

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, September 20, 2005 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Ammiano, Mirkarimi, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Daly

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:00 PM

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

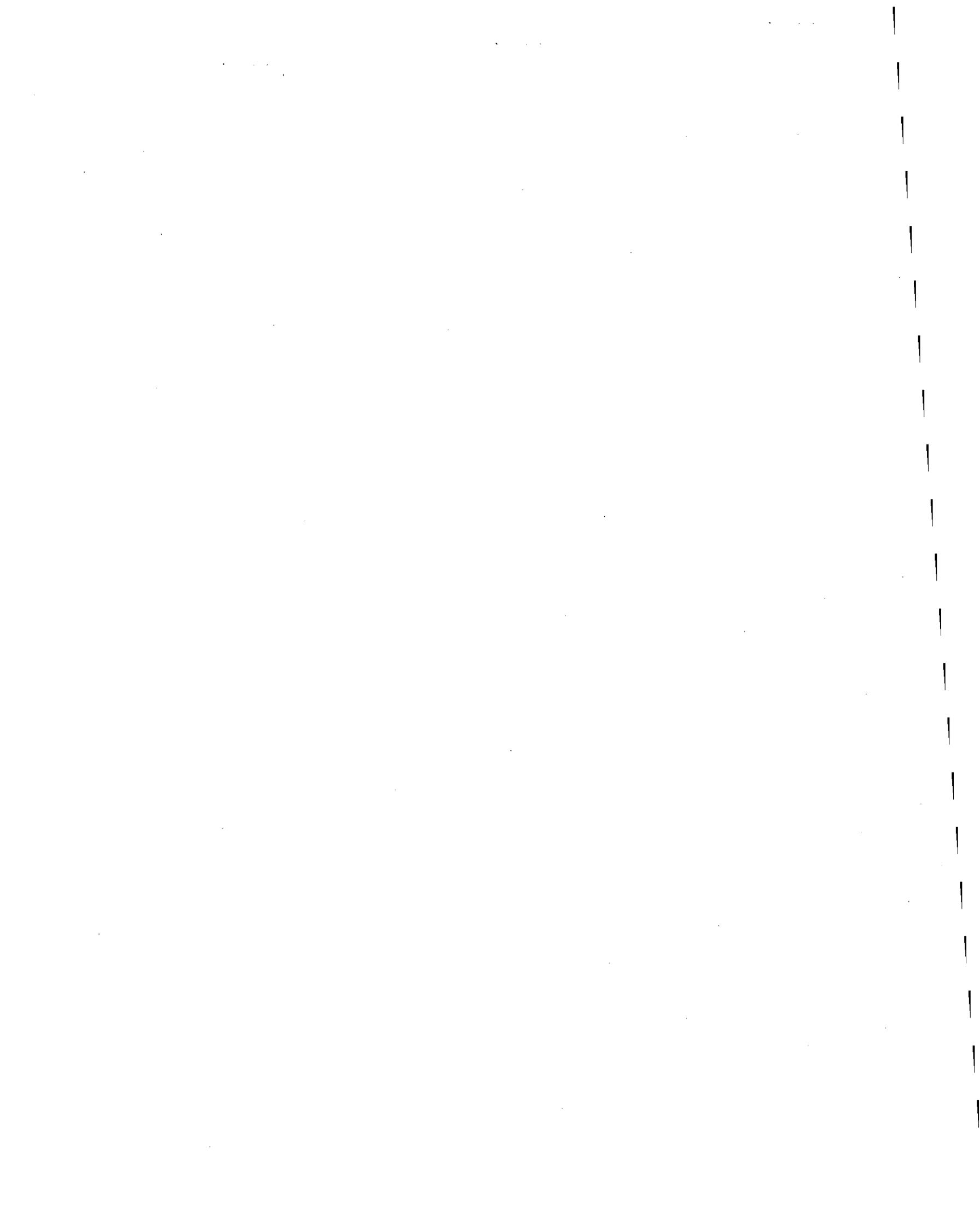
1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

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



Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, 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 Supervisors Elsbernd, Ma, and Sandoval were noted absent.

Supervisor Elsbernd was previously excused from attending today's meeting. (See Infra)

Supervisor Sandoval was noted present at 2:06 p.m.

Supervisor Ma was noted present at 2:08 p.m.

Quorum present.

