

# Board of Supervisors

## City and County of San Francisco

*Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689*



### **AGENDA**

**Tuesday, December 6, 2005  
2:00 PM**

#### **Regular Meeting**

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**AARON PESKIN, PRESIDENT  
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,  
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,  
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL**

*Gloria L. Young, Clerk of the Board*

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MEETING MINUTES**

*Motion to approve Board Meeting Minutes for November 1, 2005 and November 8, 2005.*

## **AGENDA CHANGES**

## **COMMUNICATIONS**

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

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

5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

## 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 Ammiano, Mirkarimi*

- 1. 051677 [Grant of Federal Funds - Municipal Transportation Agency - \$65,840,680] Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency to Accept and Expend \$65,840,680 of Federal Formula Section 5307 Surface Transportation Program and Congestion Mitigation for Air Quality Capital Assistance for various San Francisco capital projects and activities, excluding Administrative Overhead Costs.

(Fiscal impact.)

**Question: Shall this Resolution be ADOPTED?**
- 2. 051678 [Grant of Regional Funds - Municipal Transportation Agency - \$2,945,658] Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$2,945,658 of Assembly Bill 664 Funds for San Francisco Municipal Railway Capital Projects, excluding administrative overhead costs.

(Fiscal impact.)

**Question: Shall this Resolution be ADOPTED?**
- 3. 051679 [Grant of Federal Funds - Municipal Transportation Agency - \$23,305,667] Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$23,305,667 Federal Formula Section 5309 Fixed Guideway capital projects and activities, excluding administrative overhead costs.

(Fiscal impact.)

**Question: Shall this Resolution be ADOPTED?**





Maria Luz Torre, succeeding herself, term expired, seat 10, must be a nominee of District 10 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of three-year term ending December 31, 2007.

**Question: Shall this Resolution be ADOPTED?**

**13. 051851 [Appointment - In-Home Supportive Services Public Authority]**

Resolution appointing Patricia Webb, term ending March 1, 2007, Sharon Brunn, term ending March 1, 2008, Kelly Dearman, term ending March 1, 2006, and Rosie Byers and Alice Wong, for terms to be determined, to the In-Home Supportive Services Public Authority.

Patricia Webb, succeeding Karen Young-Simmons, term expired, seat 2, must be a consumer between the ages of 18 and 60, authorized to represent organizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2007.

Sharon Brunn, succeeding herself, term expired, seat 3, must be a consumer at-large over the age of 55, for the unexpired portion of a three-year term ending March 1, 2008.

Kelly Dearman, succeeding June Keller, term expired, seat 6, must be a member of the Human Services Commission, recommended to the Board by the Commission, for the unexpired portion of a three-year term ending March 1, 2006.

Rosie Byers, new appointment, seat 12, must be a member representing the bargaining unit of the union that represents IHSS independent providers, for the unexpired portion of a three-year term to be determined.

Alice Wong, new appointment, seat 13, must be a consumer at-large who is 18 years of age or older, for the unexpired portion of a three-year term to be determined.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **From the Clerk**

**14. 051940 [Adopting findings related to the tentative parcel map**

**appeal on property located at 554 Valley]**

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative parcel map for a 2-lot subdivision project located at 554 Valley Street (Lot 081 in Assessor's Block 6611). (Clerk of the Board)

(Companion measure to Files 051780, 051781, 051782, 051783.)

11/29/2005, REFERRED to Board of Supervisors.

**Question: Shall this Motion be ADOPTED?**

**15. 051950 [Adopting findings related to affirming the categorical exemption issued for 899 North Point Street]**

Motion adopting findings related to affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act.

(Companion measure to Files 051222, 051223, 051224, 051225.)

11/29/2005, REFERRED to Board of Supervisors.

**Question: Shall this Motion be ADOPTED?**

**Recommendation of the Budget and Finance Committee**

*Present: Supervisors Ammiano, Mirkarimi, Elsbernd*

**16. 050871 [Adopting the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area]**

**Mayor, Supervisor Daly**

Ordinance approving and adopting findings pursuant to the California Environmental Quality Act and a Statement of Overriding Considerations for the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area; amending Ordinance No. 234-90 to adopt the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area; adopting findings that the Redevelopment Plan Amendment and related documents are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and authorizing official acts in furtherance of this ordinance.

