

# 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 26, 2005  
2:00 PM**

#### **Regular Meeting**

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

*Gloria L. Young, Clerk of the Board*

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

## **APPROVAL OF MEETING MINUTES**

*Motion to approve Board Meeting Minutes for June 28, 2005.*

## **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 29

#### Recommendations of the Budget and Finance Committee

*Present: Supervisors Ammiano, Mirkarimi, Elsbernd, Ma, McGoldrick*

- 1. 050983 [Clarifying that the Bureau of Delinquent Revenue is authorized to add costs incurred in collecting money owed to the city to the original charge and to collect those costs from the** **Mayor**

Ordinance amending Chapter 10, Article V of the San Francisco Administrative Code by amending Section 10.41-1 to authorize the Bureau of Delinquent Revenue Collection to collect costs incurred in collecting claims for money owed to the City, to add those costs to the original charge and to collect those costs from the debtor.

7/12/2005, CONTINUED. Continued to July 19, 2005  
7/19/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**
  
- 2. 050984 [Increasing fees for certain services provided by the Medical Examiner]** **Mayor**

Ordinance making environmental findings, and amending San Francisco Administrative Code Section 8.14, to increase the fees for forensic non-medical examiner or outside county autopsy, disaster bags, removal of remains, and storage of remains.

7/12/2005, CONTINUED. Continued to July 19, 2005  
7/19/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**
  
- 3. 050985 [Patient Rates]** **Mayor**

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and

other services provided by the Department of Public Health, effective July 1, 2005.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**4. 050986 [Public Works Code occupancy assessment fees for various encroachments] Mayor**

Ordinance amending the Public Works Code to amend Section 723.2 to adopt a public right-of-way occupancy assessment fee for minor sidewalk encroachments, to amend Section 724.1 to modify the public right-of-way occupancy assessment fee for temporary street occupancy permits; and to add Section 786.7 to adopt a public right-of-way occupancy assessment fee for street encroachments; and making environmental findings.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

*Present: Supervisors Ammiano, Elsbernd, Ma, McGoldrick*

**5. 050989 [Recreation and Park - Tiny Tots Fees] Mayor**

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding Section 12.35 to standardize the Department's Tiny Tot/Child Development Program's curriculum and associated fee schedule.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**6. 050990 [Recreation and Park Department - Athletic Field Permit Fees for Adults] Mayor**

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding Section 12.36 to increase the fees for use of the athletic fields by adults.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**7. 050991 [Recreation and Park - Aquatic Fees] Mayor**

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding Section 12.34 establishing the fee structure for use of aquatic facilities and for related aquatic activities.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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



mileage, to eliminate the fee for night service, to substitute a flat fee for supplemental supplies in place of fees for individual supplies used to treat each patient, to amend the language regarding changes in fees in subsequent years to fix typographical errors, to eliminate the provision by which the San Francisco Fire Department could add charges for additional supplies, and to make environmental findings.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**12. 050994 [Increasing Fire Department Fees For Service] Mayor**

Ordinance amending Sections 106.8, 106.9, 106.11, 106.15, 106. 17, and Table 106B of the San Francisco Fire Code to increase the San Francisco Fire Department's fees for high rise inspection, plan review, pre-application plan review, overtime, and water flow requests, to become operative on its effective date or on July 1, 2005 whichever is later, and making environmental findings.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

*Present: Supervisors Ammiano, Mirkarimi, Elsbernd, Ma, McGoldrick*

**13. 051001 [Making Environmental Findings and Establishing the Community Courts Program and Administrative Fee] Mayor**

