

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, February 7, 2006
2:00 PM**

Regular Meeting

**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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve Board Meeting Minutes for January 17, 2006.

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 3

Recommendation of the Budget and Finance Committee

Present: Supervisors Daly, Dufty

1. **051759** **[Rewards to Informants (Real Estate Watchdogs) for Information Related to the Detection of Underpayment of Property Tax]** **Supervisors Alioto-Pier, Peskin, Daly, Dufty, Maxwell, Mirkarimi, Ma**

Ordinance amending Chapter 10 of the San Francisco Administrative Code by adding Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco. (Assessor-Recorder)

1/31/2006, PASSED ON FIRST READING. Supervisors Maxwell, Mirkarimi and Ma requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors McGoldrick, Dufty, Ma

2. **052052** **[Permitting unattended vehicles in white zones in front of schools when the vehicle displays a special disabled license plate or placard, and in front of child care centers]** **Supervisors Ma, McGoldrick**

Ordinance amending Traffic Code Section 38.C to permit vehicles to be left unattended in a white zone in front of schools when the vehicle displays a special disabled license plate or placard, and in front of child care centers. (Parking and Traffic Department)

1/31/2006, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use Committee

Present: Supervisors Maxwell, Sandoval, McGoldrick

- 3. 051676 [24th Street - Noe Valley Neighborhood Commercial District - full-service restaurants and bars] Supervisor Dufty**

Ordinance amending Planning Code Sections 728.41 and 728.42 of the 24th Street - Noe Valley Neighborhood Commercial District to provide for a limited number of new full-service restaurants and new bar uses that satisfy specific requirements and obtain conditional use authorization; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

1/31/2006, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Peskin

- 4. 051963 [Memorandum of Understanding - Local 21, AFL-CIO] Mayor**

Ordinance adopting and implementing the agreement between the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO and the City and County of San Francisco to resolve a grievance regarding the application of performance bonus language for Fiscal Year 2004-2005 in the parties' Memorandum of Understanding and to implement the amended performance bonus language for Fiscal Year 2005-2006 in Amendment No. 5 to the Memorandum of Understanding, effective upon adoption.

(Fiscal impact.)

1/31/2006, PASSED ON FIRST READING. Settlement agreement was amended.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use Committee

Present: Supervisors Maxwell, Sandoval, McGoldrick

- 5. 051142 [Construction and Demolition Debris Recovery] Mayor, Supervisors Ma, Sandoval**

Ordinance amending the Building Code by amending Chapter 13 of the Building Code to change the title of the Chapter from "Energy Conservation" to "Resource Conservation" and adding Chapter 13B entitled "Construction and Demolition Debris Recovery Program;" amending the Health Code by adding Sections 288 and 288.1; and amending the Environment Code by adding Chapter 14, entitled Construction and Demolition Debris Recovery Ordinance, to establish a comprehensive program to require the recovery rather than landfill disposal of construction and demolition debris generated in San Francisco by prohibiting disposal of such debris with garbage; imposing requirements and conditions in building permits; establishing a program to register construction and demolition debris transporters and processing facilities; and establishing enforcement mechanisms including penalties; amending the Police Code Section 39-1 to implement the new program; setting an operative date; and making environmental findings.

1/24/2006, PASSED ON FIRST READING.

1/31/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Mirkarimi, Elsbernd

- 6. 060052 [Appointment - Western SOMA Citizens' Planning Task Force]**

Resolution appointing Daniel Becco, term ending November 23, 2007, to the Western SOMA Citizens' Planning Task Force.

Daniel Becco, new appointment, seat 17, must represent labor, for the unexpired portion of a three-year term ending November 23, 2007.

1/31/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Resolution be ADOPTED?

From the Rules Committee Without Recommendation

Present: Supervisors Mirkarimi, Elsbernd

- 7. 052008 [Charter Amendment - Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors] Supervisors Elsbernd, Ma**

Charter amendment (First Draft) to add Section 9.120 to require that one-time revenues be spent only for one-time uses, unless the Board of Supervisors appropriates the revenues for another purpose by a two-thirds' vote.

