

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, June 20, 2006
2:00 PM**

Regular Meeting

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

Gloria L. Young, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve Board Meeting Minutes for May 16, 2006 and May 23, 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*

12. **060811 [Appointment - Ballot Simplification Committee]**

Resolution appointing June M. Fraps, term ending November 30, 2006, to the Ballot Simplification Committee.

June M. Fraps, succeeding Alma Carroll, resigned, seat 1, must represent the National Academy of Television Arts and Sciences, Northern California Chapter, or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006.

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Daly, Peskin, Mirkarimi, Elsbernd

13. **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.)

(Supervisor Elsbernd dissented in committee.)

6/13/2006, CONTINUED. Continued to June 20, 2006

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

\$41,589,314. (Human Services Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Ammiano, Alioto-Pier, Peskin

- 18. 060740 [MOU - Deputy Probation Officers' Association] Mayor**
Ordinance adopting and implementing the mediated settlement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2006 through June 30, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?
- 19. 060741 [MOU - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)] Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2006 through June 30, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?
- 20. 060742 [MOU - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)] Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2006 through June 30, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?
- 21. 060743 [MOU - Teamsters, Local 856 (Multi-Unit)] Mayor**
Ordinance adopting and implementing the arbitration award establishing the amended Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) to be effective July 1, 2006 through June 30, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?
- 22. 060744 [MOU - Teamsters, Local 350] Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350, to be effective July 1, 2006 through June 30, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?
- 23. 060745 [MOU - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers] Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City

Motion approving the Board of Supervisors President Peskin's nomination of Kathrin Moore to the Planning Commission, term ending July 1, 2010.

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

Transmittal date - (May 23, 2006.)

Question: Shall this Motion be ADOPTED?

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

COMMITTEE REPORTS

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

46. ROLL CALL FOR INTRODUCTIONS

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

47. PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 48 through 58

Question: Shall this Resolution be ADOPTED?

- 58. 060873 [California Coastal Commission Budget] Supervisor Peskin**
Resolution urging Governor Schwarzenegger to approve the FY2006-07 California Coastal Commission Budget as approved by Senate and Assembly Budget Subcommittees.

6/13/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

59. 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 June 6, 2006 through June 12, 2006, for reference by President to appropriate committee on June 20, 2006.

060826 [Prohibiting vehicle parking for commercial advertising purposes]

Ordinance repealing San Francisco Police Code Section 681, adding San Francisco Traffic Code Section 63.3, and amending San Francisco Traffic Code Section 132 to impose a penalty of \$100 for violation of Traffic Code Section 63.3. (Parking and Traffic Department)

6/7/2006, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060827 [Settlement of Lawsuit - Nibbi Brothers, Inc]

Ordinance authorizing settlement of the lawsuit filed by Nibbi Brothers, Inc., against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 17, 2006 in San Francisco Superior Court, Case No. CGC 06448631; entitled Nibbi Brothers, Inc., v. City and County of San Francisco. (City Attorney)

6/12/2006, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

Proposed resolution received from June 6, 2006 through June 12, 2006, for reference by President to appropriate committee on June 20, 2006.

060825 [Finding of Fiscal Feasibility; Endorsement of Term Sheet; Exploratorium Project at Piers 15/17]]

Resolution finding the proposed Exploratorium Project at Piers 15/17 fiscally feasible pursuant to Administrative Code Chapter 29 and endorsing the Term Sheet between The Exploratorium and the San Francisco Port Commission. (Port)

6/8/2006, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

060891 [Petitions and Communications]

Petitions and Communications received from June 6, 2006 through June 12, 2006 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 20, 2006.

