

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

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

Regular Board Meeting

Tuesday, February 28, 2006

Special Board Meeting

Budget & Finance Committee Meeting
Wednesday, March 1, 2006

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

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvrs

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd

Wednesday
1:00 PM

City and School District Select Committee

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

2nd Monday, (Bi-Monthly)
4:00 PM

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

1st and 3rd Monday
1:00 PM

Government Audits and Oversight Committee

Supervisors Ammiano, Alioto-Pier, Peskin

2nd and 4th Monday
1:00 PM

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Wednesday
1:00 PM

Rules Committee

Supervisors Mirkarimi, Elsbernd, Ammiano

Thursday
10:00 AM

Select Committee on Ending Gun and Gang Violence

Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty

1st and 3rd Monday
10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Alioto-Pier, seconded by Supervisor Daly, moved to approve January 10, 2006, January 24, 2006 and January 31, 2006 Meeting Minutes. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

060087 [Administrative Code Revision: Health Service System]
Supervisors Elsbernd, Ammiano

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal impact.)

Ordinance No. 35-06
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

**051715 [Better Streets Policy]
Mayor, Supervisors McGoldrick, Dufty**

Ordinance amending the Administrative Code to add Chapter 98, the Better Streets Policy; making environmental findings; authorizing and urging official acts in furtherance of this Ordinance; and requesting General Plan amendments to incorporate the Better Streets Policy and its supporting principles.

**Ordinance No. 33-06
FINALLY PASSED**

**051920 [Granting parking privileges on Baker Street for official vehicles of the Russian Consulate]
Supervisor Alioto-Pier**

Ordinance amending Section 32.6.30 of the San Francisco Traffic Code to grant parking privileges for official vehicles of the Russian Consulate along fifty three feet of the east side of Baker Street near the corner of Green Street.

**Ordinance No. 29-06
FINALLY PASSED**

Recommendation of the Land Use and Economic Development Committee

052047 [Quitclaim of Water Pipeline Easement]

Resolution approving the quitclaim of a water pipeline easement located at 1410 El Camino Real, South San Francisco, San Mateo County to the owner of the underlying fee interest in the property for a purchase price of \$30,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale by quitclaim is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

**Resolution No. 124-06
ADOPTED**

Recommendations of the Rules Committee

060006 [Settlement of Claims - Pacific Gas & Electric Company]

Ordinance authorizing settlement of a claim filed by Pacific Gas & Electric Company (PG&E) against the City and County of San Francisco (City) and a complaint filed by the City against PG&E. PG&E's claim was filed on April 9, 2004, in the United States Bankruptcy Court and amended on June 1 and June 11, 2004, Case No. 01-30923-DM, Adversary Proceeding No. 04-3071. The City's complaint against PG&E was filed on June 29, 2005 at the Federal Energy Regulatory Commission, Docket No. EL05-133-000.

PASSED, ON FIRST READING

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)

PASSED, ON FIRST READING

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)

PASSED ON FIRST READING by the following vote:

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

052044 [Settlement of Lawsuit - Mary Williams]

Ordinance authorizing settlement of the matter of Mary Williams v. City and County of San Francisco for \$225,000. The lawsuit was filed on November 5, 2004 in San Francisco Superior Court, Case No. 436-121; entitled Mary Williams v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

060176 [Appointment - Veterans Affairs Commission]

Resolution appointing Edwin Wilkerson, term ending January 31, 2007, to the Veterans Affairs Commission.

Edwin Wilkerson, succeeding Aaron Zeff, resigned, seat 11, must be an at large appointment, for the unexpired portion of a four-year term ending January 31, 2007.

Resolution No. 119-06

ADOPTED by the following vote:

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

060177 [Appointment - In-Home Supportive Services Public Authority]

Resolution appointing Anita Aaron, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.

Anita Aaron, succeeding Ray del Portillo, term expiring March 1, 2006, seat 7, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for a three-year term ending March 1, 2009.

Resolution No. 118-06

ADOPTED by the following vote:

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

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

060238 [Adopting findings related to affirming the categorical exemption issued for the 1 La Avanzada Street project]

Motion adopting findings related to affirming the determination by the Planning Department that the 1 La Avanzada Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 060007, 060008, 060009, 060010.)

Motion No. M06-25

APPROVED by the following vote:

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

Recommendations of the Budget and Finance Committee

**051792 [Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee]
Supervisors Maxwell, Dufty, Peskin, Ma, Mirkarimi**

Ordinance amending the Administrative Code to add Chapter 26, ("Deemed Approved Off-Sale Alcohol Use Nuisance Regulations"), deeming all existing non-conforming and permitted off-sale alcohol uses "approved;" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses; creating a list of performance standards that reflect existing local nuisance and related state and federal laws; providing for an education and outreach program; authorizing penalties for violation of performance standards including administrative penalties from \$500 to \$1000 or revocation of deemed approved status; providing for appeals of conditions or administrative penalties to the Board of Appeals; providing for appeals of the revocation of deemed approved status to the Board of Supervisors or the Board of Appeals; setting an annual fee of \$264 for deemed approved off-sale alcohol uses; establishing a deemed approved off-sale alcohol use nuisance regulation continuing project accounts within the City's General Fund; and making environmental findings.

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

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

Supervisor Ma, seconded by Supervisor Mirkarimi, moved to amend section 26.12 after "(a)" by adding new sections "(1) and (2)"; and further amended by Supervisor Daly.