Ordinance making required environmental findings; amending section 10.100-95 of the Administrative Code to provide that monies collected from participants in the Community Court Program to settle disputes or dismiss charges be deposited in the Mayor's Community Support Fund and make other technical amendments; amending section 10.100-295 of the Administrative Code to designate the Mayor's Office of Criminal Justice as administrator of the Dispute Resolution Program and Fund and to designate the Mayor's Office of Criminal Justice and the District Attorney's Office as administrators of the Community Courts Program; and to add section 10.183 to the Administrative Code to establish and authorize the District Attorney to collect a Community Court Program Administrative Fee to recover the City's costs for the District Attorney to participate in the operation of the Community Courts Program.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**14. 051002 [Establishing Mayor's Office on Disability administrative fees for plan reviews and site inspections] Mayor**

Ordinance making environmental findings and amending the San Francisco Administrative Code by adding a new section 2A.22.1 establishing Mayor's Office on Disability administrative fees for plan reviews and site inspections.



Amusement Devices, to defray the City's annual costs of Entertainment Commission operations attributable to such permitted businesses, (ii) eliminate distinctions between commercial and non-commercial uses for purposes of loudspeaker permits (iii) and to make technical amendments and corrections, as specified; (2) amending the San Francisco Business and Tax Regulations Code by amending Sections 1.1, 1.2, 1.3, 1.51, 8, and 23, and adding Sections 249.17, 249.18, and 249.19, to make technical amendments and corrections in conformity with the amendments to the Police Code; and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the adjustments to the fees are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Entertainment Commission and Police Department, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to such entertainment-related permits and annual licenses.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**18. 051133 [Repealing Revolving Fund for Commission on the Status of Women] Mayor**

Ordinance amending the Administrative Code by repealing section 10.169-11 to eliminate the Commission on the Status of Women's revolving fund.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**19. 051135 [Requiring City departments to report to the Board of Supervisors each quarter on those appropriations items where the department is spending at a rate that would exhaust the Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 10.19-5, to require City departments to report to the Board of Supervisors each quarter on those appropriations items where the department is spending at a rate that would exhaust the appropriation before the end of the fiscal year.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

**20. 051136 [Establishing the San Francisco City Services Preservation Fund to receive donations from employees and private donors in order to offset the City's deficit and preserve City services] Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-290, to establish the San Francisco City Services Preservation Fund to receive donations from employees and private donors in order to offset the City's deficit and preserve City services.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

- 21. 051139 [Authorizing the Sheriff and Police Departments to implement a booking fee and seek State reimbursement; providing for cost recovery] Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 8.27-1, to authorize the Sheriff and Police Departments to implement a booking fee and seek State reimbursement and to direct the Controller to provide for full cost recovery between the departments.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, PASSED ON FIRST READING.

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

### **Recommendations of the City Operations and Neighborhood Services Committee**

*Present: Supervisors McGoldrick, Dufty, Ma*

- 22. 051057 [Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

**BICYCLE LANES - ESTABLISH**

Bayshore Boulevard, southbound, between Industrial Street and Silver Avenue.

**BICYCLE LANES - ESTABLISH**

John Muir Drive, both sides, between Lake Merced Boulevard and the east property line of the Lakewood Apartments.

**NO LEFT TURN ON RED, 6 AM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH**

Fremont Street, northbound, at Howard Street

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

Arago Street, between Havelock and Paulding Streets

**NO LEFT TURN - ESTABLISH**

Westbound Paulding Street to southbound Arago Street (makes existing regulations permanent)

**NO RIGHT TURN - ESTABLISH**

Eastbound Paulding Street to southbound Arago Street (makes existing regulations permanent)

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

Geary Boulevard, westbound, at Presidio Park Boulevard (Parking and Traffic Department)

(6/3/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3012.)

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

23.

**051058 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

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

Rhode Island Street, east side, from 17th Street to 190 feet northerly.

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

Bayshore Boulevard, west side, from Industrial Street to Silver Avenue (to allow installation of bicycle lanes).

**UNMETERED MOTORCYCLE PARKING - ESTABLISH**

49-51 and 55 Norfolk Street, between the driveways of 49-51 and 55 Norfolk Street (12-foot space accommodating 2 motorcycle spaces).

**RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH**

2700 and 2730 Mission Street, between 23rd and 24th Streets (adds specific addresses only, no signs will be posted on this block).

**RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Moraga Street, both sides, between 12th Avenue and Funston Street (600 Block).

**2-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM, EXCEPT SUNDAY - ESTABLISH**

Kansas Street, east side, between 16th and 17th Streets (300 Block). (Parking and Traffic Department)

(6/3/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3012.)

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

24.

**051186 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Bocana Street, Wool Street and Powhattan Avenue, installing STOP signs at the Bocana Street, Wool Street and Powhattan Avenue approaches, making this a Three-Way STOP; Peter Yorke Way and Post Street, stopping Peter Yorke Way at Post Street;

21st and Hampshire Streets, stopping 21st Street at Hampshire Street, making this intersection an All-Way STOP;

Boylston and Sweeny Streets, stopping Boylston Street at Sweeny Street, making this intersection an All-Way STOP;

Barneveld and Sweeny Streets, stopping Sweeny Street at Barneveld Street, making this intersection an All-Way STOP; and,

44th Avenue and Santiago Street, stopping 44th Avenue at Santiago Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(6/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3023.)

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

**25.**

**051188**

**[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

STREET CLOSURE, 10 AM TO 10 PM, EVERYDAY - RESCIND  
STREET CLOSURE, 10 AM TO 2 AM, EVERYDAY - ESTABLISH  
Claude Lane, between Bush and Sutter Streets (Parking and Traffic Department)

(6/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3023.)

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

**26.**

**051190**

**[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH  
26th Street, both sides, between Church and Dolores Streets (3800 Block).

NO PARKING ANYTIME - RESCIND  
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH  
Kimball Street east side, south of Sacramento Street.

UNMETERED MOTORCYCLE PARKING - RESCIND  
32nd Avenue, east side, from 215 feet north of Anza Street to 25 feet northerly (leaving 4  
motorcycle parking spaces).

NO PARKING ANYTIME - ESTABLISH  
Le Conte Circle, both sides, at Le Conte Avenue; and,  
Stanyan Street, west side, within the intersection of Hayes Street.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH  
4th Street, east side, from 42 to 82 feet south of Market Street; and,  
Paulding Street, south side, from the Arago Street intersection to 115 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH  
Fulton Street, north side, between Funston and 10th Avenue (3400, 3500, 3600 blocks).  
(Parking and Traffic Department)

(6/24/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3023.)

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

**Recommendations of the Rules Committee**

- 27. 050705 [Appointment - Mental Health Board]**  
Resolution appointing John Kevin Hines, term ending January 31, 2006, and Thomas Purvis, term ending January 31, 2007, to the Mental Health Board.
- John Kevin Hines, succeeding Dennis Yun, resigned, seat 12, must be a consumer, for the unexpired portion of a three-year term ending January 31, 2006.
- Thomas Purvis, succeeding Carol Knight, resigned, seat 14, must be a family member, for the unexpired portion a three-year term ending January 31, 2007.

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

- 28. 051326 [Appointment - Treasury Oversight Committee]**  
Resolution appointing Richard Sullivan, term ending June 5, 2009, to the Treasury Oversight Committee.
- Richard Sullivan, succeeding himself, term expired, seat 5, must represent the public at large or must represent the Treasurer, for the unexpired portion of a four-year term ending June 5, 2009.

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

- 29. 051328 [Appointment - Arts Task Force]**  
Resolution appointing Anjali Nath, term ending November 1, 2005, to the Arts Task Force, residency requirement waived.
- Anjali Nath, succeeding Deborah Cullinan, resigned, seat 15, must serve as a director, staff member or board member of a non-profit arts organizations based in San Francisco with an annual budget between \$250,000 and one million dollars, for the unexpired portion of a six-month term ending November 1, 2005.

