



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 1, 2011 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim

City and School District Select Committee
Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton

City Operations and Neighborhood Services Committee
Supervisors Avalos, Mar, Elsbernd

Government Audit and Oversight Committee
Supervisors Campos, Farrell, Chiu

Land Use and Economic Development Committee
Supervisors Mar, Cohen, Wiener

Public Safety Committee
Supervisors Mirkarimi, Cohen, Campos

Rules Committee
Supervisors Kim, Elsbernd, Farrell

Meeting Days

Wednesday
10:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
10:00 AM

Monday
1:00 PM

1st and 3rd Thursday
10:30 AM

1st and 3rd Thursday
1:30 PM

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 Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (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 September 27, 2011, 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.

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

Items 1 through 10

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

- 1. 111048 [Appropriating \$1,000,000 of Mirant Potrero, LLC, Settlement Funds to the Department of Public Health for Neighborhood Improvement and Mitigation in FY2011-2012]**
Sponsor: Cohen
Ordinance appropriating \$1,000,000 of Mirant Potrero, LLC, settlement funds to the Department of Public Health for neighborhood improvement and mitigation in the neighborhoods most impacted by the Potrero Power Plant in FY2011-2012.

(Fiscal Impact)

10/25/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Wiener

2. **110995** **[Mission Bay South Blocks 41-43, Phase 2 - Improvements]**
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 41-43, Phase 2, including acquisition facilities on Owens Street and within public utility easements in private streets; 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 Owens Street and improvements for street and roadway purposes; establishing street grades and sidewalk widths on Owens Street; 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 Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

10/25/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. **110996** **[Mission Bay Park Block P16 - Improvements]**
Ordinance dedicating City property and portions of State Trust Parcels 4 and 5, known as Mission Bay Park Block P16, lying along Third Street, Mission Bay Boulevard North, and Mission Bay Boulevard South for public use and naming the new park "Mission Bay Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

10/25/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety Committee

Present: Supervisors Mirkarimi, Campos

4. **110883** **[Accept and Expend Grant - Mass Notification System Security Improvements - \$551,552]**
Sponsor: Chiu
Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$551,552 from the Department of Homeland Security, 2010 Port Security Grant Program, for Ferry Building and Ferry Terminal Mass Notification System improvements at the Port of San Francisco.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

5. **111024** **[Settlement of Lawsuit - Norman T. Larson, et al. - \$122,500]**
Ordinance approving settlement of the lawsuit filed by Norman T. Larson, San Francisco Apartment Association, San Francisco Association of Realtors, Coalition For Better Housing, Round Hill Pacific, and John Zanghi (collectively "Larson Petitioners") against the City and County of San Francisco by payment by the City and County of San Francisco to the Larson Petitioners' counsel Nielsen, Merksamer, Parrinello, Gross, and Leoni, LLP, in the amount of \$122,500 and other terms; the lawsuit was filed on December 10, 2008, in the San Francisco Superior Court, Case No. 509-083, entitled Larson et al. vs. City and County of San Francisco. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
6. **111025** **[Settlement of Lawsuit - City to Pay \$500 for Sub-Surface Easement in San Mateo County]**
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
7. **111099** **[Settlement of Lawsuit - Damian Fleming - \$70,000]**
Ordinance authorizing settlement of the lawsuit filed by Damian Fleming against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 14, 2010, in San Francisco Superior Court, Case No. CGC 10-501543, entitled Fleming v. City and County of San Francisco. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
8. **110390** **[Authorizing Tax Collector to File Suit Against Responsible Relatives of Recipient of Services at City Hospitals to Recover Value of Services]**
Resolution authorizing Tax Collector Attorney to file suit against responsible relatives to recover value of services rendered at hospital facilities operated by the San Francisco Department of Public Health. (Treasurer-Tax Collector)
- Question: Shall this Resolution be ADOPTED?**
9. **111072** **[Appointments, Shelter Monitoring Committee - Simon Martinez, Deborah Muise, and Ramon Lacayo]**
Motion appointing Simon Martinez, Deborah Muise, and Ramon Lacayo, terms ending November 23, 2012, to the Shelter Monitoring Committee. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

10. 111097 **[Appointments, Immigrant Rights Commission - Kathleen Coll, Mario Paz, Angus McCarthy, Felix Fuentes, Melba Maldonado, and Toye Moses]**
Motion appointing Kathleen Coll, Mario Paz, Angus McCarthy, Felix Fuentes, Melba Maldonado, and Toye Moses, terms ending June 6, 2013, to the Immigrant Rights Commission. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

The public comment legally required under California Government Code Section 54954.3 and San Francisco Administrative Code Section 67.15(a) prior to approval was provided and completed on October 25, 2011.

