

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, July 26, 2005 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Ammiano, Mirkarimi, Elsbernd

Budget and Finance Subcommittee

Supervisors Ammiano, Mirkarimi, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Daly

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:00 PM

Thursday
11:00 AM

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

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

Volume 100 Number 27

Members Present: Michela Alioto-Pier, Tom Ammiano, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll the Supervisor Daly was noted absent.

*Supervisor Daly was previously excused from attending today's meeting. (See Infra)
Quorum present.*

Supervisor Daly Excused from Attendance

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to excuse Supervisor Daly from attending today's meeting. The motion carried by the following vote:

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

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Dufty, moved to approve June 28, 2005 Meeting Minutes. The motion carried by the following vote:

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

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

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 debtor]
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.

Ordinance No. 176-05
FINALLY PASSED

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.

Ordinance No. 177-05
FINALLY PASSED

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.

Ordinance No. 178-05
FINALLY PASSED

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.

Ordinance No. 179-05
FINALLY PASSED

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.

Ordinance No. 181-05
FINALLY PASSED

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.

Ordinance No. 182-05**FINALLY PASSED****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.

Ordinance No. 183-05**FINALLY PASSED****050992 [Lake Merced Fees – Boat Storage]****Mayor**

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by adding San Francisco Park Code Section 12.38 to establish boat storage fees.

Ordinance No. 184-05**FINALLY PASSED****050999 [Arts Commission Special Funds]****Mayor**

Ordinance amending Article XIII of the San Francisco Administrative Code by amending Sections 10.100-28, 10.100-30 and 10.100-34 to redesignate the Arts Commission Market Street Art Maintenance Fund and the Arts Commission Youth Arts Fund as sub-accounts of the Arts Commission Public Arts Fund.

Ordinance No. 187-05**FINALLY PASSED****051000 [Board of Appeals Surcharge]****Mayor**

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to add a Board of Appeals surcharge for tobacco retailer's permits issued pursuant to San Francisco Health Code Section 1009.53, (2) amending Section 10G.1 to adjust the surcharges for permits and annual license renewals issued pursuant to San Francisco Police Code Sections 2.26, 2.27 and 2.27.1, and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the new Board of Appeals Surcharge and adjustments to existing Board of Appeals surcharges are not a "project" and that such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals pursuant to Charter Section 4.106.

Ordinance No. 188-05**FINALLY PASSED**

- 050993 [Providing for waiver of fees and changing fees for Emergency Medical Services and making environmental findings]
Mayor

Ordinance amending Article 3 of the Health Code by adding Section 120.1 to require the San Francisco Fire Department to waive fees for Emergency Medical Services upon a showing that all persons legally obligated to pay have insufficient income to pay the bill without undue hardship and the patient is not covered by insurance; and amending Section 128.1, to create a fee for providing service to a patient without transporting the patient, to increase the base rate fees for both Basic Life Service and Advanced Life Service, to increase the fee for 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.

Ordinance No. 185-05
FINALLY PASSED

- 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.

Ordinance No. 186-05
FINALLY PASSED

- 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.

Ordinance No. 189-05
FINALLY PASSED

**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.

**Ordinance No. 190-05
FINALLY PASSED**

**051004 [Recovery of the City's costs of emergency response to incidents resulting from the negligent operation of a motor vehicle, boat or vessel by a person under the influence of alcohol or drugs]
Mayor, Supervisors Ma, Mirkarimi**

Ordinance adding Chapter 10H to the San Francisco Administrative Code authorizing the City to recover the costs of emergency response to incidents resulting from negligent operation of motor vehicles, boats or vessels by persons under the influence of alcohol or drugs, and the costs of emergency response to incidents caused by individuals' intentionally wrongful conduct; defining emergency response for the purpose of this chapter; providing for the establishment by ordinance of the standard, hourly charges for personnel and equipment used in emergency response to such incidents; and directing the Police Department, Fire Department and the Health Department to coordinate with designated City officials to prepare and deliver invoices to the persons responsible for the costs of the City's emergency response to such incidents.

