

# 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, July 13, 2004  
2:00 PM**

**Regular Meeting**

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**MATT GONZALEZ, PRESIDENT  
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,  
BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,  
JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL**

**Gloria L. Young, Clerk of the Board**

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

## **APPROVAL OF MEETING MINUTES**

*Motion to approve the May 25, 2004, June 8, 2004 and June 15, 2004 Meeting Minutes.*

## **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*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## **CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### **Items 1 through 13**

#### **Recommendations of the Finance and Audits Committee**

*Present: Supervisors Daly, Peskin, Ammiano*

**1. 040638 [Emergency Interim Agreement for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles]**

Resolution approving the Emergency Interim Service Agreement and Property Use License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles by and between the City and County of San Francisco and TEGSCO, LLC, d.b.a. San Francisco AutoReturn, and a Transition Agreement between the City, San Francisco AutoReturn, and City Tow. (Parking and Traffic Department)

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

**2. 040708 [Contracting out Services - Interim Emergency Towing, Storage and Disposal of Abandoned and Illegally parked Vehicles]**

Resolution concurring with Controller's certification that it is more economical to contract for an Interim Emergency Service Agreement for Towing, Storage and Disposal of Abandoned and Illegally parked Vehicles than to provide the same services with City and County Employees. (Parking and Traffic Department)

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

*Present: Supervisors Daly, Peskin*

- 3. 040663 [Contracting out Parking Meter Management System]**  
 Resolution concurring with Controller's certification that parking meter management services, including collection and coin counting can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)
- Question: Shall this Resolution be ADOPTED?**
- 4. 040821 [2005 Finance Corporation Equipment Program] Mayor**  
 Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 12 (Series 2005A Bonds) between the City and the County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$11,500,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.
- Question: Shall this Resolution be ADOPTED?**
- Present: Supervisors Daly, Peskin, Ammiano*
- 5. 040827 [Amendment to Paratransit Broker Agreement] Mayor**  
 Resolution approving Amendment No. 3A to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to increase the contract amount by \$15,308,656 for a total contract amount not to exceed \$92,641,933, in order to meet the increased demand and costs for paratransit service during the term of the Agreement.
- (Fiscal impact.)
- Question: Shall this Resolution be ADOPTED?**
- 6. 040749 [Mayor's Fund for the Homeless]**  
 Ordinance amending San Francisco Administrative Code section 10.100-106 to transfer administration of the Mayor's Fund for the Homeless to the director of the Department of Public Health. (Mayor)
- 6/29/2004, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
- 7. 040756 [Permitting the City to offer services to governmental entities that it offers to private parties and to offer services to utilities]**  
 Ordinance amending Administrative Code Chapter 10B to add Section 10B.21 to permit the City to offer services to governmental entities that it offers to private parties and to offer services to utilities. (Mayor)
- 6/29/2004, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

8. 040762 **[Salary and Wage Deductions]**  
 Ordinance amending the San Francisco Administrative Code, Chapter 16, Article V by amending Section 16.93 to allow deductions and collections to be made for San Francisco City Services Preservation Fund. (Mayor)  
 6/29/2004, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
9. 040871 **[Appropriate funding for San Francisco General and Laguna Honda Hospital operations]** Mayor  
 Ordinance appropriating \$11,155,000 in surplus revenues for salaries, fringe benefits, contractual services, materials and supplies, and services of other departments at San Francisco General Hospital and \$1,152,000 in surplus revenues for services of other departments for Laguna Honda Hospital for a total of \$12,307,000 for the Public Health Department for fiscal year 2003-04.  
 6/29/2004, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
10. 040873 **[Appropriate funding for the Port of San Francisco to certify the construction phase of the design/build contract for the intermodal bridge, also known as the Illinois Street Bridge]** Mayor  
 Ordinance appropriating \$9,998,139 to fund the certification of the construction phase of a design/build contract awarded to Shimmick Construction Company to build an intermodal bridge along Illinois Street over Islasis Creek (also known as The Illinois Street Bridge). Total funding sources include \$3,581,080 from the Port of San Francisco's unappropriated fund balance, \$4,300,000 in contributions from Catellus Corporation and \$2,117,059 from environmental impact mitigation fees.  
 (Fiscal impact.)  
 6/29/2004, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Maxwell, Gonzalez*

11. 040664 **[Settlement of Lawsuit - Joyce Vanman]**  
 Ordinance authorizing settlement of the lawsuit filed by Joyce Vanman against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 8, 2001 in San Francisco Superior Court, Case No. 318-756; entitled Joyce Vanman v. City and County of San Francisco. (City Attorney)  
 6/29/2004, PASSED, ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**

12.       **040665    [Settlement of Lawsuit - Jerry Cheng and Le Quan Phung]**

Ordinance authorizing settlement of the lawsuit filed by Jerry Cheng and Le Quan Phung against the City and County of San Francisco for \$29,000; the lawsuit was filed on March 24, 2003 in San Francisco Superior Court, Case No. 418-620; entitled Jerry Cheng and Le Quan Phung, et al., v. City and County of San Francisco, et al; other material terms of said settlement are each party to bear their own fees and expenses. (City Attorney)

6/29/2004, PASSED, ON FIRST READING.

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

13.       **040697    [Settlement of Lawsuit - Caleb Mather]**

Ordinance authorizing settlement of the lawsuit filed by Caleb Mather against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 10, 2002 in San Francisco Superior Court, Case No. 410-262; entitled Caleb Mather, et al., v. City and County of San Francisco, et al. (City Attorney)

6/29/2004, PASSED, ON FIRST READING.

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

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **Recommendation of the Budget Committee**

*Present: Supervisors Sandoval, Daly, McGoldrick*

14.       **040750    [Setting fees for certain services provided by the Medical Examiner and increasing fees for other services]**

Ordinance amending San Francisco Administrative Code Section 8.14, by raising the fee for removal of remains and adding fees for direct cremation of remains; preparing of toxicology specimen for shipment for retest by private lab; and specimen storage; and making environmental findings. (Mayor)

6/29/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## **Recommendation of the Finance and Audits Committee**

*Present: Supervisors Daly, Peskin*

15.       **040872**       **[Appropriate funding for the over expenditure in Trial Courts, District Attorney, Fire, and Sheriff]**       **Mayor**
- Ordinance appropriating \$500,000 from the Un-appropriated Revenue to fund over expenditure in legal expenses pertaining to the indigent defense program at Trial Courts; appropriating \$552,089 from departmental revenues to fund over expenditure in District Attorney work order for Police Overtime; appropriating \$3,149,000 from departmental revenues and recoveries to fund over expenditure in Fire salaries; and releasing \$3,250,000 from reserve and appropriating to Sheriff debt service and re-appropriating departmental general fund to pay for over expenditures in salaries for fiscal year 2003-04.
- 6/29/2004, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

## **Recommendations of the Rules Committee**

*Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

16.       **040709**       **[Dismissal of Lawsuit - Scott Co. of California, et al.]**
- Ordinance authorizing dismissal of the lawsuit filed by the City and County of San Francisco against Scott Co. of California, Al Norman Plumbing Company, Inc., Scott-Norman Mechanical, Inc., Richard W. Davis, Joseph A. Guglielmo, Alvin P. Norman, Jaqueline Norman and Robert T. Nurisso; the lawsuit was filed on September 23, 1999 in San Francisco Superior Court, Case No. 306-623; entitled City and County of San Francisco, et al., v. Scott Co. of California, et al. (City Attorney)
- 6/29/2004, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
17.       **040648**       **[Charter Amendment - Establishing Rent Board in Charter, Mayor appoints three members and Board of Supervisors appoints four, renter and non-renter seats allocated per census data]**       **Supervisor Daly**
- Charter amendment (First Draft) by adding Section 4.135 to establish the Residential Rent Stabilization and Arbitration Board in the Charter, to increase its membership from five to seven members, to provide that the Mayor will appoint three members and the Board of Supervisors will appoint four members, and to allocate the seven seats among renters and non-renters according to the percentages of renter occupied housing units and owner occupied housing units in San Francisco as reported in the ten-year federal census.
- 6/29/2004, CONTINUED. Continued to July 13, 2004

Question: Shall this Charter Amendment be SUBMITTED?

