

# 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, January 31, 2006  
2:00 PM**

#### **Regular Meeting**

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

*Gloria L. Young, Clerk of the Board*

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

## **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 15

### Recommendations of the City Operations and Neighborhood Services Committee

*Present: Supervisors McGoldrick, Dufty, Ma*

- 1. 050960 [Liquor License, 585 Columbus Avenue]**  
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Jeffrey Branco for Paired Wines and Spirits dba as Coit Liquors located at 585 Columbus Avenue, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.  
**Question: Shall this Resolution be ADOPTED?**
- 2. 051915 [Rescind Tow-away on Columbus Avenue] Supervisor Peskin**  
Resolution rescinding parking regulations on the 200 Block of Columbus Avenue.  
  
TOW-AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND  
Columbus Avenue, east side, between Pacific Avenue and Broadway  
12/13/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)  
**Question: Shall this Resolution be ADOPTED?**
- 3. 051945 [Traffic Regulations]**  
Resolution enacting and rescinding traffic regulations on various streets.  
  
MULTIPLE LEFT TURN LANES - RESCIND  
Eddy Street, eastbound, requiring the center lane to turn right at Cyril Magnin Street, eliminating multiple left turn condition.  
  
BICYCLE LANES - ESTABLISH  
Market Street, south side, eastbound, from McCoppin Street to Valencia Street (Parking and Traffic Department)  
11/29/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)

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

- 4. 051955 [Parking Regulations] Supervisor Peskin**  
Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA 3, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY, 1-HOUR PARKING - RESCIND  
PARKING METER AREA 3, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY, 2-HOUR PARKING - ESTABLISH  
Grant Avenue, both sides, between Vallejo and Filbert Streets

(11/29/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

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

- 5. 052019 [Accept-Expend Federal Grant - Police Department] Supervisor Ma**  
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds in the amount of \$225,542 made available through the United States Department of Justice, Office of Community Oriented Policing Services (COPS) for a project entitled Secure Our Schools.

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

- 6. 052042 [STOP Intersections]**  
Resolution designating certain intersections as "STOP" intersections.  
STOP SIGNS - ESTABLISH  
Mangels at Colon Avenues, making this intersection an All-Way STOP. (Parking and Traffic Department)

(12/13/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3111.)

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

- 7. 052048 [Contract funds to participate in the traineeship for AIDS prevention studies at the University of California at San Francisco Center on AIDS Prevention]**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the University of California San Francisco, Center on AIDS Prevention Studies (UCSFCAPS) the primary contractor, and expend funds in the amount of \$43,407 in order to participate in the traineeship for AIDS prevention studies (TAPS) at UCSFCAPS for the period of September 1, 2005, through August 31, 2006. (Public Health Department)

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

8.           **052049**    **[Parking Regulations]**  
Resolution enacting and rescinding parking regulations at various locations.
- NO PARKING, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY, EXCEPT VANPOOLS  
- RESCIND  
Folsom Street, both sides, between First and Spear Streets
- UNMETERED MOTORCYCLE PARKING - ESTABLISH  
Hayes Street, south side, from the northbound Octavia Boulevard Frontage Road to 14.5 feet  
westerly. (Parking and Traffic Department)
- (12/23/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the  
traffic and parking regulations where such changes do not establish a higher speed limit or  
result in more than a negligible increase in the use of the street; DPT Order No. 3113.)
- Question: Shall this Resolution be ADOPTED?**
9.           **052050**    **[STOP Intersections]**  
Resolution designating certain intersections as "STOP" intersections.
- STOP SIGNS - ESTABLISH  
Lakewood Way at Fairfield Way, stopping the northbound direction of Lakewood Way;  
Amazon Avenue at Madrid Street, making this intersection an All-Way STOP;  
Francisco Street and Laguna Street, stopping Francisco Street at Laguna Street, the stem of  
this T-intersection; and,  
York Street at Peralta Avenue, stopping the stem of this T-intersection. (Parking and Traffic  
Department)
- (12/23/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the  
traffic and parking regulations where such changes do not establish a higher speed limit or  
result in more than a negligible increase in the use of the street; DPT Order No. 3113.)
- 12/29/2005, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 01/06/06-  
Parking and Traffic notified to post notices in affected locations and ad place in the 1/11/06 edition of the SF  
Chronicle for the 1/23/06 meeting date.
- Question: Shall this Resolution be ADOPTED?**
10.          **052051**    **[Traffic Regulations]**  
Resolution enacting and rescinding traffic regulations on various streets.
- NO RIGHT TURN EXCEPT MUNI - ESTABLISH  
Market Street, southbound, at Clayton Street.
- NO LEFT TURN, 7AM TO 9AM AND 4PM TO 7PM, MONDAY THROUGH FRIDAY -  
ESTABLISH  
Potrero Avenue, northbound, at 22nd Street. (Parking and Traffic Department)
- (12/22/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the  
traffic and parking regulations where such changes do not establish a higher speed limit or  
result in more than a negligible increase in the use of the street; DPT Order No. 3113.)
- Question: Shall this Resolution be ADOPTED?**