**Ordinance No. 192-05
FINALLY PASSED**

**050917 [Planning Department fee increases and permit surcharge to cover costs of appeals to the Board of Supervisors]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Sections 352 and 355 and by amending the San Francisco Administrative Code by amending Section 31.22 to increase planning fees and add a surcharge to compensate the City for the costs of appeals to the Board of Supervisors; making environmental findings.

**Ordinance No. 175-05
FINALLY PASSED**

**051027 [Entertainment Commission Permits, Licenses and Fees]
Mayor**

Ordinance (1) amending the San Francisco Police Code by amending Sections 2.2, 2.9, 2.25, 2.26, 2.27, 2.31, 43, 43.2, 48 1037.2, and adding Sections 1060.1-1 and 1070.1-1, to (i) increase the application fees for Place of Entertainment permits and permits for Extended Hours Premises, and the annual license fees for Places of Entertainment and Mechanical 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.

**Ordinance No. 193-05
FINALLY PASSED**

**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.

**Ordinance No. 197-05
FINALLY PASSED**

**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 appropriation before the end of the fiscal year]
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.

**Ordinance No. 198-05
FINALLY PASSED**

**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.

**Ordinance No. 199-05
FINALLY PASSED**

- 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.

Ordinance No. 201-05
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

- 051057 [Traffic Regulations]
Supervisor Elsbernd

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.)

Supervisor Elsbernd requested to be added as sponsor.

Resolution No. 547-05
ADOPTED

051058 [Parking Regulations]
Supervisor Elsbernd

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.)

Supervisor Elsbernd requested to be added as sponsor.

Resolution No. 548-05

ADOPTED

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.)

Resolution No. 553-05

ADOPTED

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.)

Resolution No. 554-05

ADOPTED

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.)

Resolution No. 555-05

ADOPTED

Recommendations of the Rules Committee**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.

Resolution No. 541-05

ADOPTED

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.

Resolution No. 568-05

ADOPTED

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.

Resolution No. 569-05

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

051130 [Government Funding, Fiscal Year 2005-2006]

Mayor

Consolidated Budget and 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, 2006.

(Fiscal impact.)

(Supervisor McGoldrick Dissenting in Committee)

(Supervisor Mirkarimi Dissenting in Committee on the Annual Appropriation Ordinance for Selected Departments)

Ordinance No. 203-05

FINALLY PASSED by the following vote:

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

Excused: 1 - Daly

051131 [Public Employment, Fiscal Year 2005-2006]**Mayor**

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2006, 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.

(Fiscal impact.)

Ordinance No. 204-05**FINALLY PASSED by the following vote:**

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

050987 [Golf Fees - Harding Park, Golden Gate Park, McLaren Park]**Mayor**

Ordinance making environmental findings and amending the San Francisco Park Code, Article 12, by amending Sec. 12.12 to increase the fees at Harding Park and Fleming Golf Courses; amending Sec. 12.16 to increase the fees at Golden Gate Park Golf Course; amending Sec. 12.20 to authorize an annual cost of living increase in golf fees; and amending Sec. 12.33 to set a maximum fee for golf cart rentals.

Ordinance No. 180-05**FINALLY PASSED by the following vote:**

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

051003 [Repeal of exemption from paying tow and storage fees on stolen vehicles, and waiver of an administrative fee for recovered stolen vehicles owned by residents]**Mayor**

Ordinance repealing San Francisco Administrative Code Section 10C.8-1, which exempts residents of San Francisco from paying tow and storage fees on stolen vehicles, and amending San Francisco Administrative Code Section 10C.1 and San Francisco Traffic Code Section 170.1 to exempt City residents from payment of an administrative fee in connection with the towing and storage of stolen vehicles.

Ordinance No. 191-05**FINALLY PASSED by the following vote:**

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

- 051137 [Prohibiting the Department of Human Services from requiring fingerprint imaging of clients, unless required by grant programs, by state or federal law, by voter initiative, or by the County Adult Assistance Programs]
Mayor, Supervisor Daly

Ordinance amending the San Francisco Administrative Code by adding Section 20.30, to prohibit the Department of Human Services from requiring Biometric imaging of clients, unless required by grant programs, by state or federal law, or expressly authorized by vote initiative.

