

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, November 21, 2006 2:00 PM

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

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

BOARD COMMITTEES

Committee Membership

City and School District Select Committee
Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns

City Operations and Neighborhood Services Committee
Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee
Supervisors Ammiano, Alioto-Pier, Peskin

Land Use and Economic Development Committee
Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee
Supervisors Mirkarimi, Elsbernd, Ammiano

Select Committee on Ending Gun and Gang Violence
Supervisors Maxwell, Mirkarimi, Ammiano

Meeting Days

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Thursday
10:00 AM

1st and 3rd Monday
10:00 AM

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier and Daly were noted absent.

There was a quorum.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

Supervisor Daly Excused From Attendance

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to excuse Supervisor Daly from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Daly

AGENDA CHANGES

Supervisor Peskin requested that File No. 061579 (Item 31) be considered out of order.

COMMUNICATIONS

SPECIAL ORDER 2:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

**061578 [Hearing on the proposed development plan at Candlestick Point]
Supervisor Peskin**

Hearing to discuss the proposed development at Candlestick Point.

The Office of Economic and Workforce Development made a lengthy presentation on the development of a new stadium and mixed-use project.

Michael Cohen, Office of Economic and Workforce Development

Kofi Bonner, President, Bay Area Division, Lennar

David Thom, IBI Group

Thomas Balsley, Tom Balsley and Associates

Moss Corbey, Corbey Engineering

Mary Smith, Walker

Dean Macris, Planning Department

Erin McGrath, Mayor's Office

Larry McNeil, Chief Financial Officer, San Francisco Forty-Niners, outlined why the new stadium plan will not work.

The President inquired as to whether any member of the public wished to address the Board members

Male Speaker, Football is sexist.

Abdullah Megaheed, we support 49ers

Dr. Ahimsa Porter Sunchai, we need a project specific EIR

Don Price, traffic impact to neighbors

Don Monahan, District Superintendent, California State Parks

Reverend Arnold Townsend, people of Bayview Hunters Point deserve 49ers

Mr. King, Bayview Hunters Point need to move forward

Ed Donaldson, Bayview Hunters Point in middle of revitalization

Shirley Moore, wants 49ers to work with the community, wants community included

Sheila Johnson, loves 49ers

Espanola Jackson, landfill

Walter Paulsen, hopes 49ers can build stadium in San Francisco

Keith Jackson, bond money from late 1990s

Male Speaker, long-range planning

Al Norman, Bayview Merchants, BVHP economic plan should continue

Linda Richardson, economic development in BVHP

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

061360 [Setting speed limit on portions of Kezar and John F. Kennedy Drives]

Ordinance amending the Traffic Code by adding a new Section 175.07, establishing a speed limit of 30 MPH on Kezar Drive between Lincoln Way and John F. Kennedy Drive, and on John F. Kennedy Drive between Kezar Drive and Stanyan Street.

(9/28/06: 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. 3252.)

Ordinance No. 294-06
FINALLY PASSED

Recommendations of the Rules Committee

061375 [Elections Code Amendments]
Supervisor Elsbernd

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

Ordinance No. 291-06
FINALLY PASSED

061451 [Settlement of Lawsuit - People v. California Pacific Medical Group]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco on behalf of the People of the State of California, against California Pacific Medical Group, Inc., dba Brown and Toland Medical Group, on April 10, 2006 in San Francisco Superior Court, Case No. CGC-06451051, entitled The People of the State of California, et al. v. California Pacific Medical Group, Inc., dba Brown and Toland Medical Group. (City Attorney)

Ordinance No. 292-06
FINALLY PASSED

061452 [Settlement of Lawsuit - CCSF, et. al. v. Landavazo Brothers, Inc., et. al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco as a qui tam plaintiff and party against (a) Landavazo Bros., Inc. and its owners and (b) George, Theodore, Derrick and John Landavazo (together, the "Landavazos") on June 14, 2001, in United States District Court For the Northern District of California, Case No. C-01-2315 MHP, entitled, City and County of San Francisco et. al. v. Landavazo Brothers, Inc., et. al., with the Landavazos paying: (a) \$100,000 within 10 days of the final approval of the settlement ; (b) making sixty-five (65) monthly payments of \$7,500, beginning January 5, 2007; and (c) the City paying to the San Francisco Bay Area Rapid Transit District (BART") therefrom \$50,000, with \$25,000 to come from the initial payment and the balance to be paid at \$2,500 from the next ten (10) payments. The Landavazos are also to forego bidding on, or performing any work on San Francisco or BART projects through December 31, 2008. (City Attorney)