## **Recommendations of the Land Use Committee**

*Present: Supervisors Maxwell, Sandoval, McGoldrick*

11.        **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.
- Question: Shall this Ordinance be FINALLY PASSED?**
12.        **051818**        **[Green Business Program]**        **Supervisors Maxwell, Sandoval**
- Ordinance amending the Environment Code by adding Chapter 15 to authorize a City-wide Green Business Program and amending Business and Tax Regulations Code Section 906.2 to require a clean technology business to be a recognized Green Business in order to be eligible for a payroll tax exclusion under that section.
- 1/24/2006, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

## **Recommendations of the Rules Committee**

*Present: Supervisors Mirkarimi, Elsbernd, Ammiano*

13.        **052043**        **[Settlement of Lawsuit -Frank Euphrate, et al.]**
- Ordinance authorizing settlement of the lawsuit filed by Frank Euphrate against the City and County of San Francisco for \$925,000; the lawsuit was filed on September 10, 2003 in San Francisco Superior Court, Case No. 424-288; entitled Frank Euphrate, et al., v. City and County of San Francisco, et al. (City Attorney)
- 1/24/2006, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Mirkarimi, Elsbernd*

**14. 060051 [Appointment - SOMA Community Stabilization Fund  
Community Advisory Committee]**

Resolution appointing Rudy Corpus, Jr., Conny Ford, Jazzie Collins, Ada Chan, Donald Frazier, Kelly Wilkinson, and Steven Sarver, for a term to be determined, to the SOMA Community Stabilization Fund Community Advisory Committee, residency requirement waived.

Rudy Corpus, Jr., new appointment, seat 1, must be representative for low-income families who lives with his or her family in SOMA, for a term to be determined by lot.

Conny Ford, new appointment, seat 2, must have expertise in employment development and/or represents labor, for a term to be determined by lot.

Jazzie Collins, new appointment, seat 3, must be a senior or disabled resident of SOMA, for a term to be determined by lot.

Ada Chan (residency requirement waived), new appointment, seat 4, must have affordable housing expertise and familiarity with the SOMA neighborhood, for a term to be determined by lot.

Donald Frazier, new appointment, seat 5, must represent a community-based organization in SOMA, for a term to be determined by lot.

Kelly Wilkinson, new appointment, seat 6, must provide direct services to SOMA families, for a term to be determined by lot.

Steven Sarver, new appointment, seat 7, must have small business expertise and a familiarity with the SOMA neighborhood, for a term to be determined by lot.