Ordinance No. 200-05

FINALLY PASSED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

- 051045 [Appropriate proceeds from the sale of bonds and the Water Enterprise's Fund Balance to fund the SFPUC Water System Improvement Program for fiscal year 2005-06 and the first six-months of fiscal year 2006-07]
Mayor

Ordinance appropriating \$153,981,000 for project activities and \$6,789,188 for program management services of bond sales proceeds, and \$1,000,000 of the Water Enterprise's Fund Balance totaling \$161,770,188 to fund the San Francisco Public Utilities Commission's (SFPUC) Water System Improvement Program for fiscal year 2005-06 and the first six-months of fiscal year 2006-07.

(Fiscal impact.)

Supervisor Daly dissented in committee.

Ordinance No. 196-05

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use Committee

- 050085 [Ordering vacation of 22nd Street between Arkansas and Connecticut Streets]

Ordinance ordering the vacation of the 22nd Street right-of-way between Arkansas and 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)

Ordinance No. 171-05

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

- 031567 [Charter Amendment - Establishing an Emergency Health Care Services Fund and baseline funding for the Fund]
Supervisors Daly, Sandoval

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.

Continued to August 2, 2005

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

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

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

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

- 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 September 29, 2009.

Resolution No. 542-05

ADOPTED by the following vote:

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

- 050979 [Contract funds to participate in the HIV Prevention Trials Unit Protocol 039 study]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with PHFE Management Solutions (PHFE), the primary contractor, and expend funds in the amount of \$51,934 in order to participate in the HIV Prevention Trials Unit Protocol 039 study; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

Resolution No. 544-05

ADOPTED by the following vote:

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

- 051048** [Endorsing the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership and urging relevant city agencies to work together towards its implementation]
Supervisors Dufty, Maxwell, Alioto-Pier, Sandoval, Ma, McGoldrick, Mirkarimi, Ammiano

Resolution endorsing the bill of rights established by the San Francisco Children of Incarcerated Parents Partnership and urging relevant city agencies to work together its implementation to reduce recidivism for parents and improve outcomes for children.

Supervisors Mirkarimi and Ammiano requested to be added as co-sponsors.

Resolution No. 545-05

ADOPTED by the following vote:

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

- 051117** [Urging the California Public Utilities Commission to order PG&E to pay a substantial fine and to take necessary corrective measures to prevent future indoor substation fires and outages]
Supervisors McGoldrick, Mirkarimi, Maxwell, Ammiano

Resolution urging the California Public Utilities Commission (CPUC) to require PG&E to take all measures necessary to ensure that PG&E substations are safe and reliable, urging the CPUC to impose a substantial fine on PG&E for allowing unsafe and unreliable conditions to develop and persist at the Mission Substation, and calling on PG&E to compensate all persons, businesses and governmental entities that suffered economic harm as a result of any PG&E electrical outages.

Resolution No. 549-05

ADOPTED by the following vote:

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

From the Government Audit and Oversight Committee Without Recommendation

- 051275** [Legal Action - Protecting Tenants]
Supervisor Peskin

Resolution urging the San Francisco City Attorney to file a 'friend of the court'/amicus curiae' brief to set forth our city's interest in protecting tenants against wrongful evictions.

Resolution No. 557-05

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma
Excused: 1 - Daly

Recommendation of the Land Use Committee

**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)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee

**050741 [Creating a Food Security Task Force]
Supervisors Maxwell, Mirkarimi, Ammiano, Daly**

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.

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

PASSED ON FIRST READING by the following vote:

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

**051159 [Accept and Expend Gift - Robin and Marsha Williams]
Supervisors Alioto-Pier, Ammiano**

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.

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

Resolution No. 552-05

ADOPTED by the following vote:

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

**050132 [Rules of Order of the Board - Material Economic Impact Legislation]
Supervisors Alioto-Pier, Elsbernd**

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.