1/31/2006, CONTINUED. Continued to February 7, 2006 Supervisor Ma requested to be added as a co-sponsor.

Question: Shall this Charter Amendment be SUBMITTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Daly, Dufty, Peskin

- 8. 051773 [Public Financing for Mayoral Candidates] Supervisors Mirkarimi, Maxwell, Ammiano, Daly, McGoldrick**
- Ordinance amending the Campaign and Governmental Conduct Code by amending sections 1.104, 1.108, 1.130, 1.134, 1.136, 1.138, 1.140, 1.142, 1.144, 1.148, 1.150, 1.152, 1.154, 1.156 and 1.170 and adding sections 1.134.5, 1.138.5, 1.140.5, 1.144.5 and 1.146 to create a public financing program for mayoral candidates, appropriate funding for the program and make other changes to the Campaign Finance Reform Ordinance.
- (Fiscal impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 9. 060030 [Weights and Measures-Registration and Inspection Fees] Mayor**
- Ordinance amending Section 1.13-5 of the San Francisco Administrative Code, to set new fees for the registration and inspection of weighing and measuring devices, based on each device and business location.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 10. 060064 [2006 Finance Corporation Equipment Program] Mayor**
- Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 13 (Series 2006A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$10,750,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.
- (Fiscal impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use Committee

Present: Supervisors Maxwell, Sandoval

11. **051443 [Amending the Electrical Code regarding headroom requirements for panelboards, entrances for 1200 amp rated equipment, use of non-metallic sheathed cable in multifamily dwellings, and**

Ordinance amending Articles 89, 100, 110, 210, 215, 220, 230, 250, 300, 333, 334, 336, 340, 348, 350, 352, 351, 348, 378, 331, 362, 384, 410, 411, 645, 700, 760, and 800 of the Electrical Code to make minor clerical changes for greater clarity, to extend the general requirement for headroom about panelboards to residential panelboards rated not more than 200 amps, to provide that equipment rated 1200 amps or more, regardless of width, requires an entrance to each end of the working space, to allow for non-metallic sheathed cable to be installed in multifamily dwellings with Type III, IV and V construction up to 4 stories in height, and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Sandoval, McGoldrick, Peskin

12. **051453 [Off-Street Parking In C-3 Zoning Districts] Supervisors Peskin, Daly,
Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 161,166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Land Use Committee Without Recommendation

Present: Supervisors Sandoval, McGoldrick

13. **050601 [Better Neighborhoods Plus Planning and Implementation Process] Supervisors McGoldrick,
Maxwell**

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Plus Planning and Implementation Process"); amending Administrative Code Section 3.4 to

provide for integrated Better Neighborhoods Plus Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plus Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plus Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

12/13/2005, CONTINUED. Supervisor Ma, seconded by Supervisor Mirkarimi, moved to continue this matter to January 17, 2006 pending Board action on reinstating the January 17, 2006 Board meeting.

1/17/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

1/17/2006, RE-REFERRED to Land Use Committee. Rereferred to Committee as amended.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Mirkarimi, Elsbernd

14. **051473** **[Rule Amendment - Recessed Meetings]** **Supervisor Peskin**
Motion amending the Rules of Order of the Board of Supervisors by adding Rule 4.39, which provides that when the Board of Supervisors, or one of its committees, recesses a meeting to a time more than twelve hours after the decision to recess, the members shall identify the items being recessed, and direct the Clerk of the Board to process the remaining, decided items on the agenda as completed business; during the reconvened meeting, the Board or the committee shall not consider those items already processed by the Clerk as completed business; and amending Rule 4.37 to provide that Rule 4.39 may not be suspended.
Question: Shall this Motion be ADOPTED?
15. **051682** **[Amending Rules 3.7 and 3.8 of the Rules of Order of the San Francisco Board of Supervisors governing the reporting of legislation from Board Committees to the Board]** **Supervisor Peskin**
Motion amending Rules 3.7 and 3.8 of the Rules of Order of the Board of Supervisors to provide that Board Committees have until 9:00 a.m. on Thursdays to report legislation to the Board for the following Tuesday's Board meeting.
Question: Shall this Motion be ADOPTED?
16. **060035** **[Rules of Order of the Board - Land Use and Economic Development Committee]** **Supervisor Peskin**
Motion amending the Rule of Order 5.5 renaming the Land Use Committee the "Land Use and Economic Development Committee".
Question: Shall this Motion be ADOPTED?
17. **060045** **[Rules of Order of the Board - Budget and Finance Committee]** **Supervisor Peskin**
Motion amending the Rule of Order 5.1, establishing size, membership and jurisdiction of the Budget and Finance Committee.