(Fiscal impact.)

11/22/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendation of the Government Audit and Oversight Committee**

*Present: Supervisors Peskin, Elsbernd, Daly*

**17. 051887 [Amendments to Administrative Code Section 10B]**

**Supervisors Peskin, Mirkarimi**

Ordinance amending section 10B.2 of the Administrative Code to eliminate the provisions allowing the Mayor to waive payment for services under this chapter, and amending section 10B.20 of the Administrative Code to provide that any person, firm or corporation who receives a street closure permit while being in arrears more than 90 days for payment required shall not be eligible for a future permit.

11/22/2005, PASSED ON FIRST READING. Supervisor Mirkarimi requested to be added as a co-sponsor.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **From the Land Use Committee Without Recommendation**

*Present: Supervisors Maxwell, Sandoval*

18.        **051590**        **[Designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as a Landmark under Planning Code Article 10]**        **Supervisors Mirkarimi, Maxwell, Sandoval, Ammiano, Daly**

Ordinance designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as Landmark No. 249, pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

11/22/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Alioto-Pier, Mirkarimi*

19.        **051285**        **[Report of Revenue Recovery for Damage to City Property]**        **Supervisor Ma**

Ordinance amending the San Francisco Administrative Code by adding Section 4.26 to require each department to report annually on the value of damage sustained to City real and personal property under its control and the amount of revenue recovered from those responsible for damaging the property.

11/22/2005, AMENDED.

11/22/2005, PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

20.        **051456**        **[Creating a Foster Care Improvement Task Force]**        **Supervisor Maxwell**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.300 and 5.305 to establish a Foster Care Improvement Task Force charged with implementing the recommendations of the Disproportionality Project, and to examine and address the overrepresentation of African American children in foster care.

11/22/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

# NEW BUSINESS

## Recommendation of the Budget and Finance Committee

*Present: Supervisors Ammiano, Mirkarimi*

21.        051510        **[First Source Hiring Ordinance - Expanding the Chapter to apply to contract modifications; defining OLSE; amending liquidated damages and penalty sections and to provide for**        **Supervisor Mirkarimi**
- Ordinance amending the San Francisco Administrative Code by amending sections 83.2, 83.4, 83.6, 83.7, 83.9, 83.10, 83.11, 83.12, and 83.18 of the First Source Hiring Program to: 1) correct erroneous grammar and subsection references; 2) change "Department of Human Services (DHS)" to "Human Services Agency (HSA);" 3) define OLSE; 4) include the OLSE in making the final administrative determination regarding compliance with this Chapter; 5) include contract modifications under the definition of contracts; 6) amend provision of liquidated damages against contractors who fail to comply with this Chapter and to provide for administrative review; and 7) amend provision of a penalty against permittees and contractors engaged in non-City work performed in San Francisco who fail to comply with this Chapter and to provide for administrative review.
- (Fiscal impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

## Recommendation of the Rules Committee

*Present: Supervisors Alioto-Pier, Mirkarimi, Peskin*

22.        051800        **[Canceling January 3, 2006, Board of Supervisors meeting]**        **Supervisor Peskin**
- Motion canceling January 3, 2006, meeting of the Board of Supervisors.
- Question: Shall this Motion be ADOPTED?**

## Recommendation of the Land Use Committee

*Present: Supervisors Maxwell, McGoldrick*

23.        051462        **[Condominium conversion lottery based on seniority of participation]**        **Supervisors Dufty, Ma, Alioto-Pier**
- Ordinance amending Subdivision Code Section 1396.1 to prioritize the condominium conversion lottery based on seniority of participation in prior lotteries and making environmental findings.
- 11/8/2005, CONTINUED.
- 11/22/2005, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 11/22/2005, RE-REFERRED to Land Use Committee. Supervisor Alioto-Pier requested to be added as a co-



sponsor.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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

### **SPECIAL ORDER 4:00 P.M.**

#### *APPEAL PROCEDURES*

*Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:*

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2.*

**24. 051784 [Public Hearing - Conditional Use Appeal for 80 West Portal Avenue]**

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17117 dated October 6, 2005 (Case No. 2005.0698C), approving, subject to certain conditions, a conditional use authorization pursuant to Planning Code Section 729.53 to establish mortgage brokerage as a business or professional service (Guarantee Mortgage), in a vacant ground floor commercial space approximately 2,318 gross square feet in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District, on property located at 80 West Portal Avenue, Lot 008, in Assessor's Block 2931. (Appellant: Kenneth D. Kruszka, representing the Greater West Portal Neighborhood Association).

