

# Board of Supervisors

## City and County of San Francisco

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



### **AGENDA**

**Tuesday, November 7, 2006  
2:00 PM**

#### **Regular Meeting**

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

*Gloria L. Young, Clerk of the Board*

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

## **APPROVAL OF MEETING MINUTES**

*Motion to approve Board Meeting Minutes for October 3, 2006 and October 17, 2006.*

## **AGENDA CHANGES**

## **COMMUNICATIONS**

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*





Spencer Parties releasing all claims on the Moscone Center Expansion Project and The San Francisco Jail Replacement No. 3 Project ; and (b) A. Answer, Inc. and Troy's Contracting, Inc. paying \$124,000 within 60 days of final approval of this settlement. The Spencer Parties' action was brought against San Francisco, City Attorney Dennis Herrera and others, and was coordinated as part of the California Judicial Council Coordination Proceeding No. 4379. (City Attorney)

10/31/2006, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**7. 061401 [Settlement of Lawsuit - Daniel Kuhstoss]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Kuhstoss against the City and County of San Francisco for \$465,000; the lawsuit was filed on April 18, 2005 in San Francisco Superior Court, Case No. 440-542; entitled Daniel Kuhstoss, et al., v. City and County of San Francisco, et al. (City Attorney)

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

**8. 061402 [Settlement of Lawsuit - Kevin Roy Jordan]**

Ordinance authorizing settlement of the lawsuit filed by Kevin Roy Jordan against the City and County of San Francisco for \$100,000.00; the lawsuit was filed on February 21, 2003 in United States District Court, Case No. C03-1194; entitled Kevin Jordan, et al., v. City and County of San Francisco, et al. (City Attorney)

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

**9. 061403 [Settlement of Lawsuit - Vilda and Amber Curry]**

Ordinance authorizing settlement of the lawsuit filed by Vilda Curry and Amber Curry, by and through her guardian ad litem, Vilda Curry against the City and County of San Francisco for \$625,000; the lawsuit was filed on March 31, 2003 in San Francisco Superior Court, Case No. 417-407; entitled Vilda Curry, et al. v. City and County of San Francisco, et al. (City Attorney)

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

**10. 061413 [Settlement of Grievance - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 ("Union")]**

Resolution approving the settlement of the grievance (ERD No. 40-05-1446) filed by United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 ("Union") on behalf of Grievants against the City and County of San Francisco for \$167,090.33. Other material term of said settlement is that Grievants and Union shall release all claims relating to the aforementioned grievance (ERD No. 40-05-1446). (Human Resources Department)

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

**11. 061408 [Appointment - Asthma Task Force]**

Resolution appointing Nadia Thind, term ending June 30, 2007, to the Asthma Task Force. Nadia Thind, succeeding Gretchen Skaggs, resigned, seat 3, must be a representative of a









## SPECIAL ORDER 3:00 P.M.

**25. 061417 [Hearing - Tentative Parcel Map, 455 Buena Vista East]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 3, 2006, approving a proposed Tentative Parcel Map to create a 2-Lot Subdivision project located at 455 Buena Vista Avenue, Lot 270 in Assessor's Block 2607. (Appellant: Peter Yedidia).

(Filed October 13, 2006; companion measure to Files 061487, 061488, 061489; District 8.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map 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 approved.)**

**26. 061487 [Approving decision of the Director of Public Works and approving the Tentative Parcel Map for 455 Buena Vista East]**

Motion approving decision of the Director of Public Works and approving the Tentative Parcel Map for a 2-lot subdivision project at 455 Buena Vista East, Lot 270 in Assessor's Block 2607, and making environmental and General Plan findings.

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

**27. 061488 [Disapproving decision of the Director of Public Works and disapproving the Tentative Parcel Map for 455 Buena Vista East]**

Motion disapproving decision of the Director of Public Works and disapproving the Tentative Parcel Map for a 2-lot subdivision project at 455 Buena Vista East, Lot 270 in Assessor's Block 2607, and making environmental and General Plan findings.