Continued to August 2, 2005

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

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.**051243 [Hearing - "2500 Block of Mission Street Business Improvement District (BID)"]**

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "2500 Block of Mission Street Business Improvement District (BID)," ordering the levy and collection of assessments against property located in that district for five years, commencing with fiscal year 2005-2006, and making environmental findings. (Clerk of the Board)

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

Speakers in support of 2500 Mission Street Business Improvement District

Philip Lessor, President of Mission Merchants Association

Gideon Kramer, Green Patrol

Male speaker

Judith Berkowitz

Speakers Opposed to 2500 Mission Street Business Improvement District

Representative, Mission Economic Development Agency

Lia Miller, Mission Economic Development Agency

Robert Levy, expressed concern over notification process

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

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

The President declared the Public Hearing closed.

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

HEARD AT PUBLIC HEARING.

**051189 [Resolution to establish the 2500 Block of Mission Street Business Improvement District]
Supervisors Ammiano, Dufty**

Resolution establishing a property-based business improvement district to be known as the "2500 Block of Mission Street Business Improvement District (BID)," ordering the levy and collection of assessments against property located in that district for five years, commencing with fiscal year 2005-2006, and making environmental findings.

The Clerk of the Board announced the tabulations of the 2500 Mission Street Business Improvement District:

Voting For 66.70%

Voting Against 33.30%

Resolution No. 539-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Ma

Excused: 1 - Daly

Supervisor McGoldrick Excused from Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor McGoldrick at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

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

051241 [Hearing - "Fisherman's Wharf Community Benefit District (CBD)"]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Fisherman's Wharf Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, subject to conditions as specified, and making environmental findings. (Clerk of the Board)

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

Speakers in support of Fisherman's Wharf Community Benefit District

Mr. Fung, President, Fisherman's Wharf Merchants

Ms. Mish, Past President of Fisherman's Wharf Merchants

Christopher Martin, President Cannery Properties, Inc.

Timothy Losch, Academy of Ophthalmology

Speakers Opposed to Fisherman's Wharf Community Benefit District

Robert Barbagelata, requested not to have property included in benefit district

Joseph Piccinini; requested not to have property included in benefit district

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

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

The President declared the Public Hearing closed.

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

HEARD AT PUBLIC HEARING.

051184 [Resolution to establish the Fisherman's Wharf Community Benefit District]

Supervisor Peskin

Resolution establishing a property-based business improvement district to be known as the "Fisherman's Wharf Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for 15 years, commencing with fiscal year 2005-2006, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Fisherman's Wharf Community Benefit District:

Voting For 80.64%

Voting Against 19.36%

Resolution No. 540-05

ADOPTED by the following vote:

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

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

Privilege of the Floor

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

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

Supervisors Dufty and Ammiano introduced, welcomed and presented Certificates of Honor to members of the organizers of the Gay Pride festivities.

Supervisor Sandoval introduced, welcomed and presented Certificates of Honor to Mei Yan Fang and Li Qin Yang Zhu.

Supervisor Ma introduced, welcomed and presented Certificates of Honor to the winners of the 77th San Francisco Junior Golf Tournament and staff at Lincoln Golf Course.

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

051287 [Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]

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

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

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

051286 [Reenacting a Disadvantaged Business Enterprise Program]

Supervisor Ma

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

Ordinance No. 202-05

FINALLY PASSED by the following vote:

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

SPECIAL ORDER 4:00 P.M.**051222 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

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

Continued to August 9, 2005

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

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

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

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

Continued to August 9, 2005

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

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

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)

Continued to August 9, 2005

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

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

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)

Continued to August 9, 2005

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

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

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

*The President inquired as to whether or not any member of the public wished to address the Board.
Appellant; Bob Callori, Dolores Design Review Committee
Pam Capella; support of appellant*

*Nick Elsner, Department of Public Works reviewed with the Board the Department's recommendation.
Sponsor
Appellant, Rebuttal Period*

The President declared the Public Hearing closed.

HEARD AT PUBLIC HEARING.