(Filed November 1, 2005; companion measure to Files 051784, 051785, 051786, 051787; District 7.)

11/22/2005, CONTINUED. Continued to December 6, 2005

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

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

**25. 051785 [Approving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

11/22/2005, CONTINUED. Continued to December 6, 2005

**Question: Shall this Motion be ADOPTED?**

26.           **051786**       **[Disapproving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]**  
Motion disapproving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue. (Clerk of the Board)

11/22/2005, CONTINUED. Continued to December 6, 2005

**Question: Shall this Motion be ADOPTED?**

27.           **051787**       **[Preparation of findings related to the Conditional Use Appeal for 80 West Portal Avenue]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2005.0698C on property located at 80 West Portal Avenue, for action by the Board at its next meeting. (Clerk of the Board)

11/22/2005, CONTINUED. Continued to December 6, 2005

**Question: Shall this Motion be ADOPTED?**

## **SPECIAL ORDER 4:00 P.M.**

28.           **051852**       **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 730 Great Highway]**  
Hearing of persons interested in or objecting to the decision of the Planning Department dated July 19, 2004, (Case No. 031009E), exempting from environmental review under General Rule (State CEQA Guidelines, Section 15061 (b)(3)), the proposed construction project at 730 Great Highway. The project would construct a three-story, four-unit dwelling structures, 31.5 feet high with 6,540 square feet living area, 840 square feet garage which accommodate 4 off-street parking spaces. The proposed site is a 3,360 square feet vacant lot at east Great Highway and about 141 feet south from Balboa Street, zoned RM1, 40-X Height and Bulk District, within coastal Special Use District (SUD) and Special Sign District (SSD). (Appellant: Stephen M. Williams representing the Ocean Parc Village Homeowners Association.)

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

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

29.           **051853**       **[Affirming the categorical exemption issued for 730 Great Highway]**

Motion affirming the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Question: Shall this Motion be ADOPTED?**

**30. 051854 [Disapproving the categorical exemption issued for 730 Great Highway]**

Motion disapproving the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Question: Shall this Motion be ADOPTED?**

**31. 051855 [Preparation of findings related to the categorical exemption issued for 730 Great Highway]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Question: Shall this Motion be ADOPTED?**

## **COMMITTEE REPORTS**

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

*The following item will be considered by the Budget and Finance Committee at a Regular Meeting on Thursday, December 1, 2005 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, December 6, 2005.*

**32. 051767 [Red Light Photo Enforcement Contract] Supervisor Ma**

Resolution approving the contract between the Department of Parking and Traffic and ACS State and Local Solutions for administrative support services for the Red Light Photo Enforcement Program for a term not to exceed five years and an amount not to exceed \$10,195,471.00.

(Fiscal impact.)

**Question: Shall this Resolution be ADOPTED?**

*The following item will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, December 5, 2005 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, December 6, 2005.*

**33. 051890 [Traffic Regulations - 18th Street] Supervisor Dufty**

Resolution rescinding No Parking 7am-4pm except Saturday and Sunday on 18th Street, north side, between Dolores and Church Streets.

NO PARKING 7A-4P EXCEPT SATURDAY AND SUNDAY- RESCIND  
18th Street, north side, between Dolores and Church Streets

**Question: Shall this Resolution be ADOPTED?**

## 34. **ROLL CALL FOR INTRODUCTIONS**

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

## 35. **PUBLIC COMMENT**

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

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

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

### **Items 36 through 47**

36.       **051926**       **[Urging Low-Income Heating Oil Assistance Program]**       **Supervisors Peskin, Dufty**  
Resolution commending Citgo Petroleum Group for its plan to provide low-income communities in the United States of America with discounted home heating oil, inviting Citgo to engage in a similar program with San Francisco's low-income residents, and urging other major oil companies to invest a portion of record profits in low-income assistance programs.