## NEW BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Sandoval, Daly, McGoldrick*

- 18. 040781 [Annual Budget, Fiscal Year 2004-05] Supervisor Sandoval**  
Motion approving Annual Budget for the City and County of San Francisco for Fiscal Year 2004-2005.  
Supervisor Daly dissented in Committee.  
(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2004 nor later than August 1, 2004.)

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

- 19. 040725 [Government Funding for Fiscal Year 2004-2005]**  
Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2005. (Mayor)  
(Fiscal impact.)  
Supervisor Daly dissented in Committee.  
(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2004 nor later than August 1, 2004.)

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

- 20. 040726 [Public Employment, Fiscal Year 2004-2005]**  
Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2005, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Mayor)  
Supervisor Daly dissented in Committee.  
(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2004 nor later than August 1, 2004.)

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

- 21. 040784 [Treasure Island Development Authority Budget] Mayor**  
 Resolution approving the budget of the Treasure Island Development Authority for Fiscal Year 2004-2005 and authorizing the Treasure Island Development Authority to enter into an Agency Agreement with the San Francisco Redevelopment Agency for the provision of employee services.  
 (Fiscal impact.)  
  
**Question: Shall this Resolution be ADOPTED?**  
  
*Present: Supervisors Sandoval, Daly*
- 22. 040728 [Redevelopment Agency Budget and Bonds, Fiscal Year 2004-2005]**  
 Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2004-2005; and approving the Issuance by the Agency of Bonds in an aggregate principal amount not to exceed \$68,000,000 for the purpose of financing redevelopment activities in fiscal year 2004-2005. (Mayor)  
 (Fiscal impact.)  
  
**Question: Shall this Resolution be ADOPTED?**  
  
*Present: Supervisors Sandoval, McGoldrick*
- 23. 040730 [Establishing Arts Commission Civic Design Review Fees]**  
 Ordinance amending the San Francisco Administrative Code by adding a new section 3.19A establishing administrative fees for Arts Commission civic design review and making environmental findings. (Mayor)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 24. 040732 [Chlorofluorocarbon Recovery and Recycling Fees]**  
 Ordinance amending Sections 1406 and 1412 of San Francisco Health Code Article 24 to change the term of a permit for Chlorofluorocarbon Recovery and Recycling operations from two years to one year; to increase fees for permitting and inspections by the Department of Public Health; and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings. (Mayor)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 25. 040733 [Hazardous Waste Management Fees]**  
 Ordinance amending Section 1204 of San Francisco Health Code Article 22 to increase fees for hazardous waste generators and inspections by the Department of Public Health and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings. (Mayor)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**



26.        **040734**        **[Medical Waste Generator Registration, Permitting, Inspections Fees]**  
Ordinance amending Sections 1504 through 1509, 1513, and 1514 and adding 1515 to San Francisco Health Code Article 25 to increase registration and permit fees for persons who generate, store, haul and treat medical waste and for inspections by the Department of Public Health; and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
27.        **040735**        **[Risk Management Program Fees]**  
Ordinance amending Section 1191 of San Francisco Health Code Article 21A to increase fees for Risk Management Plans and inspections of stationary sources by the Department of Public Health and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
28.        **040736**        **[Reducing the number of false fire alarms before the City charges a response fee, and reducing the number of false fire alarms before the City increases the response fee]**  
Ordinance amending Section 106.4 of the San Francisco Fire Code to reduce from five to two the number of false fire alarms allowed before the City assesses a response fee, and reducing from ten to five the number of false alarms before the response fee increases from \$250 to \$500. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
29.        **040738**        **[Amending the San Francisco Fire Code to Increase Fees for Service]**  
Ordinance amending Section 106.8 and Table 106-B of the San Francisco Fire Code to adjust fees for Fire Department Services. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
30.        **040739**        **[Revising Annual Fire Department Permit Fees]**  
Ordinance amending Sections 90, 93, 93.1, 94, 236, 237, 238, 239, 240, 241,242, 242.1, 243, 244, 245, 246, 247 of the Business and Tax Regulations Code to increase certain annual licensing fees for permits from the Fire Department such that all annual licensing fees for permits from the Fire Department are set at \$240 per year, to become operative on January 1, 2005. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
31.        **040743**        **[Setting parking fees for City parking facilities]**  
Ordinance amending the San Francisco Administrative Code, by adding Section 4.24 to set a parking fee for City facilities, and making environmental findings. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

32.       **040747**    **[Hazardous Materials Fees]**  
Ordinance amending Section 1176 of San Francisco Health Code Article 21 to increase fees for hazardous materials registration, storage, handling and inspections by the Department of Public Health; to add new fees for oversight of voluntary cleanups; and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
33.       **040748**    **[Patient Rates]**  
Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and charges for other services provided by the Department of Public Health, effective July 1, 2004; and making environmental findings. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
34.       **040757**    **[Increasing the Emergency Response Fee imposed on telephone subscribers]**  
Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Sections 753 and 755 to increase the per-line Emergency Response Fee imposed on telephone subscribers, as well as the maximum total fee that may be imposed on a subscriber, and making environmental findings. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
35.       **040759**    **[Eliminating the Dept. of Consumer Assurance, Regulatory Compliance and Agricultural Standards, and transferring the office of County Agricultural Commissioner and Sealer of Weights and Measures]**  
Ordinance amending the San Francisco Administrative Code by amending the title of Article XIII, repealing section 2A.220 and amending sections 1.13-9, 1.15.1, 2A.221, 21.33 and 91.2, and amending the San Francisco Police Code by amending sections 674, 4903, 4904, 4905, 4908 and 4910, to eliminate the Department of Consumer Assurance, Regulatory Compliance and Agricultural Standards, give the Director of the Department of Public Health power to appoint the County Agricultural Commissioner-Sealer of Weights and Measures, and make conforming changes to the Equal Access to Services ordinance and ordinances governing agreements with the State for pest detection, the establishment of fees for testing weighing and measuring devices, the inspection of commodities supplied to the City by contractors, the regulation of tobacco advertising, and the requirement that parking stations have Revenue Control Equipment. (Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- Present: Supervisors Sandoval, Daly, McGoldrick*
36.       **040765**    **[Making Environmental Findings and Approving Department of Consumer Assurance's schedule of fees for weighing and measuring devices]**  
Resolution making environmental findings and approving a schedule of fees to be charged by

the Department of Consumer Assurance for testing of weighing and measuring devices initiated by written request and for reinspecting, retesting and recertifying weighing and measuring devices found to be outside the tolerances of specifications set by the California Department of Food and Agriculture upon an initial inspection prescribed by California Business and Professions Code Section 12210(a). (Mayor)

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

*Present: Supervisors Sandoval, McGoldrick*

**37. 040764 [Board of Appeals surcharge for certain permit renewals issued by the Police Department, the Entertainment Commission, and the Taxi Commission]**

Ordinance amending the San Francisco Administrative Code, by amending Section 10G.1, to apply the Board of Appeals surcharge to certain permits renewals issued by the Police Department, the Entertainment Commission, and the Taxi Commission under Police Code Sections 2.27 and 2.27.1, and making environmental findings. (Mayor)

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

**38. 040239 [Extending provisional appointments]**

Resolution approving extension to January 31, 2005 of provisional appointments of employees in classifications 1237 Training Coordinator, 1410 Chief Clerk, 1842 Management Assistant, 2998 Representative, Commission on Status of Women, 3280 Assistant Recreation Director, 3284 Recreation Director, 4321 Cashier 2, 5278 Planner 2, 5283 Planner 5, 5293 Planner 4, 5608 Senior Energy Specialist, 9343 Roofer, and H-30 Captain (Fire Department) and 60 promotive provisional appointments in classifications 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI, 0942 Manager VII, and 0943 Manager VIII. (Human Resources Department)

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

**39. 040491 [Extending provisional appointments]**

Resolution approving extension to January 31, 2005 of 42 entrance provisional appointments in classifications 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI, and 0943 Manager VIII.