Motion to amend Sec. 26.12 failed by the following vote:

Ayes: 4 - Daly, Ma, Mirkarimi, Sandoval

Noes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin,

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**060205 [Requiring Notice to Potential Buyers of Certain Deemed Approved Off-Sale Alcohol Uses Where the Use Has Violated the Performance Standards.]
Supervisors Daly, Ammiano**

Ordinance amending the ordinance Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee (Board File No. 051792) by amending Section 26.20 to require that the seller of a Deemed Approved Off-Sale Alcohol Use ("Use") provide certain notice to potential buyers of the Use if the Use has, within the past three years, been the subject of an administrative hearing at which a finding of violation of the Performance Standards was made, at which conditions were imposed on the Use's continued operations, and/or at which administrative penalties were imposed on the Use for violation of the Performance Standards; and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Land Use Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

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

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

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 March 10, 2006. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before April 10, 2006.

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

From the Land Use Committee Without Recommendation

Appointment of President Pro Tempore

At the request of the President, Supervisor Mirkarimi assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

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

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Plus Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plus Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plus Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plus Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved an amendment of the whole bearing same title. Further amended on page 7, by deleting "(D)" and on page 9, line 16, by adding "(d)".

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

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

Re-Referred as amended.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

- 060076 [To appropriate \$5,216,754 to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for DPW for Fiscal Year 2005-06]
Mayor**

Ordinance appropriating \$5,216,754 of Fiscal Year 2005-2006 State Traffic Congestion Relief Funds to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

- 051960 [Authorizing the Committee on Information Technology to amend its contract with En Pointe Technologies to exceed \$10 million]
Supervisor Daly**

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

Resolution No. 126-06

ADOPTED by the following vote:

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

- 051961 [Authorizing the Committee on Information Technology to amend its contract with Xtech to exceed \$10 million]
Supervisor Daly**

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

Resolution No. 125-06

ADOPTED by the following vote:

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

- 060080 [Waterline Relocation Agreement with Mills Peninsula Health Services]
Supervisor Dufty**

Resolution approving and authorizing the execution and delivery of a Waterline Relocation Agreement with Mills Peninsula Health Services; authorizing the exchange of real property interests in the City of Burlingame, San Mateo County following the completion of construction of a new water pipeline; adopting findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and adopting environmental findings.

Resolution No. 122-06

ADOPTED by the following vote:

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

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)

Resolution No. 121-06

ADOPTED by the following vote:

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

From the Budget and Finance Committee Without Recommendation**060119 [Option Agreement for Sale of Surplus Property]**

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

Resolution No. 120-06

ADOPTED by the following vote:

Ayes: 5 - Alioto-Pier, Elsbernd, Ma, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi
Absent: 2 - Dufty, Maxwell

*Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rescind the previous vote.
Motion to rescind the previous vote carried without objection.*

Resolution No. 120-06

ADOPTED by the following vote:

Ayes: 6 - Alioto-Pier, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi
Absent: 1 - Dufty

Recommendations of the City Operations and Neighborhood Services Committee**051918 [SoMa Senior Community Committee for Livable Streets]
Supervisor Daly**

Resolution urging the creation of the SoMa Senior Community Committee for Livable Streets.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to re-refer this matter to the Budget & Finance Committee.

Motion to re-refer to the Budget & Finance Committee failed by the following vote:

*Ayes: 4 - Alioto-Pier, Elsbernd, Ma, Maxwell
Noes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval
Absent: - 1 - McGoldrick*

Resolution No. 110-06

ADOPTED by the following vote:

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

- 060185** [Approve retroactively a new position funded by a recurring State grant for the period of FY 2005 through FY 2007]
Supervisor Peskin

Resolution authorizing retroactively the San Francisco Department of Public Health (SFDPH), San Francisco Childhood Lead Prevention Program to fill a new position using existing and ongoing funds from a recurring State grant, for the period of July 1, 2005 through June 30, 2007.

Resolution No. 117-06

ADOPTED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

- 051562** [Zoning Map Amendment in connection with Third Street and Oakdale Avenue Affordable Housing Special Use District]
Supervisor Maxwell

Ordinance amending Zoning Map Section 10 and 10SU of the City and County of San Francisco for the property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

- 051563** [Third Street and Oakdale Avenue Affordable Housing Special Use District]
Supervisor Maxwell

Ordinance adding Planning Code Section 249.30 to establishing the Third Street and Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, and making findings including findings under the California Environmental Quality Act and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

060054 [MUNI Operator restrooms at various locations]

Resolution granting revocable permission to Municipal Transportation Agency (MTA), to occupy a portion of the public right-of-way to install and maintain one (1) MUNI Operator Restroom at each of the following locations: within an existing traffic island on Geneva Avenue at Munich Street; on the westerly sidewalk of Main Street, southerly of Howard Street; on the easterly sidewalk of Main Street, northerly of Mission Street, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

Resolution No. 123-06

ADOPTED by the following vote:

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

Recommendation of the Rules Committee**060156 [Investigate and Impeach President Bush and Vice President Cheney]
Supervisor Daly**

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

(Supervisor Elsbernd Dissented in Committee)

Amended on page 2, line 22 & 23, by deleting "while focusing on taking back the United States House of Representatives and United States Senate."