Ordinance No. 293-06

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

060944 [Food Service Waste Reduction Ordinance]

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

Ordinance amending the San Francisco Environment Code by adding Chapter 16, Sections 1601 through 1611, to: (1) prohibit the use of polystyrene foam disposable food service ware and require the use of biodegradable/compostable or recyclable disposable food service ware by restaurants, retail food vendors, City departments and the City's contractors and lessees unless there is no affordable alternative; and, (2) provide for penalties for violation; and amending the San Francisco Health Code by repealing Sections 469 through 469.10, which ban the use of food packaging and plastic food service ware made with chlorofluorocarbons.

Ordinance No. 295-06

FINALLY PASSED by the following vote:

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

Excused: 1 - Daly

**061205 [Policy making marijuana offenses the lowest law enforcement priority]
Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Administrative Code by adding Chapter 12X to make marijuana offenses by adults the lowest law enforcement priority in San Francisco, and require notification of state and federal officials.

(Supervisor Ma dissented)

Ordinance No. 297-06

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Excused: 1 - Daly

**061554 [Establish Community Oversight Committee Regarding Enforcement of Marijuana Offenses]
Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Administrative Code by adding Chapter 12X.6 to establish a Community Oversight Committee regarding enforcement of marijuana offenses.

(Supervisor Ma dissented)

Ordinance No. 296-06

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Excused: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

**061074 [Authorizing the Committee on Information Technology to amend its contract with Microgear/ESP to exceed \$10 million]
Supervisor Daly**

Resolution authorizing the Committee on Information Technology to retroactively enter into the Third Amendment between the City and Microgear/ESP (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over \$10 million.

(Fiscal impact.)

Resolution No. 673-06

ADOPTED by the following vote:

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

Excused: 1 - Daly

**061075 [Authorizing the Committee on Information Technology to amend its contract with Central Computer Systems to exceed \$10 million]
Supervisor Daly**

Resolution authorizing the Committee on Information Technology to retroactively enter into the Third Amendment between the City and Central Computer Systems (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over \$10 million.

(Fiscal impact.)

Resolution No. 674-06

ADOPTED by the following vote:

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

**061351 [Lease of Property at S.F. Marina West Harbor, near the intersection of Marina Boulevard and Fillmore Street, to the St. Francis Yacht Club]
Supervisor Alioto-Pier**

Resolution authorizing and approving the execution, delivery and performance of a lease of real property at the S.F. Marina West Harbor near the intersection of Marina Boulevard and Fillmore Street (a portion of Block 0900, Lot 003) to the St. Francis Yacht Club for a term of forty (40) years plus the approximately seven (7) years remaining on the Club's existing lease; and adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved to re-refer this matter to Committee.

Motion to re-refer this matter to Committee failed by the following vote:

Ayes: 4 - Ammiano, McGoldrick, Mirkarimi, Sandoval

Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Excused: 1 - Daly

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved to continue this matter to December 12, 2006.

Motion to continue this matter failed by the following vote:

Ayes: - 2 - McGoldrick, Sandoval

Noes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Excused: 1 - Daly

Resolution No. 681-06

ADOPTED by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Noes: 4 - Ammiano, McGoldrick, Mirkarimi, Sandoval

Excused: 1 - Daly

**061532 [Certificates of Participation relating to One South Van Ness Avenue, 1650 Mission Street and 30 Van Ness Avenue; and Authorization to Remove 1650 Mission Street Due Diligence Contingences]
Supervisors Peskin, Elsbernd**

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition and improvement of One South Van Ness Avenue and 1650 Mission Street and the improvement of 30 Van Ness Avenue; approving the form of a trust agreement between the City and County of San Francisco (the "City") and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of a property lease between the City and a trustee relating to certain City-owned property; approving the form of a project lease between a trustee and the City (including certain indemnities contained therein); approving the form of an official notice of sale and notice of intention to sell relating to the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the reimbursement of certain expenditures; approving the removal of the due diligence contingencies relating to the purchase of 1650 Mission Street and a City assumption of the Spectrum Federal Credit Union lease at 1650 Mission Street; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Resolution No. 680-06