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

**15. 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.

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

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **Vetoed by the Mayor**

*Consideration of Mayor's Veto*

*Consideration to override veto pursuant to Charter Section 2.106 of Ordinance to require property owners to disclose to prospective buyers of residential property consisting of two or more units, the legal ground(s) for the termination of a tenancy and whether any units were occupied by elderly and or disabled tenants at the time of termination of tenancy.*

16.        **051822**        **[Residential Housing Purchaser Protection Ordinance]**        **Supervisor Daly**  
Ordinance amending Administrative Code Section 37.10A to require property owners to disclose to prospective buyers of residential property consisting of two or more units, the legal ground(s) for the termination of a tenancy and whether any units were occupied by elderly and or disabled tenants at the time of termination of tenancy.
- NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.  
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 20, 2006. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 19, 2006.)
- 1/10/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.  
1/10/2006, PASSED ON FIRST READING AS AMENDED.  
1/17/2006, FINALLY PASSED.
- Action:** \_\_\_\_\_

## **NEW BUSINESS**

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

*Present: Supervisors Daly, Dufty*

17.        **051759**        **[Rewards to Informants (Real Estate Watchdogs) for Information Related to the Detection of Underpayment of Property Tax]**        **Supervisors Alioto-Pier, Peskin, Daly, Dufty**  
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)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
18.        **060048**        **[Public Auction]**  
Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)
- Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the City Operations and Neighborhood Services Committee**

19.           **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)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
20.           **060026**       **[Condemning the persecution of Falun Gong practitioners]**       **Supervisors Daly, Ma**
- Resolution condemning the persecution of Falun Gong practitioners and expressing the position of the City and County of San Francisco to Federal Officials, urging federal officials and the State Department to follow United States Congress Resolution 304, and stating that the views expressed by Falun Gong practitioners are not officially sanctioned by the City and County of San Francisco.
- (Supervisor McGoldrick dissenting in committee)
- Question: Shall this Resolution be ADOPTED?**
21.           **060027**       **[Change the name of 16th Street between Pond Street and Prosper Street in the Castro to Jos, Sarria Court]**       **Supervisors Dufty, Ammiano, Ma, Mirkarimi, Daly, McGoldrick**
- Resolution changing the name of 16th Street between Pond Street and Prosper Street in the Castro to "José Sarria Court," in recognition of José Sarria, who is one of the most heroic, courageous, and colorful and creative figures in San Francisco's history.
- Question: Shall this Resolution be ADOPTED?**
22.           **051944**       **[Parking Regulations]**
- Resolution enacting and rescinding parking regulations at various locations.
- UNMETERED MOTORCYCLE PARKING - ESTABLISH  
285 Dorland Street, south side, between the driveways of #285 and #295 Dorland Street (establishes three motorcycle parking spaces in this 14.5 foot space).
- TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND  
Folsom Street, west side, between Cesar Chavez Street and 26th Street.
- PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH  
Mississippi Street, west side, north of 25th Street to the terminus
- PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH  
Green Street, south side, from Battery Street to 140 feet westerly; and,  
Green Street, south side, from Sansome Street to 16 feet easterly.



**PARKING METER AREA 3, 2-HOUR TIME LIMIT, 9AM TO 6PM, MONDAY THROUGH SATURDAY - ESTABLISH**

Ellis Street, both sides, between Van Ness Avenue and Franklin Street

**PARKING METER AREA 3, 2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY -ESTABLISH**

Portola Drive, south side, between Fowler Avenue and Evelyn Way and between Teresita and O'Shaughnessy Boulevards

**1-HOUR TIME LIMIT PARKING - RESCIND**

**PARKING METER AREA 1, 7AM TO 6PM, 2-HOUR, MONDAY THROUGH SATURDAY - ESTABLISH**

Tehama Street, north side, between 1st Street and 140 feet west of 2nd Street (Unit and 100 block)

Clementina Street, south side, between 1st and 2nd Streets (Unit block)

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

Market Street, south side, from Octavia Street off-ramp to Valencia Street

**TOW-AWAY, NO PARKING ANYTIME - RESCIND**

Market Street, south side, from 151 feet west of Valencia Street to McCoppin Street

**TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, EXCEPT SATURDAY - RESCIND**

Market Street, south side, from Valencia Street to 151 feet westerly

**RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Mars Street, both sides, between 17th and Corbett Streets (Unit block)

**RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Divisadero Street, east side, between Haight and Page Streets (200 block)

**STREET CLOSURE - ESTABLISH**

Jack Kerouac Alley, between Grant and Columbus Avenue (permanent closure to automobile traffic).