Question: Shall this Motion be ADOPTED?

From the Rules Committee Without Recommendation

Present: Supervisors Mirkarimi, Elsbernd

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be considered at least one week.)

- 18. 052010 [Charter Amendment - Providing for an annual cost-of-living adjustment to the monthly stipend for members of the Board of Education and the Governing Board of the Community College Supervisor Daly**
- Charter Amendment (Second Draft) by amending Sections 8.100 and 8.101 to provide for an annual cost-of-living adjustment to the monthly stipend for members of the Board of Education and the Governing Board of the Community College District, using 1983 as the base year.

Question: Shall this Charter Amendment be SUBMITTED?

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.*

- 19. 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.)

12/6/2005, CONTINUED. The President inquired as to whether or not any member wished to address the Board. There were none. Continued to January 17, 2006 at 4:00 p.m.

1/17/2006, CONTINUED. The President inquired as to whether or not any member of the public wished to address the Board members. Continued to January 24, 2006

1/24/2006, CONTINUED. President inquired as to whether or not any member of the public wished to address the Board. Continued to February 7, 2006

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.)

- 20. 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)

12/6/2005, CONTINUED. Continued to January 17, 2006 at 4:00 p.m.
1/17/2006, CONTINUED. Continued to January 24, 2006
1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?
- 21. 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)

12/6/2005, CONTINUED. Continued to January 17, 2006 at 4:00 p.m.
1/17/2006, CONTINUED. Continued to January 24, 2006
1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?
- 22. 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)

12/6/2005, CONTINUED. Continued to January 17, 2006 at 4:00 p.m.

1/17/2006, CONTINUED. Continued to January 24, 2006

1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:00 P.M.

23. 051936 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 2660 Harrison Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 3, 2005, File Number 2004.0672E, for the proposed development project at 2660 Harrison Street.

(Filed 11/23/05; companion measure to Files 051936, 051937, 051938, 051939, District 9.)

12/13/2005, CONTINUED. The President inquired as to whether or not any member of the public wished to address the Board. Continued to January 24, 2006.

1/24/2006, CONTINUED. President inquired as to whether or not any member of the public wished to address the Board. Continued to February 7, 2006

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated negative declaration 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.)

24. 051937 [Affirming adoption of the final mitigated negative declaration for 2660 Harrison Street]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

12/13/2005, CONTINUED. Continued to January 24, 2006

1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?

25. 051938 [Reversing adoption of the final mitigated negative declaration for 2660 Harrison Street]

Motion reversing the Planning Commission adoption of the final mitigated negative

declaration for 2660 Harrison Street. (Clerk of the Board)

12/13/2005, CONTINUED. Continued to January 24, 2006

1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?

26. 051939 [Preparation of findings to reverse adoption of the final mitigated negative declaration for 2660 Harrison Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 2660 Harrison Street. (Clerk of the Board)

12/13/2005, CONTINUED. Continued to January 24, 2006

1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:00 P.M

27. 051991 [Public Hearing - Conditional Use Appeal for 2660 Harrison Street]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17139 dated November 3, 2005, approving Conditional Use Application No. 2004.0672ECV, subject to certain conditions, to allow the construction of dwelling units within a C-M (Heavy Commercial) zoning district pursuant to Planning Code Section 215(a) in order to demolish an existing vacant commercial building and construct two new four story over garage buildings containing a total of sixty-eight dwelling units and sixty-eight off-street parking spaces on a property within a C-M (Heavy Commercial) zoning district, the 'Housing/Mixed Use' sub-area of the Eastern Neighborhoods planning area as set forth in Planning Commission Resolution Number 16727, and a 40-X Height and Bulk District, located at 2660 Harrison Street, on the west side between 22nd and 23rd Streets. (Appellant: Sue Hestor, attorney for Nick Pagoulatos/Mission Anti-Displacement; subscribed by Supervisors Tom Ammiano, Chris Daly, Aaron Peskin, Sophie Maxwell and Jake McGoldrick.)