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

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)

Supervisor Duffy, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Duffy, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick
Excused: 1 - Daly

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)

Motion No. M05-104

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Duffy, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick
Excused: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

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

PUBLIC COMMENT

James Chaffee; expressed concern relating to Radio Frequency tracking of Library books

Walter; showed interest in the space program

Eugene Gordon, Jr; expressed concern relating to human injustices

John DiDonna; expressed concern with general issues

Marilyn Amini; requested to amend File No. 051345 - Extension of Planning Commission Review Period

Judy Berkowitz, Coalition for Better Neighborhood"; requested to amend File No. 051345 - Extension of Planning Commission Review Period

John Bardis; expressed concern relating to File No. 051345 - Extension of Planning Commission Review Period and requested this matter be referred to Committee

Male speaker; expressed concern with issues relating to gay marriages

Male speaker; expressed concern with issues relating to medical cannabis dispensaries

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY

Supervisor Sandoval noted absent at 5:00 p.m.

**051280 [Significant Exposure to Litigation Involving the City]
[City as Plaintiff and/or Defendant]**

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.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to convene in Closed Session. The motion carried by the following vote:

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

Absent: 1 - Sandoval

Excused: 1 - Daly

Recess

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

Reconvening of the Board

The Board at the hour of 6:16 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin -8

Supervisor Ammiano was noted absent at 6:10 p.m.

Report on Closed Session

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

Persons in attendance:

Supervisors Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Cheryl Adams, Deputy City Attorney
Theresa Mueller, Deputy City Attorney
Ed Harrington, Controller
William Lowrey, Miller & Van Eaton, Outside Counsel
Chris Vein, Acting Director, DTIS
Brian Roberts, DTIS
Ron Vinson, Acting Administrator, DTIS
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect Not to Disclose]

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

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 2 - Ammiano, Sandoval

Excused: 1 - Daly

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.

**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.

Resolution No. 570-05
ADOPTED

**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.

Resolution No. 571-05
ADOPTED

**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).

Resolution No. 573-05
ADOPTED

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

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

Resolution No. 574-05
ADOPTED

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

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

Resolution No. 581-05
ADOPTED

**051344 [Accept-Expend State Grant - Port Commission]
Supervisor Maxwell**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of \$132,600 from the California Coastal Conservancy for the Pier 94 Wetlands Enhancement Project.

Resolution No. 576-05

ADOPTED

**051347 [Recognizing the importance of the African Diaspora in Latin America and North and South America]
Supervisor Sandoval**

Resolution recognizing the importance of the African Diaspora in Latin America as well as North and South America.

Resolution No. 577-05

ADOPTED

**051348 [Commending Friar Louie Vitale]
Supervisors Sandoval, Mirkarimi**

Resolution commending Friar Louie Vitale for his many years of dedicated service as Pastor of St. Boniface Church.

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

Resolution No. 578-05

ADOPTED

051278 [Final Map for a 6 Unit Commercial Condominium Project - Fulton Masonic]

Motion approving Final Map of Fulton Masonic, a Commercial Condominium Project, being a subdivision of Lot 30 in Assessor's Block No. 1175, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,491; District 5.)

Motion No. M05-102

APPROVED

051279 [Final Map for a 42 Unit Mixed Use Condominium Project - Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street]

Motion approving Final Map of San Francisco Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street, A Mixed Use Condominium Project, being a subdivision of Lot 12 in Assessor's Block No. 6596, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,479; District 9.)

Motion No. M05-103

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Daly

Severed from the Without Reference Committee Agenda

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

**051335 [Charlotte Mailliard Shultz Staircase Renaming]
Supervisors Peskin, Dufty, Elsbernd**

Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.

Supervisor Mirkarimi requested that this matter be referred to Committee.

Supervisors Dufty and Elsbernd requested to be added as co-sponsors.

REFERRED to the City Operations and Neighborhood Services Committee.

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

**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.

Supervisor Ma requested that this matter be referred to Committee.

REFERRED to the City Operations and Neighborhood Services Committee.

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

**051338 [Dykes on Bikes Trademark]
Supervisors Ammiano, Dufty, Sandoval, Mirkarimi**

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.

Amended to add "bi-sexual and transgender" after "gay and lesbian".

