, submitting support for proposed legislation regarding updating enforcement and compliance procedures for nuisance. File No. 101062, Copy: Each Supervisor (21)

From the Perry Communications Group, Inc., submitting copy of letter from Greenspirit Strategies, Ltd., opposing proposed legislation regarding the Safe Drug and Disposal Ordinance. (22)

From Jim Kirwan, regarding anti smoking legislation in San Francisco. 2 letters (23)

From Office of the Controller, submitting report concerning the contract between the San Francisco International Airport and SFO Shuttle Bus Company for shuttle bus service at the Airport, covering the period from January 1, 2007, through January 31, 2009. (24)

From Nafiss Griffis, concerning the number of fast food merchants around the Music Concourse in Golden Gate Park. (25)

From Jason Chadorchi, submitting support for the formation of a Civic Center Community Benefits District. File No. 101201 (26)

From Ivan Pratt, concerning an amateur approach to studying the law of the United States. (27)

From Arthur Evans, regarding Supervisor Avalos and Police Chief Gascon. (28)

From Josh Neubert, submitting support for proposed legislation that establishes the City's Open Data Policy and requires City departments to make appropriate data available to the public. File No. 101155 (29)

From Aaron Goodman, regarding the Parkmerced open-space site. (30)

From James Corrigan, commenting that the Fire Department has ended its practice of double parking of employee's private vehicles on Powell Street in Chinatown. (31)

From State Fish and Game Commission, submitting notice of proposed regulatory actions relative to Alameda Creek. (32)

ADJOURNMENT