

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, October 31, 2006 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Daly, Dufty, Peskin

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Ammiano, Alioto-Pier, Peskin

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Mirkarimi, Elsbernd, Ammiano

Select Committee on Ending Gun and Gang Violence

Supervisors Maxwell, Mirkarimi, Ammiano

Meeting Days

Wednesday
1:00 PM

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Thursday
10:00 AM

1st and 3rd Monday
10:00 AM

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

Volume 101 Number 36

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 2:03 p.m. On the call of the roll Supervisors Daly and McGoldrick were noted absent.

There was a quorum.

*Supervisor McGoldrick was noted present at 2:05 p.m.
Supervisor Daly was noted present at 2:07 p.m.*

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

061275 [Appropriating \$2,258,089 of General Fund Reserve for Violence Prevention in the Police Department, Adult Probation and Juvenile Probation for Fiscal Year 2006-2007.]

Mayor

Ordinance appropriating \$2,258,089 of General Fund Reserve for violence prevention programs, including \$1,880,548 in the Police Department for additional salaries and overtime, \$268,018 in the Adult Probation Department for salaries, overtime and equipment, \$49,523 in the Juvenile Probation Department for increased overtime, and \$60,000 in the Sheriff's Department for overtime for Fiscal Year 2006-2007; and authorizing retroactive payment of Police and Sheriff overtime. All funds appropriated below are placed on reserve pending review of actual expenditures and expenditure projections in the departments.

Ordinance No. 273-06

FINALLY PASSED

Recommendations of the Rules Committee

- 061359 [Settlement of Lawsuit - CCSF v. William D. Spencer, F. W. Spencer & Son, Inc., et. al.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against William D. Spencer, F.W. Spencer & Son, Inc., Brisbane Mechanical Company, Bruce Bonar, Lou Thomas, William McGahan (together, the "Spencer Parties"), A. Answer, Inc. and Troy's Contracting, Inc. on January 16, 2004 in San Francisco Superior Court, Case No. CGC -04-429249, entitled, City and County of San Francisco et. al. v. F. W. Spencer & Son, Inc. et. al., with (a) the Spencer Parties paying \$2,000,000 by January 24, 2007, and dismissing its actions and cross-actions against the City and others and the 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)
- PASSED, ON FIRST READING**
- 061405 [Appointment - Veterans Affairs Commission]**
Resolution appointing Michael Thompson, term ending January 31, 2009, to the Veterans Affairs Commission.
- Michael Thompson, succeeding himself, term expired, seat 2, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2009.
- Resolution No. 632-06**
ADOPTED
- 061406 [Appointment - Asthma Task Force]**
Resolution appointing Tiffany Sutter, term ending June 30, 2007, to the Asthma Task Force, residency requirement waived.
- Tiffany Sutter, succeeding Micah McLorin, resigned, seat 13, must be a representative of lung health/asthma-specific organizations and is a voting member, for the unexpired portion of a two-year term ending June 30, 2007.
- Resolution No. 633-06**
ADOPTED
- 061407 [Appointment - Local Homeless Coordinating Board]**
Resolution appointing Ginger Martin, term ending October 21, 2010, to the Local Homeless Coordinating Board.
- Ginger Martin, succeeding Rev. Harry Chuck, resigned, seat 4, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a five-year term ending October 21, 2010.
- Resolution No. 634-06**
ADOPTED
- 061410 [Appointment - Pedestrian Safety Advisory Committee]**
Resolution appointing Howard Strassner, term ending March 28, 2008, to the Pedestrian Safety Advisory Committee.
- Howard Strassner, succeeding himself, term expired, seat 7, must be a representative from transit or environmental organization, for the unexpired portion of a two-year term ending March 28, 2008.
- Resolution No. 635-06**
ADOPTED

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

Recommendations of the Rules Committee

061344 [Confirmation of Mayor's Appointment - Treasure Island Development Authority]
Mayor

Resolution confirming the appointment of Owen Stephens to the Treasure Island Development Authority Board of Directors, term ending April 28, 2010.