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

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

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

*Present: Supervisors Ammiano, Mirkarimi, Elsbernd, Ma, McGoldrick*





Connecticut Streets subject to reservations of certain utility easements in the vacated area; authorizing the sale of a portion of the vacated street area pursuant to the terms of an agreement for sale of real estate; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this ordinance. (Real Estate Department)

7/19/2005, PASSED ON FIRST READING.

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

### **Recommendation of the Rules Committee**

*Present: Supervisors Alioto-Pier, Peskin*

- 37. 031567 [Charter Amendment - Establishing an Emergency Health Care Services Fund and baseline funding for the Fund] Supervisor Daly**

Charter Amendment (Fourth Draft) to add Section 16.126 to increase the fiscal authority of the Health Commission and establish a stable baseline funding level for the Department of Public Health to ensure the continued operation of San Francisco public health services.

9/23/2003, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.

11/4/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor Daly, seconded by Supervisor Ammiano, moved an amendment of the whole. (Third Draft)

11/4/2003, CONTINUED AS AMENDED. Continued to November 18, 2003 with the Board Sitting as a Committee of the Whole.

11/18/2003, RE-REFERRED.

7/12/2005, CONTINUED. Continued to July 19, 2005

7/19/2005, CONTINUED. Continued to July 26, 2005

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

## **NEW BUSINESS**

### **Recommendations of the City Operations and Neighborhood Services Committee**

*Present: Supervisors McGoldrick, Dufty, Ma*

- 38. 050824 [Contract funds to participate in the development of a national violent death reporting system] Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the California Department of Health Services (CDHS), the primary contractor, and expend funds in the amount of up to \$70,000 in order to participate in the development of a national violent death reporting system, and to add one 0.5 position funded under this agreement; for the period of January 1, 2005, through



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

## **Recommendation of the Land Use Committee**

*Present: Supervisors Maxwell, Sandoval, McGoldrick*

- 43. 050862 [Rincon Hill Area Plan Amendments] Supervisor Daly**  
Ordinance amending the San Francisco General Plan by amending the Rincon Hill Area Plan, the Urban Design Element, the Recreation and Open Space Element, the Downtown Plan, the South of Market Area Plan, and the Land Use Index to conform them with proposed Rincon Hill Downtown Residential District; adopting environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

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

## **Recommendations of the Rules Committee**

*Present: Supervisors Alioto-Pier, Mirkarimi, Peskin*

- 44. 050741 [Creating a Food Security Task Force] Supervisors Maxwell, Mirkarimi**  
Ordinance amending the San Francisco Health Code by adding Sections 470.1 and 470.2, to establish a Food Security Task Force charged with creating a strategic plan to address hunger, enhancing food security, and increasing participation in federally funded programs; requiring preparation of reports and a strategic plan; and including a sunset provision.

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

- 45. 051159 [Accept and Expend Gift - Robin and Marsha Williams] Supervisor Alioto-Pier**  
Resolution accepting a gift in the amount of \$80,000 from Robin and Marsha Williams and authorizing its expenditure to repair and improve a retaining wall and median strip on Seacliff Avenue.

6/21/2005, REFERRED to Rules Committee. Supervisor Sandoval requested that this matter be referred to Committee.

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

- 46. 050132 [Rules of Order of the Board - Material Economic Impact Legislation] Supervisor Alioto-Pier**  
Motion amending the Rules of Order of the Board of Supervisors to add Rule 6.25, which will provide a process for holding public hearings associated with legislation that might have a material economic impact on the City.

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

**SPECIAL ORDER 3:00 P.M.**





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

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

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

54.        051223        **[Affirming the categorical exemption issued for 899 North Point Street]**  
Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
55.        051224        **[Disapproving the categorical exemption issued for 899 North Point Street]**  
Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
56.        051225        **[Preparation of findings related to the categorical exemption issued for 899 North Point Street]**  
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 4:30 P.M.**

57.        051270        **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 405 Hill Street]**  
Hearing of persons interested in or objecting to the the decision of the Department of Public Works, by its letter dated June 20, 2005, approving a request for a Minor Sidewalk Encroachment Permit to occupy a portion of the public sidewalk right-of-way for the purpose of constructing and maintaining two 30" high planter box, and a warped driveway ramp, to encroach 3'-9" into the public sidewalk right-of-way fronting the property at 405 Hill Street. (Appellant: Bob Callori)  
  
(Filed June 29, 2005; companion measure to Files 051271, 051272; District 8.)