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

11. 110951 **[Approving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]**
Motion approving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/27/2011; CONTINUED.

10/25/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

12. 110952 **[Disapproving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]**
Motion disapproving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/27/2011; CONTINUED.

10/25/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

13. 110953 [Preparation of Findings Related to the Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue.

09/27/2011; CONTINUED.

10/25/2011; CONTINUED.

Question: Shall this Motion be APPROVED?

From the Clerk

14. 111169 [Adopting Findings Reversing the General Rule Exclusion Determination - 1171 Sansome Street]

Motion adopting findings reversing the Planning Department's determination that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review through a general rule exclusion. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

From the Government Audit and Oversight Committee Without Recommendation

Present: Supervisors Campos, Farrell, Chiu

15. 111030 [Administrative Code - Health Care Security Ordinance]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 3) require employers imposing surcharges to pay for the required expenditures to report certain information to OLSE in connection with the surcharge; 4) add an employee notification requirement; 5) modify penalty provisions; and 6) set an operative date.

10/25/2011; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

16. 110590 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code Sections 181(d) and 188(b) to: 1) provide a process for the reconstruction of buildings damaged or destroyed by fire or acts of God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings, including environmental findings and Planning Code Section 302 findings.

10/18/2011; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

17. 110999 [Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]

Sponsors: Mayor; Chiu, Farrell and Chu

Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller)

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 111000 [Administrative Code - Certificates of Participation and Commercial Paper Debt Policies]

Sponsors: Mayor; Farrell, Chiu and Chu

Ordinance amending the San Francisco Administrative Code by adding Section 10.62 to adopt a binding financial policy under Charter Section 9.120 regarding certificates of participation and commercial paper. (Controller)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 19. 111001 [Administrative Code - Budget Procedures and Reporting Requirements]**
Sponsors: Mayor; Chiu, Farrell and Chu
Ordinance amending the San Francisco Administrative Code Sections 3.3, 3.4, 3.5, 3.6, 3.20, 22A.6, 88.4, and by repealing Sections 88.8, and 88.10 to: 1) update budget procedures to accommodate two-year budget cycles and five-year financial planning requirements; and 2) eliminate outdated and duplicative reporting requirements.
(Controller)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 20. 111084 [Appropriating \$1,843,125 of Children's Fund Contingency in the Department of Children, Youth, and their Families to Fund Subsidized Child Care for Low Income Families - FY2011-2012]**
Sponsor: Mayor
Ordinance appropriating \$1,843,125 of Children's Fund Designated Contingency to the Department of Children, Youth, and their Families to allow California Department of Education Title Five Contractors to provide subsidized child care funding for low income families in order to mitigate State cuts in FY2011-2012.
(Fiscal Impact)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 21. 111085 [Memorandum of Understanding, Amendment No. 4 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]**
Sponsor: Mayor
Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending its term to June 30, 2015, and implementing specified terms and conditions of employment for FYs 2011-2012, 2012-2013, 2013-2014, and 2014-2015.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 22. 110986 [Airport Concession Lease - Amendment No. 1 to Terminal 3 Newstands - Pacific Gateway Concessions, LLC]**
Resolution retroactively approving Amendment No. 1 to Terminal 3 Newsstands Lease No. 04-0165 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**
- 23. 110987 [Airport Concession Lease - Amendment No. 4 to Boarding Areas B and C Principal Retail - Pacific Gateway Concessions, LLC]**
Resolution approving Amendment No. 4 to Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**

24. 110988 [Airport Concession Lease - Amendment No. 3 to North Terminal Bookstore - Books, Inc.]

