

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, October 3, 2006 2:00 PM

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

Regular

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Daly, Dufty, Peskin

City and School District Select Committee

Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Ammiano, Alioto-Pier, Peskin

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Mirkarimi, Elsbernd, Ammiano

Select Committee on Ending Gun and Gang Violence

Supervisors Maxwell, Mirkarimi, Ammiano

Meeting Days

Wednesday
1:00 PM

2nd Monday (Bi-monthly)
4:00 PM

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Thursday
10:00 AM

1st and 3rd Monday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 101 Number 33

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to approve the September 12, 2006 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

061272 [Sale of City Property - 425 Mason Street]
Supervisor Peskin

Ordinance ordering the sale at public auction of City-owned property located at 425 Mason Street; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

Ordinance No. 246-06

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

061128 [Updating speed limit provisions on King Street and on the Embarcadero]

Ordinance amending Section 175.20 of the Traffic Code, governing the speed limit on a portion of The Embarcadero, to reflect that the Embarcadero terminates at King Street, and amending Section 176.39 of the Traffic Code to extend the speed limit change on King Street from 5th Street to The Embarcadero. (Municipal Transportation Agency)

Ordinance No. 247-06

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee**061116 [Department of Emergency Management; Divisions of Emergency Communications and of Emergency Services; qualifications for Director and Deputy Directors]**

Supervisors Alioto-Pier, Peskin

Ordinance amending the San Francisco Administrative Code, by amending Section 2A.200, to re-name the "Department of Emergency Communications" as the "Department of Emergency Management," establish Divisions of Emergency Communications and of Emergency Services within the Department, and set qualifications for the Director and Deputy Directors, and by amending Section 7.7, to substitute the Director of the Department of Emergency Management for the Director of Emergency Services.

Ordinance No. 261-06

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee**061032 [Mission Bay North Commons at Park P17 Improvements]**

Supervisor Daly

Ordinance designating a portion of State Trust Parcel adjacent to Park P17 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way Terry A. Francois Boulevard; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting 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, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 176,148 and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 248-06

FINALLY PASSED

**061033 [Mission Bay - Parks NP1 & NP2 Improvements]
Supervisor Daly**

Ordinance designating a portion of State Trust Parcel 1 lying next to Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting 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 North Redevelopment Plan; accepting Department of Public Works Order No. 176,149 and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 249-06

FINALLY PASSED

**061069 [Planning Code—Use of Public Sidewalk Space by Nonconforming Uses]
Supervisors Mirkarimi, Maxwell, Alioto-Pier**

Ordinance amending the San Francisco Planning Code by amending Sections 186 and 186.1 to allow certain nonconforming uses to occupy public sidewalk space with tables and chairs, when otherwise permitted; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 250-06

FINALLY PASSED

**061077 [Rent Ordinance: Evictions involving school-age children; Findings]
Supervisors McGoldrick, Mirkarimi, Ammiano**

Ordinance amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) by amending Section 37.6(j) to identify and report data on evictions involving school-age children, include data on evictions during the school term; Findings.

Ordinance No. 251-06

FINALLY PASSED

- 061183 [Landlord passthrough to residential tenants, 50% of property tax increase for general obligation bonds; Controller's explanation of proposed bonds; passthroughs authorized in CCSF bonds; passthroughs for School and Community College District bonds]**
Supervisors Ammiano, Alioto-Pier, Elsbernd, Dufty, McGoldrick, Ma, Maxwell, Mirkarimi

Ordinance: (1) amending the San Francisco Municipal Elections Code by amending Section 520, to require that the Controller's financial analysis for a general obligation bond proposal include an explanation of the 50-percent passthrough of the change in a landlord's property tax under the proposed bond measure; (2) amending the San Francisco administrative Code by adding Section 2.40, to require that a proposal for bonded indebtedness of the City and county of San Francisco include a provision authorizing the 50-percent passthrough of the change in a landlord's property tax provided in Administrative Code Section 37.3(a)(6); and, (3) amending San Francisco Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2(q) and 37.3 (a)(6) to provide that landlords may pass through to tenants 50-percent of the change in the landlord's property tax resulting from the repayment of San Francisco Unified School District or San Francisco Community College District general obligation bonds approved by the voters after November 1, 2006.