AMENDED by the following vote:

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

Resolution No. 109-06

ADOPTED AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Ma, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Maxwell
Absent: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole**

060211 [Charter amendment (Fourth Draft) to add Section 16.126]

Hearing to consider a charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional \$10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date. (Clerk of the Board)

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

*Female speaker; support of the Homicide Plan charter amendment
Sheila Burton; support of the Homicide Plan charter amendment
Judy Hughes; support of the Homicide Plan charter amendment
Ray Balberan; support of the Homicide Plan charter amendment
Joe Trigueros; support of the Homicide Plan charter amendment
Donald Price; support of the Homicide Plan charter amendment
Michell Williams; support of the Homicide Plan charter amendment
Iqra Anjum; support of the Homicide Plan charter amendment
Jeff Adachi, Public Defender; support of the Homicide Plan charter amendment
Alicia Sandoval; support of the Homicide Plan charter amendment
Valerie; support of the Homicide Plan charter amendment
Shirley Fordham; support of the Homicide Plan charter amendment
Henry Morales; support of the Homicide Plan charter amendment
Paul Kendiseg; support of the Homicide Plan charter amendment
Maddie Scott; support of the Homicide Plan charter amendment
Del Scott; support of the Homicide Plan charter amendment
Liz; support of the Homicide Plan charter amendment
Male speaker; support of the Homicide Plan charter amendment
Nancy; support of the Homicide Plan charter amendment
Kelly; support of the Homicide Plan charter amendment
Lonnie Holmes; support of the Homicide Plan charter amendment
Rudy Corcas; support of the Homicide Plan charter amendment
Ace Washington; support of the Homicide Plan charter amendment
Shay; support of the Homicide Plan charter amendment
Eugene Gordon, Jr.; support of the Homicide Plan charter amendment
Maria; support of the Homicide Plan charter amendment
Sharon Hewitt; support of the Homicide Plan charter amendment
Francisco di Costa; support of the Homicide Plan charter amendment
Pat Scott; support of the Homicide Plan charter amendment*

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

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

Charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional \$10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date.

3/2/06 - Transmitted Charter Amendment with Legislative Digest to the Department of Elections.

ORDERED SUBMITTED by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval

Noes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

060213 [Hearing - 22-Month and 15 Day Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]

Hearing to consider the possible adoption of an urgency Ordinance approving a 22 month and 15 day extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings. (Clerk of the Board)

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

Department of Public Health Representative and Dan Augustine, Treasurer's representative; support of the check cashing legislation

Kevin Stein; opposed to the check cashing legislation

Mike Eiseman; support of the check cashing legislation

Dan Leepson; support of the check cashing legislation

Male speaker; support of the check cashing legislation

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

060212 [Zoning – Three Month Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]

Supervisors Ammiano, Dufty, Daly, Mirkarimi

Urgency Ordinance approving a 22 month and 15 day extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

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

Urgency Ordinance approving a three month extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

Ordinance No. 34-06

FINALLY PASSED by the following vote:

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

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

Privilege of the Floor

It was decided to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Gene Coleman in recognition of Black History Month.

Supervisor Maxwell also recognized Colonel Wilson and Thomas Fleming in recognition of Black History Month.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Patricia Scott in recognition of Black History Month.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Eileen Clerk Hernandez in recognition of Black History Month.

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Sharon Hewitt in recognition of Black History Month.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Daisy McCarthy in recognition of Black History Month.

Supervisor Dufty recognized Sean Williams in recognition of Black History Month.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Peter McGoughlin, Quantas Airlines and welcomed Quantas Airlines back to San Francisco.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Madeleine Licavoli, Deputy Clerk in recognition of receiving a Certificate of Completion from the International Institute of Municipal Clerks.

COMMITTEE REPORTS

060078 [Capital Expenditure Plan; timeline amendments for initial submission and approval] Supervisor Elsbernd

Ordinance amending Administrative Code Section 3.20 to provide that the initial ten-year capital expenditure plan to be prepared thereunder shall be submitted to the Mayor and the Board of Supervisors by May 1, 2006 and that the Mayor and the Board of Supervisors shall review, update, amend and adopt such plan by resolution by August 1, 2006.

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

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

*Abdullah Megaheed; expressed concern with issues relating to the Federal government
Female speaker; expressed concern with issues relating to safety issues during major disasters
James Chaffee; expressed concern with issues relating to the public funding for the SF Public Library
David Miles; showed interest in closing traffic on Saturdays in Golden Gate Park
K. Lee; expressed concern with issues relating to the President George Bush
John Jenkel; expressed concern with issues relating to Enron and Federal issues
Kimo Crossman; expressed concern with issues relating to the DTIS review of the TechConnect WIFI proposal
Robert Pender, Vice President, Park Merced; expressed concern with issues relating to Park Merced*

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.

**060231 [Commending Lucille Burlew-Lawler]
Supervisors Dufty, Elsbernd**

Resolution commending Lucille Burlew-Lawler for 28 years of outstanding and dedicated service to the Department of Public Health and the people of San Francisco.

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

Resolution No. 116-06

ADOPTED

**060232 [Commending Eugene Coleman]
Supervisor Maxwell**

Resolution commending Eugene Coleman for his dedication and exemplary service to the residents of San Francisco and proclaiming February 21, 2006 as Eugene Coleman Day in San Francisco.

Resolution No. 115-06

ADOPTED

**060233 [Accept-Expend Grant - Juvenile Probation Department]
Supervisor Maxwell**

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$50,000 from the Zellerbach Family Foundation to support organizational development activities at the Juvenile Probation Department and to fund technical assistance for planning for such organizational change.

Resolution No. 114-06

ADOPTED

**060234 [Supporting Eddy Zheng's application to remain lawfully in the United States]
Supervisors McGoldrick, Peskin, Ammiano**

Resolution urging the Department of Justice to grant Xiao Fei ("Eddy") Zheng's application to remain lawfully in the United States and calling on the Department of Homeland Security to exercise its discretion not to appeal the grant of a waiver that would allow Eddy Zheng to remain in the United States.