11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

37.       **051927**       **[Accept-Expend State Grant - Police Department]**       **Supervisor Alioto-Pier**  
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$45,000.00 (Forty-Five Thousand dollars) from the California Department of Boating and Waterways to purchase miscellaneous boating equipment for use in boating safety and law enforcement activities.

11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 38. 051928 [Bernal Heights preschool] Supervisor Ammiano**  
Resolution urging that the Bernal Preschool return to the Bernal Branch Library upon completion of the Branch Library Renovation.  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 39. 051929 [Proclaiming that the San Francisco Lesbian/Gay Freedom Band as the Official Band of the City and County of San Francisco] Supervisors Dufty, Ammiano**  
Resolution proclaiming that the San Francisco Lesbian/Gay Freedom Band as the Official Band of the City and County of San Francisco.  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 40. 051930 [Declaring December 10th, 2005 as Dance-Along Nutcracker Day in the City and County of San Francisco] Supervisors Dufty, Ammiano**  
Resolution declaring December 10th, 2005 as Dance-Along Nutcracker Day in the City and County of San Francisco.  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 41. 051931 [National Family Week] Supervisor Ma**  
Resolution declaring November 20 - 26, 2005 as "National Family Week" in the City and County of San Francisco.  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 42. 051932 [Supporting the Department on the Status of Women proposal for a Domestic Violence Cross-Training Institute] Supervisor Maxwell**  
Resolution supporting the Department on the Status of Women's proposal to the Blue Shield Foundation for funding to support the development of a Domestic Violence Cross-Training Institute.  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**

43.       **051933**       **[Commending Thrasher Magazine on their 25th Anniversary]**       **Supervisor Mirkarimi**  
Resolution commending Thrasher Magazine on the occasion of their 25th anniversary.  
  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
44.       **051934**       **[Grant to improve pedestrian safety awareness in San Francisco]**       **Supervisor Mirkarimi**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept and expend a new grant in the amount of \$337,725 from the California Office of Traffic Safety (COTS) to improve pedestrian safety awareness in San Francisco, and to enter into an agreement for the use of these funds; for the period of October 1, 2005, to December 31, 2007.  
  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
45.       **051946**       **[Urging CA Air Resources Board]**       **Supervisor Peskin**  
Resolution supporting adoption of the California Air Resources Board's (CARB) proposed regulation for auxiliary diesel engines and diesel-electric engines operated on ocean-going vessels within California waters and 24 nautical miles of the California Baseline for the purpose of reducing air pollution from ships that call on the Port of San Francisco, neighboring ports and all California ports.  
  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
46.       **051947**       **[Supporting Maritime Union Job Retention]**       **Supervisor Peskin**  
Resolution supporting the retention of San Francisco maritime union jobs aboard the Alcatraz ferry service and urging the San Francisco Port Commission to consider the economic and traffic impacts of moving ferry service away from Fisherman's Wharf.  
  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
47.       **051900**       **[Needle Exchange Emergency]**  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.  
  
11/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Motion be ADOPTED?**

## 48. **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 8 votes or a unanimous 6 or 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 resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

## **OFF-AGENDA LEGISLATION**

### **PROPOSED ORDINANCES**

*Proposed ordinances received from November 15, 2005 through November 28, 2005, for reference by President to appropriate committee on December 6, 2005.*

#### **051877 [Settlement of Lawsuit - Carol Renault v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Carol Renault against the City and County of San Francisco for \$900,000; the lawsuit was filed on July 20, 2004 in San Francisco Superior Court, Case No. 433-157; entitled Carol Renault v. City and County of San Francisco, et al. (City Attorney)

11/21/2005, RECEIVED AND ASSIGNED to Rules Committee.