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

**40. 040785 [Fiscal Emergency Proposition J Contract - Mainframe Support]**

**Mayor**

Resolution concurring with the Mayor's determination of a fiscal emergency and with the Controller's certification that mainframe support can be practically performed by a private contractor at a lower cost than by City and County employees.

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

*Present: Supervisors Sandoval, Daly, McGoldrick*

41. **040767** [Making environmental findings and amending, effective July 1, 2004, Section 9A.7 of the San Francisco Administrative Code to increase Farmers' Market vendor fees for certified and non-certified producers. (Mayor)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**From the Budget Committee "Without Recommendation"**

*Present: Supervisors Sandoval, Daly, McGoldrick*

42. **040729** [Waiver of storage fees for stolen vehicles owned by residents]
- Ordinance repealing San Francisco Municipal Administrative Code Section 10C.8-1, providing for waiver of vehicle storage fees for vehicles reported stolen, which are owned by residents of the City and County of San Francisco. (Mayor)

Question: Shall this Ordinance be PASSED ON FIRST READING?

43. **040746** [Economic and Workforce Development Department]
- Ordinance amending the San Francisco Administrative Code, Chapter 2A to add Article XVI, section 2A.240 to establish and describe the responsibilities of the Economic and Workforce Development Department. (Mayor)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**Recommendation of the City Services Committee**

*Present: Supervisors Dufty, Hall*

44. **040684** [Public Information Pilot Project] **Supervisor Gonzalez**
- Resolution urging City Departments to share departmental database data for an informational pilot project with the San Francisco Survival Manual publication for the benefit of both community organizations and the larger city-wide community.

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Finance and Audits Committee**

*Present: Supervisors Daly, Peskin, Ammiano*

45. **040540** [Prevailing wages in contracts for moving services; nonprofit organizations exclusion] **Supervisors Ammiano, Daly**
- Ordinance adding Section 21.25-x to the Administrative Code requiring prevailing wages in contracts for moving services, but exempting nonprofit organizations.

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

*Present: Supervisors Daly, Peskin*

**46. 040766 [Ordinance prohibiting the grant of permits and licenses to those more than 90 days in arrears in making the payments required by Chapter 10B]**

Ordinance amending Administrative Code Chapter 10B to add Section 10B.20 to prohibit granting permits and licenses to those more than 90 days in arrears in making the payments required by Chapter 10B. (Mayor)

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

*Present: Supervisors Daly, Ammiano*

**47. 040737 [Creating Working Families Credit Program and Fund] Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Administrative Code by adding Section 12S.1, to establish the Working Families Credit Program, and by adding Section 10.100-347, to create the Working Families Credit Program Fund. (Mayor)

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

**48. 040741 [Eligibility of boards and commissions for health benefits]**

Ordinance amending the San Francisco Administrative Code by amending Section 16.700 to: (1) conform to prior amendments to the Charter and Administrative Code that made members of certain additional boards and commissions eligible for membership in the Health Service System, and (2) authorize the governing board of the Treasure Island Development Authority to enroll its employees in the Health Service System. (Mayor)

(Fiscal impact.)

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

*Present: Supervisors Daly, Peskin*

**49. 040745 [Modifying Residential Rent Ordinance annual fee per unit procedure, Controller-determined fee still billed to owners but Board of Supervisors no longer required to enact periodic**

Ordinance amending Administrative Code Chapter 37A "Residential Rent Stabilization and Arbitration Fee" by amending Sections 37A.2 and 37A.6: to provide that the annual Rent Board fee per unit billed to the owners will continue to be determined by the City Controller based on the total projected annual cost of funding the Rent Board divided by the number of rental units required to pay the fee, but that the Board of Supervisors would no longer be required to periodically enact a statutory maximum fee per unit; to eliminate the two-year

sunset provision enacted in 2002 and provide that an owner may instead recover up to 50% of the annual fee for each unit from the occupants of the unit, instead of permitting recovery of \$21.50 per unit as provided during the last two years and instead of permitting recovery of 100% as provided in prior years; and, making environmental findings. (Mayor)

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

*Present: Supervisors Daly, Peskin, Ammiano*

**50. 040876 [Department of Human Services Cash Revolving Fund] Mayor**

Ordinance amending San Francisco Administrative Code Section 10.157 to reduce amount of Department of Human Services Cash Revolving Fund.

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

**51. 040909 [Neighborhood Historical Resources Preservation Bonds] Supervisor Peskin**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 2, 2004, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to incur the following bonded debt of the City and County: Sixty Million Dollars (\$60,000,000) for the acquisition, rehabilitation, renovation, improvement, construction or preservation of certain historical resources, and structures benefiting historical resources, owned, or to be owned, by the City and County and/or the San Francisco Unified School District and paying all other costs necessary and convenient for effectuating those purposes and authorizing landlords to passthrough fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding the proposed project is excluded from the California Environmental Quality Act, and is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and requiring the passage of an implementation ordinance prior to the sale of the bonds.

(Fiscal impact.)

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

**52. 040822 [Interdepartmental jurisdictional transfer of a portion of the Youth Guidance Center site] Mayor**

Resolution Transferring Jurisdiction of Approximately Two Acres of the Youth Guidance Center Property, Located at 375 Woodside Avenue, San Francisco, and Identified as a Portion of Assessor's Block 2842, Lot 007, from the Juvenile Probation Department to the Real Estate Division of the Administrative Services Department To Hold in Trust for the Superior Court of the City and County of San Francisco for Future Court Uses In Exchange for the Fair Market Value of the Property; and Adopting Findings that the Transfer of Jurisdiction Is Consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1.

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

- 53. 040944 [Payment of Reward] Mayor**  
Ordinance authorizing payment of reward to Jane Doe for supplying information leading to the arrest and conviction of the perpetrator who murdered Shayne Worcester on May 26, 1999.

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

- 54. 040837 [Funding departmental energy use] Supervisor Daly**  
Resolution adopting policy setting annual appropriations for General Fund Departments at levels sufficient to compensate Hetch Hetchy Water & Power for all electricity sales to such departments at a rate that at a minimum reflects the same cost of service principles outlined in the City Charter. (Sec.8B.125. Rates).

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

- 55. 040943 [Contract with ValueOptions, Inc. to improve access to mental health treatment for children in foster care and other children placed outside of San Francisco] Mayor**  
Resolution approving a contract with ValueOptions, Inc. to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2004 through June 30, 2005.

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

### **From the Finance and Audits Committee "Without Recommendation"**

*Present: Supervisors Daly, Peskin*

- 56. 040714 [Grant of Federal Funds]**  
Resolution authorizing the Municipal Transportation Agency Board to Accept and Expend \$41,002,071 of Federal Formula Section 5307 and Congestion Mitigation for Air Quality Capital Assistance for San Francisco Capital Projects and activities, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

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

*Present: Supervisors Daly, Peskin*

57. 040826 [Agreement for naming rights] Mayor  
Resolution approving and authorizing an agreement with the San Francisco Forty Niners,  
Ltd., for naming rights at the stadium.  
Supervisor Daly dissented in Committee.

Question: Shall this Resolution be ADOPTED?

### Recommendation of the Rules Committee

*Present: Supervisors Maxwell, Gonzalez*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)*

58. 040646 [Charter Amendment - Increasing the retirement benefits payable to the qualified survivors of certain police officers and firefighters who die in the line of duty] Supervisor Hall  
Charter amendment (First Draft) by amending Sections A8.586-4, A8.588-4, A8.597-4 and A8.598-4 to increase the benefits payable to the qualified survivors of certain police officers and firefighters who die in the line of duty.  
(Fiscal impact.)

Question: Shall this Charter Amendment be SUBMITTED?