From concerned citizens, submitting support for a pedestrian crosswalk "signal" for Lake Merced Hill. Copy: Each Supervisor, 14 letters(1)

From Office of the Mayor, submitting notice that Supervisor Elsbernd will be Acting Mayor from June 9 through June 11, 2006 while the Mayor is out of State. Copy: Each Supervisor, City Attorney(2)

From Clerk of the Board, submitting Form 700 Statement of Economic Interest for Sheryl Davis, Legislative Assistant to Supervisor Mirkarimi(3)

From Municipal Transportation Agency, submitting potential parking changes to the Market Street Bicycle Lane Project. Files 060353, 060352, 060388, Copy: City Operations and Neighborhood Services Committee(4)

From Department of Public Works, reporting on the status of repairing the potholes at the intersection of Alma and Belevedere Streets. (Reference No. 20060404-007) Copy: Supervisor Mirkarimi(5)

From Department of Public Works, reporting on the status of repairing the potholes at 132 Baker Street and the sidewalk at Pierce and Fulton Streets. (Reference No. 20060523-007) Copy: Supervisor Mirkarimi(6)

From Department of Public Works, reporting on the status of removing graffiti from newspaper vending boxes at various locations in District 5. (Reference No. 20060516-003) Copy: Supervisor Mirkarimi(7)

From Department of Public Works, reporting on the status of removing graffiti from newspaper vending boxes at various locations in District 5. (Reference No. 20060516-004) Copy: Supervisor Mirkarimi(8)

From Municipal Transportation Agency, reporting on the status of removing graffiti on parking signs at various locations in District 5. (Reference 20060418-018) Copy: Supervisor Mirkarimi(9)

From Municipal Transportation Agency, reporting on the status of removing graffiti on parking signs at various locations in District 5. (Reference 20060418-019) Copy: Supervisor Mirkarimi(10)

From Municipal Transportation Agency, reporting on the status of removing graffiti on parking signs at various locations in District 5. (Reference 20060418-021) Copy: Supervisor Mirkarimi(11)

From Municipal Transportation Agency, reporting on the status of removing graffiti on stop signs at various locations in District 5. (Reference 20060418-022) Copy: Supervisor Mirkarimi(12)

From Municipal Transportation Agency, reporting on the status of removing graffiti from all Department of Parking and Traffic signage along both sides of Buchannan Street from Waller Street to Geary Boulevard. (Reference No. 20060425-026) Copy: Supervisor Mirkarimi(13)

From Municipal Transportation Agency, reporting on the status of removing graffiti from the Department of Parking and Traffic signage at various locations in District 5. (Reference No. 20060502-003) Copy: Supervisor Mirkarimi(14)

From Municipal Transportation Agency, reporting on the status of removing graffiti from the Department of Parking and Traffic signage at various locations in District 5. (Reference No. 20060502-004) Copy: Supervisor Mirkarimi(15)

From Municipal Transportation Agency, reporting on the status of removing graffiti from stop signs at various locations in District 5. (Reference No. 20060502-007) Copy: Supervisor Mirkarimi (16)

From Municipal Transportation Agency, reporting on the status of removing graffiti from all Department of Parking and Traffic signage along both sides of

the 800 block of Hayes Street. (Reference No. 20060502-008) Copy: Supervisor Mirkarimi(17)

From Recreation and Park Department, submitting report concerning the requirements of the Lead Poisoning Prevention Ordinance for fiscal year 2005-06. Copy: Supervisors Daly, Maxwell, Peskin(18)

From Matael, Inc., commenting on proposed legislation regarding Child Product Safety. File 060107, Copy: Each Supervisor(19)

From Clerk of the Board, submitting copy of letter sent to the Board of Supervisors regarding Proposition B, the Eviction Disclosure Ordinance, adopted by the voters on June 6, 2006. Copy: Each Supervisor(20)

From Michael Willis, submitting support for appointing Kathrin Moore to the Planning Commission. Copy: Rules Committee(21)

From Department of Children, Youth and Their Families, submitting list of all sole source contracts for fiscal year 2005-06.(22)

From Police Department, submitting list of all sole source contracts entered into for fiscal year 2005-06.(23)

From Department of Public Works, submitting request for release of reserved funds for environmental studies related to a bridge or surface roadway linking Hunters Point Shipyard to U.S. Highway 101.(24)

From Kathrine Albrecht, submitting support for continued funding of the Neighborhood Emergency Response Team N.E.R.T. taught by the Fire Department.(25)

From the Shelter Monitoring Committee, submitting quarterly report for the Shelter Monitoring Committee.(26)