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

**28. 061489 [Preparation of findings related to the Tentative Parcel Map appeal for 455 Buena Vista East]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-lot subdivision project at 455 Buena Vista East, Lot 270 in Assessor's Block 2607, and making environmental and General Plan findings.

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



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

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

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

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

### **Items 33 through 40**

- 33. 061378 [Committee of the Whole on December 5, 2006, at 3:00 pm on adopting a Resolution to acquire property by Eminent Domain - Islais Creek MUNI Maintenance Facility] Supervisor Maxwell**
- Motion directing the Board of Supervisors to hold a public hearing on December 5, 2006, at 3:00 p.m., with the Board sitting as a committee of the whole, to consider adopting a Resolution of Necessity for the City's proposed acquisition by eminent domain of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility.
- 10/3/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 10/17/2006, AMENDED. Amended by replacing "November 7, 2006" with "December 5, 2006."
- 10/17/2006, CONTINUED AS AMENDED. Continued to November 7, 2006
- Question: Shall this Motion be APPROVED?**
- 34. 061501 [Ji Han Jae Day] Supervisor Ma**
- Resolution declaring November 11, 2006 as "Ji Han Jae Day" in the City and County of San Francisco.
- 10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 35. 061502 [Declaring November 2006 Lung Cancer Awareness Month] Supervisor Maxwell**
- Resolution declaring November 2006 Lung Cancer Awareness Month and urges public officials and the citizens of San Francisco to observe the month with appropriate activities

and programs during this month and throughout the year.

10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 36. 061503 [Commending Food Security Task Force] Supervisor Maxwell**  
Resolution commending Food Security Task Force for their dedication and commitment to improving the quality of food programs in City and County of San Francisco.  
10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 37. 061504 [Commending The Lower Haight Street Merchants Association and Block Party Organizers for the First Annual Lower Haight Block Party] Supervisor Mirkarimi**  
Resolution commending the The Lower Haight Street Merchants Association and Block Party Organizers for founding the First Annual Lower Haight Street Block Party.  
10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 38. 061505 [Commending the organizers of the first Alamo Square Movie Night] Supervisor Mirkarimi**  
Resolution commending the organizers of the first Alamo Square Movie Night.  
10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 39. 061506 [Commending Fiona Ma] Supervisor Peskin**  
Resolution commending Fiona Ma for her distinguished service as Member of the Board of Supervisors of the City and County of San Francisco.  
10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 40. 061507 [Proclaiming November 14, 2006 as Stoney, A Clown Who Rabble Rouses in Defense of Free Speech, Day] Supervisor Sandoval**  
Resolution proclaiming November 14, 2006 as Stoney Day.  
10/31/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**

## 41. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

## OFF-AGENDA LEGISLATION

### PROPOSED ORDINANCES

*Proposed ordinances received from October 24, 2006 through October 30, 2006, for reference by President to appropriate committee on November 7, 2006.*

*None.*

### PROPOSED RESOLUTIONS

*Proposed resolutions received from October 24, 2006 through October 30, 2006, for reference by President to appropriate committee on November 7, 2006.*

**061484 [Settlement of Unlitigated Claim - Fremont Investment  
Advisor, Inc.]**

Resolution approving the settlement of the unlitigated Claim No. 06-02119 filed by Fremont

Investment Advisor, Inc. for Payroll Tax Refund against the City and County of San Francisco for \$33,041.34.

10/24/2006, RECEIVED AND ASSIGNED to Rules Committee.