**SIDEWALK WIDTH - EXTENSION**

Mission Street and 18th Street intersection, northwest and southeast corners (sidewalk would be widened by five feet by installing new corner bulbs)

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

McKinnon Avenue, north side, between Toland and Selby Streets.

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Waterville Street terminus (200 block)

**RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

28th Street, both sides, between Church and Sanchez Streets (200 block)

**TOW-AWAY, NO STOPPING, 6 AM TO 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH**

Trumbull Street, north side, from Congdon Street to 100 feet easterly. (Parking and Traffic Department)

11/29/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)

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

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

*Present: Supervisors Mirkarimi, Peskin*

- 23. 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.)

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

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

*Present: Supervisors Maxwell, Sandoval, McGoldrick*

- 24. 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.

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

### **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.)*





**Environmental Review for 1043-1045 Francisco Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department granting a Categorical Exemption from environmental review as part of a variance application (Case No. 2005.0032DV, Building Permit Application No. 2004.02.10.6005S), the proposed project at 1043-1045 Francisco Street, Lot 020 in Assessor's Block 0477. The proposal is to add a one-story horizontal addition over the existing one-story extension at the rear of the existing building. The site contains a two-story (with one-story section at the rear where the addition is proposed) over basement, two-family building at the front of the lot and a one-story, two-car garage at the rear of the lot. The project originally proposed to expand the garage, but that part of the project has been eliminated.

The lot size is 4,726 square feet, within RH-2 (Residential House, Two-Family) District and 40X Height and Bulk District. (Appellant: Stephen M. Williams).

(Filed 12/9/05; companion measure to Files 052036, 052037, 052038; District 2.)

1/17/2006, CONTINUED. The President inquired as to whether or not any member of the public wished to address the Board. Continued to January 31, 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.)**

- 31. 052036 [Affirming the categorical exemption issued for 1043-1045 Francisco Street]**  
Motion affirming the determination by the Planning Department that the 1043-1045 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
1/17/2006, CONTINUED. Continued to January 31, 2006  
**Question: Shall this Motion be ADOPTED?**
- 32. 052037 [Disapproving the categorical exemption issued for 1043-1045 Francisco Street]**  
Motion disapproving the determination by the Planning Department that the 1043-1045 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
1/17/2006, CONTINUED. Continued to January 31, 2006  
**Question: Shall this Motion be ADOPTED?**
- 33. 052038 [Preparation of findings related to the appeal of the CEQA exemption determination issued for 1043-1045 Francisco Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that a project at 1043-1045 Francisco Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

1/17/2006, CONTINUED. Continued to January 31, 2006

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

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

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

## 35. **PUBLIC COMMENT**

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

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

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

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

### **Items 36 through 50**

#### 36. **060114 [Emergency Disadvantaged Business Enterprise Program - January 31, 2006, Committee of the Whole] Supervisor Ma**

Motion for the Board of Supervisors to convene as a committee of the whole on January 31, 2006, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 37. 060110 [Commending Bishop Yvette Flunder, Reverend Al Sharpton, and the National Black Justice Coalition] Supervisors Dufty, Maxwell, Ammiano**

Resolution commending Bishop Yvette Flunder, Reverend Al Sharpton, and the National Black Justice Coalition for their leadership in convening the Black Church Summit and in seeking equality for lesbian, gay, bisexual and transgendered members of the African-American community.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 38. 060111 [Commending Inspector Farrell Suslow for his 35 years of dedicated service to the San Francisco Police Department] Supervisor Dufty**

Resolution commending Inspector Farrell Suslow for his 35 years of dedicated service to the San Francisco Police Department.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 39. 060112 [Commending Lost in the Fog and owner Harry J. Aleo for winning the Eclipse Award as the year's champion sprinter] Supervisor Dufty**

Resolution commending Lost in the Fog and owner Harry J. Aleo for winning the Eclipse Award as the 2006 champion sprinter in the United States.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 40. 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.