From Planning Department, recommending the Board adopt proposed ordinance to establish the Japantown Special Use District with modifications. File 060266, Copy: Land Use Committee(27)

From Planning Department, submitting notice of preparation of an environmental impact report and notice of public scoping meetings regarding the Bay Division Pipeline Reliability Upgrade Project.(28)

From State Mental Health Board, submitting copy of letter sent to the City Attorney informing him of the court proceedings regarding the conditional release of Mr. Paul George, a sexually violent predator, from the Department of Mental Health's Atascadero State Hospital.(29)

From Fisherman's Grotto Employees, submitting grievance against the San Francisco Port of Commissioners.(30)

From Office of the Treasurer, submitting copy of investment activity (for fiscal year) to date) of the portfolios under the Treasurer's management.(31)

From Miles Berger, regarding neighborhood issues in the South of Market area.3 letters(32)

From Kimberly Babbit, regarding proposed legislation to ban children's products containing BPA or phthalates. File 060107 (33)

From Department of Public Works, reporting on the status of removing graffiti from various locations in District 5. (Reference No. 20060321-007) Copy: Supervisor Mirkarimi(34)

From Fire Department, submitting notice that a fire/life safety inspections report was conducted for SF General Hospital at 1001 Potrero Avenue.(35)

From Fire Department, submitting notice that a fire/life safety inspections report was conducted for SF Superior Court at 850 Bryant Street.(36)

From Fire Department, submitting notice that a fire/life safety inspections report was conducted for Mission Police Department, Juvenile Division at 630 Valencia Street.(37)

From Fire Department, submitting notice that a fire/life safety inspections report was conducted for SF Jail # 1 at 850 Bryant Street/6th Floor.(38)

From Linda Votaw, urging the Board to have a stop sign installed at 24th and Kansas Street. Copy: Supervisor Maxwell(39)

From Clyde Rockwell, submitting opposition to the proposed Crestmont Hills Residential Project. Copy: Each Supervisor(40)

From Tracey Huges, appealing decision for proposed project at 1070 Sanchez Street. (41)

From US Congressman Tom Lantos, thanking the Clerk of the Board for informing him of resolution passed by the SF Board of Supervisors regarding immigration reform. File 060067, Copy: Each Supervisor(42)

From Geri Hom, submitting opposition to the huge increase in fees at Harding Golf Course. File 060771(43)

From Charles Tyldsley, submitting copy of letter sent to Municipal Transportation Authority regarding the unreliable bus service in the Parkmerced area.(44)

From Marshall Ross, submitting support for docking the USS Iowa in San Francisco.(45)

From Department of Public Works, reporting on the status of repairing the potholes at various locations in District 5. (Reference No. 20060418-005) Copy: Supervisor Mirkarimi(46)

From Department of Parking and Traffic, regarding the circulation study for Octavia Boulevard and the Hayes Valley area. (Reference No. 20060509-006) Supervisor Mirkarimi(47)

From Office of the Mayor, withdrawing appointment of Rebecca Woodson to the San Francisco Police Commission. Copy: Each Supervisor(48)

From Office of the Controller, submitting report concerning the audit of Footloose Dance Company, Inc.(49)

From Anthony Pan, regarding staff layoffs and the closing of the Resource Center at the Asian Art Museum.(50)

From Deputy Assistant to President Bush, thanking the Clerk of the Board for informing him of resolution passed by the S.F. Board of Supervisors urging President Bush to stop the warrantless surveillance of Americans and to follow the Foreign Intelligence Surveillance Act.(51)

From Human Rights Commission, submitting notice that the Human Rights Commission did not enter into any sole source contracts during fiscal year 2005-06.(52)

From Office of the District Attorney, submitting list of all sole source contracts entered into during fiscal year 2005-06.(53)

From Juvenile Probation Department, submitting notice that the Juvenile Probation Department did not enter any sole source contracts during fiscal year 2005-06.(54)

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.

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

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

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

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

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



Disability access

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

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

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

Know Your Rights Under the Sunshine Ordinance

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

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at 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

[Return to Full Board Agendas](#)