Supervisors Sandoval and Mirkarimi requested to be added as co-sponsors.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

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

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, lesbian, bi-sexual and transgender people from historical discrimination.

Resolution No. 572-05

ADOPTED AS AMENDED.

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

**051342 [Supporting AB 378 (Chu) - Hate Crime Civil Remedies Act]
Supervisor Ma**

Resolution urging California Governor Arnold Schwarzenegger to sign AB 378 (Chu), the Hate Crime Civil Remedies Act into law.

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

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

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

**051343 [Endorsing recommendations of the Strategic Alliance]
Supervisor Maxwell**

Resolution endorsing the Recommendations of the Strategic Alliance: "Taking Action for a Healthier California".

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

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

Resolution No. 575-05

ADOPTED AS AMENDED by the following vote:

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

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

**051345 [Zoning - Extension of Planning Commission Review Period]
Supervisor McGoldrick**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); to Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents, and to amend the Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas.

Supervisor Ma withdrew her request to refer this matter to Committee.

Continued to August 2, 2005

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

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

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

**051346 [Urging support for Preservation and Restoration of Sacred Heart Church]
Supervisors Mirkarimi, Daly**

Resolution urging the Department of Building Inspection and the San Francisco Archdiocese to diligently monitor the status and condition of the historic Sacred Heart Church and expressing support for preserving this historical treasure through all means possible.

Continued to August 2, 2005

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

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**031034 [Planning Code - Northeast Waterfront Historic District Signs]
Supervisor Peskin**

Ordinance amending the Planning Code by creating section 608.15 to establish the Northeast Waterfront Special Sign District, creating section 609.14 to address amortization of nonconforming signs in this District, amending section 608 and Article 10, Appendix D, section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/3/2003.

6/10/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

8/6/03, RESPONSE RECEIVED. Notification of Project Receiving Environmental Review, dated August 4, 2003.

10/16/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16673 adopted October 2, 2003, recommending approval of proposed ordinance with suggested modifications. Received Certificate of Exemption from environmental review dated September 4, 2003.

7/26/05, REACTIVATED PURSUANT TO RULE 5.23.

7/26/05, ASSIGNED to Land Use Committee.

**051357 [Requiring the Office of Emergency Services to submit a written report following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 7.4-1, to require the Office of Emergency Services to submit a written report to the Disaster Council and the Board of Supervisors following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning.

7/26/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/25/2005.

**051358 [Appropriate General Obligation Bond sale proceeds from the 2005A and 2005I series to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works]
Supervisor Elsbernd**

Ordinance appropriating \$39,328,014 of General Obligation Bond proceeds from the sale of the 2005A Series and appropriating, and placing on reserve, \$69,000,000 from the General Obligation Bond proceeds from the 2005I Series for a total of \$108,328,014 to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works for fiscal year 2005-06.

(Fiscal impact.)

7/26/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be calendared at the August 8, 2005 meeting.

Resolutions

**051335 [Charlotte Mailliard Shultz Staircase Renaming]
Supervisors Peskin, Dufty, Elsbernd**

Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.

7/19/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/26/05, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Mirkarimi requested that this matter be referred to Committee.
Supervisors Dufty and Elsbernd requested to be added as co-sponsors.

**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.

7/19/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/26/05, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Ma requested that this matter be referred to Committee.

**051359 [Laguna Honda Hospital General Obligation Bond Sale]
Supervisor Elsbernd**

Resolution authorizing and directing the sale of an issue of not to exceed \$69,000,000 City and County of San Francisco General Obligation Bonds (Laguna Honda Hospital, 1999), Series 2005I; approving the form and execution of a Declaration of Trust; approving the forms of an Official Notice of Sale and a Notice of Intention to Sell Bonds; authorizing the solicitation of competitive bids for the sale of the Bonds; approving the form, execution and distribution of an Official Statement; approving the form of and authorizing the City's compliance with a Continuing Disclosure Certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal impact.)

7/26/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be calendared at the August 8, 2005 meeting.