Supervisor Elsbernd Excused from Attendance

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Elsbernd from attending today's meeting. The motion carried by the following vote:

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

Absent: 1 - Ma

Excused: 1 - Elsbernd

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051466 [Grant of Federal Funds - Municipal Transportation Agency]
Supervisor Ammiano

Resolution authorizing the Municipal Transportation Agency to accept and expend \$497,050 of TEA 21 Section 3015 (Research, Development, Demonstration, and Training Projects) capital assistance for an Alternative Fuel Technology Project, excluding administrative overhead costs.

Resolution No. 675-05

ADOPTED by the following vote:

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

Absent: 1 - Ma

Excused: 1 - Elsbernd

Severed from Consent Agenda

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

051361 [Professional services agreement to provide to perform professional engineering services]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute and amend a professional services agreement with URS Corporation for an amount not to exceed \$12,000,000 to provide professional engineering services for the Calaveras Dam Replacement Project. (Public Utilities Commission)

(Fiscal impact.)

Resolution No. 674-05

ADOPTED by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Government Audit and Oversight Committee****051511 [To appropriate general fund reserve to the Board of Supervisors for the Budget Analyst to perform a management audit of the Office of Emergency Services]
Supervisors Peskin, Mirkarimi**

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

(Fiscal impact.)

Amended to replace "\$179,358" with "\$179,385."

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED. The motion carried by the following vote:

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

Ordinance appropriating \$179,385 from the General Fund Reserve to the Board of Supervisors to pay the Budget Analyst to perform a management audit of the Office of Emergency Services for Fiscal Year 2005-2006.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

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

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

Ordinance No. 230-05

FINALLY PASSED by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Elsbernd

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

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

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

Ordinance No. 229-05

FINALLY PASSED by the following vote:

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

Noes: 1 - Ma

Excused: 1 - Elsbernd

NEW BUSINESS**Recommendations of the Budget and Finance Committee****051378 [Sale of City Property located at 425 Mason Street, San Francisco]**

Ordinance ordering the sale at public auction of City-owned property located at 425 Mason Street; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Fiscal impact.)

Continued to October 11, 2005

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

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

Excused: 1 - Elsbernd

**051390 [Setting San Francisco's fiscal year 2005-2006 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

**051391 [Setting San Francisco Community College District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

**051392 [Setting San Francisco Unified School District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

**051393 [Setting San Francisco Bay Area Rapid Transit District's fiscal year 2005-2006 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2006.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

051352 [Outreach Advertising]

Resolution designating El Reportero and El Latino to be the outreach newspaper of the City and County of San Francisco for the Hispanic community; China Press, World Journal, Sing Tao and Asian Week to be the outreach newspaper of the City and County for the Chinese community; San Francisco Bay View to be the outreach newspaper for the African American community and, the Bay Area Reporter to be the outreach newspaper for the Lesbian Gay Bisexual and Transgender community, to provide outreach advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006. (Office of Contract Administration)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to amend by deleting "Asian Week".

Motion moved to amend failed by the following vote:

Ayes: 4 - Daly, McGoldrick, Peskin, Sandoval

Noes: 6 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi

Excused: 1 - Elsbernd

Resolution No. 673-05

ADOPTED by the following vote:

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

Excused: 1 - Elsbernd

From the Budget and Finance Committee Without Recommendation**051406 [Lease of Real Property at One South Van Ness Avenue]**

Resolution authorizing the exercise of an option to lease 34,683 square feet of space at One South Van Ness Avenue for the Municipal Transportation Agency of the City and County of San Francisco. (Real Estate Department)

Resolution No. 669-05

ADOPTED by the following vote:

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

Noes: 2 - Ammiano, Daly

Excused: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee**051454 [Authorizing a Change in Use of Grant Funds]**

Supervisor Daly

Ordinance authorizing a change in the use of San Francisco Convention and Facilities Department grant funds to permit the funds to be used for an affordable housing development without a proposed pavilion.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Elsbernd

Recommendations of the Land Use Committee

**050456 [Planning Code - Section 311 Notification]
Supervisor McGoldrick**

Ordinance amending the San Francisco Planning Code by amending Section 311 to clarify that the project notification requirements apply to building permits for demolition and change in the number of dwelling units as well as to building permits for new construction and alteration and to require that the notification package sent to neighboring property owners include specified information; adopting environmental findings and findings pursuant to Planning Code Section 302.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**050829 [Requiring baby diaper-changing accommodations in new Public-Serving and Substantially Renovated Public-Serving Establishments]
Supervisor Sandoval**

Ordinance amending the Planning Code by adding Section 166 to require that new public-serving establishments and substantially renovated public-serving establishments install baby diaper-changing accommodations; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

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

051218 [Public Works Landmark Trees]

Resolution approving designation of four (4) tree locations for Landmark Status because of their historical significance, aesthetic qualities, or contribution to the City's overall character. (Public Works Department)

Resolution No. 670-05

ADOPTED by the following vote:

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

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

SPECIAL ORDER 4:00 P.M.