Resolution No. 639-06

ADOPTED by the following vote:

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

061345 [Confirmation of Mayor's Reappointment - Treasure Island Development Authority]
Mayor

Resolution confirming the reappointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors, term ending April 28, 2010.

Resolution No. 640-06

ADOPTED by the following vote:

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

NEW BUSINESS**Recommendations of the Budget and Finance Committee**

- 061373 [Appropriating \$10,675,589 of State and Federal revenues for various programs in the Department of Human Services for Fiscal Year 2006-2007]
Mayor, Supervisor Dufty**

Ordinance authorizing the Department of Human Services to accept and expend a Federal food stamps grant in the amount of \$999,993, and appropriating \$10,675,589 of State and Federal revenues for CalWORKS Work Participation Program, the Family and Children's Services Child Welfare Services Program, the Food Stamps Outreach Program, the Housing and Homeless Management Information System Program, and the Workforce Development's Food Stamps Employment and Training Program in the Department of Human Services for Fiscal Year 2006-2007.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

- 061374 [Public Employment - Human Services Agency]
Mayor**

Ordinance amending Ordinance No. 203-06 (Annual Salary Ordinance FY 2006-2007) to reflect the addition of 35.8 new positions at the Human Services Agency.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

- 061391 [Contract With Anticipated Expenditure in Excess of \$10 Million]
Resolution approving the Fourth Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for hauling services, resulting in total compensation to the Contractor in an amount not to exceed \$10,480,000, pursuant to San Francisco Charter Section 9.118(b). (Purchaser)**

Supervisor Daly was noted present at 2:07 p.m.

Resolution No. 608-06

ADOPTED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee**061210 [Allowing advertising on E-Line and Third Street Light Rail Line boarding platforms]
Supervisor Maxwell**

Ordinance amending Article 6 of the San Francisco Planning Code by amending Section 603 thereof, to permit transit shelter advertising on public transit boarding platforms in connection with the E-Line and Third Street Light Rail Line projects; and adopting findings pursuant to City 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

Recommendations of the Rules Committee**061167 [Authorizing the City to contribute to the payment of funeral costs of City employees who have died in the line of duty]
Supervisors Peskin, Mirkarimi, Ammiano, Dufty**

Ordinance amending the San Francisco Administrative Code by adding Section 16.7, to authorize the City to contribute to the payment of funeral costs of City employees who have died in the line of duty, including payments retroactive to July 1, 2006.

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

PASSED ON FIRST READING by the following vote:

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

**061245 [Appointment - Graffiti Advisory Board]
Resolution appointing Don Bechler, for an indefinite term, to the Graffiti Advisory Board.**

Don Bechler, succeeding Machaela Hocter, resigned, seat 10, must be an at-large member knowledgeable in graffiti issues, for an indefinite term.

Supervisor Elsbernd dissented in committee.

NOT ADOPTED by the following vote:

Ayes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

Supervisor Daly Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Ma, moved to excuse Supervisor Daly from voting on this matter. The motion carried by the following vote:

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

061409 [Appointment - Association of Bay Area Governments Executive Board]

Resolution appointing Supervisor Chris Daly, term ending June 30, 2007, to the Association of Bay Area Governments Executive Board.

Supervisor Chris Daly, succeeding Supervisor Fiona Ma, resigned, seat 1, must be a member of the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2007.

Resolution No. 641-06

ADOPTED by the following vote:

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

RECESS

The Board recessed at the hour of 2:49 p.m.

