



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 23, 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 19, 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 7

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

1. **101271 [Appropriating \$9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]**

Sponsor: Mayor

Ordinance appropriating \$9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu

2. 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.

11/09/2010; CONTINUED ON FIRST READING.

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

3. 101288 [Settlement of Lawsuit - Cheryl Austin - \$268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for \$268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 101289 [Settlement of Lawsuit - Nyree Monroe - Up to \$31,000]

Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to \$31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 101290 [Settlement of Lawsuit - Edward Kriete - \$575,000]

Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for \$575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 6. **101303** **[Settlement of Lawsuit - Viz Media, LLC - \$219,000]**
Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for \$219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 7. **101340** **[Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive \$3,717,096.52]**
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of \$3,717,096.52, including previous initial payment of \$2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Consideration of the Mayor's veto pursuant to Charter Section 2.106 of an Ordinance amending 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.

8. **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.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on November 12, 2010. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before December 12, 2010.

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.

11/09/2010; FINALLY PASSED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

9. 091106 [Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]

Sponsor: Alioto-Pier

Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

11/16/2010; CONTINUED.

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Dufty

10. 101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

11/16/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]

Sponsor: Dufty

Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

11/16/2010; AMENDED.

11/16/2010; AMENDED.

11/16/2010; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

- 12. 101057 [Planning Code - Health Care Services Master Plan]**
Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly
Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that any change of use to a Medical Use, as defined, that will occupy a space exceeding 10,000 gross square feet of floor area, or an expansion of any existing Medical Use by at least 5,000 gross square feet of floor area obtain a Consistency Determination from the Planning Commission or the Planning Department determining that the proposed use or expansion promotes the goals recommended in the Master Plan; providing fees for time and material costs incurred to prepare the Consistency Determination, and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and environmental findings.
- 11/16/2010; AMENDED.
11/16/2010; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

- 13. 101079 [Administrative Code - Water Efficient Irrigation]**
Sponsors: Mayor; Maxwell and Mar
Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.
- 11/16/2010; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Elsbernd

- 14. 100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]**
Sponsor: Mirkarimi
Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

(Supervisor Elsbernd dissented in Committee.)

10/26/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/26/2010; CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 15. 101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]**
Sponsors: Avalos; Campos
Ordinance amending San Francisco Health Code Article 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 596.5, and 610 to: 1) update nuisance definitions; 2) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 3) add civil penalties; and 4) expand administrative penalties and procedures.

10/26/2010; CONTINUED ON FIRST READING. Supervisor Campos requested to be added as a co-sponsor.

11/16/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/16/2010; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

16. 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)

Question: Shall this Resolution be ADOPTED?

17. 101386 **[Water Revenue Bonds Issuance for 2010 - Not to Exceed \$600,000,000]**
Sponsor: Elsbernd
Resolution approving the issuance of water revenue bonds and water revenue refunding bonds in an aggregate principal amount not to exceed \$600,000,000 to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

18. 101075 **[Building Code - Development Fee Collection Procedure and Administrative Fee]**
Sponsor: Mayor
Ordinance amending the San Francisco Building Code by amending Section 107A.13 to modify the method of calculating the development fee deferral surcharge rate and to clarify when a project sponsor may elect to defer the payment of development impact and in-lieu fees, adopting environmental finding.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]

Sponsors: Mayor; Mar

Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]

Sponsors: Mayor; Mar

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Elsbernd

22. 101190 **[Police Code - Registration and Other Requirements for Event Promoters]**
Sponsors: Chiu; Maxwell
Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of Item No. 33, File No. 101455.)

23. 101456 **[Public Hearing - Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]**
Hearing to discuss the proposed Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

24. 101457 **[Creating a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]**
Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of Item 34, File No. 101465.)

- 25. 101466 [Public Hearing - Appointment of a Successor Mayor]**
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.
Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

- 26. 101467 [Appointment of a Successor Mayor]**
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.
Question: Shall this Motion be APPROVED?

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 18, 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 23, 2010.

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

- 27. 101237 [Appointment, Planning Commission - Rodney Fong]**
Sponsor: Mayor
Motion approving the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.
- (Section 4.105 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; companion measure to File No. 101238. Transmittal date - September 24, 2010.)
- Question: Shall this Motion be APPROVED?**
- 28. 101238 [Appointment, Planning Commission - Rodney Fong]**
Motion rejecting the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.
- (Section 4.105 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; companion measure to File No. 101237. Transmittal date - September 24, 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 29 through 34

29. 101390 **[Gift Acceptance – Equipment and Furnishings - \$14,000]**
Sponsor: Elsbernd
Resolution authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to accept a gift of merchandise, furniture, fixtures and equipment from Laguna Honda Volunteers, Inc. with a monetary value of up to \$14,000.