Resolution No. 139-06

ADOPTED

**060235 [California Seismic Safety Commission]
Supervisors Peskin, Elsbernd**

Resolution urging California Governor Arnold Schwarzenegger to withdraw his proposal to eliminate funding for the California Seismic Safety Commission.

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

Resolution No. 111-06

ADOPTED

**060236 [Gift-In-Place to Recreation and Park Department]
Supervisor Peskin**

Resolution accepting and expending a gift-in-place valued at \$40,000 from the Union Square Association to the Recreation and Park Department for use in Union Square.

Resolution No. 113-06

ADOPTED

**060237 [Commending the "Love Your Playground" volunteers and the Neighborhood Parks Council]
Supervisors Sandoval, Dufty**

Resolution commending the volunteers who participated in the "Love Your Playground" program and the Neighborhood Parks Council for conducting the survey.

Resolution No. 112-06

ADOPTED

060207 [Final Map for a 23 Unit Commercial/Residential Condominium Project - 380 Alabama Street/2095 Harrison Street]

Motion approving Final Map of 380 Alabama Street/2095 Harrison Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 4 in Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1. Version. (Public Works Department)

(DPW Order No. 175,896; District 6.)

Motion No. M06-26

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

Supervisor Ammiano requested that the following two matters be severed so that they might be considered separately.

**060230 [Board of Supervisors Committee of the Whole - February 28, 2006 3:00 p.m. - Extension of interim zoning moratorium New Check Cashing and Payday Lenders Uses]
Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on February 28, 2006, at 3:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending the interim zoning moratorium for 22 months and 15 days on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings.

Motion No. M06-27

APPROVED by the following vote:

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

**060229 [Report for Interim Zoning Moratorium on New Check Cashing and Payday Lender Uses]
Supervisor Ammiano**

Motion adopting and issuing the Planning Department's report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on new check cashing and payday lender uses.

Motion No. M06-28

APPROVED by the following vote:

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

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

**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.

Continued to March 28, 2006

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**060246 [Appropriating \$15,000,000 of General Fund balance to support street resurfacing projects for the Department of Public Works for Fiscal Year 2005-06]
Supervisors Elsbernd, Peskin, Ammiano, Alioto-Pier, Ma**

Ordinance appropriating \$27,870,000 of General Fund balance to support street resurfacing projects for the Department of Public Works for Fiscal Year 2005-2006.

(Fiscal impact.)

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 03/02/06 - Per Controller's e-mail, Supervisors Ammiano, Alioto-Pier and Ma requested to be added as co-sponsors.

03/06/06 - Referred to the Small Business Commission for review and comment.

**060247 [Minimum Wage Implementation and Enforcement]
Supervisors Maxwell, Ammiano, Daly, Mirkarimi, McGoldrick**

Ordinance (1) amending Chapter 12R of the San Francisco Administrative Code (Minimum Wage Ordinance) to impose an annual fee upon employers to defray the City's costs of implementing and enforcing the Minimum Wage Ordinance, (2) expanding the powers and duties of the Office of Labor Standard Enforcement to implement and enforce the Minimum Wage Ordinance, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the regulatory fees imposed by this ordinance are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Office of Labor Standards Enforcement or successor department of the City and County of San Francisco, including employee wage rates, fringe benefits and other direct and indirect overhead charges, attributable to the implementation and enforcement of the Minimum Wage Ordinance.

(Fiscal impact.)

2/28/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**060250 [Closing specified streets in Golden Gate Park on Saturdays on a trial basis for six months beginning approximately on Memorial Day Weekend 2006]
Supervisors McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano**

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit, on a trial basis from May 27, 2006 and continuing for six months through November 25, 2006, motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Kezar Drive and Transverse Drive; Arguello Boulevard; Conservatory Drive East and Conservatory Drive West; 8th Avenue; Bowling Green Drive between John F. Kennedy Drive and Middle Drive East; and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive; to require reports from the Recreation and Park Department and Department of Parking and Traffic pertaining to the Saturday road closures; to require the Golden Gate Park Concourse Authority to share its own data and reports that are relevant to the Saturday road closures with the aforementioned departments; to require a hearing on the Saturday road closures before the Board of Supervisors or a Board committee; and making environmental findings.

2/28/06, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/28/2006.

**060251 [To appropriate funding at the Department of Human Services for family rental subsidies utilizing General Fund Reserves]
Supervisors Daly, Mirkarimi**

Ordinance appropriating \$5,000,000 of General Fund for the Department of Human Services to fund Family Rental Subsidies for fiscal year 2005-06.

(Fiscal impact.)

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060252 [To appropriate funding at the Department of Human Services for homeless services and to maintain and restore shelter bed capacity utilizing General Fund Reserves]
Supervisors Daly, Mirkarimi, Ammiano**

Ordinance appropriating \$690,000 of General Fund for the Department of Human Services to fund homeless services and to maintain and restore shelter bed capacity for fiscal year 2005-06.

(Fiscal impact.)