041275 [Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]
Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

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

There were none.

The President declared the public hearing closed.

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

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

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the certification of determination of exemption/exclusion from environmental review decision 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.)

041276 [Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]
Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

041277 [Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]
Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

- 041278 [Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

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.)

Continued to October 11, 2005

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

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

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 October 11, 2005
Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd
- 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 October 11, 2005
Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd
- 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 October 11, 2005
Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

SPECIAL ORDER 4:00 P.M.

- 051402 [Public Hearing - Appeal of Categorical Exemption for 3350 20th Street (Quonset Hut structure)]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated October 7, 2004, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Section 15301 (l) (3), the demolition of a small commercial structure. The proposed project involves the demolition of the Quonset Hut structure located at at 3350 20th Street, Assessor's Block 3594, Lot 15. (Appellant: Sue C. Hestor, Attorney, representing Mission Anti-Displacement Coalition).
The President inquired as to whether or not any member of the public wished to address the Board.
Appellant withdrew the CEQA appeal.
The President declared the public hearing closed.
Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Hearing be TABLED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

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

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

051403 [Affirming the categorical exemption issued for 3350 20th Street]

Motion affirming the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

051404 [Disapproving the categorical exemption issued for 3350 20th Street]

Motion disapproving the determination by the Planning Department that the 3350 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

051405 [Preparation of findings related to the categorical exemption issued for 3350 20th Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 3350 20th Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

COMMITTEE REPORTS

From the Rules Committee

**051033 [Additional Eligibility Requirements to Participate in Public Financing Program for Candidates for the Board of Supervisors]
Supervisor Elsbernd**

Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code, by amending section 1.140 to disqualify any candidate with outstanding fines or penalties for violations of state or local campaign finance laws from participation in the public finance program and to render ineligible for participation for five years candidates found by a court to have knowingly, willfully or intentionally violated state or local campaign finance laws.

PASSED ON FIRST READING by the following vote:

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

**051151 [Application of the City's Conflict of Interest Laws to Members of Certain Advisory Bodies]
Supervisor Peskin**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 3.203 to apply the City's conflict of interest laws to members of advisory bodies who are required to file statements of economic interests.

PASSED ON FIRST READING by the following vote:

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

051327 [Appointment - Asthma Task Force]

Resolution appointing Kimberley Knox, term ending June 30, 2007, to the Asthma Task Force.

Kimberley Knox, succeeding Lucille Valdivia, resigned, seat 22, must be an individual who represents tenant interests (non-voting member), for the unexpired portion of a two-year term ending June 30, 2007.

Resolution No. 671-05

ADOPTED by the following vote:

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

051330 [Appointment - Golden Gate Bridge, Highway and Transportation District]

Resolution appointing Lynne Newhouse Segal, term ending January 31, 2007, to the Board of Directors, Golden Gate Bridge, Highway and Transportation District.

Lynne Newhouse Segal, succeeding Maryanne Harrison, deceased, seat 4, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2007.

Resolution No. 672-05

ADOPTED by the following vote:

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

051498 [Appointment - Assessment Appeals Board No. 1]

Resolution appointing Diane Robinson and Stephen Wasserman, terms ending September 1, 2008, to the Assessment Appeals Board No. 1.

Diane Robinson, succeeding herself, term expired, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 1, 2008.

Stephen Wasserman, succeeding Carol Ruth Silver, resigned, seat 7 (ALTERNATE/HEARING OFFICER), must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 1, 2008.

Resolution No. 676-05

ADOPTED by the following vote:

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

051499 [Appointment - Assessment Appeals Board No. 2]

Resolution appointing Calvin Abe, term ending September 4, 2006, and Joseph Tham, term ending September 1, 2008, to the Assessment Appeals Board No. 2.

Calvin Abe, succeeding Richard Lee, resigned, seat 7 (ALTERNATE/HEARING OFFICER), must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 4, 2006.

