

# 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, September 13, 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 August 9, 2005 and August 16, 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.*

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **From the Clerk**

**1. 051504 [Adopting findings related to the tentative subdivision map appeal on property located at 858 Duncan]**

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 858 Duncan (Lot 015 in Assessor's Block 7518).

9/6/2005, REFERRED to Board of Supervisors.

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

### **Recommendation of the Budget and Finance Committee**

*Present: Supervisors Ammiano, Mirkarimi, Elsbernd*

**2. 051257 [Sweatfree Ordinance]**

**Mayor, Supervisors Ammiano, Alioto-Pier, Daly, Mirkarimi, Maxwell, McGoldrick, Dufty, Ma, Sandoval**

Ordinance amending the San Francisco Administrative Code by adding Chapter 12U, finding that the City would benefit by spending its funds in a manner that would support safe and humane working conditions; requiring contractors and subcontractors providing goods to the City and County to comply with laws and standards affecting labor and employment conditions for employees performing work under the contract and subcontracts, including: not engaging in abusive forms of child labor, foreign convict or forced labor, or slave labor; and compliance with all human and labor rights and labor standards imposed by law or treaty law on the country where the goods are being made or assembled; paying wages that are not less than a minimum wage established by the Director of the Office of Contract Administration; compliance with all applicable laws governing wages, employee benefits, health and safety, labor, environmental conditions, nondiscrimination, freedom of association; creating the Sweatfree Procurement Advisory Group to make recommendations on the implementation, administration or enforcement of this Chapter to the Director of the Office of Contract Administration and the Office of Labor Standards Enforcement; targeting the procurement of garments for enforcement of this Chapter during the first full fiscal year following the effective date of the Chapter, and, thereafter, targeting other goods for enforcement based on recommendations of the Sweatfree Procurement Advisory Group submitted by the Director of the Office of Contract Administration to the Board of Supervisors and approved by ordinance.

(Fiscal impact.)



After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

## **NEW BUSINESS**

### **Recommendation of the Land Use Committee**

*Present: Supervisors Maxwell, McGoldrick*

6.       **051380**       **[Interdepartmental jurisdictional transfer of property]**       **Supervisors Dufty, Sandoval**  
Ordinance transferring jurisdiction of certain unimproved real property located on Roosevelt Way and Henry Street (Block 2612, Lot 50) from the Mayor's Office of Housing to the Recreation and Park Department.

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

## **SPECIAL ORDER 3:00 P.M.**

7.       **050853**       **[Hearing - Street Vacation portion of Bernal Heights Boulevard]**  
Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

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

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

*Present: Supervisors Maxwell, Sandoval*

8. **050852 [Ordering the vacation of a portion of Bernal Heights Boulevard]**

Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Real Estate Department)

(To be heard at a public hearing on September 13, 2005 at 3:00 p.m.)

8/9/2005, CONTINUED. Continued to September 13, 2005 at 3:00 p.m.

**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.*

9. **051402 [Public Hearing - Appeal of Categorical Exemption for 3350 20th Street (Quonset Hut structure)]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 7, 2004, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Section 15301 (1) (3), the demolition of a small commercial structure. The proposed project involves the demolition of the Quonset Hut structure located at at 3350 20th Street, Assessor's Block 3594, Lot 15. (Appellant: Sue C. Hestor, Attorney, representing Mission Anti-Displacement Coalition).

**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.)**



the Public Education Enrichment Fund.

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

### **From the Government Audit and Oversight Committee**

*The following items will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Monday, September 12, 2005 at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, September 13, 2005.*

15.        051511        **[To appropriate general fund reserve to the Board of Supervisors for the Budget Analyst to perform a management audit of the Office of Emergency Services]**        **Supervisor Peskin**

Ordinance appropriating \$200,000 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

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

16.        051483        **[Accept-Expend Federal Grant - Office of Emergency Services]**        **Supervisor Ma**

Resolution authorizing the Office of Emergency Services to retroactively accept and expend a Federal Grant in the amount of \$280,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

9/6/2005, REFERRED to Government Audit and Oversight Committee.

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

17.        051513        **[Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department - Emergency Services Coordination Program on a Priority Basis]**        **Supervisor Peskin**

Motion amending the Schedule of Audits for the Budget Analyst and Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department - Emergency Services Coordination Program and to perform this management audit as the next priority assignment.

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

### 18.        **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.*

### 19.        **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 20 through 25**

- 20. 051523 [Traffic Calming Measures on McAllister and Grove Streets] Supervisor Mirkarimi**
- Resolution urging the Department of Parking and Traffic to take measures to prevent unlawful and dangerous driving on McAllister Street between Webster Street and Laguna Street and on Grove Street between Webster Street and Laguna Street.
- 9/6/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 21. 051524 [Speed Humps on Linden and Rose Streets] Supervisor Mirkarimi**
- Resolution urging the Department of Parking and Traffic to install speed humps to prevent unlawful and dangerous driving on Linden Street between Webster Street and Buchanan Street and on Rose Street between Webster Street and Buchanan Street.
- 9/6/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 22. 051525 [Support and Expenditures for Hurricane Katrina Relief Efforts]**
- Resolution establishing City support for Hurricane Katrina relief efforts and preliminarily approving expenditures required to provide City support.
- 9/6/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 23. 051526 [Grant from Friends of City Planning for the Leland Avenue Revitalization Project] Supervisor Maxwell**



Resolution authorizing the Director of the Planning Department to accept and expend a grant in the amount of \$75,000 from the Friends of City Planning to undertake streetscape design for the Leland Avenue Revitalization Project.