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060253 [Appropriating \$10,415,682 capital project funding at the Recreation and Parks department for the funding of Phase I projects with significant forecasted shortfalls]
Supervisors Peskin, Maxwell, Mirkarimi, Ammiano, Dufty, Elsbernd, Ma**

Ordinance appropriating \$35,415,682 of General Fund for the Recreation and Parks department to fund the following Phase I projects with significant forecasted shortfalls: Lincoln Park Master Plan for \$600,000, Lincoln Playground for \$1,092,722, Hamilton Playground, Recreation Center and Pool for \$14,300,956, Junipera Serra Playground and Clubhouse for \$840,000, Lake Merced Master Plan for \$875,000, Lake Merced – Overlook and Trail for \$145,860, Midtown Terrace Reservoir Top for \$1,510,927, Buena Vista Park Landscape Improvement for \$2,536,275, Sunnyside Conservatory for \$3,039,468, Rolph Playground & Clubhouse for \$817,712, St. Mary's Playground for \$1,680,000, Kelloch – Velasco Park for \$1,639,627, Potrero Hill Playground for \$1,382,000, Visitacion Valley Greenway (Racetrack) – Tioga Lot for \$1,246,463, Joseph Lee Recreation Center \$701,000 and Sava Pool for \$3,007,672 for fiscal year 2005-06.

(Fiscal impact.)

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 03/06/056- Referred to the Youth Commission for review and comment.

- 060254 [Public Employment - Department of Public Health]
Mayor**

Ordinance amending Ordinance No. 2004-05 (Annual Salary Ordinance No. 204-05 (Annual Salary Ordinance 2005/2006) to reflect the creation of one position in the Department of Public Health.

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060255 [Accepting a gift to the Recreation and Park Department of synthetic turf athletic fields valued at approximately \$4.5 million from the City Fields Foundation]
Supervisors Ammiano, Alioto-Pier, Maxwell, Ma**

Ordinance accepting a gift to the Recreation and Park Department (RPD) of synthetic turf athletic fields at Garfield Square and Silver Terrace Playground and a maintenance contract for those fields, valued at approximately \$4.5 million, from the City Fields Foundation (Foundation); approving an agreement between RPD and the Foundation which specifies how RPD and the Foundation will work together to implement the gift; and authorizing the RPD General Manager to accept future donations of Turf fields from the Foundation. 2/28/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. The Mayor requests this item be scheduled for the March 13, 2006 meeting of the City Operations and Neighborhood Services Committee.

- 060256** [Sale of real property located at Broadway and Sansome Streets (235-295 Broadway) (Assessor's Block 165 Lot 21) to Redevelopment Agency for \$1,500,000.00 and appropriating the sales proceeds for roadway maintenance of the Embarcadero.]
Supervisor Peskin

Ordinance approving the sale of real property located at Broadway and Sansome Streets to the Redevelopment Agency of the City and County of San Francisco (the "Agency") for \$1,500,000.00; authorizing the Director of Property to enter into an Agreement for the Sale of Real Property with the Agency for the sale of such real property for the development of affordable housing and appropriating \$1,500,000.00 of the sales proceeds to the Department of Public Works for roadway maintenance of the Embarcadero.

(Fiscal impact.)

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060265** [Residential and Industrial Compatibility and Protection]
Supervisor Maxwell

Ordinance amending the Administrative Code to add Chapter 35 to provide that certain industrial uses shall not be considered a nuisance due to changed circumstances on adjacent property, with certain exceptions; to require notice regarding adjacent industrial uses to be provided prior to the transfer of real property for residential uses; to provide for civil penalties; to provide for a private right of action; and making environmental findings.

2/28/06, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2006.

- 060266** [Japantown Special Use District]
Supervisor Mirkarimi

Ordinance adding Planning Code Section 249.31 to establish the Japantown Special Use District for property generally bounded by Bush Street, Geary Boulevard, Laguna Street, and Fillmore Street, as specifically defined herein; amending the City's Zoning Map Sectional Map 2SU to reflect the boundaries of the Japantown Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

2/28/06, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2006.

060267 [Campaign Finance Reform Ordinance Amendments]**Mayor**

Ordinance amending Sections 1.100, 1.104, 1.108, 1.114, 1.116, 1.122, 1.126, 1.128, 1.130, 1.135, 1.161 and 1.170, adding sections 1.107, 1.115, 1.162.5 and 1.163.5 and repealing section 1.132, Chapter 2 of Article I, section 1.200 and Chapter 4 of Article I, sections 1.400, 1.405, 1.410, 1.415, 1.420 and 1.425 of the Campaign and Governmental Conduct Code to move the False Endorsements Ordinance and the Prohibition on Multiple Campaign Accounts into the Campaign Finance Reform Ordinance ("CFRO"); subject School District and Community College District measures to CFRO; reenact contribution and voluntary expenditure limits at their existing levels; clarify sections of CFRO related to candidate loan restrictions, permissible uses of campaign funds, pre-election reporting requirements, and the contractor contribution prohibition; prohibit candidates from accepting voluntary expenditure ceilings if the applicable ceiling was already lifted; create late filing fees for reports required by CFRO; create new and clarify existing disclaimer requirements for campaign advertisements; create training requirements for candidates and treasurers; and require expenditures that are coordinated with candidates to be treated as contributions.

2/28/06, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/28/2006.

Resolutions**060244 [Water Line Relocation Agreement]****Supervisor Peskin**

Resolution approving and authorizing the execution and delivery of a Water Line Relocation Agreement with San Francisco Community College ("City College") authorizing the exchange of real property interests in the City and County of San Francisco following the completion of construction of a new water pipeline; adopting findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and adopting environmental findings.

(Supervisor Daly dissenting in committee.)