**051362 [Amending Community Choice Aggregation Citizens Advisory Task Force Membership]
Supervisor Ammiano**

Resolution amending the membership of the Community Choice Aggregation Citizens Advisory Task Force to require that the Environmental Justice Advocate reside in the "Southeast sector" of San Francisco instead of "Hunter's Point".

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051363 [Commending Mujeres Unidas y Activas (MUA)]
Supervisors Dufty, Ammiano, Daly

Resolution commending Mujeres Unidas y Activas (MUA) for its work to organize and empower Latina immigrants, and wishing the organization continued success on its 15th Birthday.

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051364 [Commemorating the 60th Anniversary of the Bombings of Hiroshima and Nagasaki]
Supervisors Mirkarimi, Daly

Resolution commemorating the 60th Anniversary of the United States bombings of Hiroshima and Nagasaki, expressing solidarity with the Hibakusha, acknowledging the human suffering of victims and survivors, and imploring all nations to use all diplomatic and preventive efforts to cease the proliferation and use of nuclear weapons.

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 8/2/05 - Supervisor Daly requested to be added as a co-sponsor.

051365 [Violence Against Women Act]
Supervisor Ma

Resolution urging the San Francisco Congressional delegation to support the reauthorization of the Violence Against Women Act.

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051366 [National Health Center Week]
Supervisor Ma

Resolution recognizing August 7-13, 2005 as "National Health Center Week" in the City and County of San Francisco.

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

051371 [Supporting Filipino Veterans Equity Act]
Supervisors Peskin, Daly

Resolution urging the President and the Congress of the United States of America to honor the contributions of Filipino World War II veterans by passing the Filipino Veterans Equity Act, specifically HR 302 and S 146.

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051372 [Urging Urban Outfitters, Inc. to Discontinue Selling Racially Offensive Merchandise]
Supervisors Sandoval, Mirkarimi, Daly**

Resolution urging Urban Outfitters, Inc. to discontinue selling a line of racially offensive T-shirts with the slogan "New Mexico, Cleaner Than Regular Mexico" and remove the currently stocked merchandise from Urban Outfitters stores.

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

**051356 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

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

7/26/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051360 [Legislative Analyst Request - Means Testing]
Supervisor Elsbernd**

Motion requesting the Legislative Analyst to survey means testing legislation for rent control in New York City, Boston and other municipalities in Massachusetts, and determine how means testing could be applied to the San Francisco Rent Control Ordinance.

7/26/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 2, 2005.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

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)

7/12/05, 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)

7/13/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
To: Director, Municipal Transportation Agency
Requesting/Inquiring: Requesting that the Department of Parking and Traffic and the Municipal Transportation Agency report on the feasibility of establishing a stop light at the intersection of Divisadero Street and Ellis Street.*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removal of graffiti at the property of 2863 California Street.*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
To: Director, Municipal Transportation Agency
Requesting/Inquiring: Requesting that the Department of Parking and Traffic and the Municipal Transportation Agency report on the feasibility of establishing a four way stop at the intersection of Pierce Street and Fulton Street.*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
To: Director, Municipal Transportation Agency
Requesting/Inquiring: Requesting that the Department of Parking and Traffic and the Municipal Transportation Agency report on the feasibility of establishing a stop light at the intersection of Turk Street and Baker Street.*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting that the Department of Public Works report on the status of a sidewalk square repair near the curb cut of the southwest corner of California Street and Divisadero Street.*

In Memoriams

*Joseph Bosnich - Supervisor Elsbernd
Brendan Murphy - Supervisor Elsbernd
Greg Gund - Supervisors Alioto-Pier and Dufty
Marino Alexander Vigil - Supervisor Sandoval
Anne Wagner - Supervisor Dufty*

ADJOURNMENT

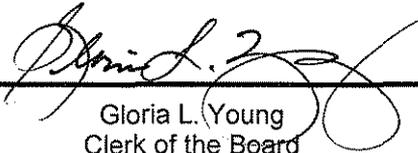
There being no further business, the Board adjourned at the hour of 6:18 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 6, 2005.

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



Gloria L. Young
Clerk of the Board