## CALLED FROM COMMITTEE

59. 040592 [Payroll Expense Tax Exclusion for Biotechnology Business] Supervisors Alioto-Pier, Ma  
Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for biotechnology businesses, as specified.

6/29/2004, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Alioto-Pier called this measure from the Finance and Audits Committee for Board consideration July 13, 2004. 7/6/04: Notice of Matter Called out of Committee mailed and faxed.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## SPECIAL ORDER 3:00 P.M.



60.           **040432   [Public Hearing]**  
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund, and amending Public Works Order No. 174,311 by deleting the assessed cost of sidewalk repairs at 449 Frederick Street. (Clerk of the Board)

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

61.           **040433   [Report of assessment costs for sidewalk and curb repairs - DPW Order No. 174,747]**  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund, and amending Public Works Order No. 174,311 by deleting the assessed cost of sidewalk repairs at 449 Frederick Street. (Public Works Department)  
  
(DPW Work Order No. 174,747; Locations: 873 Alvarado Street; 850 Geary Street; 162-164 Langton Street; 168 Langton Street; 170-10th Street; and 3356/3360-24th Street.)

Question: Shall this Resolution be ADOPTED?

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

## **SPECIAL ORDER 4:00 P.M.**

### **Board of Supervisors Sitting as a Committee of the Whole**

*(Pending approval of File 040968.)*

62.           **040969   [Hearing - Supportive and Affordable Rental Housing and Homeownership Bonds Special Election Ordinance]**  
Hearing to consider Board File 040954, the Supportive and Affordable Rental Housing and Homeownership Bonds Special Election Ordinance. (Clerk of the Board)

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

### **Committee of the Whole Adjourn and Report Without Recommendation**

63.           **040954   [Supportive and Affordable Rental Housing and Homeownership Bonds Special Election]**                      **Supervisors Ammiano, Peskin, Daly, Gonzalez, Maxwell, Dufty, McGoldrick, Alioto-Pier**

Ordinance calling and providing for a special election to be held in the City and County of

San Francisco (the "City") on November 2, 2004, for the purpose of submitting to the qualified voters of the City a proposition for the issuance of bonds or other forms of indebtedness by the City (or one of its agencies, departments or enterprises) in the principal amount of Two-Hundred Million Dollars (\$200,000,000) to finance the costs of the acquisition, construction and/or rehabilitation of supportive housing for homeless individuals and families or persons at risk of becoming homeless who are extremely low income, to finance the costs of the acquisition, construction and/or rehabilitation of affordable rental housing for qualifying low and very low income individuals and/or families, to finance the costs of construction of homeownership developments for qualifying low and moderate income individuals and families, and to provide financial assistance for a home ownership program to qualifying low and moderate income homebuyers, and authorizing landlords to passthrough fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of the project is and will be too great to be paid out of the ordinary annual income and revenue of the City and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of and the manner of holding the special election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on the bonds and/or other forms of indebtedness and providing for the levy and collection of taxes to pay both principal and interest therefor; prescribing notice to be given of the special election; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election to be held on November 2, 2004; establishing the election precincts, voting places and officers for the special election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code, and imposing certain limitations on the use of bond proceeds.

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

## COMMITTEE REPORTS

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

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendments appropriately may be continued at least one week.)*

*The following items will be considered by the Rules Committee at a Special Meeting on Wednesday, July 7, 2004 at 11:00 a.m. The Chair may entertain a motion to send the following items to the Board on Tuesday, July 13, 2004 as committee reports.*

- |            |               |   |                        |
|------------|---------------|---|------------------------|
| <b>64.</b> | <b>040642</b> | <p><b>[Charter Amendment - Authorizing health plans for City residents]</b></p> <p>Charter amendment (First Draft) by amending Section 12.200 of the Charter and Section A8.421 of Appendix A of the Charter to authorize the Health Service Board to offer health plans to City residents.</p> <p>(Fiscal impact.)</p> | <b>Supervisor Daly</b> |
|------------|---------------|---|------------------------|

**Question: Shall this Charter Amendment be SUBMITTED?**

- 65. 040643 [Charter Amendment - Health Service System] Supervisor Daly**  
Charter amendment (Third Draft) by amending Sections 10.102, 10.103, 12.200 and 12.201 of the Charter and Sections A8.423, A8.427 and A8.428 of Appendix A of the Charter to place administration of the Health Service System under the jurisdiction of the Health Service Board and replace the City Attorney seat on the Health Service Board with an elected seat.

**Question: Shall this Charter Amendment be SUBMITTED?**

*The following item will be considered by the Rules Committee at a Recessed Meeting on Thursday, July 8, 2004 at 11:05 a.m. The Chair may entertain a motion to send the following item to the Board on Tuesday, July 13, 2004 as a committee report.*

- 66. 040644 [Charter Amendment - Anti-Homicide Plan; DNA Crime Lab Funding; Survivor Assistance; Violence Prevention Programs] Supervisors Daly, Maxwell**

Charter amendment (Second Draft) by adding Section 16.126 to: establish a San Francisco Anti-Homicide Plan; require Police Department and District Attorney investigators to give homicide investigation a top priority; require full funding for forensic biology (DNA crime lab); create a Survivors' Advocate and a City fund to pay specified expenses for survivors of homicide victims; and, fund violence prevention programs identified in the Plan for the next five fiscal years in an amount not to exceed \$5 million per year.

(Fiscal impact.)

**Question: Shall this Charter Amendment be SUBMITTED?**

*The following items will be considered by the Rules Committee at a Special Meeting on Thursday, July 8, 2004 at 11:00 a.m. The Chair may entertain a motion to send the following items to the Board on Tuesday, July 13, 2004 as committee reports.*

- 67. 040641 [Charter Amendment - Office of Economic Analysis; Economic Development Plan] Supervisor Alioto-Pier**

Charter amendment (First Draft) by adding Section 2.118, to create an Office of Economic Analysis under the Board of Supervisors, and by adding Section 16.124, to require the Office of Economic Analysis to prepare an annual Economic Development Plan for the City.

(Fiscal impact.)

**Question: Shall this Charter Amendment be SUBMITTED?**

- 68. 040647 [Charter Amendment - Board to set annual salary for Director of MTA, subject to \$250,000 cap; Board to approve Director's contract; Board's line item veto of expenditures and proposed] Supervisor Sandoval**

Charter amendment (Second Draft) by amending Sections 8A.102, 8A.106, and 8A.107, to provide that: the Board of Supervisors shall set the annual salary of the Director of Transportation of the Municipal Transportation Agency, which shall not exceed \$250,000;

the Board of Supervisors must approve the contract between the Municipal Transportation Agency and the Director of Transportation; the Board may reduce or reject any expenditure contained in the Agency's base budget, and may reject any proposed fare; and, the Controller, rather than the Agency, shall administer the biennial municipal transportation quality review survey and study.

**Question: Shall this Charter Amendment be SUBMITTED?**

- 69. 040597 [Charter Amendment - Board deadlines during recess; Supervisor Gonzalez votes needed when Board members are disqualified; hold-over appointments; Department of Aging and Adult Services; Commission on the**

Charter amendment (Third Draft) by amending Sections 2.103, 2.104, 2.117, 3.104, 4.118, 4.120, 8.100, and Article XVII, and by adding Section 4.101-1, to: toll deadlines for action by the Board when the Board is in recess; reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest; limit hold-over appointments on boards and commissions to 120 days; give the Commission on Aging authority over the Department of Aging and Adult Services; clarify the authority of the Commission on the Environment to consider environmental justice issues and to review City building and land use policies for environmental sustainability; delete the specific number of Board aides set in the Charter; and, set the annual compensation of elected members of the Board of Education at half the beginning salary of a San Francisco Unified School District teacher.

6/15/2004, SUBSTITUTED. Supervisor Gonzalez submitted a substitute Charter Amendment (Second Draft) bearing new title.