ADOPTED by the following vote:

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

061461 [Prevailing wages for workers on public works/improvement projects, workers doing janitorial services, workers in public off-street parking lots, garages, or auto storage facilities, workers in theatrical services; and workers performing moving services]

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; and (5) workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)

Resolution No. 676-06

ADOPTED by the following vote:

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

- 061468 [Prevailing wage and displaced worker requirements for City contracts for hauling of solid waste generated by City operations]**
Supervisors Ma, Peskin, Daly, Dufty, Mirkarimi

Ordinance adding Section 21.25-5 to the Administrative Code, requiring payment of wages at prevailing rates to workers engaged in the hauling of solid waste, generated by the City in the course of City operations, pursuant to a contract with the City; establishing a process for the Board of Supervisors to set prevailing wage rates; establishing rules and a process for enforcement of prevailing wage rate requirements; requiring retention of workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City, upon transition to a new contractor; and establishing rules and a process for enforcement of worker retention requirements.

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

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

- 051465 [Grant of Federal Funds - Municipal Transportation Agency]**
Supervisor Peskin

Resolution authorizing the Municipal Transportation Agency to accept and expend \$9,920,000 of Federal New Starts Capital Assistance for the Third Street-Phase II - New Central Subway project, excluding administrative overhead costs.

Resolution No. 682-06

ADOPTED by the following vote:

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

- 061422 [Grant of Federal Funds - Municipal Transportation Agency]**
Supervisor Peskin

Resolution authorizing the Municipal Transportation Agency to accept and expend \$24,502,500 of Federal Section 5309 New Starts Capital Assistance for the Third Street-Phase II - Central Subway project, excluding administrative overhead costs.

(Fiscal impact.)

Resolution No. 679-06

ADOPTED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

**061261 [Zoning - Conditional use for change in use or demolition of a general grocery store]
Supervisor Elsbernd**

Ordinance amending the Planning Code to add Section 218.2 and to amend Sections 703.2, 803.2, and 803.3 to require conditional use authorization for any project involving the change in use or demolition of a general grocery store; amending Planning Code Section 790.102 to define general grocery store; amending Planning Code Section 303 to require specific findings as part of a conditional use authorization for a change in use or demolition of a general grocery store; making the legislation apply to specified applications and permits filed on or after September 12, 2006; and making environmental findings and findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

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

Supervisor Peskin presented a Certificate of Commendation to Supervisor Ma.

SPECIAL ORDER 4:00 P.M.

061396 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 3300 Clay Street]
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 26, 2006, granting a Categorical Exemption from the California Environmental Quality Act (Building Permit Application No. 2006.02.27.5519) the proposed project at 3300 Clay Street, Lot 003 in Assessor's Block 0997. The proposal to remodel the ground floor, excavate and install a six-car garage and install a new opening in the side of the building for access to the garage. (Appellant: Douglas D. Cain)

(Filed October 13, 2006; companion measure to Files 061397, 061398, 061399, District 2.)

Continued to January 9, 2007.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

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

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.)

061397 [Affirming the categorical exemption issued for 3300 Clay Street project]

Motion affirming the determination by the Planning Department that the 3300 Clay Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to January 9, 2007.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

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

061398 [Disapproving the categorical exemption issued for 3300 Clay Street project]

Motion disapproving the determination by the Planning Department that the 3300 Clay Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to January 9, 2007.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

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

061399 [Preparation of findings related to the 3300 Clay Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3300 Clay Street is exempt from environmental review under the California Environmental Quality Act.

Continued to January 9, 2007.

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

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

COMMITTEE REPORTS

**061387 [Appointment, Planning Commission]
Mayor**

Motion approving the Mayor's appointment of Marilyn Sue Lee to the Planning Commission term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 061388.)

Transmittal date – October 3, 2006.

Motion No. M06-123

APPROVED by the following vote:

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

061389 [Reappointment, Planning Commission]

Motion approving the Mayor's reappointment of William L. Lee to the Planning Commission term ending July 1, 2010. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 061390.)

Transmittal date – October 3, 2006.

Supervisor McGoldrick was noted absent at 6:10 p.m.