Joseph Tham, succeeding himself, term expired, seat 8 (ALTERNATE/HEARING OFFICER), must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: certified public accountant (CPA) or public accountant (PA); licensed real estate broker; attorney; or a property appraiser accredited by a nationally recognized professional organization, or property appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 1, 2008.

Resolution No. 677-05

ADOPTED by the following vote:

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

From the Budget and Finance Committee

**051500 [Public Education Enrichment Fund]
Supervisor Ammiano**

Resolution approving the San Francisco Unified School District revised expenditure plans for the Public Education Enrichment Fund.

(Fiscal impact.)

Resolution No. 678-05

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concern with issues relating to the SF Public Library
Stephen Dreyfus; expressed concern with issues relating to street artists permits
John DiDonna; expressed concern with several issues including right wing individuals
Paul Hayward; expressed concern with issues relating to street artists permits
Armando Rios, CPMC worker; expressed concern with issues relating to the CPMC strike
Julito, CPMC worker; expressed concern with issues relating to the CPMC strike
David Hart, CPMC worker; expressed concern with issues relating to the CPMC strike
Eugene Gordon Jr.; expressed concern with general issues
Walter; expressed concern with general issues
Video shown concern regarding parking regulations on California Street and Emmett Condon, Lincoln Park Neighborhood Association; expressed concern with issues relating to Burke School
James Argo, President of the Lincoln Park Neighborhood Association; expressed concern with issues relating to Burke School
Male Speaker; expressed concern with issues relating to Burke School

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.

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

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

Motion No. M05-123

APPROVED

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

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

Resolution No. 679-05

ADOPTED

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

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

Resolution No. 680-05

ADOPTED

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

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

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

Resolution No. 681-05

ADOPTED

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

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

Resolution No. 682-05

ADOPTED

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

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

Resolution No. 683-05

ADOPTED

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

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

Resolution No. 684-05

ADOPTED

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

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

Resolution No. 685-05

ADOPTED

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

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

Resolution No. 686-05

ADOPTED

051579 [Commending Lee Blitch]
Supervisor Peskin

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

Resolution No. 687-05

ADOPTED

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

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

Motion No. M05-122

APPROVED

051555 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Duffy, 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.

Motion No. M05-121

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

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

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

Continued to September 27, 2005

CONTINUED.

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

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

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

Supervisor Maxwell requested that this matter be referred to Committee.

REFERRED to the City and School District Select Committee.

[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."

Supervisor Daly, seconded by Supervisor Dufty, moved **ADOPTION** of the Serious Finding. The motion carried by the following vote:

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

[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.

Supervisor Daly, seconded by Supervisor Dufty, moved **ADOPTION** of the Brown Act Finding. The motion carried by the following vote:

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

051611 [St. Luke's and CPMC Affiliation Agreement]

Supervisors Ammiano, Peskin, Mirkarimi, McGoldrick, Alioto-Pier, Ma, Daly

Resolution urging the Boards of Directors of both St. Luke's Hospital and the California Pacific Medical Center to postpone their vote on the new Affiliation Agreement until the Board of Supervisors has scheduled a hearing to consider the financial, social justice and public health implications of key elements of the agreement.

Resolution No. 688-05

ADOPTED by the following vote:

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

[Purely Commendatory Finding]

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

Supervisor Daly, seconded by Supervisor McGoldrick, moved **ADOPTION** of the Commendatory Finding. The motion carried by the following vote:

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

[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.

Supervisor Daly, seconded by Supervisor McGoldrick, moved **ADOPTION** of the Brown Act Finding. The motion carried by the following vote:

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

051612 [Commending George Galloway]

Supervisors Daly, Mirkarimi

Resolution commending George Galloway, Member of Parliament for Bethnal Green and Bow, UK, and author of "Galloway Goes to Washington," for his efforts to promote peace in Iraq through his "Stand Up and Be Counted" tour.

Resolution No. 689-05

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**051260 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]
Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house and residential-mixed zoning districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers and institutions for the treatment of addictive diseases and subject, in some areas of the City, to the granting of a conditional use permit; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require dispensaries operating before April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or cease operation; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan; Amending the San Francisco Health Code by adding Sections 3200 through 3220, to: set medical marijuana possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations;

Amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at \$100; and,

Amending the San Francisco Business and Tax Regulations Code by amending Section 1, and by adding Sections 1.177 and 249.17, to authorize the Department of Health to issue medical cannabis dispensary permits and to set out the license fees for medical cannabis dispensaries.

