

# 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, September 13, 2005 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 Ammiano, Mirkarimi, Elsbernd

**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 Peskin, Elsbernd, Daly

**Land Use Committee**

Supervisors Maxwell, Sandoval, McGoldrick

**Rules Committee**

Supervisors Alioto-Pier, Mirkarimi, Peskin

#### Meeting Days

Thursday  
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

Wednesday  
10:00 AM

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

Volume 100 Number 32

**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 2:05 p.m. On the call of the roll the following Supervisors Maxwell and McGoldrick were noted absent.*

*Supervisor McGoldrick was noted present at 2:10 p.m.*

*Supervisor Maxwell was noted present at 2:12 p.m.*

*Quorum present.*

## APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved to approve August 9, 2005 and August 16, 2005 Meeting Minutes. The motion carried by the following vote:

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

051504 [Adopting findings related to the tentative subdivision map appeal on property located at 858 Duncan] Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 858 Duncan (Lot 015 in Assessor's Block 7518).

Motion No. M05-120

APPROVED by the following vote:

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

**Recommendation of the Budget and Finance Committee**

051257 [Sweatfree Ordinance]

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

Ordinance amending the San Francisco Administrative Code by adding Chapter 12U, finding that the City would benefit by spending its funds in a manner that would support safe and humane working conditions; requiring contractors and subcontractors providing goods to the City and County to comply with laws and standards affecting labor and employment conditions for employees performing work under the contract and subcontracts, including: not engaging in abusive forms of child labor, foreign convict or forced labor, or slave labor; and compliance with all human and labor rights and labor standards imposed by law or treaty law on the country where the goods are being made or assembled; paying wages that are not less than a minimum wage established by the Director of the Office of Contract Administration; compliance with all applicable laws governing wages, employee benefits, health and safety, labor, environmental conditions, nondiscrimination, freedom of association; creating the Sweatfree Procurement Advisory Group to make recommendations on the implementation, administration or enforcement of this Chapter to the Director of the Office of Contract Administration and the Office of Labor Standards Enforcement; targeting the procurement of garments for enforcement of this Chapter during the first full fiscal year following the effective date of the Chapter, and, thereafter, targeting other goods for enforcement based on recommendations of the Sweatfree Procurement Advisory Group submitted by the Director of the Office of Contract Administration to the Board of Supervisors and approved by ordinance.

(Fiscal impact.)

Ordinance No. 223-05

FINALLY PASSED by the following vote:

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

**Recommendations of the Rules Committee**

051005 [Cable Television Franchise Amendments]

Mayor

Ordinance amending Ordinance No. 105-64, as amended by Ordinance Nos. 528-88, 315-89, 42-91, 42-97, and 266-99, by amending sections 1, 9, 24.3, 25, 25.5, 27.2, 31, and 32 and Appendix C to extend the term of the franchise and to clarify and expand the obligations of the Comcast of California III, Inc.

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

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

*Continued to September 27, 2005*

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**051006 [Settlement of Claims - Comcast of California III, Inc.]  
Mayor**

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.

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

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

*Continued to September 27, 2005*

**PASSED ON FIRST READING AS AMENDED** by the following vote:

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

## **CLOSED SESSION**

**051408 [Closed Session - Potential Litigation, Comcast of California III]  
Supervisor McGoldrick**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation and a settlement involving the City related to the renewal of the cable franchise for Comcast of California III. The settlement resolves the City's unlitigated claims against Comcast California III for \$3.5 million, extends the franchise for 4 years, and modifies the terms of the franchise in several ways, including increasing funding for public access, educational and government programming. Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to convene in closed session. The motion carried by the following vote:

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

*Recess*

*The Board recessed at the hour of 5:00 p.m. to convene in closed session pursuant to the above motion.*