Ordinance No. 252-06
FINALLY PASSED

- 061212 [Board of Appeals: Legal Representation for Planning and Building Departments]**
Supervisor McGoldrick

Ordinance amending the San Francisco Business and Tax Regulations Code by adding Section 11(a) to establish a procedure for the City Attorney to provide legal representation for staff of the Planning Department and Department of Building Inspection appearing at hearings of the Board of Appeals with respect to certain matters.

Ordinance No. 253-06
FINALLY PASSED

- 061202 [Assignment of the Emporium Street Flower Market adjacent to 835 Market Street]**
Supervisor Peskin

Resolution approving the assignment of the street flower market permit identified as "The Emporium Street Flower Market on the south sidewalk of Market Street facing the location of 835 Market Street" to a living member of the Permittee's family pursuant to Article 5 Section 161(I) of the Public Works Code.

Resolution No. 573-06
ADOPTED

- 061204 [Assignment of Street Flower Market at Stockton and Geary Streets]**
Supervisor Peskin

Resolution approving the assignment of the street flower market permit identified as "The East Sidewalk of Stockton Street within 100 feet south of the southerly of Geary Street to a living member of the Permittee's family pursuant to Article 5 Section 161 (1a) of the Public Works Code.

Resolution No. 574-06
ADOPTED

Recommendations of the Rules Committee**060973 [Settlement of Lawsuit - Assessment Appeals Board]**

Ordinance authorizing settlement of administrative writ petition filed by the City and County of San Francisco challenging the Assessment Appeals Board's Property Tax Assessment for the Giants' baseball park at China Basin for the 2001/02, 2002/03 and 2003/04 tax years contingent upon approval of roll values by the Assessment Appeals Board and payment of an amount that reflects the reduced roll values, including interest; City filed its writ petition on January 19, 2006 in San Francisco Superior Court, entitled City and County of San Francisco v. Assessment Appeals Board No. 1, Case No. 506010. (City Attorney)

Ordinance No. 254-06

FINALLY PASSED

061300 [Settlement of Lawsuits - Tran, Mansour and Le, et al., v. City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuits filed by Minh Tran, Thuba Tran, Thu Nguyen, Tarek Mansour, Khaled Mansour, Quoc Le, and Cuong Le against the City and County of San Francisco for \$1,875,000.00; the lawsuits were filed on April 22, 2004 in San Francisco Superior Court, Case Nos. 430764, 430765 and 430766; entitled Tran, Mansour and Le, et al., v. City and County of San Francisco, et al; other material terms of settlement are Co-defendants to pay \$5,565,000.00 and Caltrans to install temporary barriers and permanently fix condition that caused accident. (City Attorney)

Ordinance No. 255-06

FINALLY PASSED

061302 [Appointment - Immigrant Rights Commission]

Resolution appointing Solomon Jones, term ending June 6, 2008, Angus McCarthy, term ending June 6, 2007, and Elahe Enssani, term ending June 6, 2008, to the Immigrant Rights Commission.

Solomon Jones, succeeding himself, term expired, seat 3, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2008.

Angus McCarthy, succeeding Svetlana Kaff, seat 7, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2007.

Elahe Enssani, succeeding herself, term expired, seat 9, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2008.

Resolution No. 575-06

ADOPTED

061154 [Settlement of Lawsuit - Stephen N. Farac v. City and County of San Francisco, et al.]