Reconvening of the Board

The Board at the hour of 3:03 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 9

*Supervisor Dufty was previously excused at 2:45 p.m.
Supervisor Sandoval was noted absent at 3:03 p.m.*

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

061392 [Hearing - Central Market Community Benefit District]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Central Market Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2006-2007, subject to conditions as specified, and making environmental findings. (Clerk of the Board)

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

Speakers in support of the Central Market Community Benefit District:

Sharon Slater, Greg Johnston, Bernadette Walke, Carolyn Diamond, Mike Yarney

Speakers Opposed to the Central Market Community Benefit District:

John Nulty, Michael Nulty, and April Venorosa expressed concern but not opposition. Jesse Collins, opposed

The President requested the Clerk of the Board to contact the Department of Elections and ask if the processing of the submitted ballots had been completed.

The Clerk of the Board informed the President that the Department of Elections had finished processing the ballots submitted.

The President declared the Public Hearing closed.

Tabulation of the ballots cast began by the Department of Elections.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

Supervisor McGoldrick was noted absent at 4:04 p.m.

061393 [Resolution to establish the Central Market Community Benefit District]

Supervisor Daly

Resolution establishing a property-based business improvement district to be known as the "Central Market Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2006-2007, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Central Market Community Benefit District:

Voting For 68.51%

Voting Against 31.49%

Resolution No. 631-06

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Eisbernd, Ma, Maxwell, Mirkarimi, Peskin

Absent: 2 - McGoldrick, Sandoval

Excused: 1 - Dufty

RECESS

The Board recessed at the hour of 3:17 p.m.

Reconvening of the Board

The Board at the hour of 3:32 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 9

*Supervisor Dufty was previously excused at 2:45 p.m.
Supervisor Sandoval was noted absent at 3:03 p.m.*

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

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 1 - Sandoval

Excused: 1 - Dufty

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to the Principal of the Visitacion Valley Middle School.

RECESS

The Board recessed at the hour of 3:36 p.m.

Reconvening of the Board

The Board at the hour of 4:04 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 9

*Supervisor Dufty was previously excused at 2:45 p.m.
Supervisor Sandoval was noted absent at 3:03 p.m.*

SPECIAL ORDER 4:00 P.M.

Supervisor McGoldrick was noted present at 4:07 p.m.

061327 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2564 Sutter Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 29, 2006 (Case No. 2005.0486E), exempting from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 (Class 1)], the proposed project at 2564 Sutter Street. The proposal would alter and add to an existing 29-foot tall, one-and-a-half-story over basement single-family residence to create an approximately 40-foot tall, four-story over basement, three-unit residential building. The proposed project includes 1) raising the structure to create a basement parking garage; 2) a 2-story, stepped-back, vertical addition that would increase the height to approximately 40-feet; 3) a 3-level horizontal (to the rear) addition that would extend the existing building to within approximately 34 feet of the rear property line; and 4) interior renovations of the existing building and alterations of the facade. A new garage, stairway and front door entry, as well as the alteration/enlargement of the basement level and related windows would be visible at the front facade. The project site is within the RH-3 (Residential, House, Three-Family) zoning district and within a 40-X height and bulk district. (Appellant: Stephen M. Williams)

Continued to November 14, 2006

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

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

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

- 061328 [Affirming the categorical exemption issued for the 2564 Sutter Street project]**
Motion affirming the determination by the Planning Department that the 2564 Sutter Street project is categorically exempt from environmental review under the California Environmental Quality Act.
Continued to November 14, 2006
Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty
- 061329 [Disapproving the categorical exemption issued for the 2564 Sutter Street project]**
Motion disapproving the determination by the Planning Department that the 2564 Sutter Street project is categorically exempt from environmental review under the California Environmental Quality Act.
Continued to November 14, 2006
Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty
- 061330 [Preparation of findings related to the 2564 Sutter Street project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2564 Sutter Street is exempt from environmental review under the California Environmental Quality Act.
Continued to November 14, 2006
CONTINUED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 1 - Dufty