**061511 [Petitions and Communications]**

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

From concerned citizens, submitting support for approval of a lease extension for the St. Francis Yacht Club. File 061351, Copy: Budget and Finance Committee, 2 letters(1)

From Public Utilities Commission, regarding status of removing graffiti from utility poles at various locations in District 5.(Reference No. 20061003-006) Copy: Supervisor Mirkarimi(2)

From Department of Parking and Traffic, regarding status of replacing the parking signs at various locations in District 5. (Reference No. 20061017-008) Copy: Supervisor Mirkarimi(3)

From Christian Holmer, submitting letter entitled "Mayor Newsom holding meetings in City Hall; anonymous request for passive meeting body notice and access."(4)

From West of Twin Peaks Central Council, submitting support for proposed legislation regarding making all massage establishments conditional uses. File 050176(5)

From Department of Human Services, submitting request for waiver of Administrative Code Chapters 12B and 12C for Civic Center Plaza Garage.(6)

From Office of Contract Administration, submitting a fifth amendment to Biosolids Removal Contract number, CS-818, Sunset Scavenger Company. File 061475, Copy: Budget and Finance Committee members(7)

From Airport, submitting notice that effective October 30, 2006, all persons applying for, or currently in possession of a San Francisco International Airport ("SFO") ID badge must complete a new application form and provide proof of U.S. citizenship or proof of work authorization. Copy: Each Supervisor(8)

From Kathleen McLaughlin, submitting copy of letter sent to the S.F. Paratransit Broker Office regarding her disappointment with the award of the contract for van service for the disabled to Trans Metro.(9)

From Francisco Da Costa, regarding Mayor Newsom's State of the City Address at Burton High School.(10)

From Office of the Controller, submitting report on Memorandum of Understanding reserve transfers for the first quarter of fiscal year 2006-07. Copy: Budget and Finance Committee members, Clerk(11)

From Housing Authority, regarding status of construction of the community room at the Robert B. Pitts development. (Reference No. 20060919-014) Copy: Supervisor Mirkarimi(12)

From Francisco Da Costa, commenting on 30 youth that were rounded up and incarcerated by

SF Juvenile Authorities.(13)

From Clerk of the Board, submitting Form 700 Statement of Economic Interest from Gregory Asay, Legislative Assistant to Supervisor Maxwell.(14)

From Department of Human Services, submitting quarterly update for the Human Services Care Fund.(15)

From Michele Maas, proposing the City and County of San Francisco appoint a Native American to a seat on a decision-making board, particularly in respect to funding allocations in areas of substance abuse, mental health, housing and environmental areas. Copy: Each Supervisor(16)

From Vincent Poy & Lan-Fong Poy, requesting assistance from the Board concerning an unresolved issue with the Housing Authority. Copy: Supervisor Peskin(17)

From concerned citizens, submitting support for the "San Francisco Slavery Disclosure Ordinance." File 060376, 5 letters(18)

From Christian Holmer, submitting letter entitled "Emergency Communications Department: US Mail: Homeland Security: Pony Express Tsunami Warnings - Oh My!"(19)

From Eugene Chow, submitting support for legislation to remove street cleaning services in residential neighborhoods. Copy: Each Supervisor(20)

From Planning Department, requesting the Board to continue the consideration of proposed amendment to the Administrative Code Chapter 31 regarding provisions for appeals of environmental documents and determinations. File 061311, Copy: Land Use Committee members(21)

From Maxine Doogan, urging the Board of Supervisors to put before the voters a "Non Enforcement of the Prostitution Laws and Protection of Sex Workers" on the ballot for 2007. File 050176, Each Supervisor(22)

From Francisco Da Costa, regarding dangerous dust particles of asbestos in Hunters Point.(23)

From concerned citizens, submitting various comments against the recently passed resolution urging Cardinal Levada to withdraw his directive to Catholic Charities forbidding the placement of children in need of adoption with same-sex couples. File 060356, Copy: Each Supervisor(24)

From Miles Berger, submitting copy of letter sent to Supervisor Daly regarding alternative late night transportation options for club-goers in the South of Market area.(25)

From Francisco Da Costa, regarding Garfield Park's outreach for peace and understanding.(26)

From Mesha Monge-Irizarry, regarding her current living situation.(27)

## **ADJOURNMENT**

## Meeting Procedures

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

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

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

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

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

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

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

**AVISO EN ESPAÑOL:** La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



## Disability access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

## Know Your Rights Under the Sunshine Ordinance

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

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr.

Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

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

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

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

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