Ordinance authorizing settlement of the matter of Stephen Farac v. City and County of San Francisco for \$50,000. The lawsuit was filed on April 28, 2005, in San Francisco Superior Court, Case No. 440-820; entitled Stephen N. Farac v. City and County of San Francisco, and Does 1 Through 20, Inclusive. (City Attorney)

Ordinance No. 256-06

FINALLY PASSED

061171 [Settlement of Lawsuit - Department of Fair Employment and Housing v. City and County of San Francisco, et al]

Ordinance authorizing settlement of the lawsuit filed by Department of Fair Employment and Housing on behalf of Real Party in Interest Angela Martin against the City and County of San Francisco for \$160,000.00; the lawsuit was filed on August 4, 2005, in San Francisco Superior Court, Case No. 443742; entitled Department of Fair Employment and Housing v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 257-06

FINALLY PASSED

061228 [Settlement of Lawsuit - John and Judith Bovio, et al., v. City and County of San Francisco, et al]

Ordinance authorizing settlement of the lawsuit filed by John and Judith Bovio against the City and County of San Francisco for \$85,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436-946; entitled John and Judith Bovio, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 258-06

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

061030 [Regulating Street Artists - Compensation of Advisory Committee]

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2402 to allow members of the Advisory Committee of Street Artists and Craftmen Examiners to be reimbursed for their reasonable travel expenses traveling to and from Committee meetings, Street Artist screenings, and other Advisory Committee activities. (Arts Commission)

(Supervisor Daly dissented in committee)

Ordinance No. 260-06

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 4 - Alioto-Pier, Daly, Elsbernd, Ma

From the Rules Committee Without Recommendation**061227 [Settlement of Lawsuit - CCSF, et al. v. Kam Kong Tang and Kai Yuen Ng]**

Ordinance authorizing the settlement of a lawsuit filed by the City and County of San Francisco against Kam Kong Tang and Kai Yuen Ng, former part owners of the King Tin Restaurant, for \$85,000.00; the lawsuit was filed on August 3, 2005 for violation of the City's Minimum Wage Ordinance, in San Francisco Superior Court, Case No. 433685, entitled City and County of San Francisco, et al. v. Kam Kong Tang and Kai Yuen Ng. (City Attorney)

Ordinance No. 259-06

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

NEW BUSINESS**Recommendations of the Budget and Finance Committee****061267 [Public Employment - Office of the Treasurer and Tax Collector]
Supervisor McGoldrick**

Ordinance amending Ordinance No. 203-06 (Annual Salary Ordinance FY 2006-2007) to reflect the addition of a 0.71 Principal Clerk position, a 0.58 Personal Property Auditor position, and a 0.63 Management Assistant position in the Office of the Treasurer and Tax Collector.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

061240 [In-kind agreement and acceptance of easement relating to 333 Fremont Street]

Resolution approving an in-kind agreement for the provision of a mid-block pathway and streetscape improvements to satisfy a portion of the developer's impact fee obligation relating to the 333 Fremont Street project; authorizing the acceptance of an easement for such mid-block pathway under the terms of the in-kind agreement; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution; and ratifying previous actions taken in connection therewith. (Planning Department)

Resolution No. 576-06

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

- 061270 [Authorizing the Office of Contract Administration to amend its contract with Xtech to exceed \$19 million]**
Supervisor Daly

Resolution authorizing the Committee on Information Technology to enter into the Fourth Amendment between the City and Xtech (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount of \$19,000,000 to \$25,000,000.

Resolution No. 577-06

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

- 061273 [Funding Agreement for 2006 Spare the Air Campaign]**
Supervisor Ammiano

Resolution approving the Funding Agreement between the Metropolitan Transportation Commission and the City and County of San Francisco for the 2006 Spare the Air/Free Transit campaign.

Resolution No. 578-06

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

- 061303 [Public Employment - Department of Public Health and the General Service Agency]**
Supervisor Ammiano

Ordinance amending Ordinance No. 203-06 (Annual Salary Ordinance FY 2006-2007) to reflect proposed changes to the Department of Public Health and the General Service Agency staffing for the Health Access Program, increasing total staffing by 0.48 FTE.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

- 061078 [Directing the Budget Analyst to conduct, on priority basis, a fiscal feasibility analysis of a City-owned Wireless Network]**
Supervisor McGoldrick

Motion directing the Budget Analyst to conduct, on priority basis, a fiscal feasibility analysis of a City-owned Wireless Network to promote digital inclusion by ensuring affordable internet access, affordable hardware, community-sensitive training and support, and relevant content to all San Franciscans, especially low-income and disadvantaged residents.