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060248 [Approve an agreement between SFPUC and SF Recycling and Disposal (SFR&D) for the installation and operation of a photovoltaic project to provide electricity to SFR&D's recycling facility at Pier 96]**Supervisor Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission ("SFPUC") to enter into an agreement with San Francisco Recycling and Disposal ("SFR&D") for the installation and operation of a photovoltaic system and associated facilities to provide electricity to SFR&D's recycling facility at Pier 96.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060249 [Authorizing the Director of the Department of Public Works to accept and expend federal grant funds totaling \$6,110,000 for the SOMA Pavement Renovation Project and the Cortland Avenue Pavement Renovation Project]**
Supervisor Ammiano

Resolution authorizing the Director of the Department of Public Works to accept and expend federal Surfacing Transportation Program funds totaling \$6,110,000 for the SOMA Pavement Renovation Project and the Cortland Avenue Pavement Renovation Project.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060257 [Apply for grants from a state agency - Department of the Environment]**
Supervisor Ma

Resolution authorizing the Department of the Environment to apply for a planning grant from the California Cultural and History Endowment in the amount of \$138,060 to be used for design development and construction documents for the renovation its new site on the ground floor of 25 Van Ness.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060258 [Accept-Expend Equipment - Police Department]**
Supervisor Ma

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend telephone intercept equipment in the amount of \$249,170 made available through the Technology Transfer Program, Office of National Drug Control Policy, Counterdrug Technology Assessment Center (ONDCP/CTAC).

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060259 [Supporting S.B. 1033 and H.R. 2330 to improve security and immigration]**
Supervisors Ma, Elsbernd

Resolution supporting S.B. 1033 and H.R. 2330, the Kennedy/McCain Bill to improve security and immigration.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060260 [San Francisco Community College District General Obligation Bonds]**
Supervisor Peskin

Resolution authorizing the San Francisco Community College District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2005 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Community College District; providing for prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of San Francisco Community College District bonds.

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060268 [Authorizing the Planning Department to apply for a Workforce Housing Reward Program Grant]
Mayor**

Resolution authorizing the Planning Department to apply for a Workforce Housing Reward Program Grant.
2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060269 [Urging the IRS to reconsider ruling Domestic Partners and Community Property]
Supervisors Ammiano, Dufty, Mirkarimi**

Resolution urging the IRS to reconsider their ruling on Domestic Partners and Community Property, and their declaration that everyone must file separately.
2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060270 [Urging the Los Altos City Council to reconsider an amendment forbidding official proclamations referring to ethnicity, race, religion or sexual orientation]
Supervisors Ammiano, Dufty**

Resolution urging the Los Altos City Council to reconsider its decision to pass an amendment forbidding official proclamations which make reference specifically to ethnicity, race, religion, or sexual orientation.
2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060271 [Urging Representatives Nancy Pelosi and Tom Lantos to support HR 4232, the "End the War in Iraq Act of 2005"]
Supervisors Daly, Ammiano, Mirkarimi**

Resolution urging Representatives Nancy Pelosi and Tom Lantos to add their names to the list of Representatives sponsoring HR 4232, the End the War in Iraq Act of 2005, introduced by Representative Jim McGovern; and urging Senators Diane Feinstein and Barbara Boxer to file legislation to the same effect in the Senate.
2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060272 [Commending Vicki McWilliams]
Supervisor Daly**

Resolution commending Vicki McWilliams for her work to support community based organizations, improve communications and facilitate working relationships between government, business and community in the Mid-Market, Union Square and South of Market neighborhoods.
2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060273 [Grant of Regional Funds - Municipal Transportation Agency]
Supervisor Maxwell**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$157,031 of Regional Measure 2 Operating Assistance funds.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060274 [Accept-Expend Federal Grant - Department of the District Attorney]
Supervisors Maxwell, Ammiano**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$443,989 through the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, entitled "Bayview Community Response Network".

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060275 [Commending Amy Ackerman]
Supervisor Peskin**

Resolution commending Amy Ackerman for her 16 years of service with the City Attorney's Office and declaring March 1, 2006 "Amy Ackerman Day" in San Francisco.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060278 [Request for a backup plan for the June and November 2006 elections]
Supervisor Mirkarimi**

Resolution requesting the Department of Elections to prepare and present to the Board of Supervisors a backup plan for the June and November 2006 elections in case the Department's currently chosen vendor fails to have its voting equipment certified in time for use in such elections.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060279 [Commending Jill Pfeiffer]
Supervisor Sandoval**

Resolution commending Jill Pfeiffer for her service as the Director of Excelsior Family Connections and her dedication to the Excelsior community.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**060262 [Supplemental appropriation process and plan for allocating current year surplus]
Supervisor Daly**

Hearing to consider supplemental appropriation process and plan for allocating current year surplus of \$137,310,000.

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060263 [Public Education Enrichment Fund]
Supervisor Daly**

Hearing to consider budget plans for the First Five Commission and the San Francisco Unified School District for the Public Education Enrichment Fund for FY 2006-2007.

2/28/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 03/06/06 - Referred to the Youth Commission for review and comment.

060264 [Release of Reserved Funds, Office of Emergency Services & Homeland Security]

Hearing to consider the release of reserved funds, Office of Emergency Services & Homeland Security in the amount of \$11,168,000 for the FY 2005 Urban Areas Security Initiative (UASI).

Charter Amendment

**060261 [Charter Amendment - District elections, term limits, and instant runoff voting for Board of Education members; conditions for School District to receive money from the Public Education Enrichment Fund]
Supervisor Alioto-Pier**

Charter Amendment (First Draft) to amend Sections 8.100, 13.101, and 13.102, add Section 13.111, to provide for district elections, term limits, and instant runoff voting for members of the Board of Education, add Sections 16.123-6A and 16.123-6B, to require the San Francisco Unified School District to submit a mission statement and five-year strategic plan and to participate with the Board of Supervisors in an inter-agency review board on school openings, mergers, relocations and closures, as a condition of receiving money from the Public Education Enrichment Fund.