#### **051878 [Settlement of Lawsuit - 1750 Connecticut Street, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by 1750 Connecticut Street against the City and County of San Francisco for \$75,000; the lawsuit was filed on August 20, 2004 in San Francisco Superior Court, Case No. 433-992; entitled 1750 Connecticut Street, et al., v. City and County of San Francisco, et al. (City Attorney)

11/21/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051896 [Settlement of Lawsuit - National Center for International Schools, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by National Center for International Schools against the City and County of San Francisco for \$178,667.42; the lawsuit was filed on October 28, 2004 in San Francisco Superior Court, Case No. 435-875; entitled National Center for International Schools, et al., v. City and County of San Francisco, et al. (City Attorney)

11/21/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051899 [Settlement of Lawsuit - Evan Weiss Arkush, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Evan Weiss Arkush against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 26, 2004 in San Francisco Superior Court, Case No. 432-947; entitled Evan Weiss Arkush, et al., v. City and County of San Francisco, et al. (City Attorney)

11/23/2005, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from November 15, 2005 through November 28, 2005, for reference by President to appropriate committee on December 6, 2005.*

**051837 [Exceptions to the Ban on Compensated Advocacy]**

Ordinance amending Section 3.224 of the Campaign and Governmental Conduct Code to clarify that the exception to the ban on compensated advocacy for City officers who are licensed attorneys applies to City officers who are licensed attorneys engaged in the practice of law, which includes representing clients in communications with the City Attorney's Office, District Attorney's Office, the Public Defender's Office, attorneys in the Tax Collector's Office or Sheriff's Department, outside legal counsel hired by the City, and City officers and employees who are named in a pending litigation matter or are witnesses or potential witnesses in a pending litigation matter. (Ethics Commission)

11/15/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051875 [Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a



revolving fund. (Public Works Department)  
(DPW Order No. 175,671; Location: 800 Shrader Street.)

11/16/2005, ASSIGNED to Board of Supervisors.

**051876 [Statements of Economic Interests for Candidates for City Elective Office]**

Ordinance amending section 3.1-102 of the Campaign and Governmental Conduct Code to require all candidates for City elective office to file statements of economic interests with the Department of Elections no later than the final filing date for a declaration of candidacy. (Ethics Commission)

11/21/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051897 [ Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2005-06]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2005-2006 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2005-2006. (Public Health Department)

11/22/2005, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051898 [Appointment - Local Homeless Coordinating Board]**

Resolution appointing Christine Ma, M.D., for a term to be determined, to the Local Homeless Coordinating Board, residency requirement waived. (Controller)

11/22/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051935 [Settlement of Claim - Yully Company]**

Resolution approving the settlement of the unlitigated Claim No. 05-03042 filed by Yully Company on March 24, 2005, against the City and County of San Francisco for \$119,000. (City Attorney)

11/23/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051943 [Petitions and Communications]**

Petitions and Communications received from November 15, 2005 through November 28, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 6, 2005.

From Department of Public Works, responding to inquiry regarding potholes at the northwest portion of the intersection of Geary Boulevard and Divisadero Street. (Reference No. 20051011-003) Copy: Supervisor Mirkarimi(1)

From Department of Public Works, reporting that the pothole in the middle of the intersection of 8th Avenue and Judah Street has been repaired. (Reference No. 20050816-007) Copy: Supervisor Mirkarimi(2)

From Municipal Transportation Agency, regarding the feasibility of establishing southbound Octavia Street as "Right Turn Only" to Fell Street. (Reference No. 20051018-011) Copy: Supervisor Mirkarimi(3)

From Municipal Transportation Agency, reporting on the status of street name signs on Octavia Boulevard. (Reference No. 20050927-003) Copy: Supervisor Mirkarimi(4)

From the Real Estate Division, reporting on inspection of the lease agreement at 1145 Market Street as to what are the terms of the lease regarding either having the landlord or SBC increase the number of phone lines to accommodate incoming calls. (Reference No. 20051011-006) Copy: Supervisor Elsbernd (5)

From Department of Public Health, submitting the Department's response to the Health Associates Report on its effectiveness as an integrated health care delivery system and provider of a continuum of long-term care services. (6)

From Supervisor Daly, regarding parking regulations in the South Beach area of San Francisco. File 051474, Copy: Each Supervisor(7)