Resolution approving Amendment No. 3 to North Terminal Bookstore Lease No. 00-0176 between Books, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

25. 111009 [Adopting a Fixed Two-Year Budget for Airport, the Port, and the Public Utilities Commission]

Sponsors: Mayor, Chiu, Farrell and Chu

Resolution adopting a fixed two-year budgetary cycle for the Airport, the Port, and the Public Utilities Commission, defining terms, and setting deadlines. (Controller)

Question: Shall this Resolution be ADOPTED?

26. 111010 [General Obligation Refunding Bonds - Series 2011-R1 - Not to Exceed \$1,355,991,219]

Sponsor: Mayor

Resolution authorizing the issuance from time to time, in one or more series, of not to exceed \$1,355,991,219 aggregate principal amount of the City and County of San Francisco General Obligation Refunding Bonds, including the initial series or series of such Bond to be designated as "City and County of San Francisco General Obligation Refunding Bonds, Series 2011-R1," to refund certain outstanding General Obligation Bonds; approving the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories, verification agents, and other agents for said bonds; approving the form and authorizing the execution and delivery of escrow agreements relating to the refunded bonds; approving and directing the tax levy for repayment of said bonds; approving procedures for competitive or negotiated sales including approving forms of official notice of sale and notice of intention to sell said bonds and authorizing the selection of underwriters and the execution and delivery of bond purchase agreements; approving the form and authorizing the execution and delivery of continuing disclosure certificates; approving the form and authorizing the distribution of the preliminary official statement and authorizing the execution, delivery, and distribution of the official statement for the Series 2011 R1 Bonds; authorizing payment of costs of issuance of said bonds; approving modifications to documents; ratifying actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of the bonds and the refunding of certain outstanding General Obligation Bonds.

(Fiscal Impact)

10/18/2011; AMENDED.

10/18/2011; RE-REFERRED AS AMENDED to the Budget and Finance Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Mar, Cohen, Wiener

27. 110767 **[Planning Code - Alcoholic Beverages in the Mission Alcoholic Beverage Special Use Subdistrict]**
Sponsors: Kim; Wiener and Mar
Ordinance amending the San Francisco Planning Code Section 249.60 to: 1) permit bowling alleys and single screen theatres in the Mission Alcoholic Beverage Special Use Subdistrict to serve alcoholic beverages; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 110984 **[Transportation Code - Residential Parking Permit Application Penalties]**
Ordinance amending the San Francisco Transportation Code, Article 7, Division I, Section 7.2.50, and adding Section 7.3.11, to authorize administrative and misdemeanor penalties for submitting false, misleading, or fraudulent information on a residential parking permit application. (Municipal Transportation Agency)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Public Safety Committee

Present: Supervisors Mirkarimi, Campos

29. 110967 **[Police Code - Regulating Public Nudity in Restaurants and Public Seating Areas]**
Sponsor: Wiener
Ordinance amending the San Francisco Police Code Section 1071.1 to: 1) prohibit public nudity in restaurants; and 2) prohibit sitting on public benches or public seating areas without clothing or some other separate material between the person's genitals, buttocks, or anal region and the seating surface.

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 City Operations and Neighborhood Services Committee at a Special Meeting on Monday, October 31, 2011, 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 1, 2011.

30. 111164 **[Supporting the Occupy Wall Street Protest Movement and the People's Right to Peaceful Assembly]**
Sponsors: Avalos; Campos, Kim and Mar
Resolution supporting the Occupy Wall Street Protest Movement and urging Mayor Lee to uphold people's right to peaceful assembly and collaborate with OccupySF to ensure the safety of the protestors, their supporters, and the greater public in the City and County of San Francisco.
- Question: Shall this Resolution be ADOPTED?**
31. 111165 **[Supporting Regulated and Safe Patient Access to Medical Cannabis]**
Sponsors: Campos; Mar, Avalos, Chiu, Mirkarimi, Kim and Wiener
Resolution supporting regulated and safe patient access to medical cannabis in the City and County of San Francisco.
- Question: Shall this Resolution be ADOPTED?**

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

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

Items 32 through 36**32. 111168 [Accept and Expend Grant - Prevention Training Center Clinical Training Program - \$96,121]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$96,121 from the University of California, San Francisco, to fund the Prevention Training Center Clinical Training Program for the period of April 1, 2012, through March 31, 2013.