2/28/06, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/28/2006. (3/17/06 - Referred to City Attorney for approval as to form and preparation of legislative digest. 5/15/06 - Referred to Controller; Mayor; City Attorney; Ethics Commission; City Administrator; Director, Administrative Services; Planning, Environmental Review Officer; Budget Analyst; San Francisco Unified School District; Board of Education; City College of SF; Police Department; Fire Department; Department of Children, Youth and Their Families; Recreation and Park Department; Juvenile Probation Department; Municipal Transportation Agency; Youth Commission; Recreation and Park Department; Elections Department.)

Motions

**060276 [Extending Time for Labor Negotiations to June 30, 2006]
Supervisor Peskin**

Motion extending time for labor negotiations to June 30, 2006, pursuant to Charter Section 11.100.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060277 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 6, 2006 Election]**
Supervisor Peskin

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for Charter Amendment approved by the Board of Supervisors for submittal to the voters at the June 6, 2006 Election.

2/28/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

- 060162 [Amending the Traffic Code to establish a single consolidated list of weight-restricted streets]**
Supervisor Maxwell

Ordinance amending the Traffic Code by repealing Sections 28.4 and 28.5, amending Sections 28.1 and 28.1.19, renumbering Sections 28.5.1 through 28.5.59 as 28.1.110 through 28.1.165, and adding new Sections 28.1.166 through 28.1.170 to: correct obsolete references to Army Street; establish a consolidated list of weight-restricted streets on which vehicles with a gross vehicle weight of 6000 pounds or more are, with specified exceptions, prohibited; add Ledyard Street between Silver Avenue and Thornton Avenue, Vesta Street between Thornton Avenue and Williams Avenue, Scotia Avenue between Silver Avenue and Thornton Avenue and Thornton Avenue between Bayshore Boulevard and 3rd Street to the list of restricted streets; and clarify the exceptions applicable to weight restricted-street requirements. (Parking and Traffic Department)
2/13/06, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/30/2006.

- 060164 [Settlement of Lawsuit - CCSF v. ARCO et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Airport Group International (AGI) for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)
2/15/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

- 060137 [Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Location: 220 Jones Street)

2/7/06, ASSIGNED to Board of Supervisors. Scheduled for March 21, 2006, at 3:00 p.m.

- 060163 [Settlement of Claim - James Mead]**

Resolution approving the settlement of the unlitigated claim filed by Mr. James Mead, against San Francisco for \$77,500; claim was filed on June 22, 2005.

2/13/06, RECEIVED AND ASSIGNED to Rules Committee.

060208 [Authorize payment of performance fees and for final closeout of the Water Infrastructure Partners contract for an amount not to exceed \$487,726]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to pay performance fees for Contract Year No. 4 and Year 5 and for final closeout of the Agreement with the Water Infrastructure Partners for an amount not to exceed \$734,670. (Public Utilities Commission)

(Fiscal impact.)

2/17/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: Requesting a report from the City Attorney's Office that details the provisions of federal, state, and local law, as well as city labor agreements, that guide or restrict the operations of the San Francisco Police Department. In particular, the report should detail how these laws or agreements address the recruitment, assignment, discipline, and oversight of the city's officers.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the feasibility to add an additional "No Left Turn" sign for the traffic heading east on the right side of Turk Street at the intersection of Broderick.

From: Supervisor Mirkarimi

To: Director, Department of Recreation and Parks

Requesting/Inquiring: Requesting the Department of Recreation and Parks to report on the feasibility of "Pet Owners are Responsible for Removal of Dog Feces" sign put up in the Hayes Green.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing the sidewalk at SW corner on Pierce @ Turk Streets.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of replacing the street sign at the north-west corner of Carl and Willard Streets.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the property between 375 and 415 Carl Street and the utility boxes on the 100 block of Carl.

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation appropriating \$6,626,015 to fund a consumer price index increase for the living wage for Fiscal Year 2005-06 and to appropriate \$20,976,567 to fund a consumer price index increase for the living wage for Fiscal Year 2006-07.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the procedure of the Department of Public Works with respect to communicating to the San Francisco Police Department on recovered bicycles with the intent to restore them to their rightful owner.

*From: Supervisor Mirkarimi
To: Director, Municipal Transportation Agency
Requesting/Inquiring: Requesting the Municipal Transportation Agency to report on the feasibility of "No Alcohol Allowed" signs put up at the MUNI mini park at Carl Street and Cole Street.*

*From: Supervisor Ammiano
To: Director, Mayor's Office of Housing
To: Director, Planning Department
Requesting/Inquiring: Inquiring into how and in what time frame the two aforementioned municipal bodies intend to carry out the recommendations of the SRO Health and Safety Task Force, specifically but not exclusively related to the recommendations regarding the need for affordable housing for families living in SRO hotels.*

*From: Supervisor Ma
To: Controller
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney and Controller to draft a supplemental appropriation to implement the provisions of the Arts Task Force report that relates to funding arts from the Hotel Tax. To the Department Heads, Art Commission, Grants for the Arts, Asian Art Museum, Fine Arts Museums, War Memorial, Mayor's Office of Community Development: Please comment on the funding recommendations from the Arts Task Force report.*