Motion No. M06-109

APPROVED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

Recommendations of the Land Use and Economic Development Committee

- 051772 [Designating 2151 Van Ness Avenue, St. Brigid Church, as a Landmark, Under Planning Code Article 10]
Supervisor Alioto-Pier**

Ordinance Designating 2151 Van Ness Avenue, St. Brigid Church, As Landmark No. 252 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

- 061206 [Community Improvements and the Eastern Neighborhoods]
Supervisors McGoldrick, Maxwell**

Ordinance amending the Administrative Code to add Chapter 36 to provide procedures and inter-agency cooperation in the preparation and implementation of community improvements plans and programs as part of the creation of new Area Plans of the General Plan in the Eastern Neighborhoods, defined as including the proposed Market and Octavia, East South of Market, West South of Market, Inner Mission, Lower Potrero/Showplace Square, and Central Waterfront plan areas.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ma

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisors Daly and Dufty were noted absent at 3:15 p.m.

- 061337 [Hearing - Formation of a community facilities district in connection with the Mint Plaza Area]**

Hearing to consider the approval to accept public testimony regarding the potential recommendation for approval of the formation of a community facilities district and the issuance of revenue bonds by the ABAG Finance Authority For Nonprofit Corporations related to the Mint Plaza Area. (Clerk of the Board)

The President inquired as to whether or not any member of the public wished to address the Board members.

Andy Cole, speaking in support of the project

Eric Christopherson, speaking in support of the project

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

**061309 [Recommending approval of Community Facilities District formation and financing by the ABAG Finance Authority For Nonprofit Corporations relating to Mint Plaza]
Supervisor Daly**

Resolution recommending approval of the formation of a community facilities district and the issuance of special tax bonds by the ABAG Finance Authority For Nonprofit Corporations related to the Mint Plaza; making findings; approving related joint community facilities agreement; and granting general authority to city officials to take actions necessary to implement this resolution.

Resolution No. 579-06

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty

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

COMMITTEE REPORTS

**061269 [Accept-Expend Federal Funding - Neighborhood Initiative Grant]
Supervisor Daly**

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend a Neighborhood Initiative Grant from the U.S. Department of Housing and Urban Development in an amount not to exceed Nine Hundred Ninety Thousand Dollars (\$990,000) for the rehabilitation and adaptive re-use of the Hotel Essex at 684 Ellis Street, San Francisco.

Resolution No. 580-06

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

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.

Abdullah Megaheed; expressed concern with the absences of Supervisors from meetings and issues relating to the Middle East War

James Chaffee; expressed concern with issues relating to the SF Public Library

Eulla Walters; expressed concern with the renaming of the Ferry Park to Sue Bierman park

Lanore Dimore; expressed concern with issues related to police brutality and housing

Walter; showed interest in the Titanic exhibit

Eugene Gordon, Jr.; expressed concern with issues related to the violation of human rights

Brent Turner; expressed concern with issues related to voting system security and purchase of voting machines

Sylvia Johnson, expressed concern with general issues

John di Donna; shared a poem relating to the disabled

Male speaker; expressed concern with issues related to the improvement of Golden Gate Park, Recreation and Park Commissioners, and the District Attorney.

Male speaker; expressed concern with issues relating to the traffic during the Oracle convention and other taxi related issues

Chris Shaffer; showed interest in increasing the recreational facilities in the City

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.

Supervisors Daly and Dufty were noted present at 3:25 p.m.

**061352 [Mortgage Credit Certificates]
Supervisor Elsbernd**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

Resolution No. 581-06

ADOPTED

**061353 [Urging Governor Schwarzenegger to grant parole to Flozelle Woodmore]
Supervisor Mirkarimi**

Resolution urging Governor Schwarzenegger to follow the Parole Board's recommendation to grant parole to Flozelle Woodmore.