(Filed 12/5/05; companion measure to Files 051992, 051993, 051994; District 9.)

1/10/2006, CONTINUED. Continued to January 24, 2006

1/24/2006, CONTINUED. Continued to February 7, 2006

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.)

28. **051992** **[Approving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]**
Motion approving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

1/10/2006, CONTINUED. Continued to January 24, 2006
1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?
29. **051993** **[Disapproving Planning Commission decision related to Conditional Use Appeal for 2660 Harrison Street]**
Motion disapproving decision of the Planning Commission by its Motion No. 17139, approving Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street. (Clerk of the Board)

1/10/2006, CONTINUED. Continued to January 24, 2006
1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?
30. **051994** **[Preparation of findings related to the Conditional Use Appeal for 2660 Harrison Street]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0672ECV on a property located at 2660 Harrison Street, for action by the Board at its next meeting. (Clerk of the Board)

1/10/2006, CONTINUED. Continued to January 24, 2006
1/24/2006, CONTINUED. Continued to February 7, 2006

Question: Shall this Motion be ADOPTED?

COMMITTEE REPORTS

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

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, February 2, 2006 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 7, 2006.

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be considered at least one week.)

31. 052011 **[Charter Amendment - Port Commission: qualifications and term limits for Port Commission members; increasing the number of Commission members from 5 to 7; criteria for use of Port** Supervisor Peskin

Charter Amendment (Second Draft) to amend Section 4.114 to establish minimum qualifications for members of the Port Commission, impose term limits, increase the number of Commission members from five to seven, and limit hold-over appointments, amending Section 3.581 to set criteria for use of property under the Port Commission's jurisdiction and provide that the Port Director may, in his or her sole discretion, appoint and remove heads of Commission divisions and bureaus, and amending Section B3.584, to require long-range capital and financial plans for the Port.

Question: Shall this Charter Amendment be SUBMITTED?

32. 052009 **[Charter Amendment - Homicide Prevention Plan; Survivor Assistance; Funding for Violence Prevention Programs]** Supervisors Daly, Ammiano, Maxwell, Mirkarimi

Charter amendment (Third Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional \$20 million per year for the next four years to fund violence prevention programs identified in the Plan; and, set an expiration date.

(Fiscal impact.)

Question: Shall this Charter Amendment be SUBMITTED?

The following item will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, February 6, 2006 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, February 7, 2006.

33. 051141 **[Public Works Construction - Use of Recycled Content Materials]** Mayor, Supervisor Ma

Ordinance amending Chapter 6 of the Administrative Code by amending section 6.4 to require recycled content materials to be used in public works and improvements to the maximum extent feasible.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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 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.

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

- 36. 051360 [Legislative Analyst Request - Means Testing] Supervisor Elsbernd**
Motion requesting the Legislative Analyst to survey means testing legislation for rent control in New York City, Boston and other municipalities in Massachusetts, and determine how means testing could be applied to the San Francisco Rent Control Ordinance.
8/2/2005, CONTINUED. Continued to February 7, 2006
Question: Shall this Motion be ADOPTED?
- 37. 060144 [Legislative Analyst Request - Student Housing Regulations] Supervisor Elsbernd**
Motion requesting the Legislative Analyst to prepare a report on the following issue(s): As the need for student housing at San Francisco State University expands, area residents have expressed concerns regarding regulations. What policies do the cities of Berkeley, Santa Clara and Santa Cruz have in place to ensure the peaceful co-existence of students, universities, and area residents?
Question: Shall this Motion be ADOPTED?