In Memoriams

*Allen Leung - Supervisors Peskin and Ma
Diane Laraine Hermann - Supervisor Elsbernd
Marvin Schoenberg - Supervisor Elsbernd
Ken Bostock - Supervisor Dufty
John Roszak - Supervisor Ammiano
Richard H. Bailin - Supervisor Maxwell
Tanya Neiman - Supervisor Dufty
Joel Dorius - Supervisor Dufty
Jenni Thompson - Supervisors Dufty and Maxwell*

ADJOURNMENT

There being no further business, the February 28, 2006 Board meeting adjourned at the hour of 7:47 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 March 28, 2006.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

*Special Board of Supervisors Meeting
Budget and Finance Committee
March 1, 2006*

At the hour of 2:44 p.m. Supervisors Tom Ammiano and Jake McGoldrick were noted present at the Budget and Finance meeting creating a quorum of the Board of Supervisors for the following items. A Special Board of Supervisors meeting was convened

*Present: Chris Daly, Bevan Dufty, Aaron Peskin, Ross Mirkarimi,
Sean Elsbernd, Tom Ammiano, Jake McGoldrick*

*060079 [Lease of Real Property at One South Van Ness Avenue]
Resolution authorizing the lease of approximately 66,565 square feet of space at One South Van Ness Avenue for the Municipal Transportation Agency and the City and County of San Francisco's 311 Call Center. (Mayor)*

*Continued as amended to March 8, 2006
Ayes: 5 - Daly, Dufty, Peskin, Mirkarimi, Elsbernd*

*051919 [Worker Health Care Security Ordinance]
Ordinance amending the San Francisco Administrative Code by adding Sections 14.1 through 14.11, to require that employers operating within San Francisco make health expenditures on behalf of employees, set penalties and provide for enforcement, and creating a health security task force to analyze among other related issues, the desirability and feasibility of imposing a fee on employers to provide health care for employees. (Supervisor Ammiano)*

*Continued to March 15, 2006
Ayes: 5 - Daly, Dufty, Peskin, Mirkarimi, Elsbernd*

*051907 [Minimum Compensation Ordinance]
Ordinance amending the San Francisco Administrative Code by amending Sections 12P.2, 12P.3, 12P.4, 12P.5, 12P.6, 12P.7 and 12P.8, and by adding Sections 12P.5.1, 12P.6.1 and 12P.6.2, to amend the Minimum Compensation Ordinance by making both substantive and clarifying changes with respect to: the obligations imposed on Contractors; notification, investigation, auditing, inspection, enforcement and settlement procedures; the withholding of contract payments; provisions relating to waivers; certain definitions, including the definition of Covered Employees; an increase in the hourly wage rate for all employees; the assessment of liquidated damages; and the process for determining whether a Contractor has violated the Ordinance and for the administrative appeal of such determinations. (Supervisors Ammiano, McGoldrick, Mirkarimi)*

*Continued as amended to March 22, 2006
Ayes: 5 - Daly, Dufty, Peskin, Mirkarimi, Elsbernd*

*051908 [Health Care Accountability]
Ordinance amending the San Francisco Administrative Code by amending Sections 12Q.2.1, 12Q.2.2, 12Q.2.9, 12Q.3, 12Q.4, 12Q.5 and 12Q.6, and adding Sections 12Q.5.1 and 12Q.5.2, to: change the requirements of the Health Care Accountability Ordinance with respect to health benefit plans, exemptions for certain categories of employees and agreements, and the payment rates due from employers; authorize the Health Commission to increase the payment rates; authorize the withholding of contract payments; make both substantive and clarifying changes with respect to obligations imposed on Contracting Parties for notification, investigation, auditing, inspection, enforcement, and settlement procedures; revise procedures for the assessment of liquidated damages; establish a process for determining violations and for the administrative appeal of such determinations; and ratify certain administrative actions. (Supervisors Ammiano, McGoldrick)*

Recommended as amended.

Ayes: 5 - Daly, Dufty, Peskin, Mirkarimi, Elsbernd

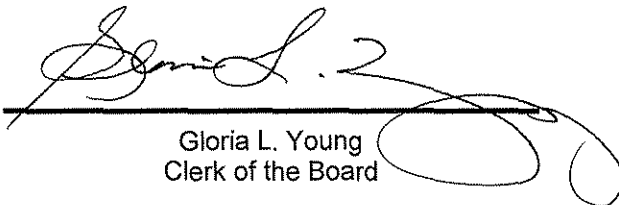
051924 [Establishing Maximum Work Hours For General Assistance Programs]
Ordinance amending Chapter 20, Article VII, to add Section 20.58.6 to provide that the maximum number of hours the Department may require General Assistance recipients to work shall be calculated by dividing the Maximum Monthly Assistance Grant under Section 20.57 of this Chapter by the hourly wage rate established under Section 12P.3(b)(3) of the Administrative Code and by amending Chapter 20, Article VIII, Section 20.77.6 to provide that the maximum number of hours of activities the Department of Human Services may require of participants in the Personal Assisted Employment Service Program shall be the same as required of General Assistance recipients. (Supervisors McGoldrick, Ammiano)

Continued as amended to March 8, 2006

Ayes: 5 - Daly, Dufty, Peskin, Mirkarimi, Elsbernd

At the hour of 5:45 p.m. Supervisors Tom Ammiano and Jake McGoldrick were noted absent and there was no longer a quorum of the Board of Supervisors.

The Special Board of Supervisors meeting adjourned at the hour of 5:45 p.m.



Gloria L. Young
Clerk of the Board