Resolution No. 585-06

ADOPTED

**061354 [Commending Hala Hijazi]
Supervisors Daly, Peskin, Ma, Dufty, Elsbernd**

Resolution commending Hala Hijazi for her work on the Old Mint Project.

Supervisors Dufty and Elsbernd requested to be added as co-sponsors.

Resolution No. 582-06

ADOPTED

**061355 [Supporting Proposition 89, the California Clean Money and Fair Elections Act of 2006]
Supervisors Mirkarimi, Ma**

Resolution in support of Proposition 89, the California Clean Money and Fair Elections Act of 2006 on November 7, 2006.

Supervisor Ma requested to be added as a co-sponsor.

Resolution No. 583-06

ADOPTED

061334 [Final Map - 329 Bay Street]

Motion approving Final Map 3432, a 23 Unit Mixed-Use Condominium Project, located at 329 Bay Street being a subdivision of Lot 36 in Assessors Block No. 0041 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,348; District 3.)

Motion No. M06-108

APPROVED

061335 [Final Map - 638 19th Street]

Motion approving Final Map 3001, a 21 Unit Mixed-Use Condominium Project, located at 638 19th Street being a subdivision of Lot 30 in Assessors Block No. 4044 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,349; District 10.)

Motion No. M06-107

APPROVED

061336 [Final Map - 1843 - 1853 Filbert Street]

Motion approving Final Map 2670, a 6 Unit Residential Condominium Project, located at 1843 – 1853 Filbert Street being a subdivision of Lot 26 in Assessors Block No. 0530 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,291; District 2.)

Motion No. M06-106

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

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

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[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.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**061364 [Commending Ms. Margarita Hernandez]
Supervisor Dufty**

Resolution commending Ms. Margarita Hernandez for her more than 20 years of outstanding Community Service to the 30th Street Senior Center.

Resolution No. 584-06

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**061370 [Contract Amendment - CCSF and CBS Outdoor, Inc.]
Supervisor Maxwell**

Ordinance approving Fourth Amendment to Advertising Transit Shelter Agreement between the City and County of San Francisco and CBS Outdoor, to permit the contractor to advertise on the Third Street light rail vehicle platforms in exchange for maintenance of those platforms; to add shelters to the E-Line boarding islands; and to extend the agreement by six months.

10/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061371 [Prohibition on demolition of residential buildings without approval of the replacement structure]
Supervisors Maxwell, Daly, McGoldrick**

Ordinance amending the Planning Code by adding Section 317 to make findings as to the need to preserve affordable housing in San Francisco and to prohibit the demolition of residential buildings unless the Planning Commission issues conditional use authorization for a replacement structure; making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/3/06, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/2/2006.

**061373 [Appropriating \$10,675,589 of State and Federal revenues for various programs in the Department of Human Services for Fiscal Year 2006-2007]
Mayor, Supervisor Dufty**

Ordinance authorizing the Department of Human Services to accept and expend a Federal food stamps grant in the amount of \$999,993, and appropriating \$10,756,557 of State and Federal revenues for CalWORKS Work Participation Program, the Family and Children's Services Child Welfare Services Program, the Food Stamps Outreach Program, the Housing and Homeless Management Information System Program, and the Workforce Development's Food Stamps Employment and Training Program in the Department of Human Services for Fiscal Year 2006-2007.

(Fiscal impact.)

10/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061374 [Public Employment - Human Services Agency]
Mayor**

Ordinance amending Ordinance No. 203-06 (Annual Salary Ordinance FY 2006-2007) to reflect the addition of 35.8 new positions at the Human Services Agency.

(Fiscal impact.)