*Reconvening of the Board*

*The Board at the hour of 5:55 p.m. reconvened.*

*Calling the Roll*

*The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11*

*Report on Closed Session*

*Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval*

*Cheryl Adams, Deputy City Attorney  
Theresa Mueller, Deputy City Attorney  
William Lowrey, Miller & Van Eaton, Outside Counsel  
Chris Vein, Acting Director, DTIS  
Brian Roberts, DTIS  
Ron Vinson, Acting Administrator, DTIS  
Kay Gulbengay, Deputy Clerk  
Victor Young, Assistant Clerk  
The meeting was informational only and no action was taken.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

*Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:*

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

**NEW BUSINESS**

**Recommendation of the Land Use Committee****051380 [Interdepartmental jurisdictional transfer of property]  
Supervisors Dufty, Sandoval**

Ordinance transferring jurisdiction of certain unimproved real property located on Roosevelt Way and Henry Street (Block 2612, Lot 50) from the Mayor's Office of Housing to the Recreation and Park Department.

**PASSED ON FIRST READING by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.****050853 [Hearing - Street Vacation portion of Bernal Heights Boulevard]**

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

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

*Speakers in Opposition: Female speaker; Todd Smithline; Maria Herano; Victoria Landstown; Beverly Anderson; Mr. Berstein; John Sanger; Bobbie Sue Hood; Aiya; Katie Mulligan; Alicia Chason; Mark Sabitino; Alicia Jacoby.*

*Speakers in Support: Charlotte Hill; Gina Dera; Terry McDonald.*

*Department representatives:*

*Keith Kawamura, Recreation and Parks Department, Capital Improvement  
Barbara Moy, Department of Public Works  
Steve Legnitto, Real Estate Division*

*The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

**From the Land Use Committee Without Recommendation****050852 [Ordering the vacation of a portion of Bernal Heights Boulevard]**

Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Real Estate Department)

(To be heard at a public hearing on September 13, 2005 at 3:00 p.m.)

**PASSED, ON FIRST READING by the following vote:**

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

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

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

### Privilege of the Floor

*Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Corrine Megihan, Building Manager of City Hall and her staff in recognition of their outstanding work.*

*Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Aroma Guy, Elizabeth "Betita" Martinez, and Medea Benjamin for being nominated for the Nobel Peace Prize.*

*Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Dr. Goery Delacote in recognition of his work as the Executive Director of the San Francisco Exploratorium.*

## SPECIAL ORDER 4:00 P.M.

### 051402 [Public Hearing - Appeal of Categorical Exemption for 3350 20th Street (Quonset Hut structure)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 7, 2004, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Section 15301 (I) (3), the demolition of a small commercial structure. The proposed project involves the demolition of the Quonset Hut structure located at at 3350 20th Street, Assessor's Block 3594, Lot 15. (Appellant: Sue C. Hestor, Attorney, representing Mission Anti-Displacement Coalition).

*Continued to September 20, 2005.*

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

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

*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.)**

- 051403 [Affirming the categorical exemption issued for 3350 20th Street]**  
Motion affirming the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
*Continued to September 20, 2005*  
Supervisor Ammiano, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 051404 [Disapproving the categorical exemption issued for 3350 20th Street]**  
Motion disapproving the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
*Continued to September 20, 2005*  
Supervisor Ammiano, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 051405 [Preparation of findings related to the categorical exemption issued for 3350 20th Street]**  
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 3350 20th Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
*Continued to September 20, 2005*  
Supervisor Ammiano, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

## COMMITTEE REPORTS

### From the Budget and Finance Committee

- 051475 [Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]**  
Supervisor Elsbernd
- Resolution authorizing the Director of Public Works to execute amendment to the Design Agreement for the Laguna Honda Hospital Replacement Program modifying the total contract amount from \$32,595,782 to \$33,706,892.
- (Fiscal impact.)
- Resolution No. 667-05
- ADOPTED by the following vote:  
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval



**From the Government Audit and Oversight Committee**

- 051511 [To appropriate general fund reserve to the Board of Supervisors for the Budget Analyst to perform a management audit of the Office of Emergency Services]

Supervisors Peskin, Mirkarimi

Ordinance appropriating \$179,358 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

(Fiscal impact.)