COMMITTEE REPORTS

- 060396 [Slavery Era Disclosure]**
Supervisors Maxwell, Mirkarimi, Ammiano, Dufty, Daly, Alioto-Pier, McGoldrick, Ma, Sandoval
- Ordinance amending the San Francisco Administrative Code by adding Chapter 12W, Sections 12W.1 through 12W.7, to require contractors providing insurance and insurance services, financial services, or textiles to the City to disclose any participation in the slave trade, and creating an account, to which contractors subject to this ordinance, and others, may make voluntary contributions, and requiring that monies donated to this account be used to fund economic development and educational initiatives designed to ameliorate the effects of slavery upon the residents of San Francisco.
- Supervisors Dufty, Daly, Alioto-Pier, McGoldrick, Ma, and Sandoval requested to be added as co-sponsors.*
- PASSED ON FIRST READING** by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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 related to a candidate for Supervisor Mike Petrais; showed interest with issues related to the Department of Public Health Commission meetings
Eugene Gordon, Jr.; expressed concern with issues related to the violations of human rights
Male speaker; expressed apologies to the Members of the Board of Supervisors
Eulla Walters; expressed concern with the renaming of Ferry Park to Sue Bierman Park
John Di Donna; expressed concern with issues related to high rise development in San Francisco
James Chaffee; expressed concern with issues related to the San Francisco Public Library
John Hamlin; showed interest with issues related to the City College mural and suggested to landmark the mural
Walter; shared with the Board various memorabilia
Robin Crop; expressed concern with issues related to Lyme disease
Melissa Thomas; expressed concern with issues related to the war against drugs and evictions
Tom McDonagh; showed interest in the building of homes in San Francisco*

Supervisor Dufty Excused

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved Supervisor Dufty Excused
President announced he had excused Supervisor Dufty from the remainder of the meeting. The motion carried by the following vote:

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

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.

**061471 [Accept-Expend State Grant - Life and Annuity Consumer Protection Program]
Supervisor Elsbernd**

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 \$50,000 through the California Department of Insurance for a program entitled "Life and Annuity Consumer Protection" for fiscal year July 2006 through June 2007.

Resolution No. 636-06

ADOPTED

**061473 [Accept and Expend State grants - Department of Public Health]
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to retroactively accept and expend a five new grants totaling \$11,122.63, four from the California Department of Food and Agriculture (CDFA) and one from the California Department of Pesticide Regulation (CDPR); for the period of July 1, 2006 through June 30, 2007.

Resolution No. 637-06

ADOPTED

**061474 [Biordi Art Imports Day]
Supervisors Peskin, Elsbernd**

Resolution commending Gianfranco Savio for his invaluable contributions and declaring November 15, 2006 Biordi Art Imports Day in San Francisco.

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

Resolution No. 638-06

ADOPTED

061481 [Final Map 4018 - 2889 24th Street]

Motion approving Final Map 4018, a 10 Unit Mixed – Use Condominium Project, located at 2889 24th Street being a subdivision of Lot 36 in Assessors Block No. 4268 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M06-113

APPROVED

061482 [Final Map - 600 Portola Drive]

Motion approving Final Map 2274, a 18 Unit Mixed-Use Condominium Project, located at 600 Portola Drive Street being a subdivision of Lot 1 in Assessors Block No. 2892 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M06-114

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

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

061472 [Recognizing the Vietnamese Heritage and Freedom Flag]
Supervisors Ma, Daly

Resolution recognizing the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American community.

Amended on page 1 by deleting lines 16 - 20.

Supervisor Ma, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED. The motion carried by the following vote:

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

Resolution recognizing the Vietnamese Heritage and Freedom Flag as a symbol of the Vietnamese American community.

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

Resolution No. 642-06

ADOPTED AS AMENDED by the following vote:

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

OFF-AGENDA LEGISLATION**Introduced by Supervisors or Mayor****Ordinances**

061494 [Appropriating \$75,000 of General Fund Reserve to support Working Families Credit Program Outreach in the Human Services Agency for Fiscal Year 2006-2007]
Supervisor Daly

Ordinance appropriating \$75,000 of General Fund Reserve to support outreach for the Working Families Credit Program in the Human Services Agency for Fiscal Year 2006-2007.