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 38 through 49

38. **060113** **[Supporting the Musicians of the San Francisco Symphony]** **Supervisor Ma**
Resolution supporting the Musicians of the San Francisco Symphony in their effort to be compensated at a level comparable to what musicians in other leading orchestras receive -- not more and not less.
1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
1/31/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
1/31/2006, CONTINUED AS AMENDED.
Question: Shall this Resolution be ADOPTED?
39. **060121** **[Incorporating Street Performers into the Street Artist Program and designating sound appropriate sales areas for certified Street Artists]** **Supervisor McGoldrick**
Resolution recognizing that qualified Street Performers are eligible to participate in the Street Artist Program and urging the designation of sales areas within the Program that are appropriate for amplified sound.
1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
1/31/2006, CONTINUED. Continued to February 7, 2006
Question: Shall this Resolution be ADOPTED?
40. **060123** **[Opposing the Closure to John Swett Alternative School]** **Supervisors Mirkarimi, Daly, Ammiano**
Resolution opposing San Francisco's Board of Education's decision to close the John Swett Alternative School.
1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
1/31/2006, CONTINUED. Continued to February 7, 006
Question: Shall this Resolution be ADOPTED?
41. **060153** **[Supporting Compassionate Use of Medical Cannabis]** **Supervisors Ammiano, Mirkarimi, Peskin**
Resolution supporting the compassionate use of medical cannabis for patients while in the custody of the City and County of San Francisco and other California counties, and reaffirming the right of Steven Wynn Kubby who requires the medicinal use of marijuana to remain in good health while in custody in the Placer County jail.
1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
42. **060154** **[Extension of Arts Task Force]** **Supervisor Ammiano**
Resolution extending the operations of the Arts Task Force through the implementation of the Arts Task Force recommendations.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 43. 060155 [Supporting the California Energy Commission's recommendation for a cost/risk/benefit analysis of the State's continued reliance on aging nuclear facilities] Supervisor Ammiano**

Resolution supporting the California Energy Commission's recommendation for a cost/risk/benefit analysis of the state's continued reliance on aging nuclear facilities and to support the planning for our state's energy needs and decrease any risks from a radioactive release due to an act of terrorism, malice or insanity, or to earthquake or age-related accidents.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 44. 060156 [Investigate and Impeach President Bush and Vice President Cheney] Supervisor Daly**

Resolution calling for a full investigation, impeachment or resignation of President George W. Bush and Vice President Richard B. Cheney.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 45. 060157 [Urging State Legislature and Governor to include funding in any state infrastructure bond placed before the voters in 2006] Supervisors Daly, Dufty**

Resolution urging the State Legislature and the Governor to include funding for the Caltrain downtown extension/Transbay Terminal Project and the Statewide High Speed rail system in any state infrastructure bond placed before the voters in 2006.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 46. 060158 [Commending Joseph B. Williams] Supervisors Dufty, Maxwell**

Resolution commending Joseph B. Williams on an outstanding career of law and Civic activism and wishing him the best of luck in all of his future endeavors.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 47. 060159 ["National Black HIV/AIDS Awareness Day" in San Francisco] Supervisors Maxwell, Dufty, Mirkarimi**

Resolution proclaiming February 7th, 2006 as "National Black HIV/AIDS Awareness Day" in San Francisco.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

48. 060160 [Supporting transparency and accountability in setting refuse collection rates] Supervisor Peskin

Resolution urging the Director of the Department of the Environment and the Director of the Department of Public Works to develop a detailed cost projection for proposed expenditures from the Solid Waste Impound Account over the proposed 2006-2011 residential refuse rate period and to make these materials available for review by the public.

1/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

49. 060161 [Urging Governor Arnold Schwarzenegger and Senator Don Perata to support placing the \$10 billion bond measure to fund a high-speed rail system between San Francisco and Los Angeles on Supervisor Sandoval

Resolution urging Governor Arnold Schwarzenegger and Senator Don Perata to support placing the \$10 billion bond measure to fund a high-speed rail system between San Francisco and Los Angeles on the November 2006 ballot.

1/31/2006, 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: _____

50. 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 January 24, 2006 through January 30, 2006, for reference by President to appropriate committee on February 7, 2006.

None.