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

**PASSED ON FIRST READING** by the following vote:

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

- 051483 [Accept-Expend Federal Grant - Office of Emergency Services]

Supervisor Ma

Resolution authorizing the Office of Emergency Services to retroactively accept and expend a Federal Grant in the amount of \$280,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

Resolution No. 668-05

**ADOPTED** by the following vote:

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

- 051513 [Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department - Emergency Services Coordination Program on a Priority Basis]

Supervisor Peskin

Motion amending the Schedule of Audits for the Budget Analyst and Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program and to perform this management audit as the next priority assignment.

Motion No. M05-119

**APPROVED** by the following vote:

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

**ROLL CALL FOR INTRODUCTIONS**

*Pursuant to the Board of Supervisors Rule No. 3.9*

*Supervisor Ammiano provided the Board with an update on the Municipal Transportation Commission and the Golden Gate Bridge District on which he represents the Board of Supervisors.*

*Supervisor Sandoval provided the Board with an update on the San Francisco Employees Retirement System on which he represents the Board of Supervisors.*

**PUBLIC COMMENT**

*Joseph Braverman; expressed concern with the Patriot Act and the enforcement of the limitations*  
*James Chaffe; expressed concern with the SF Public Library's radio tracking system and the Privacy and Technology Committee*  
*Betty Wright; expressed concern with violence in public schools by staff and discipline issues*  
*Steven Dreyfus, SF Street Musicians; expressed concern with music as a form of art and the Arts Commission non-issuance of permits*  
*Rick Reynolds, SF Children Come First Commission; expressed concern with SF School District and the severance pay for Superintendent Arlene Ackerman*  
*Espanola Jackson; expressed concern with the Bayview Hunters Point problems and environmental issues*  
*Melida Felix; expressed concern with child care subsidies*  
*Tammy Brian, expressed concern with the SF School District and the severance pay for Superintendent Arlene Ackerman*

**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.*

**051523 [Traffic Calming Measures on McAllister and Grove Streets]**  
Supervisor Mirkarimi

Resolution urging the Department of Parking and Traffic to take measures to prevent unlawful and dangerous driving on McAllister Street between Webster Street and Laguna Street and on Grove Street between Webster Street and Laguna Street.

Resolution No. 666-05

**ADOPTED**

**051524 [Speed Humps on Linden and Rose Streets]**  
Supervisor Mirkarimi

Resolution urging the Department of Parking and Traffic to install speed humps to prevent unlawful and dangerous driving on Linden Street between Webster Street and Buchanan Street and on Rose Street between Webster Street and Buchanan Street.

Resolution No. 665-05

**ADOPTED**

**051525 [Support and Expenditures for Hurricane Katrina Relief Efforts]**

Resolution establishing City support for Hurricane Katrina relief efforts and preliminarily approving expenditures required to provide City support.

Resolution No. 664-05

**ADOPTED**

**051526 [Grant from Friends of City Planning for the Leland Avenue Revitalization Project]  
Supervisor Maxwell**

Resolution authorizing the Director of the Planning Department to accept and expend a grant in the amount of \$75,000 from the Friends of City Planning to undertake streetscape design for the Leland Avenue Revitalization Project.

Resolution No. 663-05

ADOPTED

**051527 [To provide three food related programs in San Francisco]  
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to accept retroactively and expend three grants in the total amount of \$4,606.18 from the California Department of Food and Agriculture (CDFA) for organic foods (\$1,000), egg quality control (\$2,256.18), and weighmasters (\$1,350) programs, and to enter into agreements for the use of these funds; for the period of July 1, 2005 through June 30, 2006.

Resolution No. 662-05

ADOPTED

**051528 [Approving Child Care Subsidy Plan]  
Supervisor Peskin**

Resolution approving county individualized child care subsidy plan authorized by Senate Bill 701 (Migden), for submission to California Department of Education, Child Development Division.

Resolution No. 661-05

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

## OFF-AGENDA LEGISLATION

**051558 [Reenacting a Disadvantaged Business Enterprise Program]  
Supervisor Ma**

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

9/13/05, ASSIGNED to Board of Supervisors.