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

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

58.        051271        **[Disapproving Minor Sidewalk Encroachment Permit Appeal - 405 Hill Street]**  
Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 405 Hill Street and denying the Encroachment Permit. (Clerk of the Board)

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

59.        051272        **[Approving Minor Sidewalk Encroachment Permit Appeal - 405 Hill Street]**  
Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 405 Hill Street and denying the appeal. (Clerk of the Board)

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

60.        **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.*

61.        **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*

**CLOSED SESSION**

**CONFERENCE WITH CITY ATTORNEY**

62.        051280        **[Significant Exposure to Litigation Involving the City]**  
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation involving the City related to the renewal of the cable franchise for

Comcast of California III. Government Code Section 54956.9(b)(1) and (b)(3) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session. Based on existing facts and circumstances, there is a significant exposure to litigation involving the City and County.

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

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

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

## **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 63 through 79**

- 63. 051332 [Accept-Expend Gift - Department of Public Works] Supervisor Maxwell**  
Resolution authorizing the Department of Public Works to accept a gift in the amount of up to \$250,000 from the San Francisco Parks Trust for the construction of a children's playground on the Sunnydale Housing Project.  
7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 64. 051335 [Charlotte Mailliard Shultz Staircase Renaming] Supervisor Peskin**  
Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.  
7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 65. 051336 [Street Improvements on 25th Avenue] Supervisor McGoldrick**

Resolution requesting that the Municipal Transportation Agency and Department of Public Works, work with the 25th Avenue Neighborhood Association to address, improve, and enhance conditions on 25th Avenue, and to expend funds as feasible and necessary to meet those ends.

7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**66. 051337 [Alternative Family Services Day] Supervisors Ammiano, Dufty**

Resolution recognizing the outstanding contributions of Alternative Family Services, its foster parents, and staff proclaiming Wednesday, the 27th of July, 2005 in the City and County of San Francisco.

7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**67. 051338 [Dykes on Bikes Trademark] Supervisors Ammiano, Dufty**

Resolution urging that the U.S. Patent and Trademark Office accept the San Francisco Women's Motorcycle Contingent's application to trademark the name, "Dykes on Bikes", for the group to use for educational and entertainment purposes such as parades, festivals, and other occasions celebrating the liberation of gay and lesbian people from historical discrimination.

7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**68. 051339 [Commending Libby Albert] Supervisor Dufty**

Resolution commending Libby Albert for her work with the After School Enrichment Program (ASEP), and wishing her continued success with the Department of Children, Youth, and Their Families (DCYF).

7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**69. 051340 [Honoring Patricia Toomey] Supervisor Ma**

Resolution honoring Patricia Toomey for her lifelong work and commitment to her native city of San Francisco.

7/19/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**70. 051341 [Supporting Senate Bill 600 - Healthy Californians Biomonitoring Program] Supervisor Ma**

Resolution urging the support of Senate Bill 600, the Healthy Californians Biomonitoring





## 80. **IMPERATIVE AGENDA**

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

*[Serious Injury Finding]*

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

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

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

## **OFF-AGENDA LEGISLATION**

### **PROPOSED ORDINANCES**

*Proposed ordinances received from July 12, 2005 through July 18, 2005, for reference by President to appropriate committee on July 26, 2005.*

*None.*

### **PROPOSED RESOLUTIONS**

*Proposed resolutions received from July 12, 2005 through July 18, 2005, for reference by President to appropriate committee on July 26, 2005.*

**051269 [Agreement for Tolling of Statute of Limitations Governing Claim]**

Resolution approving the City Attorney's entry into a tolling agreement governing claim by USDA Forest Service filed February 2, 2005 arising from Stanislaus National Forest fire of August 9, 2004. (City Attorney)

7/12/2005, RECEIVED AND ASSIGNED to Rules Committee.