(Fiscal impact.)

6/28/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/28/2005.

7/8/05, REFERRED TO DEPARTMENT. Referred to Planning Department for review and comment.

8/30/05, RESPONSE RECEIVED. Planning Department Certificate of Determination of exemption/exclusion from environmental review.

9/19/05, RESPONSE RECEIVED. Planning Commission Resolution No. 17104 with no recommendation and Planning Department executive summary.

9/20/05, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing new title.

9/20/05, ASSIGNED to Land Use Committee.

**051604 [Payroll Expense Tax Exclusion for Persons Who Hire the Disabled and the Homeless]
Supervisor Alioto-Pier**

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for persons who hire the disabled and the homeless, as specified.

(Fiscal impact.)

9/20/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/20/2005.

**051605 [Penalties related to dog licensing]
Supervisor Dufty**

Ordinance amending Article 1, Section 41.25 of the San Francisco Health Code by increasing penalties imposed for failing to license a dog or obtain a young dog certificate from not less than \$25 nor more than \$50 to exactly \$100; and making environmental findings.

9/20/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/20/2005.

**051606 [Penalties related to vicious and dangerous dogs]
Supervisor Dufty**

Ordinance amending Article 1, Section 42.2 of the San Francisco Health Code to transfer authority for registration of vicious and dangerous dogs from the Department of Public Health to the Department of Animal Care & Control, increase the vicious and dangerous dog registration fee from \$50 to \$250, allow for microchipping as an alternative form of permanent identification for dogs, and clarify standards for outdoor enclosures; amending Section 42.3 to adjust hearing deadlines for vicious and dangerous dog hearings; and amending Section 42.4 making a second or subsequent violation within any 12-month period from the initial incident punishable as a misdemeanor, and to allocate dog registration fees and fines collected for violations of Sections 42 through 42.3 to the Department of Animal Care & Control for enforcement of the vicious and dangerous dog program; and making environmental findings.

9/20/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/20/2005.

**051607 [Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls]
Supervisor Dufty**

Ordinance amending Article 1 of the San Francisco Health Code by: adding Section 43, to define pit bull and to create a procedure for determining breed; adding Section 43.1, to require every pit bull in the City and County of San Francisco to be spayed or neutered unless one of the enumerated exceptions apply; adding Section 43.2, to establish fines of \$100 to \$1000 for failing to spay or neuter, to limit an owner from redeeming an impounded unspayed or unneutered pit bull, to provide a procedure for the Department of Animal Care and Control to spay or neuter a pit bull upon a deposit of \$100 with an ultimate fee of the actual expenses incurred, and to set a fee of \$60 for Animal Care and Control to transport a pit bull to a private veterinarian for spaying or neutering; adding Section 43.3, to allocate fines to the Department of Animal Care and Control; adding Section 43.4 to provide an operative date; adding Section 44, to provide permit requirements for the breeding and/or transferring ownership or possession of pit bull puppies within the City and County of San Francisco; adding Section 44.1, to create a permit procedure including standards for granting or denying a permit and establish a permit fee of \$100; adding Section 44.2, to create a procedure for revoking a permit; adding Section 44.3, to require posting of permit numbers on any offer of sale, trade or adoption and to require permit holders to inform the Department of Animal Care and Control of the number of puppies born and transfer of ownership or possession of puppies; adding Section 44.4, to create fines of \$100 to \$1000 for failure to comply with permit requirements; adding Section 44.5, to allocate fines to the Department of Animal Care and Control; adding Section 44.6, to define exceptions to the breeding permit posting requirements; adding Section 44.7 to provide an operative date; and making environmental findings.

9/20/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/20/2005.

**051614 [Establishing the Hurricane Katrina Relief Fund to receive donations to pay for relief to victims of the Hurricane Katrina of 2005]
Supervisor Maxwell**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-291 to establish the San Francisco Hurricane Katrina Relief Fund to receive donations from employees, and private and public grants and appropriations, gifts and bequests to be used for relief to victim of Hurricane Katrina of 2005.

9/21/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

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

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

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

9/20/05, REFERRED to City and School District Select Committee. Supervisor Maxwell requested that this matter be referred to Committee.

**051609 [Mortgage Credit Certificates]
Supervisor Ma**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

9/20/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests this item be scheduled for consideration at the September 29, 2005 meeting.