10/31/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061496 [Appropriating \$78,344 of General Fund Reserve to support two Election Outreach Workers in the Department of Elections for Fiscal Year 2006-2007]
Supervisor Sandoval**

Ordinance appropriating \$78,344 of General Fund Reserve to support two Election Outreach Workers to support voter outreach and education, and Chinese and Spanish language assistance, as required by the Voting Rights Act in the Department of Elections for Fiscal Year 2006-2007.

10/31/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061497 [Public Employment - Department of Elections]
Supervisor Sandoval**

Ordinance amending Ordinance No. 203-06 (Annual Salary Ordinance FY 2006-2007) to reflect the addition of a 9770, Community Development Assistant, and a 9772, Community Development Specialist in the Department of Elections, REG.

10/31/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060944 [Food Service Waste Reduction Ordinance]
Supervisors Peskin, Daly, Mirkarimi, Ammiano, McGoldrick, Sandoval, Maxwell, Dufty**

Ordinance amending the San Francisco Environment Code by adding Chapter 16, Sections 1601 through 1611, to: (1) prohibit the use of polystyrene foam disposable food service ware and require the use of biodegradable/compostable or recyclable disposable food service ware by restaurants, retail food vendors, City departments and the City's contractors and lessees unless there is no affordable alternative; and, (2) provide for penalties for violation; and amending the San Francisco Health Code by repealing Sections 469 through 469.10, which ban the use of food packaging and plastic food service ware made with chlorofluorocarbons. 6/27/06, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 7/27/2006.

7/3/06, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and recommendation.

10/31/06, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

10/31/06, ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

**061491 [Rapid Test Algorithm in Non-Traditional Test Sites to Improve Linkage to Care]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), AIDS Office – HIV Prevention Section to accept and expend retroactively a new grant in the total amount of \$242,573, from the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) in support of a program entitled Rapid Test Algorithm in Non-Traditional Test Sites to Improve Linkage to Care, for the period of September 30, 2006 through September 29, 2007.

10/31/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests that the item be scheduled for November 6, 2006 committee meeting.

**061492 [Accept U.S. EPA Grant Funds]
Supervisor Ammiano**

Resolution authorizing the San Francisco Public Utilities Commission to accept a grant in the amount of \$477,900 from the U.S. Environmental Protection Agency through the Department of the Interior, Environment, and Related Agencies Appropriation Act of 2006.

10/31/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**061493 [Interim Zoning Requiring Conditional Use Authorization for Change in Use or Reduction of 15,000 square feet or more of Recreational Space]
Supervisors Ma, Daly**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any recreational space of 5,000 square feet or more including indoor or outdoor facilities, for an eighteen (18) month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

10/31/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**061495 [Accept-Expend Grant - Juvenile Probation Department]
Supervisor Maxwell**

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$600,000 from the Zellerbach Family Foundation for supplemental support of organizational change activities within the Juvenile Probation Department.

10/31/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**061498 [Endorsement of Development Plan and Term Sheet for the Redevelopment of Naval Station Treasure Island]
Mayor**

Resolution endorsing the Development Plan and Term Sheet for the Redevelopment of Former Naval Station Treasure Island between Treasure Island Community Development, LLC and the Treasure Island Development Authority.

10/31/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**061499 [Lease of Real Property at 1 Newhall Street]
Supervisor Ammiano**

Resolution authorizing a new lease of 33,000 sq. ft. of industrial space at 1 Newhall Street for the Department of Public Health.

10/31/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061500 [Accept-Expend State Grant - Department of the Environment]
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of the Environment to accept and expend a grant in the amount of \$129,600 from the California Department of Transportation to conduct an inventory of diesel emissions sources and develop a long-term plan to reduce diesel air pollution in the Bayview Hunters Point community of San Francisco.