- 051559** [An ordinance conforming state law, provisions of the Administrative Code, which permit any person who is liable for tax on property that has been damaged or destroyed by misfortune or calamity, to apply to the Assessor for reassessment]  
Supervisor Elsbernd

Ordinance amending Section 10.2-5 of the San Francisco Administrative Code to conform to Section 170 of Chapter 2.5, Part 1, Division 1 of the California Revenue and Taxation Code providing that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed, without his or her fault, by a misfortune or calamity, may apply for reassessment of that property; specifying the nature of the damage or destruction required to be eligible for reassessment; and also specifying that the Assessor-Recorder may initiate the reassessment where the Assessor-Recorder determines that within the preceding 12 months taxable property located in the County was damaged or destroyed, for the purpose of providing property tax relief to residents of the City and County of San Francisco.

9/13/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

9/13/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/13/2005.

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

Ordinance establishing the Third Street and Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, by adding Planning Code Section 249.27, and making findings including findings under the California Environmental Quality Act.

9/13/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/13/2005.

## Resolutions

- 051566** [Interdepartmental jurisdictional transfer of High Street Properties (Block 2848, Lot 001 and Block 2850, Lot 023) from Department of Public Works to Recreation and Park Department]  
Supervisor Dufty

Resolution urging support for the transfer of vacant properties on High Street identified as Assessor's Block 2848, Lot 001 and Assessor's Block 2850, Lot 023 from the Department of Public Works to the Recreation and Park Department for the creation of open space.

9/13/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051567 [Accept-Expend Federal Grant - Department of Parking and Traffic]  
Supervisor Mirkarimi**

Resolution authorizing the Department of Parking and Traffic to retroactively accept and expend a grant in the amount of \$500,000 from the Metropolitan Transportation Commission (MTC) to integrate the SFgo Transportation Management Center (TMC) with Caltrans District 4 in Oakland and 511 to exchange real-time transportation information.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051568 [Accept-Expend Federal/State Pass Through Grant - Department of Public Library]  
Supervisors Alioto-Pier, Dufty**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$17,447 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051571 [Supporting Gay Marriage AB849]  
Supervisors Ammiano, Dufty, Daly, Sandoval, Mirkarimi**

Resolution declaring support for eliminating legal discrimination against same-sex couples in the provision of civil marriage licenses and further supporting The Religious Freedom and Civil Marriage Protection Act, AB849 and further urging the Governor of California, Arnold Schwarzenegger to sign The Religious Freedom and Civil Marriage Protection Act to protect all families of California.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051572 [SFUSD Labor-Management Dispute]  
Supervisors Ammiano, Ma**

Resolution urging the San Francisco Board of Education and the San Francisco Unified School District Superintendent, Arlene Ackerman, to seek all avenues available to resolve the current labor and management dispute, including finding a informal or local mediator and utilizing portions of Proposition H, the Public Education Enrichment Fund, to fund salaries for the lowest paid and most vulnerable School District employees.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051573 [Declaring September 24, 2005 as Grand Duchess Sophilya Leggz and Grand Duke Mike Manicotti Day]  
Supervisor Ammiano**

Resolution declaring September 24, 2005 as Grand Duchess Sophilya Leggz and Grand Duke Mike Manicotti Day in the City and County of San Francisco.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051574 [Accept and Expend Grant - Sheriff's Department]  
Supervisor Maxwell**

Resolution authorizing the Sheriff's Department to accept and expend a continuation grant in the amount of \$76,283 from the Private Industry Council of San Francisco for providing employment and education services to young offenders and after their release from the county jail.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051575 [Honoring Richmond Area Multi-Services, Inc. (RAMS)]  
Supervisor McGoldrick**

Resolution honoring Richmond Area Multi-Services, Inc. (RAMS) for their commitment and contributions to the San Francisco community.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051576 [Commending Founders of the First Annual Fulton Street Fair]  
Supervisor Mirkarimi**

Resolution commending the Alamo Square Neighborhood Association and the Third Baptist Church for founding the First Annual Fulton Street Fair (aka "The Love Connection").