Motion No. M06-124

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 2 - Ammiano, Peskin
Absent: 1 - McGoldrick
Excused: 1 - Daly

061453 [Police Foot Patrols]

Supervisors Mirkarimi, Daly, Ammiano, Maxwell, Sandoval

Ordinance adopting Section 10A.1 of the San Francisco Administrative Code to establish a one-year pilot program requiring foot patrols in crime-impacted areas within the boundaries of Northern, Park, Tenderloin, Mission, Ingleside, Taraval, Southern, Bayview, Central and Richmond Police District Stations, and require reporting and review on the effectiveness of the foot patrols.

NOTE: This action requires a 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 December 15, 2006. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 14, 2007.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 1 - McGoldrick
Excused: 1 - Daly

061465 [MOU, Amendment No. 2 - San Francisco Police Officers' Association (SFPOA)]
Mayor, Supervisors Dufty, Elsbernd, Alioto-Pier, Mirkarimi

Ordinance adopting and implementing amendments to the 2003-2007 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA) by (a) establishing retention pay of an additional four percent (4%) for officers who have completed thirty (30) or more years of service, effective June 30, 2007; (b) providing \$1,000 referral bonuses for officers who refer successful candidates for police officer positions; (c) providing lateral signing bonuses of \$5,000 for police officers hired from other police agencies; (d) allocating \$250,000 annually to a joint labor-management recruitment committee; (e) eliminating the practice of allowing retiring officers to use accrued leave during their final 90 days of employment; and providing for incorporation of these provisions in the MOU to succeed the 2003-2007 MOU with expiration upon the conclusion of such successor MOU unless renewal is agreed.

(Fiscal impact.)

Supervisors Alioto-Pier and Mirkarimi requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Absent: 1 - McGoldrick

Excused: 1 - Daly

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megahed, homeless issues and keeping 49ers in San Francisco

James Chafee, family issues and library issues

John Hamlin, Special Olympics

Walter Paulsen, shared various memorabilia with Board and sang song for Supervisor Ma

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.

**061559 [Legislative Analyst Request]
Supervisor Elsbernd**

Motion requesting the Legislative Analyst to research comparable Natural Areas Plans that have been developed and implemented in other jurisdictions. As well, please explore the availability of existing studies that provide data that may assist in determining potential costs for San Francisco's Natural Areas Program Management Plan (NAP MP).

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Daly

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.

**061577 [Calling for the Board of Supervisors to sit as a Committee of the Whole on December 5, 2006, at 4:00 pm to consider findings of recent economic report]
Supervisor Alioto-Pier**

Motion calling for the Board of Supervisors to sit as a Committee of the Whole on December 5, 2006, at 4:00 pm to hear and discuss the findings of the report, "Focusing San Francisco's Economic Strategy: From Goals to Strategic Priorities."

Motion No. M06-125

APPROVED

**061570 [Issuance and Sale of Revenue Bonds - Elder Care Alliance of San Francisco]
Supervisor Dufty**

Resolution approving the issuance and sale of tax-exempt bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$37,000,000 to refinance a portion of the costs of acquisition, construction and equipping of an assisted living and dementia care facility.

Resolution No. 677-06

ADOPTED

**061572 [Commemorating National Prematurity Awareness Month]
Supervisor Mirkarimi**

Resolution commemorating National Prematurity Awareness Month, acknowledging that premature birth is a serious, common and costly problem. The etiology of premature birth is unknown and can happen to any pregnant woman. We hope all of you will join us in the campaign to reduce premature birth by supporting research, educating the public and health care providers about this critical issue.

Resolution No. 678-06

ADOPTED

- 061573 [Urging NBC-Universal to reconsider its decision to eliminate local Spanish newscasts at KSTS-48 Telemundo]**
Supervisor Sandoval

Resolution urging NBC-Universal to reconsider its decision to eliminate local Spanish news newscasts at KSTS-48 Telemundo.

Resolution No. 683-06

ADOPTED

- 061574 [Recognizing the City of Santa Ana for electing a Council reflective of its constituency's diverse ethnic majority]**
Supervisor Sandoval

Resolution recognizing the City of Santa Ana for electing a Council reflective of its constituency's diverse ethnic majority.

Resolution No. 684-06

ADOPTED

- 061575 [Supporting Saul Arellano, a 7 year-old boy whose mother has taken refuge at a church in Chicago to avoid deportation]**
Supervisor Sandoval

Resolution supporting Saul Arellano, a 7 year-old boy whose mother has taken refuge at a church in Chicago to avoid deportation.