**051615 [Housing assistance for people with HIV/AIDS displaced by the Hurricane Katrina]
Supervisors Ammiano, Dufty**

Resolution stating that the City and County of San Francisco will provide housing assistance for the 8,000 people with HIV/AIDS who have been displaced by the Hurricane Katrina disaster in Louisiana and Mississippi.

9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051616 [Commending East Bakersfield High School Journalists]
Supervisor Ammiano**

Resolution commending East Bakersfield High School Journalism Department and student journalists for their courage in attempting to publish a series of news articles in their school newspaper on the lives of gay youth and for fighting for their first amendment rights to overturn the prohibition imposed by school administrators to censor publication of the news series.

9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051617 [Declaring October 2005 to be "Domestic Violence Awareness Month"]
Supervisor Ma**

Resolution declaring October 2005 to be "Domestic Violence Awareness Month" in the City and County of San Francisco.

9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051618 [Accept-Expend Gift - San Francisco Public Library]
Supervisors Mirkarimi, Sandoval, Maxwell, Ma, Elsbernd**

Resolution authorizing the Library to accept and expend up to \$16 million from the Friends of the San Francisco Public Library for furniture, fixtures, equipment and other costs related to the Branch Library Improvement Program.

9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 9/22/05 - Supervisor Sandoval requested to be added as a co-sponsor.

9/23/05 - Supervisor Maxwell requested to be added as a co-sponsor.

**051619 [Interim Report on Traffic Flow and Pedestrian Safety on Octavia Boulevard]
Supervisor Mirkarimi**

Resolution urging the San Francisco Department of Parking and Traffic to deliver an interim report by October 5, 2005 concerning traffic flow and pedestrian safety on Octavia Boulevard and its adjoining freeway off-ramp. 9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051620 [Tree Disclosure Statement]
Supervisor McGoldrick**

Resolution instructing the Planning Department to require a Tree Disclosure Statement as part of all building permit applications that include exterior work, demolition or grading. 9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051621 [Zoning - Extension of Planning Commission Review Period - Better Neighborhoods Plan]
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. 9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051622 [Endorsing Statewide Ballot Measure]
Supervisor Peskin**

Resolution endorsing the passage of California State Proposition 79, the "Cheaper Prescription Drugs for California Act", and urging the defeat of California State Proposition 78, sponsored by major pharmaceutical manufacturers. 9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051623 [Honoring Michael Lane]
Supervisors Peskin, Dufty, Maxwell, Alioto-Pier, Elsbernd**

Resolution honoring Michael Lane for his many contributions to the City and County of San Francisco and proclaiming October 4, 2005 as Michael Lane Day. 9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051624 [Declaring the week of October 2-9 Howl Week in the City and County of San Francisco]
Supervisor Peskin**

Resolution declaring the week of October 2-9 Howl Week in the City and County of San Francisco to commemorate the 50th anniversary of the first reading of Allen Ginsberg's classic American poem about the Beat Generation.

9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051625 [Commending the League of California Cities-Latino Caucus]
Supervisor Sandoval**

Resolution commending the League of California Cities-Latino Caucus for its work advocating for and improving the quality of life of Latinos in California and extending congratulations to Los Angeles City Council President Alex Padilla on becoming President of the League of California Cities.

9/20/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearings

**051608 [Functions of a County Agricultural Commissioner-Sealer of Weights and Measures and status of enforcement of San Francisco Police Code Sections 4901-4914]
Supervisor McGoldrick**

Hearing to review the functions of a County Agricultural Commissioner - Sealer of Weights and Measures and to review the status of enforcement of San Francisco Police Code Sections 4901-4914.

9/20/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051610 [Treasure Island Development Authority (TIDA)]
Supervisor Daly**

Hearing on the status of the Treasure Island Development Authority (TIDA) as an independent agency and of the Exclusive Negotiating Agreement (ENA), to determine the following: (1) The leadership crisis at TIDA. Who is in charge. (2) The status of TIDA as an independent redevelopment agency. (3) The status of the existing Exclusive Negotiating Agreement (ENA) and its proposed extension with the developer.

9/20/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be scheduled at the September 26, 2005 meeting.

**051613 [Implementation of pedestrian safety and traffic calming measures around the opening of the Octavia freeway entrance at Market Street]
Supervisor Dufty**

Hearing on the implementation of pedestrian safety and traffic calming measures around the opening of the Octavia freeway entrance at Market Street, as directed by the Board of Supervisors Resolution No. 040912.