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051578 [Declaring October 3, 2005 "B.K.S. Iyengar Day" in San Francisco]  
Supervisor Peskin**

Resolution declaring October 3, 2005 "B.K.S. Iyengar Day" in San Francisco.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051579 [Commending Lee Blitch]  
Supervisor Peskin**

Resolution commending Lee Blitch for his invaluable contributions to the City and County of San Francisco.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051580 [Urging SFUSD Superintendent Arlene Ackerman to forego the provision in her current contract for a \$375,000 severance package]  
Supervisor Sandoval**

Resolution urging San Francisco Unified School District Superintendent Arlene Ackerman to forego the provision in her current contract for a \$375,000 severance package.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing****051556 [PG&E Underground Facilities Explosions]  
Supervisor Dufty**

Hearing on PG&E's actions following the explosions in its underground facilities on August 19th and September 3rd, 2005, and the steps the City has taken to require PG&E to ensure the safety of our citizens by preventing further explosions.

9/13/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051557 [Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

9/13/05, ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole on September 27, 2005, at 4:00 p.m.

**051561 [Compliance and Enforcement of the Eviction Disclosure Ordinance, Administrative Code 37.10(h)]  
Supervisor Daly**

Hearing to discuss the real estate industry compliance and the City's enforcement, through the District Attorney, City Attorney and Rent Board of the Eviction Disclosure Ordinance, Administrative Code 37.10(h).

9/13/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**051564 [Overall Impact of the San Francisco Grand Prix on the City and County of San Francisco]  
Supervisor Daly**

Hearing on overall impact to the City and County, including the deployment and cost of Police Department services and the estimate tax revenue generated by this year's San Francisco Grand Prix bike race.

9/13/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**051565 [City's external auditors audit plans for FY 2004-2005 and their Management Letters, if any, related to the City audit for FY 2003-04]  
Supervisor Peskin**

Hearing for the City's external auditors (Macias Gini & Co., KPMG, Hood and Strong, and Williams Adley & Co.) to present their audit plans for Fiscal Year 2004-2005 and their Management Letters, if any, related to the City audit for Fiscal Year 2003-04. This hearing is required under Charter Section 9.117.

9/13/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be scheduled for the September 26, 2005 meeting.

**051569 [PG&E Franchise Fee]  
Supervisor Ammiano**

Hearing to consider the PG&E franchise fee.  
9/13/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051570 [Annual Report of the San Francisco Graffiti Advisory Board]  
Supervisor Ammiano**

Hearing to inquire into the Annual Report of the San Francisco Graffiti Advisory Board.  
9/13/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

### Motions

**051555 [Needle Exchange Emergency]  
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.  
9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051560 [Emergency Disadvantaged Business Enterprise Program - September 27, 2005, Committee of the Whole]  
Supervisor Ma**

Motion for the Board of Supervisors to convene as a committee of the whole on September 27, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051577 [Waiver Permitting City Employees to Assist the Department of Elections with the November 8, 2005 election]  
Supervisor Peskin**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 8, 2005 election.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **PROPOSED ORDINANCES**



**051540 [Settlement of Lawsuit - Torfirio Carpenter]**

Ordinance authorizing settlement of the lawsuit filed by Torfirio Carpenter against the City and County of San Francisco for \$40,000; the lawsuit was filed on April 21, 2004 in San Francisco Superior Court, Case No. 430-718; entitled Torfirio Carpenter, et al., v. City and County of San Francisco, et al. (City Attorney)  
8/30/05, RECEIVED AND ASSIGNED to Rules Committee.