9/6/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**24. 051527 [To provide three food related programs in San Francisco] Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend three grants in the total amount of \$4,606.18 from the California Department of Food and Agriculture (CDFA) for organic foods (\$1,000), egg quality control (\$2,256.18), and weighmasters (\$1,350) programs, and to enter into agreements for the use of these funds; for the period of July 1, 2005 through June 30, 2006.

9/6/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**25. 051528 [Approving Child Care Subsidy Plan] Supervisor Peskin**

Resolution approving county individualized child care subsidy plan authorized by Senate Bill 701 (Migden), for submission to California Department of Education, Child Development Division.

9/6/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

*Questions on the For Adoption Without Committee Reference Agenda: \_\_\_\_\_*

**26. 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 August 30, 2005 through September 2, 2005, for reference by President to appropriate committee on September 13, 2005.*

**051540 [Settlement of Lawsuit - Torfirio Carpenter]**

Ordinance authorizing settlement of the lawsuit filed by Torfirio Carpenter against the City and County of San Francisco for \$40,000; the lawsuit was filed on April 21, 2004 in San Francisco Superior Court, Case No. 430-718; entitled Torfirio Carpenter, et al., v. City and County of San Francisco, et al. (City Attorney)

8/30/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051541 [Settlement of Lawsuit - Raymond Nario]**

Ordinance authorizing settlement of the lawsuit filed by Raymond Nario against the City and County of San Francisco for \$60,000.00; the lawsuit was filed on October 20, 2003 in United States District Court, Case No. C05-1394 JSW; entitled Raymond Nario, et al., v. City and County of San Francisco, et al. (City Attorney)

8/30/2005, RECEIVED AND ASSIGNED to Rules Committee.

### **PROPOSED RESOLUTIONS**

*Proposed resolutions received from August 30, 2005 through September 2, 2005, for reference by President to appropriate committee on September 13, 2005.*

**051546 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

**TOW-AWAY NO STOPPING ANYTIME - ESTABLISH**

Beacon Street, both sides, from the south end of the driveway of 383 Beacon Street to 120 feet southerly.

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the

traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3056.)

8/31/2005, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051547 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Clement Street and 15th Avenue, stopping Clement Street at 15th Avenue, making this intersection an all-way STOP.

Flood Avenue at Congo Street, installing STOP signs on Flood Avenue at Congo Street, making this intersection an All-Way STOP.

Fairfield Way at Kenwood Way, installing a STOP sign on Fairfield Way at Kenwood Way. (Parking and Traffic Department)

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3056.)

8/31/2005, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051552 [Petitions and Communications]**

Petitions and Communications received from August 30, 2005 through September 2, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 13, 2005.

From Law Office of Stephen Williams, filing notice of appeal from action by the Planning Commission granting a Categorical Exemption from Environmental Review for 2642-2644 Hyde Street.(1)

From concerned citizens, submitting request for an extension of the review period for proposed legislation regarding the Better Neighborhoods Planning and Implementation Process. File 050601(2)

From Department of Administrative Services, confirming that funding provided in the budget for fiscal year 2005-06 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed to the Board.(3)

From Police Department, submitting request for waiver of Administrative Code Chapters 12B and 12C for Holiday Inn Golden Gateway Hotel at 1500 Van Ness Avenue, San Francisco.(4)

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 June 30, 2005.(5)

From Department of the Environment, confirming that funding provided in the budget for fiscal year 2005-06 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed to the Board.(6)

From concerned citizens, submitting opposition to opening a Home Depot store in San Francisco.(7)

From concerned citizens, submitting opposition to the Board of Supervisors refusal to dock the U.S.S. Iowa in San Francisco. File 051113, Copy: Each Supervisor(8)

From Patrick & Sizemore, requesting they be informed prior to construction of proposed project at 858 Duncan Street (a tentative subdivision map) on how the following issues will be addressed: neighborhood safety, noise levels, dust and debris, street parking and hours of operation. File 051435(9)

From Department of Public Works, reporting that the pothole located at the intersection of 8th Avenue and Judah Street has been repaired.(Reference No. 20050816-007) Copy: Supervisor Mirkarimi(10)

From concerned citizens, urging the Board of Supervisors to do what it can to help Susan Cervantes from being evicted from her rented family home of 35 years, located at 398 Precita Avenue, by the new owners of that property.(11)

From David Farrell, regarding the Green Cross marijuana dispensary located at 22nd and Fair Oaks Streets. Copy: Supervisors Dufty, Ammiano(12)

From Asian Art Museum, confirming that funding provided in the budget for fiscal year 2005-06 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed to the Board; however, funding provided does not fully fund all budgeted security positions required for operations.(13)

From Denise D'Anne, commenting on ways the City and County could save money.(14)

From Leslie Will, concerning homeownership in San Francisco.(15)

From concerned citizens, concerning Supervisor Daly alleging accusing Pat Murphy, the founder of the San Francisco Sentinel, of running an online political action committee.(16)

From concerned citizens, urging the City and County to do something to help the victims of Katrina.(17)

## **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.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to

be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. Agendas are available on the internet at [www.sfgov.org/site/bdsupvrs\\_index.asp?id=4383](http://www.sfgov.org/site/bdsupvrs_index.asp?id=4383)

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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 interpreters at a meeting 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 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 (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 J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 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. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. 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 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 Frank Darby 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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