**051273 [Airport Environmental Review]**

Resolution certifying the Determination of the Office of Environmental Review that no further environmental review document is necessary for the West Field Cargo Redevelopment Project at San Francisco International Airport. (Airport Commission)

7/13/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051370 [Petitions and Communications]**

Petitions and Communications received from July 12, 2005 through July 18, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 26, 2005.

From the Office of the Controller, regarding the audit of the revolving fund maintained by the Office of the Assessor-Recorder.(1)

From the Office of the Controller, submitting the Statement of Cash and Investments of the Office of the Treasure and Tax Collector as of March 31, 2005.(2)

From the Port, submitting list of sole source contracts for fiscal year 2004/05.(3)

From Department of Administrative Services, submitting list of sole source contracts for fiscal year 2004/05.(4)

From the Office of Citizen Complaints, submitting list of sole source contracts for fiscal year 2004/05.(5)

From Emergency Communications Department, submitting list of sole source contracts for fiscal year 2004/05.(6)

From Department of the Environment, submitting list of sole source contracts for fiscal year 2004/05.(7)

From Public Library, submitting list of sole source contracts for fiscal year 2004/05.(8)

From Department of Parking and Traffic, submitting list of sole source contracts for fiscal year 2004/05.(9)

From Public Defender, submitting list of sole source contracts for fiscal year 2004/05.(10)

From Department of Public Works, submitting list of sole source contracts for fiscal year 2004/05.(11)

From the Office of the Treasure and Tax Collector, submitting record of the receipt and

disposition of gifts given to the Office of the Treasure and Tax Collector during fiscal year 2004-05.(12)

From Supervisor Peskin, submitting the appointment of Gee Gee Platt to the advisory committee (as a representative of the President of the Board of Supervisors) to advise MOEWD on disbursement of the settlement funds between the San Francisco Redevelopment Agency and developers of the Emporium/Bloomingdale's project.(13)

From the Ethics Commission, regarding regulations to implement the Campaign Finance Reform Ordinance. Copy: Each Supervisor(14)

From concerned citizens, submitting request for continuance of appeal for project at 800 Brotherhood Way to August 16, 2005. File 051226, Copy: Each Supervisor(15)

From Susan Brandt-Hawley, appealing the Categorical Exemption for project at 39 Chattanooga Street on behalf of the Chattanooga Street/Golden Fireplug Historic District Friends. File 051320, Copy: Each Supervisor(16)

From Association of Bay Area Governments (ABAG), submitting request for appointment (or reappointment) of two representatives and two alternates to ABAG's Executive Board for the new term beginning July 1, 2005 ending June 30, 2007.(17)

From Employees' Retirement System, regarding proposed Charter Amendment imposing term limits for members of City Boards and Commissions. File 050927, Copy: Rules Committee member's(18)

From Office of the Mayor, submitting technical adjustments to the Mayor's proposed budget for fiscal year 2005-06. File 051025, Copy: Each Supervisor(19)

From Police Department, concerning the cost to the Police Department for arresting people for prostitution. (Reference No. 20050607-009) Copy: Supervisor Mirkarimi(20)

From concerned citizens, submitting support for the permanent berthing of the USS Iowa in San Francisco. File 051113, Copy: Each Supervisor(21)

From Planning Department, submitting notice that the Charter amendments contained in Board of Supervisors File Nos. 031567, 050818, 050925, 050927, 050929 and 050492 are not subject to CEQA because they are not defined as "projects" in California Public Resources Code section 21065, and CEQA Guidelines sections 15060(c) and 15378. (22)