**Question: Shall this Charter Amendment be SUBMITTED?**

- 70. 040981 [Charter Amendment - Board deadlines during recess; Supervisor Gonzalez votes needed when Board members are disqualified; hold-over appointments; Department of Aging and Adult Services; Commission on the**

Charter Amendment (First Draft) by amending Sections 2.103, 2.104, 2.117, 3.104, 4.118, 4.120, and Article XVII, and by adding Section 4.101-1, to: toll deadlines for action by the Board when the Board is in recess; reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest; limit hold-over appointments on boards and commissions to 120 days; give the Commission on Aging authority over the Department of Aging and Adult Services; clarify the authority of the Commission on the Environment to consider environmental justice issues and to review City building and land use policies for environmental sustainability; and, delete the specific number of Board aides set in the Charter.

**Question: Shall this Charter Amendment be SUBMITTED?**

- 71. 040982 [Charter Amendment - Board of Education Supervisor Gonzalez compensation]**

Charter amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to set the annual compensation of elected members of the Board of Education at half the beginning salary of a San Francisco Unified School District teacher.

**Question: Shall this Charter Amendment be SUBMITTED?**

- 72.           040645      [Charter Amendment - Non-Citizen Voting in School Board Elections]    Supervisors Gonzalez, Ammiano, Daly, Maxwell, McGoldrick**

Charter amendment (Second Draft) adding Section 13.111 to authorize San Francisco residents 18 years of age or older either who have children in the San Francisco Unified School District or who serve as legal guardians or caregivers for children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the resident is a United States citizen, and to direct the Board of Supervisors implement, by ordinance, non-citizen voting in School Board elections.

**Question: Shall this Charter Amendment be SUBMITTED?**

*The following item will be considered by the Rules Committee at a Special Meeting on Monday, July 12, 2004 at 11:00 a.m. The Chair may entertain a motion to send the following item to the Board on Tuesday, July 13, 2004 as a committee report.*

- 73.           040688      [Open Government Ordinance to provide for more public accessibility to policy body meetings and documents, and more public participation; safeguard the maintenance of records; make the    Supervisor Daly**

Motion ordering submitted to the voters an ordinance authorizing the OPEN GOVERNMENT ORDINANCE at an election to be held on November 2, 2004.

(Fiscal impact.)

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

*The following items will be considered by the Finance and Audits Committee at a Special Meeting on Monday, July 12, 2004 at 11:00 a.m. The Chair may entertain a motion to send the following item to the Board on Tuesday, July 13, 2004 as a committee report.*

- 74.           040954      [Supportive and Affordable Rental Housing and Homeownership Bonds Special Election]    Supervisors Ammiano, Peskin, Daly, Gonzalez, Maxwell, Dufty, McGoldrick, Alioto-Pier**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco (the "City") on November 2, 2004, for the purpose of submitting to the qualified voters of the City a proposition for the issuance of bonds or other forms of indebtedness by the City (or one of its agencies, departments or enterprises) in the principal amount of Two-Hundred Million Dollars (\$200,000,000) to finance the costs of the acquisition, construction and/or rehabilitation of supportive housing for homeless individuals and families or persons at risk of becoming homeless who are extremely low income, to finance the costs of the acquisition, construction and/or rehabilitation of affordable rental housing for qualifying low and very low income individuals and/or families, to finance the costs of construction of homeownership developments for qualifying low and moderate income individuals and families, and to provide financial assistance for a home ownership program to qualifying low and moderate income homebuyers, and authorizing landlords to passthrough fifty percent (50%) of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the

estimated cost of the project is and will be too great to be paid out of the ordinary annual income and revenue of the City and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of and the manner of holding the special election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on the bonds and/or other forms of indebtedness and providing for the levy and collection of taxes to pay both principal and interest therefor; prescribing notice to be given of the special election; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election to be held on November 2, 2004; establishing the election precincts, voting places and officers for the special election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code, and imposing certain limitations on the use of bond proceeds.

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

- 75. 040751 [Transactions and Use Tax]**  
Ordinance amending the Business and Tax Regulations Code to add Article 16-A to impose a transactions and use tax at the rate of one-quarter of one percent (0.25%) in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code. (Mayor)

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

- 76. 040758 [Business Tax] Mayor**  
Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Business Tax Ordinance), as specified, to impose a business tax for four years on all persons engaging in business in San Francisco measured by the gross receipts of the business at the rate of one tenth of one percent (0.1%) for the 2005 tax year and, if Business Tax revenues collected in such year exceed \$30 million, a lower rate for the 2006, 2007 and 2008 tax years, as specified; (2) amend Article 12-A (Payroll Expense Tax Ordinance), as specified, to: (i) conform Article 12-A with the enactment of the Business Tax Ordinance, (ii) clarify the payroll expense of partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities ("pass-through entities"), and (iii) promote development of the biotechnology industry by excluding from the payroll expense of persons subject to the Payroll Expense Tax compensation paid to employees and owners or beneficiaries of a pass-through entity for work performed and services rendered in connection with the person's biotechnology business; and (3) amend Article 6 (Common Administrative Provisions), as specified, to add definitions and conform common administrative provisions with the enactment of the Business Tax Ordinance and amendments to the Payroll Expense Tax Ordinance.

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

- 77. 040978 [Business Tax] Supervisor Daly**  
Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Business Tax Ordinance), as specified, to impose a business tax for four years on all persons engaging in business in San Francisco measured by the gross receipts of the business at the rate of fifteen one-hundredths of one percent (0.15%); (2) amend Article 12-A (Payroll

Expense Tax Ordinance), as specified, to: (i) conform Article 12-A with the enactment of the Business Tax Ordinance, (ii) clarify the payroll expense of partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities ("pass-through entities"), and (iii) promote development of the biotechnology industry by excluding from the payroll expense of persons subject to the Payroll Expense Tax compensation paid to employees and owners or beneficiaries of a pass-through entity for work performed and services rendered in connection with the person's biotechnology business; and (3) amend Article 6 (Common Administrative Provisions), as specified, to add definitions and conform common administrative provisions with the enactment of the Business Tax Ordinance and amendments to the Payroll Expense Tax Ordinance.

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

**78. 040979 [Business Tax] Supervisor Ammiano**

Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Business Tax Ordinance), as specified, to impose a business tax, until replaced through a subsequent voter-approved alternate business tax structure following a comprehensive analysis and report by the Controller based on two complete years of actual collections, on all persons engaging in business in San Francisco measured by the gross receipts of the business at the rate of one tenth of one percent (0.1%) for the 2005 tax year and, if Business Tax revenues collected in such year exceed \$30 million, to a lower rate thereafter, as specified; (2) amend Article 12-A (Payroll Expense Tax Ordinance), as specified, to: (i) conform Article 12-A with the enactment of the Business Tax Ordinance, and (ii) clarify the payroll expense of partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities ("pass-through entities"); and (3) amend Article 6 (Common Administrative Provisions), as specified, to add definitions and conform common administrative provisions with the enactment of the Business Tax Ordinance and amendments to the Payroll Expense Tax Ordinance.

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

**79. 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.*

**80. 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*

## **Recommendation of the Rules Committee**

*Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

**81. 040721 [Payment of Attorneys Fees]**

Ordinance authorizing payment of attorneys fees and costs incurred by the City in lawsuits and administrative proceedings arising from Tammy Haygood's employment and removal as Director of the San Francisco Department of Elections. (City Attorney)

6/8/2004, CONTINUED. Continued to June 22, 2004

6/22/2004, CONTINUED. Continued to July 13, 2004

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

## **From the Rules Committee with Recommendation "Do Not Pass"**

*Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

**82. 040573 [Settlement of Lawsuits]**

Ordinance authorizing settlement of federal and state lawsuits and administrative proceedings between the City and County of San Francisco and Tammy Haygood filed in connection with her employment and removal as Director of the Department of Elections including a lawsuit filed on July 17, 2002 in Superior Court, State of California, Case No. CPF 02-501387, entitled City and County of San Francisco, Petitioner v. Civil Service Commission of the City and County of San Francisco, Respondent, Tammy B. Haygood, Real Party in Interest, and a lawsuit filed on July 17, 2002 in United States District Court, Case No. C02-3433 WHA, entitled Tammy B. Haygood v. Michael Mendelson, et al. The material terms of the settlement are Haygood will dismiss with prejudice all claims against San Francisco in these lawsuits and all complaints filed with the California Department of Fair Employment and Housing, the Department of Labor and any other administrative action, and Haygood will reimburse the City for payments of certain wages and benefits if she returns to City employment on or before January 17, 2007. (City Attorney)

Supervisor Maxwell dissented in Committee.