10/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061375 [Elections Code Amendments]
Supervisor Elsbernd**

Ordinance amending Sections 120, 200, 220, 300, 340, 500, 525, 530, 535, 545, 550, 590, 610, and 810 of, and adding Section 815 to the Municipal Elections Code to: delete out-dated provisions relating to runoff elections; ensure that candidate statements are submitted in a uniform format; require that measures submitted by the Mayor, Board of Supervisors, or four or more Supervisors are submitted 95 days prior to the election; provide that failure to include an enacting clause in an initiative petition does not invalidate the petition; require the Department of Elections mail a voter information pamphlet to each registered San Francisco voter at least 29 days before an election; adjust the deadlines for ballot arguments and for the public review period to allow sufficient time for the voter information pamphlet to be prepared and mailed 29 days prior to the election; require ballot arguments to be submitted in a uniform format; provide a 24-hour period for the Ballot Simplification Committee to receive and act on written requests for the reconsideration of a digest; increase the filing fee for candidates to the Board of Supervisors; and clarify that candidates must file fees when submitting a candidate statement.

10/3/06, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/2/2006.

- 061376 [Rent Ordinance: applies to units where a tenant's occupancy predates federal low income housing tax credits]
Supervisors Peskin, Maxwell, McGoldrick**

Ordinance amending Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37, "Rent Ordinance") by amending the Section 37.2(r)(4) definition of "rental units" covered by the ordinance to include units in buildings for which tax credits are reserved or obtained pursuant to the federal low income housing tax credit program (LIHTC, Section 42 Internal Revenue Code, 26 U.S.C. Section 42), where: a tenant's occupancy pre-dates recordation of the LIHTC regulatory agreement; and, the rent is not otherwise controlled or regulated by any use restrictions imposed by the San Francisco Redevelopment Agency, the State of California Office of Housing and Community Development, or the City.

10/3/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

- 061364 [Commending Ms. Margarita Hernandez]
Supervisor Dufty**

Resolution commending Ms. Margarita Hernandez for her more than 20 years of outstanding Community Service to the 30th Street Senior Center.

10/3/06, ADOPTED.

- 061369 [Calling for the California Public Utilities Commission to evaluate and make recommendations on transformer safety]
Supervisors Dufty, Peskin**

Resolution requesting that the California Public Utilities Commission (CPUC) review and evaluate the safety precautions and mechanisms employed by the Pacific Gas & Electric Company (PG&E) and other California utilities to ensure that the transformers in San Francisco and throughout California are as safe and reliable as possible and to make recommendations on ensuring transformer safety.

10/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 061372 [Residential Parking Area "X"]
Supervisor Maxwell**

Resolution rescinding 25 Sierra Street from Residential Parking Area "X".

10/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 061377 [To acquire property by Eminent Domain-Islais Creek MUNI Maintenance Facility]
Supervisor Maxwell**

Resolution authorizing acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

10/3/06, SCHEDULED FOR PUBLIC HEARING. Scheduled for November 7, 2006 at 3:00 p.m.

**061380 [Justice for the Bolivian People Massacred in October 2003 Demonstrations]
Supervisor Daly**

Resolution supporting justice for the Bolivian people massacred in October 2003 demonstrations and supporting the survivors' legal request that Gonzalo Sanchez de Lozada, Carlos Sanchez Berzain and Jorge Berindoague return to Bolivia immediately to stand trial in the case against them.

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061381 [Supporting Proposition 1A , the Transportation Funding Protection Legislative Constitutional Amendment]
Supervisor Duffy**

Resolution supporting California State Proposition 1A, the Transportation Funding Protection Legislative Constitutional Amendment.

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061382 [Accept-Expend State Grant - Mayor's Office of Criminal Justice]
Mayor, Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of \$108,305 from the State Corrections Standards Authority for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant (JABG).

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061383 [Accept and Expend State Grant - Department of the Environment]
Supervisor Mirkarimi**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$78,909.00 from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and oil filter collection in marinas in the City and County of San Francisco serving the residents of the City.

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061384 [Honoring International Tenants' Day]
Supervisors Mirkarimi, Ammiano, Daly**

Resolution honoring October 2nd, 2006 as International Tenants' Day as proclaimed by the International Union of Tenants.

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 061386 [Supporting Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Act of 2006]**
Supervisor Peskin

Resolution supporting California State Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Act of 2006.

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 061366 [Department of Public Works street cleaning services in the South of Market]**
Supervisor Daly

Hearing to consider the efficiency of Department of Public Works street cleaning services in the South of Market - requesting Controller, City Administrator and Department of Public Works to present on the efficiency of DPW street cleaning efforts in the South of Market.