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

- 41. 060115 [Supporting Immigrant and Human Rights] Supervisors Maxwell, Peskin**

Resolution affirming the City and County of San Francisco's support for immigrant and human rights in the face of growing border vigilantism.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 42. 060116 [Recognizing the month of February as Black History Month] Supervisor Maxwell**

Resolution recognizing the month of February as Black History Month.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 43. 060117 [Accept-Expend Regional Grant - Department of the Environment] Supervisor Maxwell**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$430,500 from the Bay Area Air Quality Management District to retrofit diesel engines in forty-one (41) Heavy Duty Vehicles (HDV) with diesel emission control equipment.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 44. 060118 [Approval of Port Lease for Living Classroom at Heron's Head Park] Supervisor Maxwell**

Resolution approving the Lease between the San Francisco Port Commission and Literacy for Environmental Justice, a non-profit organization, for the Living Classroom Project, located at Heron's Head Park, for a total term of ten years.

1/24/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 45. 060120 [Blue Diamond Growers] Supervisors McGoldrick, Dufty, Mirkarimi**

Resolution supporting the workers of Blue Diamond Growers and their efforts to join the International Longshore and Warehouse Union Local 17 (ILWU) and condemning Blue Diamond for waging an aggressive anti-union campaign and violating the National Labor Relations Act.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 46. 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 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 13, 2006 through January 23, 2006, for reference by President to appropriate committee on January 31, 2006.*

#### **060097 [Settlement of Lawsuit - Maria Castillo]**

Ordinance authorizing settlement of the lawsuit filed by Maria Castillo against the City and County of San Francisco for \$40,000; the lawsuit was filed on January 18, 2005 in San Francisco Superior Court, Case No. 437-830; entitled Maria Castillo, et al., v. City and County of San Francisco, et al. (City Attorney)

1/23/2006, RECEIVED AND ASSIGNED to Rules Committee.

#### **060099 [Settlement of Lawsuit and Grievance - Gary Thompson]**

Ordinance authorizing settlement of the lawsuit filed by Gary Thompson and the grievance filed by his Union, Service Employees Service Employees International Union, Local 790, against the City and County of San Francisco for \$199,000; the lawsuit was filed on May 14, 2003 in United States District Court, Northern District of California, Case No. CV-03-02243-WDB and is entitled Gary Thompson v. City and County of San Francisco, et al; the grievance was filed on August 28, 2003 and is entitled Service Employees International Union, Local 790 v. City and County of San Francisco, ERD No. 12-03-1143. (City

Attorney)

1/23/2006, RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from January 13, 2006 through January 23, 2006, for reference by President to appropriate committee on January 31, 2006.*

**060094 [Contract funds to develop an electronic reporting system for results of hepatitis testing]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to renew a contract agreement with Public Health Foundation Enterprises, Inc. (PHFE) the primary contractor, and expend funds in the amount of \$141,413 to develop a secure electronic reporting system of hepatitis testing results; for the period of December 30, 2005 to December 29, 2006. (Public Health Department)

1/20/2006, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**060095 [Contract funds to conduct interviews and obtain data regarding pre-exposure prophylaxis use by MSM]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into a subcontract agreement with Public Health Foundation Enterprises, Inc. (PHFE), the primary contractor, and expend funds in the amount of \$16,073 to conduct interviews and obtain data on pre-exposure prophylaxis use by MSM for the period of January 1, 2006, to April 30, 2006. (Public Health Department)

1/20/2006, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**060096 [Lease of Real Property located at One Market Plaza]**

Resolution authorizing the renewal of a lease of 20,677 sq. ft. of space including related auxiliary spaces at One Market Plaza for the Department of Telecommunications and Information Services. (Real Estate Department)

1/23/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060128 [Petitions and Communications]**

Petitions and Communications received from January 13, 2006 through January 23, 2006, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 31, 2006.