10/31/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**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.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061502 [Declaring November 2006 Lung Cancer Awareness Month]
Supervisors Maxwell, Dufty**

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.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061504 [Commending The Lower Haight Street Merchants Association and Block Party Organizers for the First Annual Lower Haight Block Party]
Supervisors Mirkarimi, Dufty**

Resolution commending the The Lower Haight Street Merchants Association and Block Party Organizers for founding the First Annual Lower Haight Street Block Party.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061505 [Commending the organizers of the first Alamo Square Movie Night]
Supervisor Mirkarimi**

Resolution commending the organizers of the first Alamo Square Movie Night.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061506 [Commending Fiona Ma]
Supervisors Peskin, Dufty, Elsbernd**

Resolution commending Fiona Ma for her distinguished service as Member of the Board of Supervisors of the City and County of San Francisco.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

10/31/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061508 [Reappointment - Supervisor Tom Ammiano to MTC]
Supervisor Peskin**

Resolution reappointing Supervisor Tom Ammiano, term ending February 10, 2011, to the Metropolitan Transportation Commission.

10/31/06, RECEIVED AND ASSIGNED to Rules Committee.

**061007 [Landmark Designation nomination for a 100-year-old Live Oak Tree at 4124 23rd Street]
Supervisor Dufty**

Resolution of intent initiating the nomination of the a 100-year-old Oak Tree, located at 4124 23rd Street for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Code Section 810(d), and authorizing other official acts in furtherance of this Resolution.

7/11/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

10/31/06, SUBSTITUTED. Supervisor Dufty submitted a substitute resolution bearing new title.

10/31/06, ASSIGNED to City Operations and Neighborhood Services Committee.

Requests for Hearing

**061485 [Vacancies in budgeted positions at the MTA affecting Muni and DPT]
Supervisor Dufty**

Hearing on vacancies in budgeted positions at Muni and the Department of Parking and Traffic.

10/31/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

061490 [MTA response to concerns at the Fontana Apartments (Van Ness at Northpoint)]
Supervisor Alioto-Pier

Hearing on MTA response to concerns at the Fontana Apartments (Van Ness at Northpoint) including: (1) location of the bus stop in front on the Fontana driveway, (2) queuing of buses on the west side Van Ness creating a hazard for pedestrians and drivers, (3) striping of the parking places on Van Ness, (4) use of temporary police barriers to reserve a parking place for a MUNI supervisor, (5) idling of buses on the west side of Van Ness, and (6) the state of the road on Van Ness as a result of heavy use by buses. Hearing will ask MTA to provide report on what has been done to address these concerns and, if the concerns have not been addressed, explain why the concerns have not been addresses. Hearing will focus on how the MTA plans to address remaining concerns moving forward.

10/31/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

061509 [Performance Measures for various City Departments]
Supervisor Daly

Hearing to consider departmental performance measures for the following service areas: Human Welfare, Neighborhood Services and Community Health; Public Works, Transportation and Commerce; Public Protection; Culture and Recreation; and General Administration and Finance.

10/31/06, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

060857 [Public Education Enrichment Fund]
Supervisor Daly

Hearing to consider Public Education Enrichment Fund for fiscal year 2007-2008.

10/31/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED ORDINANCES

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

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

10/19/06, RECEIVED AND ASSIGNED to Rules Committee.

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

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

10/20/06, RECEIVED AND ASSIGNED to Rules Committee.

061480 [Zoning Map Amendment for 915 Cayuga Avenue]

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco in order to shift a zoning district boundary which is located entirely within Assessor's Block 6954 Lot 033 and which divides an RH-1 (Residential, House, One Family) District from an NC-3 (Neighborhood Commercial, Moderate Scale) District approximately 20 feet in a northwesterly direction to increase the portion of the lot that is zoned NC-3; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b). (Planning Department)

10/19/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

(SUPPORTING DOCUMENTS: Planning Resolution 17318; Executive Summary; Exemption from Environmental Review and rezoning map.)

PROPOSED RESOLUTIONS**061449 [Settlement of Unlitigated Claim - Fred Finch Youth Center]**

Resolution approving the settlement of the unlitigated claim filed by the Fred Finch Youth Center against San Francisco for \$50,000; claim was filed on October 13, 2005. (City Attorney)

10/18/06, RECEIVED AND ASSIGNED to Rules Committee.