Resolution No. 675-06

ADOPTED

- 061555 [Final Map 2808 - 19 Clementina Street]**
Motion approving Final Map 2808, a 32 Unit Live Work Condominium Project, located at 19 Clementina Street being a subdivision of Lot 119 in Assessors Block No. 3736 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,428; District 6.)

Motion No. M06-119

APPROVED

- 061556 [Final Map 3686 - 2351 Powell Street]**
Motion approving Final Map 3686, a 73 Unit Mixed-Use Condominium Project, located at 2351 Powell Street being a subdivision of Lot 1,3 & 4 in Assessors Block No. 0031 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,430; District 3.)

Motion No. M06-120

APPROVED

061557 [Final Map 3825 - 520 Chestnut Street]

Motion approving Final Map 3825, a 20 Unit Residential Condominium Project, located at 520 Chestnut Street being a subdivision of Lot 9 in Assessors Block No. 0052 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW order No. 176,422; District 3.)

Motion No. M06-121

APPROVED

061558 [Final Map 3283 - 1117 Ocean Avenue]

Motion approving Final Map 3283, a 12 Unit Mixed-Use Condominium Project, located at 1117 Ocean Avenue being a subdivision of Lot 45 in Assessors Block No. 6944 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,429; District 11.)

Motion No. M06-122

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Absent: 1 - McGoldrick

Excused: 1 - Daly

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

**061579 [Motion to Hold Public Hearing on the proposed development plan at Candlestick Point]
Supervisor Peskin**

Motion directing the Board of Supervisors to hold a public hearing on November 21, 2006, at 2:00 p.m., with the Board sitting as a committee of the whole, to discuss the proposed development at Candlestick Point.

Motion No. M06-126

APPROVED by the following vote:

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

Excused: 1 - Daly

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

**061571 [Condemning Human Rights Violations in the Philippines]
Supervisors Mirkarimi, Daly, Ammiano**

Resolution condemning the politically-motivated killings and other human rights violations in the Philippines, extending sympathy to the families of victims and urging President Macapagal-Arroyo to reassert human rights and allow for an independent investigation into the killings.

Supervisor Alioto-Pier requested that this matter be referred to Committee.

REFERRED to the Rules Committee.

OFF-AGENDA LEGISLATION

Ordinances Resolutions Requests for Hearing Motions Introduced by the President at the Request of Departments

Introduced by Supervisors or Mayor**Ordinances**

- 061595** [Synchronizing the cycle for the Controller's biennial review of taxi fares and the gate with the City's Budget cycle]
Supervisor Elsbernd

Ordinance amending the San Francisco Police Code by amending Section 1137, to synchronize the cycle for the Controller's biennial review of taxi fares and the gate cap with the City's budget cycle.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 11/27/06 - Referred to the Taxi Commission for review and comment.

- 061596** [Setting a May 1 cutoff for the annual renewal of taxi driver permits]
Supervisor Elsbernd

Ordinance amending the San Francisco Business and Tax Regulations Code by adding Section 76.5, to set a May 1 cutoff for the annual renewal of taxi driver permits.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 11/27/06 - Referred to the Taxi Commission for review and comment.

- 061605** [Appropriating \$1,277,584 of estimated direct payment revenue for the Sidewalk Inspection and Repair Program in the Department of Public Works for Fiscal Year 2006-2007]
Mayor

Ordinance appropriating \$1,277,584 from estimated revenues to fund the Sidewalk Inspection and Repair Program for the Department of Public Works for Fiscal Year 2006-2007.

(Fiscal Impact.)

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 061606** [Sidewalk revitalization program]
Mayor

Ordinance amending Public Works Code Section 706 to deem unsafe sidewalk conditions a public nuisance and establish a permit and inspection fee waiver for participation in the City's sidewalk revitalization program and amending section 707.1 to clarify provisions that treat the abatement costs for sidewalk remediation as a special tax assessment.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061607 [Public Employment - Children and Families Commission, First 5 San Francisco Commission]
Supervisor Mirkarimi**

Ordinance amending Ordinance No. 203-06 (Annual Salary Ordinance FY 2006-2007) to reflect the addition of a 9774, Senior Community Development Specialist I, in the Children and Families Commission, First 5 San Francisco Commission.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061609 [Authorizing members of City boards and commissions, including the Board of Supervisors, to meet by teleconferencing when physically unable to attend in person due to the member's pregnancy, childbirth, or related condition]
Supervisor Alioto-Pier**

Ordinance amending the San Francisco Administrative Code by adding Section 2.1 I, to implement Proposition B as adopted by the voters at the November 7, 2006 election and authorize members of the Board of Supervisors to participate in meetings by teleconferencing when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition.