6/8/2004, CONTINUED. Continued to June 22, 2004

6/22/2004, CONTINUED. Continued to July 13, 2004

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

## **CLOSED SESSION**

**83. 040711 [Closed Session - Existing Lawsuits and Unlitigated Claims, City as Defendant and as Petitioner]**

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 the following claims and/or potential litigation filed against the City and County of San Francisco



and by the City and County of San Francisco in connection with the employment and removal of Tammy Haygood as Director of the Department of Elections; and authorizing payment of attorneys fees and costs incurred by the City.

CITY AND COUNTY OF SAN FRANCISCO, PETITIONER V. CIVIL SERVICE COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO, RESPONDENT, TAMMY B. HAYGOOD, REAL PARTY IN INTEREST, filed on July 17, 2002 in Superior Court, State of California, Case No. CPF 02-501387; TAMMY B. HAYGOOD V. MICHAEL MENDELSON, ET AL., filed on July 17, 2002 in United States District Court, Case No. C02-3433 WHA; and UNLITIGATED CLAIMS FILED WITH THE CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, THE DEPARTMENT OF LABOR.

The Closed Session is permitted by California Government Code Section 54956.9 (b) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending claim and/or potential litigation. (City Attorney)

6/8/2004, CONTINUED. Continued to June 22, 2004

6/22/2004, CONTINUED. Continued to July 13, 2004

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

## 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 84 through 97**

- |   |               |   |                           |
|---|---------------|---|---------------------------|
| <b>84.</b>  | <b>040968</b> | <b>[Committee of the Whole - Supportive and Affordable Rental Housing and Homeownership Bonds Special Election Ordinance]</b> | <b>Supervisor Ammiano</b> |
| Motion authorizing the Board of Supervisors to sit as a Committee of the Whole on Tuesday, July 13, 2004 at 4:00 p.m. to consider Board File 040954, the Supportive and Affordable Rental Housing and Homeownership Bonds Special Election Ordinance. |               |   |                           |
| 7/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.   |               |   |                           |
| <b>Question: Shall this Motion be ADOPTED?</b>  |               |   |                           |
- 
- |  |               |   |                            |
|--|---------------|---|----------------------------|
| <b>85.</b>   | <b>040945</b> | <b>[Authorizing Trial Courts to require payment of legal fees by defendants upon finding of ability to pay]</b> | <b>Supervisor Gonzalez</b> |
| Resolution authorizing the San Francisco Trial Courts to require payment of legal fees by a defendant who is provided legal counsel through the Public Defender's Office or private counsel appointed by the court, upon a finding by the court that the defendant has the ability |               |   |                            |

to pay all or part of the cost of legal assistance.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 86. 040956 [Supporting the Youth Commission changes to the MOU between SFUSD and the SFPD on School Resource Officers] Supervisor Ammiano**

Resolution supporting the San Francisco Youth Commission regarding the Memorandum of Understanding (MOU) between the San Francisco Unified School District (SFUSD) and the Police Department (SFPD) on School Resource Officers.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 87. 040957 [Commemorating the Chinatown Night Market Fair Grand Opening] Supervisor Ma**

Resolution commemorating the Chinatown Night Market Fair Grand Opening Celebration.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 88. 040958 [Residential Permit Parking Area "A" on Broadway and Jones Streets] Supervisor Peskin**

Resolution establishing Residential Permit Parking Area "A" on Broadway and Jones Streets.

RESIDENTIAL PERMIT PARKING AREA "C" - RESCIND  
RESIDENTIAL PERMIT PARKING AREA "A" - ESTABLISH  
Broadway, south side from Jones Street to 174 feet easterly (1000 block).  
Jones, both sides between Broadway Street and Pacific Avenue.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 89. 040959 [Perpendicular Parking on Broadway at Jones Street] Supervisor Peskin**

Resolution establishing perpendicular (90-Degree angle) Parking on the 1000 block of Broadway.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH  
Broadway, south side from Jones Street to 174 feet easterly (1000 block).

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 90. 040960 [Requesting DTIS to Evaluate and Make Recommendations on Stolen Vehicles] Supervisor Dufty**

Resolution requesting the Department of Telecommunications and Information Services (DTIS) to evaluate and make recommendations on the needed steps so that the San Francisco Department of Parking and Traffic and Police Department can share data on stolen vehicles.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**91. 040961 [Consolidation of BART Election - 11/2/04] Supervisor Ammiano**

Resolution consolidating the Bay Area Rapid Transit District Election for Director's Seat in District 8 and Special District Election for a Seismic Safety Bond to be held in the City and County of San Francisco on November 2, 2004 with the General Municipal Election scheduled for the same date, and providing that the election shall be the same as for the General Municipal Election.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**92. 040962 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

6/29/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**93. 040935 [Final Map for a 20 Unit Live/Work Condominium Project - Villa dei Fiori, 767 Bryant Street]**

Motion approving Final Map of Villa dei Fiori, 767 Bryant Street, a Live/Work Condominium Project, being a subdivision of Lot 49 in Assessor's Block No. 3778, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department) (DPW Order No. 174,872; District 6.)

7/2/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**94. 040936 [Final Map for a 8 Unit Residential Condominium Project - 926 Grove Street]**

Motion approving Final Map of 926 Grove Street, a Residential Condominium Project, being a subdivision of Lot 32 in Assessor's Block No. 798, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 174,873; District 5.)

7/2/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**95. 040937 [Final Map for a 250 Unit Residential Condominium Project - Mission Bay, 255 King Street]**

Motion approving Final Map of Avalon at Mission Bay, 255 King Street, a Residential Condominium Project, being a subdivision of Parcel "A" Lot 10 in Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 174,874; District 6.)

7/2/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**96. 040964 [Final Map for a 34 Unit Mixed-Use Condominium Project - 280 Fell Street and 300 Gough]**

Motion approving Final Map of 280 Fell Street and 300 Gough Street, a Mixed-Use Condominium Project, being a subdivision of Lot 8 in Assessor's Block No. 816, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 174,882; District 6.)

7/2/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**97. 040965 [Final Map for a 35 Unit Mixed-Use Condominium Project - 3435, 3445 and 3455 Geary Boulevard]**

Motion approving Final Map of 3435, 3445 and 3455 Geary Boulevard, a Mixed-Use Condominium Project, being a subdivision of Lot 41 in Assessor's Block No. 1085, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 174,881; District 2.)

7/2/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

*Questions on the For Adoption Without Committee Reference Agenda: \_\_\_\_\_*

**98. 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.*

*[Imperative Resolutions, if any]*

## **OFF-AGENDA LEGISLATION**

## **PROPOSED ORDINANCES**

*Proposed ordinances received from June 22, 2004 to July 2, 2004, for reference by President to appropriate committee on July 13, 2004.*

**040717 [Traffic Regulations - Portions of Middle Point Road and Innes Avenue]**

Ordinance adding Sections 28.5.55 and 28.5.56 to the San Francisco Traffic Code restricting certain vehicles over 6,000 pounds on portions of Middle Point Road and Innes Avenue. (Parking and Traffic Department)

6/23/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040895 [Settlement of Lawsuit - Darius Hinton]**

Ordinance authorizing settlement of the lawsuit filed by Darius Hinton against the City and County of San Francisco for \$33,000; the lawsuit was filed on October 16, 2001 in San Francisco Superior Court, Case No. 400-292; entitled Darius Hinton, et al., v. City and County of San Francisco, et al. (City Attorney)

6/24/2004, RECEIVED AND ASSIGNED to Rules Committee.