9/20/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051626 [Hearing - St. Luke's and CPMC Affiliation Agreement]
Supervisor Ammiano**

Hearing to inquire into the fiscal, social justice and public health implications of the Affiliation Agreement between the Boards of Directors of St. Luke's Hospital and the California Pacific Medical Center.

9/20/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED ORDINANCES

- 051521 [Designate 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248]**
Ordinance designating 150 Otis Street, the Juvenile Court and Detention Home, as Landmark No. 248 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)
9/7/05, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

- 051530 [Airport Public Parking Services Proposition]**
Resolution approving the Controller's certification that Airport Public Automobile Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact.)
9/9/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 051531 [Airport Employee Parking Services Proposition J]**
Resolution approving the Controller's certification that Airport Employee Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact.)
9/9/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 051532 [Report of assessment costs for sidewalk and curb repairs - 534 Octavia Street]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,586; Location: 534 Octavia Street.)
9/12/05, SCHEDULED FOR PUBLIC HEARING to Board of Supervisors. Scheduled for public hearing October 25, 2005, at 3:00 p.m.

051533 [Contract between the Department of Public Health and Accordis, Inc. to provide retroactive claiming of aged accounts services]

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to continue a contract between the City and County of San Francisco and Accordis, Inc. to provide retroactive claiming of aged accounts services for the period of July 1, 2004 through June 30, 2008. (Public Health Department)

(Fiscal impact.)

9/12/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051594 [Confirming appointment of Hunter Stern to the Municipal Transportation Agency Board of Directors] Mayor

Resolution confirming the appointment of Hunter Stern to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2009.

9/13/05, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Supervisor Mirkarimi requests that the Municipal Transportation Agency answer the following questions related to Octavia Boulevard:

- 1) Please describe the current model for moving traffic through Octavia Boulevard to/from Oak/Fell and the Central Freeway.*
- 2) What collisions have been observed so far?*
- 3) How does the department intend to use data gathered from studying those collisions to inform a new traffic regimen for the system?*

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Parking and Traffic report on the status of the crosswalk at Kezar and Lincoln within 30 days.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Parking and Traffic and the Municipal Transportation Agency report on pedestrian, bicycle, and traffic safety concerns at the intersection of Market St. and Octavia Blvd. assessing methods to increase safety and decrease exposure of risk created by approaching motorists. This is especially to include crossing hazards in all directions and the notice to drivers to decrease speed from the Hwy 101 off-ramp and Octavia Blvd. on-ramp.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Parking and Traffic report on the status of repairing the pothole at 33-35 Lincoln St.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Parking and Traffic report on the status of repainting the crosswalk and painted turn arrows at Arguello and Lincoln.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Supervisor Mirkarimi requests that the City Attorney draft an ordinance amending Sec. 720.1 of the Planning Code to include Octavia Blvd. between Grove and Market street in the Hayes-Gough Neighborhood Commercial District.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Parking and Traffic report on the status of the crosswalk at Kezar and Lincoln.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Public Works report on the status of repairing the pothole at 1572 8th Ave.

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Parking and Traffic to report on the status of removing the north side tow-away lane of Oak Street between Baker Street and Laguna Street.*

*cc: Michael Smithwick
c/o Alamo Square Neighborhood Association
P.O. Box 15372
San Francisco, CA 94115*

*From: Supervisor Alioto-Pier
To: Director, Department of Recreation and Parks
Requesting/Inquiring: The Department of Recreation and Parks Implementation of the No-Smoking Ordinance.*

Text as follows:

In February 2004 an ordinance prohibiting smoking in City parks and recreational areas in San Francisco (041307) was passed by the Board of Supervisors, with eight votes. The ordinance went into effect on July 1, 2005.

On June 28, 2005, Supervisor Alioto-Pier sent a letter to Yomi Agunbiade, Acting General Manager, requesting an implementation plan, including costs and a prototype of the signs.

On August 12, 2005, Supervisor Alioto-Pier again sent a letter to Yomi Agunbiade, General Manager, requesting a detailed implementation plan and timeline.

As of today, September 20, 2005, the Department of Recreation and Parks has not provided a detailed implementation plan. Nor has the Department posted a single permanent No Smoking Sign.

The Department had five months to prepare for the ordinance to go into effect. The ordinance has now been in effect for almost three months. Supervisor Alioto-Pier would like to know why the Department has not posted any No Smoking Signs and when the Department will present an implementation schedule for posting the No Smoking Signs in public parks.