11/21/06, RECEIVED AND ASSIGNED to Rules Committee.

**061611 [Extending term of Back Streets Business Advisory Board]
Supervisor Maxwell**

Ordinance extending for an additional nine months the term of the Back Streets Business Advisory Board.

11/21/06, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

**061571 [Condemning Human Rights Violations in the Philippines]
Supervisors Mirkarimi, Daly, Ammiano**

Resolution condemning the politically-motivated killings and other human rights violations in the Philippines, extending sympathy to the families of victims and urging President Macapagal-Arroyo to reassert human rights and allow for an independent investigation into the killings.

11/14/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

11/21/06, REFERRED to Rules Committee. Supervisor Alioto-Pier requested that this matter be referred to Committee.

**061597 [Accept and Expend State Water Resources Control Board Grant Funds]
Supervisor Elsbernd**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a State Water Resources Control Board Grant in the amount of \$202,500 for the development of a Pilarcitos Creek Integrated Watershed Management Plan.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061598 [Accept-expend State Grant Funds available under the California Cultural and Historical Endowment to fund the South Murphy Windmill Restoration Project]**Supervisor McGoldrick**

Resolution authorizing the San Francisco Recreation and Parks Department to accept and expend a grant in the amount of \$488,411 for the restoration of the South Murphy Windmill, under Proposition 40 California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California State Library, California Cultural and Historical Endowment.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061599 [Grant of Regional Funds]**Supervisor Maxwell**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$3,670,340 in FY2005/06 \$3,984,855 in FY2006/07, and \$2,308,728 in FY2007/08 Assembly Bill 664 Bridge Toll Net Revenue Funds for various San Francisco Municipal Railway Capital Projects, excluding administrative overhead costs.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061600 [Accept-Expend U.S. Department of Justice Grant]**Supervisor Maxwell**

Resolution authorizing the City Attorney's Office to accept and expend a grant in the amount of \$394,891 from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the Foster Care Improvement Project.

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061601 [Bond Sale for Seismic Safety Loan Program Bonds]**Supervisor Dufty**

Resolution authorizing and directing the sale of not to exceed \$35,000,000 aggregate principal amount of City and County of San Francisco Taxable General Obligation Bonds (Seismic Safety Loan Program, 1992), Series 2006A; approving the form of a credit agreement pursuant to which such bonds will be issued and sold; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the establishment of accounts related thereto; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

11/21/06, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

061602 [Authorizing the Office of Contract Administration to amend its contract with En Pointe to exceed \$20 million]

Resolution authorizing the Office of Contract Administration to enter into the Fourth amendment between the City and En Pointe (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from \$20 million to \$31 million.

(Fiscal Impact.)

11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 061603 [Authorizing the Office of Contract Administration to amend its contract with Xtech to exceed \$25 million]**
Resolution authorizing the Office of Contract Administration to enter into the Fifth amendment between the City and Xtech (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from \$25 million to \$37 million.
- (Fiscal Impact.)
11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 061604 [Reprogram and Expend Federal Community Development Block Grant and Emergency Shelter Grant Funds]**
Supervisor Dufty
- Resolution approving the reprogramming and expenditure of One Hundred Twenty-One Thousand Two Hundred and Fifty Dollars (\$121,250.00) of Community Development Block Grant funds and Fifty Thousand Dollars (\$50,000.00) of Emergency Shelter Grant funds.
11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 061608 [Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]**
Supervisor Elsbernd
- Authorizing the Director of Public Works to execute Amendment to a Design Agreement for the Laguna Honda Hospital Replacement Program from \$33,706,892 to \$39,155,175.
- (Fiscal Impact.)
11/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 061612 [Commemorating the 8th Annual Transgender Day of Remembrance]**
Supervisors McGoldrick, Dufty
- Resolution Commemorating the 8th Annual Transgender Day of Remembrance and to celebrate the diversity in people's self-defined gender identities and expressions.
11/21/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 061613 [Resolution urging the Legislature and the Senate of the State of California to work with the California Child food Program Roundtable to ensure young children in the state of California have continued access to Child and Adult Care Food Program]**
Supervisor Maxwell
- Resolution urging members of the Legislature and the Senate of the State of California to work with the California Child Food Program Roundtable to identify and implement legislative strategies to ensure young children in the State of California have continued access to the Child and Adult Care Food Program.
11/21/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 061614 [Resolution acknowledging the one hundred anniversary of the San Francisco Local of the American Postal Workers Union, AFL-CIO, and proclaiming December 5, 2006, as San Francisco Postal Workers Day]
Supervisor Sandoval