10/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 061367 [Assess steep growth of Police Department Budget since Fiscal Year 1999-2000]**
Supervisor Daly

Hearing to assess steep growth of Police Department Budget since Fiscal Year 1999-2000. Since FY 2003-04 the Police Department Budget has risen from \$295M to \$365M, a 23% increase. This hearing will address the budget growth since FY 1999-2000. Requesting presence of Controller, Budget Analyst and Police Department Finance Officers to discuss steep growth in the Police Department Budget. What factors have most contributed to the rising costs in the department? What concrete steps has the department taken to mitigate these rising costs? What steps are available to the department to proactively rein in its budget?

10/3/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 061368 [Creating an independent trunk line within the Hall of Justice]**
Supervisor Sandoval

Hearing to discuss with the Department of Technology and Information Services (DTIS) how to create an independent trunk line within the Hall of Justice to ensure that relevant departments, including the Office of the Public Defender and all media organizations have access to secure phone communications and their phone records are kept confidential.

10/3/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

- 061378 [Committee of the Whole on December 5, 2006, at 3:00 pm on adopting a Resolution to acquire property by Eminent Domain - Islais Creek MUNI Maintenance Facility]
Supervisor Maxwell

Motion directing the Board of Supervisors to hold a public hearing on November 7, 2006, at 3:00 p.m., with the Board sitting as a committee of the whole, to consider adopting a Resolution of Necessity for the City's proposed acquisition by eminent domain of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility.

10/3/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

- 061333 [Prohibiting Gifts From Restricted Sources]

Ordinance amending section 3.216 of the Campaign and Governmental Conduct Code to prohibit City officers and employees from receiving any gifts from restricted sources other than nominal gifts exempted by the Ethics Commission and to clarify that exemptions to gift limits under state law also apply to limits imposed by local law. (Ethics Commission)

9/20/06, RECEIVED AND ASSIGNED to Rules Committee. (10/12/06 - Rules Committee Clerk spoke to John St. Croix and agreed to place this item on the November 16 draft agenda.)

PROPOSED RESOLUTIONS

- 061331 [Study of at-risk and HIV positive youth in San Francisco]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of \$26,851 with the University of California (UCSF), the primary contractor, to participate in a study of at-risk and HIV positive youth in San Francisco, for the period of March 1, 2006 to February 28, 2007. (Public Health Department)

9/21/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

- 061332 [Study of HIV transmission behavior in HIV-positive men]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of \$21,786 with the University of California, San Francisco (UCSF), the primary contractor, to participate in a study to examine decisions to have high transmission-risk sex; study the efficacy of a prevention counseling intervention; and determine whether future episodes of unprotected sex is reduced, for the period of September 1, 2005 to August 31, 2006. (Public Health Department)

9/21/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

**061338 [Street Artist Winter Holiday Spaces]
Supervisor Dufty**

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2006, beginning on November 15, 2006 and ending on January 15, 2007. (Arts Commission)
9/26/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests Granted

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation amending Article 10 of the Planning Code to establish procedures that would assist the Landmarks Preservation Advisory Board, the Planning Commission, and the Board of Supervisors in including interior features in the landmarks designations for privately-owned buildings. Currently, Article 10 includes specific procedures for landmarking interior features of publicly-owned buildings, but is silent as to procedures for landmarking interior features of privately-owned buildings. This legislation would close that gap and provide a consistent set of procedures for including interiors of privately-owned buildings in the landmarks designations.