10/25/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. 111114 [Committee of the Whole - Ground Lease Agreement - 25 Essex Street, Commonly Known as Rene Cazenave Apartments - November 8, 2011]**Sponsor: Kim**

Motion scheduling the Board to sit as a Committee of the Whole on November 8, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 25 Essex Street, Assessor's Parcel No. 064-3749, commonly known as Rene Cazenave Apartments to 25 Essex, L.P., a California limited partnership, consistent with the provisions of the California Community Redevelopment Law Section 33433.

10/25/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

34. 111175 [Final Map 4633: 1584 - 1598 Church Street]

Motion approving Final Map 4633, a Mixed-Use, Six Unit Residential and One Unit Commercial Condominium Project, located at 1584 - 1598 Church Street being a subdivision of Assessors Block No. 6601, Lot No. 006; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

10/26/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

- 35. 111176 [Final Map 6374: 2020 Ellis Street]**
Motion approving Final Map 6374, a 12 Unit Residential Condominium Project, located at 2020 Ellis Street being a subdivision of Assessors Block No. 1101, Lot No. 047; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

10/26/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

- 36. 111177 [Final Map 6466: 574 Natoma Street]**
Motion approving Final Map 6466, an 11 Unit Residential Condominium Project, located at 574 Natoma Street being a subdivision of Assessors Block No. 3726, Lot No. 075; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

10/26/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

37. 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 18, 2011, through October 24, 2011, for reference by President to appropriate committee on November 1, 2011.

111135 [Settlement of Lawsuit - Diane Bauer - \$35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Diane Bauer against the City and County of San Francisco for \$35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

111136 [Settlement of Lawsuit - David Cheung - \$80,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually and dba Kwok Shing Hong against the City and County of San Francisco for \$80,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

111137 [Settlement of Lawsuit - Elaine Choy - \$28,850]

Ordinance authorizing settlement of the portion of the lawsuit filed by Elaine Choy against the City and County of San Francisco for \$28,850; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

111138 [Settlement of Lawsuit - Shonna Cook - \$27,785]

Ordinance authorizing settlement of the portion of the lawsuit filed by Shonna Cook against the City and County of San Francisco for \$27,785; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

- 111139 [Settlement of Lawsuit - James Cordova/Maria Morales - \$26,965]**
Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for \$26,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111140 [Settlement of Lawsuit - Brenda Dickson - \$28,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Brenda Dickson against the City and County of San Francisco for \$28,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111141 [Settlement of Lawsuit - Susan Garduno - \$25,730]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$25,730; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111142 [Settlement of Lawsuit - K LW, LLC - \$110,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by K LW, LLC, against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111143 [Settlement of Lawsuit - Lawrence LaBianca - \$34,965]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Lawrence LaBianca against the City and County of San Francisco for \$34,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

- 111144 [Settlement of Lawsuit - Jane Martin and David Baker - \$50,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 10/17/2011; RECEIVED FROM DEPARTMENT.
11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111145 [Settlement of Lawsuit - Pat Moore/Tom Moore - \$30,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for \$30,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 10/17/2011; RECEIVED FROM DEPARTMENT.
11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111146 [Settlement of Lawsuit - James Ramsey/Patricia Carazo Ramsey - \$33,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by James Ramsey/Patricia Carazo Ramsey against the City and County of San Francisco for \$33,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 10/17/2011; RECEIVED FROM DEPARTMENT.
11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111147 [Settlement of Lawsuit - Sally Seid - \$27,815]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for \$27,815; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 10/17/2011; RECEIVED FROM DEPARTMENT.
11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111148 [Settlement of Lawsuit - Angela Sinicropi/Martin Takigawa - \$26,820]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Angela Sinicropi/Martin Takigawa against the City and County of San Francisco for \$26,820; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 10/17/2011; RECEIVED FROM DEPARTMENT.
11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