Resolution Proclaiming the San Francisco Local of the American Postal Workers Union, AFL-CIO, for one hundred years of representing the working postal men and women of San Francisco.

11/21/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 061610 [Hearing on Report from Planning Department Developing Criteria for Mills Act Contract Eligibility]
Supervisor Alioto-Pier

Hearing on Report from Planning Department Developing Criteria for Mills Act Contract Eligibility.
11/21/06, RECEIVED AND ASSIGNED to Rules Committee.

Motions

- 061615 [Extending the Select Committee on Ending Gun and Gang Violence]
Supervisor Maxwell

Motion extending the Select Committee on Ending Gun and Gang Violence.
11/21/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

- 061545 [Settlement of Lawsuit - Peter P. Naughton and Bernadette A. Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A. Naughton Revocable Trust v. CCSF, et al.]

Ordinance approving settlement of litigation brought by Peter P. Naughton and Bernadette A. Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A. Naughton Revocable Trust to quiet title as to the City and County of San Francisco in certain utility easements, in the action entitled Peter P. Naughton and Bernadette A. Naughton as Trustees of the 2004 Peter P. Naughton and Bernadette A. Naughton Revocable Trust v. City and County of San Francisco, et al. (San Francisco Superior Court No. CGC-05-440100, filed April 5, 2005), for a total value of \$136,000.00. (Real Estate Department)

11/8/06, RECEIVED AND ASSIGNED to Rules Committee.

061546 [Summary Vacation of Sewer, Water and Utility Easements Within Assessor's Block 2864, Lot 001 and Sale to Owner of Assessor's Block 2864, Lot 001 Upon Conditions]

Ordinance ordering the summary vacation of six recorded sewer, water and utility easements located within Assessor's Block 2864, Lot 001, on land commonly known as 300 Laguna Honda Boulevard, subject to specified conditions; adopting findings pursuant to the California Streets and Highways Code Section 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale by quitclaim are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the conveyance of the City's interest in the vacated easements to the fee owners of Assessor's Block 2864, Lot 001, upon satisfaction of conditions set forth in companion Ordinance No. _____ on file with the Clerk of the Board of Supervisors in File No. _____; and ratifying and authorizing actions in furtherance of the ordinance. (Real Estate Department)

11/8/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS**061547 [Amendment to Contract with Geomatrix Consultants, Inc.]**

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute an amendment to the contract with Geomatrix Consultants, Inc. to extend the term retroactively through June 30, 2007, to modify the scope of services, and to increase the contract by an amount not to exceed \$180,000 for a new total amount not to exceed \$1,097,000 for environmental consulting services. 11/13/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061548 [Third Amendment to John Stewart Company Sublease of Housing Units on Treasure Island]

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a third amendment to the sublease with the John Stewart Company to extend the term. 11/13/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061549 [Fourth Amendment to John Stewart Company Sublease of Housing Units on Treasure Island]

Resolution approving and authorizing the Director of Island Operations for the Treasure Island Development Authority to execute a fourth amendment to the sublease with the John Stewart Company to increase utility rates.

11/13/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

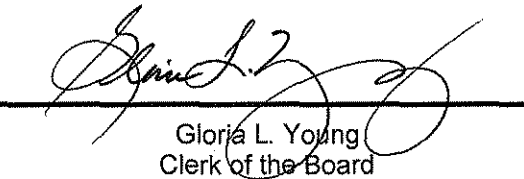
ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:35 p.m.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on January 9, 2007.



Gloria L. Young
Clerk of the Board