**051541 [Settlement of Lawsuit - Raymond Nario]**

Ordinance authorizing settlement of the lawsuit filed by Raymond Nario against the City and County of San Francisco for \$60,000.00; the lawsuit was filed on October 20, 2003 in United States District Court, Case No. C05-1394 JSW; entitled Raymond Nario, et al., v. City and County of San Francisco, et al. (City Attorney)  
8/30/05, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS****051546 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

**TOW-AWAY NO STOPPING ANYTIME – ESTABLISH**

Beacon Street, both sides, from the south end of the driveway of 383 Beacon Street to 120 feet southerly.

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 3056.)

8/31/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 09/13/05 - Parking and Traffic notified to post required notices and ad placed in the 09/21/05 edition of the SF Chronicle.

**051547 [STOP Intersections]**

**Supervisor Elsbernd**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Clement Street and 15th Avenue, stopping Clement Street at 15th Avenue, making this intersection an all-way STOP.

Flood Avenue at Congo Street, installing STOP signs on Flood Avenue at Congo Street, making this intersection an All-Way STOP.

Fairfield Way at Kenwood Way, installing a STOP sign on Fairfield Way at Kenwood Way. (Parking and Traffic Department)

(8/30/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 3056.)

8/31/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 09/13/05 - Parking and Traffic notified to post required notices and ad placed in the 09/21/05 edition of the SF Chronicle.

*Supervisor Elsbernd requested to be added as a sponsor.*

**Requests Granted**

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*To: Director, Municipal Transportation Agency*

*Requesting/Inquiring: Requesting that the Department of Parking and Traffic and the Municipal Transportation Agency report on the status of repainting the badly faded stop lines on Ashbury Street at the intersection with Grove Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing the graffiti on the signal box at the northeast corner of the intersection of Sutter Street and Gough Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*To: Director, Municipal Transportation Agency*

*Requesting/Inquiring: Requesting that the Department of Parking and Traffic and the Municipal Transportation Agency report on the status of repainting the badly faded crosswalks at the intersection of Hayes Street and Shrader Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*To: Director, Municipal Transportation Agency*

*Requesting/Inquiring: Requesting that the Department of Parking and Traffic and the Municipal Transportation Agency report on the status of repainting the badly faded crosswalks on Masonic Avenue at the intersection with Oak Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of the potholes on Webster Street between the intersection with Bush Street and 1814 Webster Street.*

*From: Supervisor Daly*

*To: Director, Mayor's Office of Economic and Workforce Development*

*Requesting/Inquiring: Requesting a letter to the Mayor's Office of Economic and Workforce Development inquiring about the overall costs and benefits to the City for the San Francisco Grand Prix Bike Race. What is the Mayor's Office estimation of direct spending impact for the race and subsequent tax revenue generated as well as the costs of Police services for the race on Sunday, September 4, 2005. What was the Police Department's overall deployment for the Bike Race? What was the cost of this deployment prior to applying the conditional waiver? What was the Department's anticipated attendance of the Bike Race compared with the actual attendance? After applying the conditional waiver, what will the Police Department bill the San Francisco Cycling LLC for the costs of Police Department services?*

**In Memoriams**

*Charles A. Black - Supervisor Alioto-Pier  
Willie Wong - Supervisor Ma  
Erika Michaela Brunar Hills - Supervisor Alioto-Pier  
Tien Pui "TP" Kwong - Supervisor Peskin  
Carolyn Gates - Supervisor Peskin  
Jabari Hall - Supervisor Mirkarimi  
Omar J. Mosley - Supervisors Dufty and Ammiano  
Robert Coffman - Supervisor Ammiano*

**ADJOURNMENT**

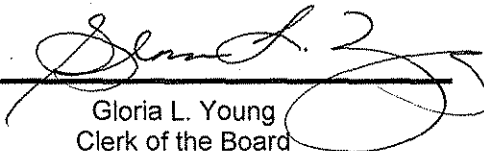
*There being no further business the Board adjourned at the hour of 7:08 p.m.*

*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 October 11, 2005.*

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



A handwritten signature in cursive script, appearing to read "Gloria L. Young", is written over a horizontal line. The signature is fluid and somewhat stylized.

Gloria L. Young  
Clerk of the Board