PROPOSED RESOLUTIONS

Proposed resolutions received from January 24, 2006 through January 30, 2006, for reference by President to appropriate committee on February 7, 2006.

060119 [Option Agreement for Sale of Surplus Property]

Resolution approving an Option Agreement for sale of surplus lands located in Mountain View, Santa Clara County, California, under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") to KMJ Urban Communities, LLC, a California limited liability company; adopting findings pursuant to the California Environmental Quality Act; and authorizing the Director of Property or the General Manager of the SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

1/24/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060129 [Emergency contract to contain and abate hazardous material at the MUNI Woods Facility]

Resolution approving an emergency public work contract to contain and abate a hazardous material diesel fuel spill at the MUNI Woods Facility. (Public Works Department)

1/24/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060130 [Emergency replacement of chiller at San Francisco General Hospital]

Resolution approving an emergency public work contract of the replacement of a chiller at San Francisco General Hospital. (Public Works Department)

1/24/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060131 [Modification of Easement Deed]

Resolution approving a modification to an existing Easement Deed between Pacific Gas & Electric Company, a California public utility, and the City and County of San Francisco, acting by and through its Public Utilities Commission ("SFPUC") for the realignment of an existing gas line on City land under the jurisdiction of the SFPUC located in Sunol, California. (Real Estate Department)

1/30/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060179 [Petitions and Communications]

Petitions and Communications received from January 24, 2006 through January 30, 2006, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 7, 2006.

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Sections 12B and 12C for the Ramada Plaza International.(1)

From Law Offices of Stephen Williams, regarding continuance of appeal for property located at 730 Great Highway. File 051852, Copy: Each Supervisor(2)

From Michael Faklis, regarding the need for public access television oversight review and reform. Copy: Each Supervisor(3)

From Municipal Transportation Agency, regarding changing the name of 16th Street, between Pond and Prosper Streets to Jose Sarria Court.(4)

From Law Offices of Hanson and Bridgett, submitting materials regarding the Planning Department's decision to exempt categorically from CEQA review the addition of a master suite on the second floor of property located at 1043-45 Francisco Street. File 052035, Copy: Each Supervisor(5)

From Breall & Breall, LLP, regarding the grant agreement between CCSF and the Chinese Chamber of Commerce/Chinese New Year Parade, July 1, 2005 through June 30, 2006. File 060019, Each Supervisor, City Attorney(6)

From Office of the Treasurer & Tax Collector, submitting the Bureau of Delinquent Revenue quarterly report for October 1, 2005 through December 31, 2005.(7)

From Office of the City Administrator, regarding the steps being taken to reorganize departments, per Section 14(b) of the Annual Appropriation Ordinance. Copy: Each Supervisor(8)

From Alice B. Toklas Democratic Club, submitting support for proposed legislation to implement public financing of mayoral elections in San Francisco. File 051773, Copy:

Budget Committee(9)

From Charles Marsteller, submitting list of the participants in the Better Neighborhoods Plus Consensus Working Group. File 050601, Copy: Land Use Committee(10)

From Charles Marsteller, submitting copy of the Seattle Neighborhoods Planning Element. File 050601, Copy: Land Use Committee(11)

From Planning Department, regarding the Categorical Exemption from environmental review for 1043-1045 Francisco Street. File 052035, Copy: Each Supervisor, City Attorney(12)

From concerned citizens, submitting opposition to the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; and the transfer of jurisdiction from the Department of Public Works to the Recreation and Parks Department. Files 050852, 050851(13)

From Civil Service Commission, regarding Civil Service Commission and the Department of Human Resources reviewing and revising current policies and procedures so that people who have been in prison or convicted of criminal activity are not unreasonably denied City employment. (Reference No. 20060110-015) Copy: Supervisor Ammiano(14)

From SF Environment, submitting notice that the Urban Forest Council is prepared to ensure adoption of uniform criteria for designating landmark trees and procedures for their removal in accordance with the Public Works Code. File 051458(15)

From County of Humboldt, Board of Supervisors, submitting copy of letter sent to the Mayor regarding homeless individuals being sent to Humboldt County through San Francisco's "Homeward Bound" Program. Copy: Each Supervisor(16)