From Office of the Treasurer/Tax Collector, submitting the Cash difference and Overage Fund balance and activities reported to the office for the period ending October 31, 2005.(8)

From Department of Elections, submitting request for waiver of Administrative Code 12B and 12C for San Francisco State University Public Research Institute.(9)

From Department of Human Services, regarding investigation of fire at 359 Capp Street on September 15, 2005. (Reference No. 20050920-017) Copy: Supervisor Ammiano(10)

From Regional Alliance for Transit, submitting support for the Transbay Terminal Project.(11)

From S.F. Human Services Network, submitting support for the Health Management Association Report on long-term care.(12)

From Andree Waldichuk, submitting opposition to the Planning Commission's decision approving Conditional Use application on property located at 80 West Portal Avenue. File 051784, Copy: Supervisor Elsbernd(13)

From Fire Department, submitting request for waiver of Administrative Code Chapters 12 and 12C for Holiday Inn Golden Gateway.(14)

From Airport Commission, submitting request for release of reserved funds (\$24,970,000) for the West Field Cargo project.(15)

From Municipal Transportation Agency, submitting an interim report on traffic operations on and around Octavia Boulevard and the new U.S. 101 Touchdown Ramp (Central Freeway). File 051619, Copy: Each Supervisor(16)

From the Real Estate Division, submitting a drawing of the surplus Water Department parcels sold at public auction in the 1950's. (Reference No. 20051018-004) Copy: Supervisor

Mirkarimi(17)

From Planning Department, responding to appeal of the Final Mitigated Negative Declaration for 680 Illinois Street. File 051740, Copy: Each Supervisor(18)

From Educational Discovery Tours, concerning the hardship on some students with increasing the cable car fare to \$5.00.(19)

From San Francisco Community College, submitting notice of San Francisco Community College District's intent to sell real property at 1-21 Columbus Avenue and 612-624 Washington Street.(20)

From Governor's Office of Planning and Research, submitting notice of upcoming public hearings regarding the Advisory Planning Handbook for Community and Military Land Use Compatibility.(21)

From Takako Takakuwa, submitting support for the NERT program.(22)

From the Graffiti Advisory Board, submitting an evaluation of the criminal justice system's treatment of graffiti vandalism.Copy: Each Supervisor(23)

From Redevelopment Agency, submitting resolution adopted by the Redevelopment Agency on November 1, 2005 adopting an Agency Public Records Policy based on the Sunshine Ordinance. Copy: Supervisor Mirkarimi, File 051299(24)

From Municipal Transportation Agency, regarding the operation of the Octavia Boulevard and Touchdown Ramp (Central Freeway). (Reference No. 20050920-001) Copy: Supervisor Mirkarimi(25)

From Fire Department, responding to inquiry about the Old Fire Station 21 at 1152 Oak Street. (Reference No. 20051011-004) Copy: Supervisor Mirkarimi(26)

From North Beach Neighbors, submitting support for proposed legislation regarding the Better Neighborhood Planning and Implementation Process. File 050601, Copy: Land Use Committee members(27)

From County of Lake Board of Supervisors, urging cities and counties throughout California to adopt legislation that governs the sale of products containing pseudoephedrine. Copy: Each Supervisor(28)

From concerned citizens, commenting on proposed legislation regarding pit bulls and dangerous dogs in San Francisco. File 051607(29)

From concerned citizens, commenting on various propositions at the recent General Election in San Francisco.(30)

From concerned citizens, commenting on the recent statement made by talk show host Bill O'Reilly regarding San Francisco. Copy: Supervisor Daly(31)

From concerned citizens, regarding the recent ban on handguns in San Francisco.(32)

From concerned citizens, submitting support for enforcement of the leash law in the Golden Gate National Recreation Area.(33)

From concerned citizens, regarding home ownership in San Francisco.(34)

From the Port, submitting copy of letter sent to the CEO of the Mills Corporation concerning the Mills Corporation's recent failures to consult with the Port of San Francisco regarding press releases pertaining to the Piers 27-31 Project prior to release. Copy: Each Supervisor(35)