- 111149 [Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$60,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 10/17/2011; RECEIVED FROM DEPARTMENT.
- 11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111151 [Public Improvements Acceptance - Bayshore Boulevard at Waterloo Street]**
Ordinance accepting an irrevocable offer for improvements and real property related to the widening of Bayshore Boulevard at Waterloo Street and accepting a grant deed for these purposes; declaring such area to be open public right-of-way and dedicating it for right-of-way and roadway purposes; accepting maintenance and liability for this area subject to certain limitations; establishing sidewalk width change for this area; making findings, including environmental findings and general plan and priority policy findings; and authorizing official acts in connection with this Ordinance. (Public Works Department)
- 10/18/2011; RECEIVED FROM DEPARTMENT.
- 11/01/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
- 111154 [Agreement - Tracking Environmental Attributes]**
Ordinance approving a contract between the City and County of San Francisco and the Western Renewable Energy Generation Information System (WREGIS) for documenting and tracking environmental attributes at an estimated initial cost of \$4,500 per year, depending on account activity; waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, waiving the requirement of Section 21.9(b) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision, waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, waiving the requirement of Section 12F.5 of the San Francisco Administrative Code that every contract contain a statement urging companies abide by the MacBride Principles, and waiving the requirement of Section 12O.2 of the San Francisco Administrative Code that every contractor provide EIC forms to eligible employees; and authorizing the San Francisco Public Utilities Commission to enter other similar contracts for tracking environmental attributes. (Public Utilities Commission)
- 10/24/2011; RECEIVED FROM DEPARTMENT.
- 11/01/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from October 18, 2011, through October 24, 2011, for reference by President to appropriate committee on November 1, 2011.

111150 [Settlement of Claim - James Christian - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by James Christian against the City and County of San Francisco for \$200,000; claim was filed on May 31, 2011. (City Attorney)

10/17/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Rules Committee.

111152 [Airport Lease and Use Agreement - Swiss International Air Lines, Limited]

Resolution approving the terms of 2011 Airline/Airport Lease and Use Agreement L11-0182 between the City and County of San Francisco and Swiss International Air Lines, Limited, to conduct international flight operations at San Francisco International Airport. (Airport Commission)

10/21/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

111153 [Contract Extension - Voting System - Not to Exceed \$4,529,600]

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Dominion Voting Systems for an amount not to exceed \$4,529,600 and to extend the term of the contract through December 11, 2013 [or December 11, 2016]. (Elections Department)

10/24/2011; RECEIVED FROM DEPARTMENT.

11/01/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

111157 [Petitions and Communications]

Petitions and Communications received from October 18, 2011, through October 24, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 1, 2011.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

From Clerk of the Board, the following individual has submitted a Form 700 Statement: (1)

Lin-Shao Chin, Legislative Aide - Leaving

From Aging and Adult Services Commission, submitting its Community Living Fund: Program for Case Management and Purchase of Resources and Services Report for January - June 2011. (2)

From Fish and Game Commission, submitting a copy of the notice of proposed regulatory action relative to California Code of Regulations, Title 14, Sections 550, 550.5, 551, 552, 553, 630, and 703. (3)

From Office of the Controller, City Services Auditor, submitting its FY2009-2010 Review Memorandum: Results of Political Activity Compliance Review. (4)

From Controller's Office, City Services Auditor, submitting its Human Services Agency Payroll Audit Report for calendar year January 1, 2010, through December 31, 2010. (5)

*From Residential Rent Stabilization and Arbitration Board, submitting its 2010-2011 Rent Board Annual Statistical Report. (6)

From concerned citizens, submitting support for the restoration of Sharp Park wetlands and wildlife. File No. 110966, 10 letters. (7)

From concerned citizens, submitting opposition to false advertising by limited services pregnancy centers. File No. 110899, 2 letters. (8)

From Allen Jones, submitting opposition to offering tax breaks to businesses that hire former felons. File No. 111102. (9)

From Hedda Thieme, submitting a request that Clipper Cards display a running total of money that was deducted for travel. (10)

From Gerald Cauthen, SaveMuni.com, submitting financial and ridership comparisons for the San Francisco Central Subway Project. (11)

From concerned citizens, submitting support for San Francisco Animal Control and Welfare Humane Pet Acquisition proposal. 3 letters. (12)

From Congresswoman Jackie Speier, submitting opposition to the use of federal funds for purposes of managing Sharp Park. (13)

From Barbara Cohen, submitting support for the reappointment of Dr. Toyce Moses to the Immigrant Rights Commission. (14)

*From San Francisco Unified School District, submitting its 2011-2012 Williams Facilities Inspection Report and Textbook Inspection Reports. (15)

From Dennis J. Herrera, City Attorney, submitting a response to statements Mayor Lee made about Office of the City Attorney's code enforcement efforts. (16)

*(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