**040897 [Settlement of Lawsuit - William Salazar and Amy Salazar]**

Ordinance authorizing settlement of the lawsuit filed by William Salazar and Amy Salazar against the City and County of San Francisco for \$28,290 to William Salazar and \$6,210 to Amy Salazar; the lawsuit was filed on January 12, 2001 in San Francisco Superior Court, Case No. 318-098; entitled William Salazar and Amy Salazar v. City and County of San Francisco. (City Attorney)

7/1/2004, RECEIVED AND ASSIGNED to Rules Committee.

**040931 [Settlement of Lawsuit - Applied Remedial Technologies, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by Applied Remedial Technologies, Inc. against the City and County of San Francisco for eighty thousand dollars (\$80,000); the lawsuit was filed on in the Superior Court of the City and County of San Francisco , Case No.CGC-03-419941; entitled Applied Remedial Technologies, Inc. v. City and County of San Francisco, et al. (City Attorney)

7/1/2004, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from June 22, 2004 to July 2, 2004, for reference by President to appropriate committee on July 13, 2004.*

**040892 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Noriega Street at 25th Avenue, making this intersection an all-way STOP;  
Olmstead Street, stopping westbound Olmstead Street at University Street;  
Mateo Street, stopping Mateo Street at Arlington Street, making this intersection two-way STOP-controlled;  
Griffith Street at Ingerson Avenue, stopping Griffith Street at Ingerson Avenue, stopping the stem of this T-intersection;  
Loehr Street, stopping Visitacion Avenue at Loehr Street, making this intersection an all-way STOP;  
Loehr Street and Leland Avenue, stopping Loehr Street and Leland Avenue, making this intersection an all-way STOP;  
Roosevelt and Museum Ways, stopping Museum Way and Roosevelt Way, making this intersection an all-way STOP; and  
Gellert Drive at Clearfield Drive, stopping Gellert Drive at Clearfield Drive, making this intersection two-way STOP-controlled. (Parking and Traffic Department)

6/18/04: 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 street; DPT Order No. 2828.)

6/23/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040893 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

**UNMETERED MOTORCYCLE PARKING ESTABLISH**

Frederick Street, north side, from Delmar Street to 9 feet westerly.

**PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH**

Rhode Island Street, west side, between 15th and Alameda Streets (100 block), legalizing existing conditions; and

Cunningham Place, south side (60-foot zone), legalizing existing conditions.

**NO PARKING ANYTIME - ESTABLISH**

Cunningham Place, at the terminus between the north and south curbs (40-foot zone).

**TOW-AWAY, NO STOPPING ANYTIME - RESCIND**

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

3rd Street, east side, from Kirkwood Avenue to 70 feet southerly.

**TOW-AWAY, NO STOPPING, MONDAY THOROUGH FRIDAY, 4 PM TO 6 PM - RESCIND**

Howard Street, north side, from 100 feet east of 3rd Street to Fremont Street.

**TOW-AWAY LANE MUST TURN RIGHT - RESCIND**

Howard Street, at 5th Street.

**RESIDENTIAL PERMIT PARKING AREA "A" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH SATURDAY) - RESCIND**

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

Taylor Street, both sides, from Francisco Street to 124 feet northerly.

**TOW-AWAY, NO PARKING 9 AM TO 9 PM, EVERYDAY - ESTABLISH**

Masonic Avenue, west side, from 120 feet to 380 feet north of Geary Boulevard (frontage of Trader Joe's).

**NO PARKING ANYTIME - ESTABLISH**

Sears Street, west of Sickles Avenue, from north curb to south curb along the terminus of the street.

**TOW-AWAY, NO STOPPING, 7 AM TO 7 PM - RESCIND**

Folsom Street, south side, from 90 feet to 105 feet west of 4th Street.

**RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Roanoke Street, both sides, between Arlington Street and southern terminus.

**PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - EXTEND**

Harrison Street, north side, between 11th Street and Norfolk Street. (Parking and Traffic Department)

6/18/04: 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 street; DPT Order No. 2828.)

6/23/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040894 [Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

**MUNI VEHICLES ONLY - ESTABLISH**

Taylor Street, both sides, from Francisco Street to 124 feet northerly (sidewalks to be widened by five feet).

**ONE-WAY NORTHBOUND TRAFFIC DESIGNATION - RESCIND**

Arago Street, between Havelock and Paulding Streets.

**ONE-WAY STREET - ESTABLISH**

Hattie Street, southbound, between Market and 18th Streets; and  
Hattie Street, northbound, between Market and Corbett Streets.

**RIGHT LANE MUST TURN RIGHT EXCEPT BICYCLES - ESTABLISH**

Howard Street, from 3rd Street to 250 feet westerly.

**BICYCLE LANES - ESTABLISH**

Howard Street, north side, from 5th Street to Fremont Street.

**TOW-AWAY, RIGHT LANE MUST TURN RIGHT - RESCIND**

Masonic Avenue, southbound, at Geary Boulevard. (Parking and Traffic Department)

6/18/04: 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 street; DPT Order No. 2828.)

6/23/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040896 [Contracting Out Facility Security Services]**

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

**040933 [Disapproving Street Encroachment at 601-605 Market Street]**

Resolution affirming the recommendation of the Director of Public Works to disapprove permission to CA SF NO. 1, LP, to occupy a portion of the public right-of-way to replace an existing sub-sidewalk elevator enclosure with a new decorative enclosure and construct and maintain a new stairway at sidewalk level to provide a means of secondary egress from the existing sub-sidewalk basement at the 2nd Street frontage of 601-605 Market Street (Block 3707, Lot 001). (Public Works Department)

(Companion measure to File 040934.)

6/30/2004, RECEIVED AND ASSIGNED to Land Use Committee.



**040934 [Approving Street Encroachment at 601-605 Market Street]**

Resolution reversing the recommendation of the Director of Public Works and approving permission to CA SF NO. 1, LP, to occupy a portion of the public right-of-way to replace an existing sub-sidewalk elevator enclosure with a new decorative enclosure and construct and maintain a new stairway at sidewalk level to provide a means of secondary egress from the existing sub-sidewalk basement at the 2nd Street frontage of 601-605 Market Street (Block 3707, Lot 001) and making findings of consistency with the General Plan priority policies and Planning Code Section 101.1. (Public Works Department)

6/30/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040938 [Settlement of Administrative Civil Liability Complaint]**

Resolution approving the settlement of the unlitigated administrative civil liability complaint filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$118,000; approving use of said amount for an environmental mitigation project, subject to approval of the Regional Board Water Quality Control Board, in an amount not to exceed \$110,000, plus payment of an \$8,000 penalty. (City Attorney)

7/2/2004, RECEIVED AND ASSIGNED to Rules Committee. Department requests this item be calendared as soon as possible so that final approval can be obtained at the July 27, 2004 Board meeting.

**040966 [Contracting out Airport Employee Parking Services]**

Resolution approving the Controller's certification that Airport Employee Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

7/2/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040967 [Contracting out Airport Public Parking Services]**

Resolution approving the Controller's certification that Airport Public Automobile Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

7/2/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041018 [Petitions and Communications]**

Petitions and Communications received from June 22, 2004 through July 2, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 13, 2004.