From Law Offices of Stephen Williams, submitting letter withdrawing the neighborhood appeal of the Second Categorical Exemption for 899 North Point Street. File 051225, Copy: Each Supervisor, City Attorney(36)

From concerned citizens, submitting opposition to the size homes proposed for each lot at 554 Valley Street.(37)

From concerned citizens, commenting on the cancellation of the SF Grand Prix. File 051564, Copy: Each Supervisor(38)

From Planning Department, submitting the priority policy and general plan consistency findings for the Better Neighborhoods Planning and Implementation Process. File 050601, Copy: Each Supervisor(39)

From Christine, urging the Board of Supervisors to adopt Laura's Law (legislation authorizing outpatient treatment for the mentally ill) passed in 2003 by the state legislature. Copy: Each Supervisor(40)

From Planning Association for the Richmond, submitting support for proposed legislation regarding landmark designation of the Music Concourse in Golden Gate Park. File 051590, Copy: Land Use Committee members(41)

From Miraloma Park Improvement Club, submitting copy of letter sent to the Mayor supporting the Police Chief's proposed five 50-officer Police Academy classes per year for the next three years to bring the force up to the staffing level required to protect the citizens of San Francisco.(42)

From Department of Public Health, regarding the statewide cannabis identification card program that is currently being implemented. File 051777, Copy: Each Supervisor(43)

From concerned citizens, commenting on San Francisco's anti-war stance.(44)

From concerned citizens, submitting support for recently passed resolution supporting clemency for Stanley Tookie Williams. File 051834, Copy: Each Supervisor(45)

From concerned citizens, submitting support for proposed legislation that prioritizes the condominium lottery based on seniority of participation in prior lotteries. File 051462(46)

From Rosemarie Picone, submitting support for the establishment of Rudi Columbini's Music City Project. File 051590, Copy: Each Supervisor(47)

From Doug Biederbeck, submitting his concerns with proposed legislation regarding mandatory health benefits. Copy: Each Supervisor(48)

From Ben Thomson, regarding his experience with a Home Depot being built in the neighborhood. File 051446, Copy: Each Supervisor(49)

From Sameena Usman, regarding the disappearance of Oakland pediatrician Dr. Zehra Attari.(50)

From Issac Zones, submitting support for giving the murals in the Mission District landmark status.(51)

From Doug Hormann, regarding the cancellation of the San Francisco Grand Prix of Cycling in San Francisco. File 051564, Copy: Each Supervisor(52)

From State Public Utilities Commission, submitting notice of PG&E's application for an electric revenue increase.(53)

From Department of Parking and Traffic, responding to inquiry regarding the feasibility of installing a crosswalk across Buchanan at Rose Streets. (Reference No. 20051011-002) Copy: Supervisor Mirkarimi(54)

From Department of Public Works, responding to inquiry regarding the feasibility of regularly emptying the public trash receptacles in the Haight Ashbury neighborhood on Sundays. (Reference No. 20050927-002) Copy: Supervisor Mirkarimi(55)

From Department of Public Works, responding to inquiry regarding cleaning of various drains at various locations. (Reference No. 20051025-004) Copy: Supervisor Mirkarimi(56)

From Department of Public Works, regarding removal of graffiti from the electrical box and lamppost at the northeast intersection of Oak and Steiner Streets.(Reference No. 20051101-004) Copy: Supervisor Mirkarimi(57)

From Department of Public Works, regarding removal of graffiti from various locations. (Reference No. 20051115-004) Copy: Supervisor Mirkarimi(58)

From Comcast Cable, submitting notice of price adjustment for the analog and digital service provided by Comcast Cable effective January 1, 2006.(59)

From State Fish and Game Commission, submitting notice of proposed regulatory action relative to Sections 163.1, regarding Herring Permit Transfers.(60)

APPOINTMENTS BY THE MAYOR  
Recreation and Parks Commission  
Larry Martin, Sr.

Commission on the Status of Women  
Angela Williams

Film Commission  
Marlene Saritsky

# ADJOURNMENT

## Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board 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, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

**THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.**

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

**AVISO EN ESPAÑOL:** La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



## Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order 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 various chemical based products.

## Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards,

councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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 Frank Darby Jr. by mail to 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](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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