From Gerry Tseng-Gill, urging the Board of Education to make its decision about closing and/or merging schools now, and reject any money offered by the Supervisors to keep the schools open for another year. File 060011, Copy: Each Supervisor(1)

From concerned citizens, submitting support for proposal to advance \$5.3 million to the San Francisco Unified School District to halt the current closure and merger process. File 060063, Copy: Each Supervisor(2)

From Valerie Bianquis, urging the Board of Supervisors to support keeping Daniel Webster Elementary School on Potrero Hill open. Copy: Supervisor Maxwell(3)

From James Chaffee, submitting letter entitled "Board Non-compliance with Open Government Provisions". Copy: Each Supervisor, Sunshine Ordinance Task Force(4)

From Clerk of the Board, responding to James Chaffee's letter entitled "Board non-compliance with Open Government Provisions". Copy: Each Supervisor, City Attorney, Sunshine Ordinance Task Force(5)

From CCSF Employees' Retirement System, submitting the employer retirement contribution rates adopted for fiscal year 2006-07.(6)

From concerned citizens, submitting request for a one-week continuance of appeal for property at 730 Great Highway. File 051852, Copy: Each Supervisor, City Attorney(7)

From P. Carnahan, regarding the San Francisco Zoological Society that recently raised admission fees for San Francisco residents in violation of its lease and management agreement with the City. Copy: Each Supervisor, Recreation and Park Department(8)

From Harold Stein, Jr., regarding the current anti-business legislation in San Francisco.(9)

From State Department of California Highway Patrol, submitting notice that the exemption granted to the S.F. Fire Department to operate their ambulances without the required spare tire and jack has expired (12/31/05); and operation of those vehicles without the required equipment is in violation of the established regulations. Copy: Fire Department(10)

From California Environmental Protection Agency, submitting a 45-day public notice and comment period for the "Unified Program Single Fee System" for California State Agencies.(11)

From concerned citizens, submitting opposition to the proposed "Better Neighborhoods" ordinance. File 050601, Copy: Each Supervisor (12)

From San Francisco Beautiful, submitting suggestions for neighborhood planning and the implementation process in San Francisco. File 050601, Copy: Each Supervisor(13)

From Prazzi Prassann, regarding trees being topped off in the Fisherman's Wharf area (Columbus Avenue/Leavenworth Street; North Point/Jones/Taylor/Beach Streets. Copy: Each Supervisor(14)

From Office of the Mayor, submitting his veto of File 051822, "Residential Housing Purchaser Protection Ordinance" which alters existing disclosure requirements for property owners. Copy: Each Supervisor, City Attorney(15)

From Clerk of the Board, submitting Form 700 Statement of Economic interests for Sheryl Davis, Legislative Assistant to Supervisor Mirkarimi(16)

From Reddy Lieb, submitting support for the Neighborhood Emergency Response training program (N.E.R.T.) provided by the San Francisco Fire Department.(17)

From Planning Department, submitting the Planning Commission's hearing results for the October 25, 2005 meeting. File 050601, Copy: Each Supervisor(18)

From Department of Public Works, submitting notice that the following potholes have been repaired: 248 Divisadero, 520 Divisadero, 656 Lyon, 141 Broderick, 763 Broderick.(Reference No. 20060110-004) Copy: Supervisor Mirkarimi(19)

From Department of Public Works, submitting notice that the graffiti from various locations has been removed. (Reference No. 20051115-004) Copy: Supervisor Mirkarimi(20)

From Department of Public Works, submitting notice that request for restriping of various crosswalks has been forwarded to the Department of Parking and Traffic. (Reference No. 20060110-006) Copy: Supervisor Mirkarimi(21)

From Department of Public Works, submitting notice that request for repainting the crosswalks at the intersection of Fulton/Lyon Streets and Fulton/Baker Streets has been forwarded to the Department of Parking and Traffic. (Reference No. 20060110-007) Copy: Supervisor Mirkarimi(22)

From Department of Public Works, submitting notice that the pothole at 1423 Irving Street has been repaired. (Reference No. 20051122-002) Copy: Supervisor Mirkarimi(23)

From Department of Public Works, regarding request for sidewalk repair at the northeast corner of Scott and O'Farrell Streets. (Reference No. 20051213-005) Copy: Supervisor Mirkarimi(24)