061450 [Settlement of Unlitigated Claim - Unified Teldata]

Resolution approving the settlement of the unlitigated claim filed by Unified Teldata against San Francisco for \$44,381.55; claim was filed on August 10, 2006. (City Attorney)

10/18/06, RECEIVED AND ASSIGNED to Rules Committee.

061460 [Accept-Expend State Grant - Sheriff's, Adult Probation and Juvenile Probation Departments]

Resolution authorizing the Sheriff's Department, Adult Probation Department and Juvenile Probation Department of the City and County of San Francisco to apply for, accept and expend \$513,500 in funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs; stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs. (Sheriff)

10/17/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

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

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

10/20/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 10/31/06 - Referred to the Small Business Commission for review and comment.

061479 [Airport Concession Lease]

Resolution approving Amendment No. 6 to the Post-Security Master Retail/Duty Free Concession in the New International Terminal Building Lease No. 99-0035 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
10/17/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of trimming the trees at 303-305 Oak Street so that the right turn signs onto Octavia Boulevard are clearly visible.

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 removing graffiti from light switchboxes at the following locations: Southwest corner of Geary and Webster and the Northeast corner of Divisadero and Haight.

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 repainting the crosswalks located at the intersection of Fulton and Gough.

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 missing street sign at the intersection of Broderick and Grove (the "Broderick" sign).

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 removing graffiti on the parking signs at the following locations: 1243 Masonic Street, 1350 Divisadero, 555 Fell, 573 Fell, 611 Fell, 660 Fell, 690 Fell, 305 Webster, across the street from 389 Webster, north side of the 300 block of Oak Street, 501 Oak, 547 Oak, 546 Grove, northeast corner of Grove and Octavia, and the "No Left Turn" sign at the southeast corner of Masonic and Fell.

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 red emergency boxes at the following locations: Southwest corner of Divisadero and Ellis and Southeast corner of Webster and Golden Gate.

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 repairing the parking signs located at the following locations: Southwest corner of Geary and Webster (sign falling down) and the Southeast corner of Fell and Masonic (sign needs to be replaced).

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 at the following property locations: 1632 Hayes and 681 Page.

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 mailboxes at the following locations: Southwest corner of Hayes and Laguna, Northwest corner of Divisadero and Turk, and the Southwest corner of Gough and Fulton.

*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 parking meters located on Geary between Fillmore and Webster.*

*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 news stands at the following locations: Southwest corner of Hayes and Central (Chronicle). Southwest corner of Hayes and Central and the Northeast corner of Hayes and Laguna (SF Weekly).*

*From: Supervisor Mirkarimi
To: Director, Public Utilities Commission
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Public Utilities Commission and the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations: 1359 Masonic, Northeast corner of Divisadero and Ellis, and the Southeast corner of Hayes and Laguna.*

*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 phone switch boxes at the following locations: 461-465 Central and the Southeast corner of Hayes and Lyon.*

*From: Supervisor Mirkarimi
To: Director, Public Utilities Commission
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Public Utilities Commission and the Department of Public Works to report on the status of removing graffiti from the wooden utility poles located on all four corners of Pierce and Page.*

In Memoriams

*William Randolph Vierra - Supervisor Sandoval
Bao Yan Chan - Supervisor Peskin
Philip J. Lee - Entire Board
Kam Yan Li - Supervisor Mirkarimi
Song Sun Lee - Supervisor Mirkarimi
Dorothy Meyerzove - Supervisor Daly*

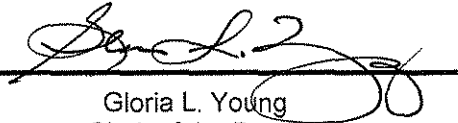
ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:09 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 December 5, 2006.



Gloria L. Young
Clerk of the Board