From Charles & Ann Bowman, submitting opposition to the City penalizing elderly people for installing a railing on the Filbert Street steps.(17)

From Police Commission, submitting notice that Commissioner Theresa Sparks will serve as Vice President of the Police Commission to fill the vacancy created by the resignation of Commission-Vice President Gayle Orr-Smith. Copy: Each Supervisor(18)

From Office of the Controller, submitting the Biannual Overtime Report pursuant to Administrative Code Section 18.13-5.(19)

From Office of the Controller, submitting authorization for the San Francisco Finance Corporation to issue Lease Revenue Bonds, Series 2006A. File 060064, Copy: Budget Committee(20)

From Clerk of the Board, submitting quarterly report on departmental spending pursuant to Administrative Code Section 10.19-5.(21)

From Councilwoman Jacquie Sullivan, County of Bakersfield, regarding displaying "In God We Trust" in every City Hall in America.(22)

From Christian Holmer, regarding letter from the City Attorney to the Sunshine Ordinance Task Force and the Board of Supervisors.(23)

From Angela Hu & K. Koh, submitting two letters regarding Falun Gong. Files 060019 and 060026(24)

From Planning Department, submitting notice that the "Better Neighborhoods Planning and Implementation Process" ordinance does not require additional review or hearing by the Planning Commission. File 050601, Copy: Land Use Committee(25)

From Planning Department, recommending that the Board of Supervisors defer action on the proposed ordinance, "Better Neighborhoods Planning and Implementation Process" including the proposed amendments, until the pending Housing Study is completed. File 051668, Copy: Land Use Committee (26)

From Coalition for San Francisco Neighborhoods, regarding oversight of the account from garbage rates. Copy: Each Supervisor(27)

From Coalition for San Francisco Neighborhoods, urging the Board of Supervisors to select new leadership for the San Francisco County Transportation Authority Board. Copy: Each Supervisor(28)

From Wilma Parker, submitting copy of letter sent to Supervisor Daly regarding his intent to add another seat to the South of Market Project Area Committee (SOMPAC). Copy: Supervisor Daly(29)

From D. Carson, submitting opposition to resolution urging Superintendent Ackerman to forego the provision in her current contract for a \$375,000 severance package. File 051580(30)

From State Senate Rules Committee, submitting appointment of William Jones of Fresno to the California Bay-Delta Authority.(31)

From Riki Sarah Dennis, concerning her experience at the Tom Waddell Clinic. Copy: Each Supervisor(32)

From Harvey Sherback, submitting copy of the speech he gave at the Treasure Island Development Authority, Board of Directors meeting on January 23, 2006.(33)

From concerned citizens, submitting opposition to San Francisco adopting the Seattle Seahawks as the official football team for San Francisco. File 060072, Copy: Each Supervisor(34)

From Human Services Commission, regarding the Human Services Care Fund for fiscal year 2005-06 and the annual projection for fiscal year 2006-07.(35)

From State Senate Rules Committee, submitting appointment of Bridgett Thompson of San Francisco to the State Department of Conservation.(36)

From Barry Sullivan, commenting that the Muni system is totally mismanaged, and that people from Marin and the East Bay can get to work downtown faster than a San Francisco resident can get to work on Muni.Copy: Each Supervisor(37)

From Stephen & Irene Halpern, requesting an ordinance be passed that would impose a large fine on storekeepers, restaurateurs and fast food joint operators who allow garbage to accumulate in front of their businesses. Copy: Each Supervisor(38)

From John Ruzicka, commenting that the Falun Gong movement is anti-gay. File 060026,

Copy: Each Supervisor(39)

From Serena Bardell, regarding recruiting residents for the one-year San Francisco Civil Grand Jury. Copy: Each Supervisor(40)

From Ivan Velinov, submitting support for Supervisor Daly and everything he is doing for San Francisco, including his support of Falun Gong. File 060026, Copy: Each Supervisor(41)

From Peggy Yamada, regarding the issue of spending money on bottled water.
(42)

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. 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.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

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 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 assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact 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 soft@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

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