Supervisor Alioto-Pier would like to know if the Recreation and Park Department is aware that when a law is passed they must do what is necessary to implement the law. Lastly, Supervisor Alioto-Pier would like to know why the Department has not responded to an elected member of the Board of Supervisors in a timely and respectful manner.

*From: Supervisor Ammiano
To: Fire Chief, San Francisco Fire Department
To: Code Enforcement Task Force
To: Director, Department of Building Inspection
To: Director, Office of Emergency Services
To: Director, Department of Human Services
To: SRO Advisory Task Force
To: Director, American Red Cross SF Bay Area Chapter
Requesting/Inquiring: Supervisor Ammiano is requesting a full investigation of the recent fire at 359 Capp Street that occurred on September 15, 2005 including (1) Main cause of the fire, including whether arson and/or building code violations were involved (2) whether there were past or present code violations at 359 Capp Street building that may have contributed to the fire (3) whether occupancy levels exceeded what is allowable under DBI rules (4) whether fire prevention measures were in place at the 359 Capp Street building such as working alarms, extinguishers and sprinklers (5) welfare of fire survivors and whether adequate emergency relief, medical and social services were provided (6) additional support or services that fire survivors require to address the after affects of the ordeal.*

*From: Supervisor Alioto-Pier
To: Director, Planning Department
To: Director, Department of Emergency Services
Requesting/Inquiring: Supervisor Alioto-Pier inquires about what efforts have been made by the Planning Department, the Department of Emergency Services, or other relevant departments to secure federal emergency monies for earthquake retrofitting and preparedness assistance. Response due back within 2 weeks. Copy of response to Supervisors Peskin, Mirkarimi, and Ma.*

*From: Supervisor Alioto-Pier
To: Director, Recreation and Park Department
Requesting/Inquiring: Supervisor Alioto-Pier inquires as to the status of and time table for planning and construction for the Moscone Recreation Center renovation and retrofit.*

*From: Supervisor Alioto-Pier
To: Director, Department of Emergency Services
To: Mayor Gavin Newsom
Requesting/Inquiring: As a member of the Disaster Council, the representative for a district that was hit very hard by the Loma Prieta earthquake and a citizen of San Francisco, Supervisor Alioto-Pier was surprised to learn, from the media, that the Director of Emergency Services, Annemarie Conroy, was taking classes to learn how to do her job. Supervisor Alioto-Pier inquires:*

- 1. What degree is Ms. Conroy pursuing? What exactly is the nature of the program?*
- 2. How often is Ms. Conroy out of the City and County for school? Who is in charge of the Department of Emergency Services when Ms. Conroy is at school? Why is the Director of Emergency Services out of town without informing the Disaster Council?*
- 3. The Mayor is out of town on a long-planned trip. Have you been to school, and therefore out of town, at the same time that the Mayor has been in Ireland?*
- 4. How much does the program cost? What are the funds earmarked for? How else could the funds have been used? How is tuition paid? How are travel expenses paid?*
- 5. Hurricane Katrina destroyed a major US city. Why has a Disaster Council meeting not been called? What has the Office of Emergency Services done in the last week to ensure the safety of San Franciscans including coordination with federal and state agencies and discussions with leaders and professionals regarding the Federal response to Katrina?*
- 6. When will the Disaster Council meet and what will the agenda cover?*

Supervisor Alioto-Pier is requesting response within 2 weeks. Please send a copy of response to Supervisors Peskin, Mirkarimi, Ma, and Members of the Disaster Council.

In Memoriams

*Sharon Bretz - Entire Board
Timothy Powers - Supervisor Dufty
Simon Wiesenthal - Entire Board
Carol M. Howard - Supervisor Sandoval
Diana J. "La La" Pavia - Supervisor Sandoval
Barbara M. Doby - Supervisor McGoldrick
Hilario Moreno Demeza - Supervisor Ammiano
Pastor Estrada - Supervisor Ammiano
Liset Estrada - Supervisor Ammiano*

ADJOURNMENT

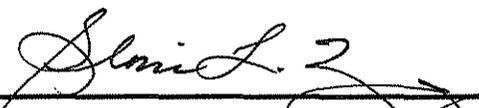
There being no further business the Board adjourned at the hour of 4:45 p.m.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on October 11, 2005.

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



Gloria L. Young
Clerk of the Board