From concerned citizens, submitting opposition to proposed charter amendment, that will grant salaries to Board of Education members, lift the current limit of two aides per Supervisor, and reduce the number of votes needed to pass legislation when a Board of Supervisors member is prevented from voting due to a conflict of interest. File 040597, Approximately 120 letters (1)

From John Kelly, submitting requests for \$2 million dollars to provide separate decent and sanitary shelter facilities for homeless seniors and people with physical disabilities. Copy: Each Supervisor(2)

From Jeff Polk, urging the Board to create legislation to restrict the sale of high-powered sound systems in cars.(3)

From the Mental Health Board, submitting annual report for fiscal year 2003-04.(5)

From Sunshine Ordinance Task Force, urging the Board to provide subscription service to persons requesting meeting agendas.(6)

From Police Department, submitting list of existing and pending Sole Source Contracts entered into as of April 6, 2004.(7)

From BART, submitting resolution ordering the consolidation of a Special District Bond Election with the State of California General Election to be held on November 2, 2004. (8)

From Department of Public Works, submitting notice that appellants' signature with respect to 3372-3378 Mission Street represent owners of more than 20% of the area involved and are therefore sufficient for appeal. Files 040862, 040863, 040864, 040865(9)

From Department of Elections, submitting update concerning implementation of Ranked-Choice Voting. Copy: Each Supervisor(10)

From Peter Warfield, regarding the Public Library's RFID related records. Copy: Budget Committee(11)

From Peter Warfield, submitting support to "zero out" funding for Radio Frequency Identification (RFID) for the San Francisco Public Library for fiscal year 2004-05. Copy: Budget Committee(12)

From Elections Commission, submitting resolution urging the Board of Supervisors to submit a Charter amendment to the voters that would move the elections for the offices of Public Defender and Assessor/Recorder from the March Statewide Primary Election to the following November General Municipal Election. Copy: Each Supervisor(13)

From Employees' Retirement System, submitting list of Sole Source Contracts for fiscal year 2002-03. (14)

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

From Office of the Treasurer, submitting reports of the Cash Differences and Overages Fund for the period ending April 30, 2004 and May 31, 2004. 2 Reports(16)

From Small Business Commission, submitting support for legislation to fund the San Francisco International Arts Festival. File 040682, Copy: Each Supervisor(17)

From Clerk of the Board's Office, regarding the 2003-2004 Civil Grand Juries report on the merger of Emergency Medical Services and the San Francisco Fire Department.(18)

From Department of Administrative Services, submitting list of Sole Source contracts entered into in fiscal year 2002-03 for the City Administrator and the Department of Administrative

Services.(19)

From Building Inspection Commission, regarding transfer of \$5,400,000 from the funds of the Department of Building Inspection to the Planning Department.(20)

From San Francisco Opera Center, urging the Board to preserve arts funding, particularly in light of the new merging of Grants for the Arts with the Arts Commission.(21)

From Central City Progressives, submitting opposition to proposed Muni bus service cuts.(22)

From Branch Library Improvement Program, submitting quarterly report for the first quarter of 2004.(23)

From Laguna Honda Hospital Chapter, SEIU 790, submitting opposition to proposed secretarial and clerical layoffs in the Department of Public Health. Copy: Budget Committee(24)

From Civil Service Commission, submitting amended notice of certification of salary and fringe benefits of elected officials for fiscal year 2004-405.(25)

From Office of the Controller, submitting technical adjustments pertaining to the Public Utilities Commission. Copy: Budget Committee, Harvey Rose(26)

From Department of Elections, submitting list of Sole Source contracts entered into in fiscal year 2002-03. Copy: Each Supervisor(27)

From S.F. Veteran Police Officers Assn., Inc., urging the District Attorney to put aside her personal feelings and seek the death penalty in the prosecution of the murderer of Police Officer Isaac Espinoza.(28)

From the Port, submitting list of Sole Source contracts entered into in fiscal year 2002-03 and Personal Service Contracts for fiscal year 2003-04.(29)

From Office of the Controller, submitting report concerning the concession audit of Gotham Food Two, LLC, doing business as Firewood Café.(30)

From Office of the Treasurer, submitting report concerning the Cash Differences and Overages Fund for the period ending June 30, 2004.(31)

From Ella Baker Center for Human Rights, submitting opposition to the Sheriff's Office contracting out health services for inmates in jails in the City and County of San Francisco. Copy: Budget Committee(32)

From San Francisco Grand Jury, submitting advance copies of reports on the Municipal Railway, San Francisco Unified School District and County Community Schools.(33)

From Clerk of the Board, submitting recommendations to the 2003-2004 San Francisco Grand Jury report regarding County Community Schools,(34)

From Clerk of the Board, submitting recommendations to the 2003-2004 San Francisco Grand Jury report entitled "On-Time Performance and Service Goals Remain a Fiction" regarding Muni's Mismanagement and Worker Problems.(35)

From Office of the City Attorney, submitting list of Sole Source Contracts that the City Attorney's Office has entered into during the past fiscal year.(36)

From Department of Children, Youth and Their Families, submitting list of Sole Source Contracts that the Department has entered into during the past fiscal year.(37)

From Office of the Legislative Analyst, submitting report on the economic impact of the proposed Transaction and Use Tax and Business Tax increases. File 040877(38)

From concerned citizens, submitting opposition to proposed library use of REIDs (Radio Frequency) Book-Tagged Plan. Copy: Budget Committee(39)

From Clerk of the Board, submitting list of City departments and agencies that submitted Conflict of Interest Code Review Reports.(40)

From Residential Rent Stabilization and Arbitration Board, submitting notice that the Rent Board did not enter any Sole Source contracts during fiscal year 2002-2003.(41)

From Office of the Controller, submitting report concerning the audit of the revolving fund maintained by the Juvenile Probation Department.(42)

From Abdalla Megahed, commenting on the drug dealing inside the homeless shelters in San Francisco.(43)

From Central City Progressives, urging the Board to reject Muni's budget. Copy: Each Supervisor(44)

From Golden Gate Park Concourse Authority, submitting list of Sole Source Contracts that the Golden Gate Park Concourse Authority has entered into during the past fiscal year.(45)

From Department of Building Inspection, submitting a three-year history on the penalties received and City Attorney fees expended. To clarify, our penalty revenue is collected in part by department employees and also in part by the litigation actions of the City Attorney. Copy: Supervisors Daly, Sandoval, McGoldrick and Budget Committee Clerk(46)

From Police Commission, submitting notice of public hearing regarding police response to the incident that occurred at Thurgood Marshall High School on October 11, 2002, the hearing will be held on Wednesday, July 14, 2004 at 5:30 p.m., in Room 400, City Hall. Copy: Each Supervisor(47)

From William Schmid, commenting on Café Flore serving beer and wine and allowing consumption of said beverages on a public sidewalk.(48)

From Department of Public Works, submitting copy of letter sent to constituent regarding issuance of a Minor Sidewalk Encroachment Permit at 275 Chattanooga Street.(50)

From Employees' Retirement System, regarding proposed Charter amendment on Health Service System Benefits at Retirement. File 040939(51)

From Clerk of the Board, submitting notice that the Board of Supervisors/Clerk of the Board's Office did not enter into any sole source contracts during fiscal year 2003-04.(52)

From Clerk of the Board, submitting notice that the Board currently has a contract for Budget Analyst services with Stanton W. Jones and Associates through December 31, 2005, with a two additional two-year extension being given to the City for a total possible term extension of six years, through December 31, 2009, at an annual cost of \$2,090,339 as may be adjusted annually.(53)

From Real Estate Division, regarding the Department of the Environment proposed lease expansion.Copy: Budget Committee(54)

From Department of Child Support Services, regarding percent of households receiving DCSS services by supervisory district.(55)

From Department of Building Inspection, regarding fiscal year 2003-04 and 2004-05 transfer of Building Inspection Funds. Copy: Each Supervisor, Budget Committee(56)

From Police Department, commenting on proposed Charter amendment concerning the Anti-Homicide Plan; DNA Crime Lab Funding; Survivor Assistance and Violence Preventive Programs.Copy: Each Supervisor (57)

From concerned citizens, submitting opposition to Muni's proposed budget for fiscal year 2004-05. Copy: Each Supervisor(58)

From Dr. Robert Stern, submitting copy of letter sent to Supervisor Gonzalez commending him on his appointment of Peter Warfield to the Citizens Advisory Committee for the San Francisco Public Libraries.(59)

## **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. Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

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 translation at a meeting must be received no later than noon the Friday before the meeting.

Contact Ohn Myint at (415) 554-7704.

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 of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 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.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting.

This advance notice will help ensure availability.

ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order 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 various chemical based products.

### **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 Donna Hall 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 [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

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

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

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to

register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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