11/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
30. 101451 **[Accept and Expend Grant - High Risk Program and Pest Exclusion/Nursery Inspection - \$47,796]**
Sponsor: Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreement Nos. 10-0539 and 10-0404) totaling \$47,796 from the California Department of Food and Agriculture to fund the High Risk Program and the Pest Exclusion/Nursery Inspection, both for the period of July 1, 2010, through June 30, 2011.

11/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. 101452 [Accept and Expend Grant - Crucial Transitions in Young Opioid Users in Iran - \$6,280]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$6,280 from the University of California San Francisco, to participate in a program entitled "Crucial Transitions in Young Opioid Users in Iran," for the period of November 1, 2010, through August 31, 2011.

11/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. 101407 [Committee of the Whole - December 7, 2010 – Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010, at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider acquisition of various real properties by eminent domain for the public purpose of constructing the Transbay Transit Center Program.

11/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

33. 101455 [Committee of the Whole - Public Hearing to Create a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m. to approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

11/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

34. 101465 [Committee of the Whole – Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]

Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

11/16/2010; 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: _____

35. 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 November 9, 2010, to November 15, 2010, for reference by President to appropriate committee on November 23, 2010.

101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive \$2,750,000; Appropriating Settlement Proceeds]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of \$2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

11/15/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia Community Infrastructure Fee area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

11/15/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from November 9, 2010, to November 15, 2010, for reference by President to appropriate committee on November 23, 2010.

101460 [Airport Concession Lease - Melshire DFW, L.P.]

Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/10/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101461 [Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed \$19,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed \$ 3,000,000, for a total agreement not to exceed amount of \$19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

11/15/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101462 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed \$26,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed \$ 4,000,000, for a total agreement not to exceed amount of \$26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

11/15/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101459 [Petitions and Communications]

Petitions and Communications received from November 9, 2010, through November 15, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 23, 2010.

From Luce, Forward, Hamilton & Scripps LLP, submitting opposition to proposed resolution regarding enforcement of preservation and restoration of Sacred Heart Church. File No. 100765, Copy: Each Supervisor (1)

From Office of the Mayor, submitting a letter communicating the veto of ordinance that proposes a prohibition on the inclusion of incentives such as toys in certain types of fast food meals. File No. 101096, Copy: Each Supervisor (2)

From concerned citizens, submitting opposition to proposed legislation regarding setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096, 11 letters (3)

From Kimo Crossman, regarding Best Practices on how the Sunshine Ordinance Task Force, Ethics Commission, and the City Attorney should post their cases and rulings online. (4)

From concerned citizens, submitting support for proposed legislation regarding Safe Drug Disposal. File No. 100455, 7 letters (5)

From Carla K., submitting support for the new North Beach Branch Library. File No. 101203 (6)

From Aaron Goodman, concerning California's Environmental Quality Act Procedures, Appeals, and Public Notices. File No. 100495 (7)

From Office of the Controller, submitting the results of the follow-up review of the Branch Library Improvement Program. (8)

From Office of the Controller, submitting report referred to as Resources for Improved Streetscape Design and Maintenance. (9)

From Francisco Da Costa, regarding San Francisco's Local Hiring Policy for construction and related matters. (10)

From Stewart McKenzie, regarding bike lanes on Division Street. Copy: Supervisor Daly (11)

From Ray Hartz, regarding the Sunshine Ordinance Task Force and the Ethics Commission. (12)

From Juliana Flint, regarding the ban on sitting on city sidewalks. (13)

From Magda Havas, concerning the proposed cell tower for dome of Ner Tamid Synagogue. (14)

From Jennifer Blum, regarding the First Responder training program. (15)

From Roy Blakely, regarding crime in the San Francisco. Copy: Supervisor Chiu (16)

From Aaron Goodman, regarding the long-term impacts of extensive redevelopment by two agencies. (17)

From California Public Utilities Commission, submitting notification that Pacific Gas and Electric Company has filed an application to recover costs from contributing matching funds to support the establishment of a photovoltaic manufacturing development facility. Copy: Each Supervisor (18)

From Municipal Transportation Agency, responding to request to identify staff contacts for the purpose of participating in a Japantown City Agency Work Group. (Reference No. 20101005-009) (19)

From concerned citizens, submitting various views on an ordinance that proposes a prohibition on the inclusion of incentives such as toys in certain types of fast food meals. File No. 101096, 3 letters (20)

From Office of the Controller, submitting the results of the follow-up review of the Branch Library Improvement Program Audit. (21)

From Civil Service Commission, submitting the Civil Service Commission meeting schedule for calendar year 2011. Copy: Each Supervisor (22)

From the Arts Commission, submitting their quarterly report on expenditures for the first quarter ending September 30, 2010. Copy: Each Supervisor (23)

ADJOURNMENT