From Department of Public Works, regarding request for tree pruning along Oak Street, between Pierce and Scott Streets and O'Farrell Street, between Pierce and Scott Streets. (Reference No. 20051213-003) Copy: Supervisor Mirkarimi (25)

From Thomas Howley, urging the Board of Supervisors to help keep the Bernal Heights Preschool open.(26)

From Harry Moss, submitting opposition to proposed legislation limiting parking in new construction projects. File 051453, Copy: Supervisor Daly, Land Use members(27)

From Mesha Monge-Irizarry, concerning the arrest of Ace Washington.(28)

From Department of Public Health, submitting the quarterly report on AIDS cases reported through December 2005.(29)

From Jane Wong, regarding the dangerous driving conditions around Laguna Honda Hospital.Copy: Supervisor Elsbernd(30)

From concerned citizens, submitting support for the Community Choice Energy plan that will bring San Francisco 360 megawatts of renewable energy generation in the next three years and 50% renewable energy generation by 2017.(31)

From Ava Berg, concerning her unfortunate experience while visiting San Francisco. Copy: Supervisor Daly(32)

From concerned citizens, submitting opposition to proposed legislation imposing parking restrictions in C-3 zoning districts, anti-development and anti homeownership measures in San Francisco. File 051996(33)

From Sister Miriam Walsh, submitting copy of letter sent to the Mayor regarding filling

Laguna Honda Hospital with so-called "hard-to-place" patients and turning away seniors that are forced to go out of the City to other counties and other states for care. Copy: Each Supervisor(34)

From Marianne Schier, regarding lack of homeownership opportunities for middleclass families in San Francisco. File 051637, Copy: Each Supervisor(35)

From concerned citizens, submitting support for a moratorium on wireless communications antennas in San Francisco. File 051798, Copy: Government Audit and Oversight Committee(36)

From concerned citizens, submitting support for bringing the USS Iowa to San Francisco.(37)

From SF District Corps of Engineers, submitting notice that public comment for the increasing time it takes to develop, review, and approve individual mitigation bank proposals has been extended to February 13, 2006.(38)

From State Department of California Highway Patrol, submitting the Hazardous Materials Incident Report for January 2006.(39)

From Comcast Cable, submitting notice that effective February 9, 2006 the Golf Channel will be relocated to channel 80.(40)

From Sandra Luna, extending her gratitude to the Board of Supervisors for adjourning its regular meeting of November 22, 2005 out of respect for the memory of her father, Dante Benedeti.(41)

From Sean Patrick Monette-Shaw, submitting copy of immediate disclosure request sent to the Controller regarding various issues related to the Laguna Honda Hospital Replacement Project.Copy: Each Supervisor(42)

From Denise D'Anne, submitting opposition to bringing the USS Iowa to San Francisco. Copy: Each Supervisor(43)

From Gina Limon, regarding the treatment she received by the police officers when she reported her purse stolen from her place of employment by one of her clients. Copy: Supervisor Daly, Police Department(44)

From Shannon Seaberg, submitting support to impeach President Bush.(45)

From Redevelopment Agency, submitting its financial and performance reports for the quarter ended September 30, 2005.(46)

From Alex Lantsberg, submitting a short paper discussing "Greening" San Francisco through innovative water management practices. File 050601, Copy: Each Supervisor(47)

From Plant SF, thanking the Board of Supervisors for resolution commending the work of Plant SF, Sidewalk Pocket Park Gardens and other projects that promote community-based permeable landscaping and public open-space gardens. File 051738(48)

APPOINTMENTS BY THE MAYOR  
Fire Commission  
Paul Conroy  
Small Business Commission

Gus Murad  
Richard Ventura  
Juvenile Probation Commission  
Susana Rojas  
Dirk J. Beijen

## ADJOURNMENT

### Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

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

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

Agendas are available on the internet at [www.sfgov.org/site/bdsupvrs\\_index.asp?id=4383](http://www.sfgov.org/site/bdsupvrs_index.asp?id=4383)

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

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

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

Requests for language 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 [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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