From Office of the Sheriff, concerning the cost to the Sheriff's Department of incarcerating individuals booked on prostitution charges. (Reference No. 20050607-007) Copy: Supervisor Mirkarimi(23)

From Office of the Public Defender, concerning the cost to the Public Defender's Office in defending prostitution, pimping and pandering cases. (Reference No. 20050607-006) Copy: Supervisor Mirkarimi(24)

From the Health Service System, submitting notice that as a result of passage of Proposition C during the last November election, the Health Service System Department operates as a separate entity that is governed by the Health Service Board. (25)

From the Ethics Commission, submitting list of sole source contracts for fiscal year 2004/05.(26)

From Department of Elections, submitting notice that the Department of Elections did not enter any sole source contracts during fiscal year 2004-05.(27)

From James Chaffee, commenting on proposed Charter amendment concerning the Board of Supervisors meeting by teleconferencing. File 050492, Copy: Each Supervisor(28)

From Mission Valley Properties, submitting opposition for a continuance of appeal of Final Negative Declaration for proposed project at 800 Brotherhood Way. File 051226, Copy: Each Supervisor(29)

From James Chaffee, submitting letter entitled "The Ad Hominem Defense" dated July 18, 2005. Copy: Each Supervisor(30)

From Holistic Solutions, regarding their agreement to voluntarily vacate there proposed medicinal cannabis dispensary outlet at 2290 3rd Street. Copy: Each Supervisor(31)

From concerned citizens, submitting opposition to proposed ordinance authorizing department heads to accept and expend donations from recognized non-profit organizations without full oversight and public input. File 051138(32)

From concerned citizens, regarding Conditional Use appeal for 800 Brotherhood Way. File 051234, Copy: Each Supervisor(33)

From the Ethics Commission, submitting response to the Civil Grand Jury Report "What is the difference between a contract and a grant?" released May 24, 2005. Copy: Each Supervisor(34)

From Recreation and Park Department, announcing the appointment of Dennis Kern as Operations Director for the Recreation and Park Department. Copy: Each Supervisor(35)

From Margit Ritchie, urging continued funding for the Friends of the Urban Forest. Copy: Each Supervisor(36)

From concerned citizens, regarding grass fire near Hunters Point Shipyard. Copy: Supervisor Maxwell(37)

From concerned citizens, commenting on proposed legislation regarding the SFPUC Water System Improvement Program for fiscal year 2005-06. File 051045, Copy: Each Supervisor(38)

From Richard Skaff, regarding the major renovation at Sigmund Stern Grove.(39)

From Carla Leshne, submitting suggestions regarding Ellis Act evictions. Copy: Each Supervisor(40)

From Richard Lynch, thanking the Board for not bringing the USS Iowa to San Francisco. File 051113, Copy: Each Supervisor(41)

From Department on the Status of Women, submitting the six-month report on the work of the Department on the Status of Women. Copy: Each Supervisor(42)

From concerned citizens, submitting opposition to proposed legislation to initiate a fee for driving downtown.(43)

From Isadora Fisher, submitting support for keeping the Green Cross medical marijuana clinic open.(44)

From Bob Rothman, commenting that SBC DSL service is currently unavailable on Geary Street between Leavenworth Street and Van Ness Avenue. Copy: Supervisor Daly(45)

From Christopher Tom, regarding the lack of public safety while boarding or disembarking the Muni L train at 32nd and Taraval in the Sunset District. Copy: Supervisor Ma(46)

From Glen Long, regarding the traffic conditions that were created on San Jose Avenue south of Cesar Chavez by deleting a traffic lane in each direction and adding a bike lane. Copy: Each Supervisor(47)

From Bob Smith, submitting his opinion on the police administration in San Francisco. Copy: Each Supervisor(48)

#### APPOINTMENTS BY THE MAYOR

Fire Commission

Victor Makras

Recreation and Parks Commission

David Edward Lee

## 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.

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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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 Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro 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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