From: Supervisor Mirkarimi

To: Chief, Police Department

Requesting/Inquiring: Requesting the following information from the Chief of Police (SFPD), much of which has been previously requested by the Office of Legislative Analyst and or a member of the Board of Supervisors - due to these outstanding requests, please provide these items within seven days or an explanation to the cause of the continued delay:

- 1. Please provide the last three SFPD Efficiency Plans as required within legislation file no: 991879 [Performance and Review Ordinance]; in addition the said Ordinance, please provide the results of the "customer satisfaction surveys", and the "internal (officer) customer satisfaction survey".*
- 2. Pursuant to the June 2006, Budget and Finance Committee action enabling a \$250,000 (with a \$250k match) allotment for instituting a tailored community policing program by SFPD for public housing in the Western Addition.*
- 3. Please provide the plan you submitted in 2004 and/or 2005 and/or 2006 to the SF Police Commission and the Mayor for addressing the under-staffing and attrition ratios as it pertains to recruitment, training and retention.*
- 4. Please provide statistics encompassing 2000 to 2006 for crimes committed, arrests made, and case clearance rates for "A" priority calls (murder, assault, auto crimes, sex crimes, burglary, robbery).*
- 5. Please provide a list of meeting dates since January 2004, where Chief Fong has met with all of her Captains (this excludes an "all-hands" meeting).*
- 6. Please provide any and all directives and memoranda from the Chief, distributed to departmental staff since January 2004, articulating the Chief's vision, plans, objectives, and goals.*
- 7. Please provide criteria used to determine staffing levels at all of the 10 district stations since January 2004.*

From: Supervisor Mirkarimi

To: Director, Department of Recreation and Parks

Requesting/Inquiring: Requesting the Department of Recreation and Parks to report on the feasibility of repairing the drainage system at Alvord Lake.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing graffiti from the following locations: Light switch boxes at the Northeast corner of Page and Divisadero and Northwest corner of Hayes and Fillmore. Stop Signs at Southeast corner of Laguna and Page, 542 Grove, Southeast corner of Scott and Hayes (front and back of sign), and Southeast corner of Steiner and Hayes (front and back of sign). No Left Turn Sign at Southwest corner of Judah and Funston.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing the graffiti from the following locations: Garbage Cans at Southwest corner of Gough and Grove and Southeast corner of Hayes and Steiner. Bench at Southeast corner of Laguna and Rose. Emergency Box at Southeast corner of Page and Fillmore. The Advertiser newsstand at 509 Divisadero.

From: Supervisor Mirkarimi

To: Director, Public Utilities Commission

Requesting/Inquiring: Requesting the Public Utilities Commission to report on the status of removing graffiti from utility poles at the following locations: Southeast corner of Laguna and Page, Northeast corner of Laguna and Rose, Northeast corner of Oak and Divisadero, all four corners of Oak and Webster, 400 block of Hayes Street (both sides) and 600 Block of Hayes Street (both sides).

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing multiple potholes at the following locations: 447 Grove and section designated for the bike lane in the 1200 block of Grove Street near Divisadero.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing graffiti on the parking signs at the following locations: 1321 - 7th Avenue, 4812 - 17th Avenue, Southeast corner of Laguna and Rose, 300 block of Page, all signs on both sides of the street, 1074 Page, across from 349 Oak Street, 672 Ivy, 1185 Hayes Street, 507 Divisadero Street, near 425 Divisadero in front of gas station, 201 Broderick, and 542 Grove.

From: Supervisor Ammiano

To: Director, Human Services Agency

Requesting/Inquiring: Requesting that homeless shelters be monitored to be assured that there are always adequate supplies of first aid kits, CPR Masks, toilet paper, and toiletries.

In Memoriams

Ronald Stuart Clemens - Supervisors Ma and Daly

Delia Conde del Rosario - Supervisor Sandoval

Floyd Dade - Supervisor Sandoval

Godofredo Saniel Gomez - Supervisors Sandoval and Ma

Carlos Gilberto Aceituno - Supervisor Ammiano

Frances May Twohig McAteer - Supervisor Elsbernd

Jessie Mae Reid - Supervisor Dufty

Kin Hon Yee - Supervisor Dufty

PROPOSED MOTIONS

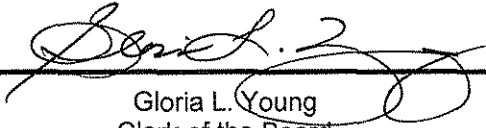
ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:42 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 7, 2006.


Gloria L. Young
Clerk of the Board