

# 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, August 1, 2006 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 Daly, Dufty, Peskin

**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 Ammiano, Alioto-Pier, Peskin

**Land Use and Economic Development Committee**

Supervisors Maxwell, Sandoval, McGoldrick

**Rules Committee**

Supervisors Mirkarimi, Elsbernd, Ammiano

**Select Committee on Ending Gun and Gang Violence**

Supervisors Maxwell, Mirkarimi, Ammiano

#### Meeting Days

Wednesday  
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

Thursday  
10:00 AM

1st and 3rd Monday  
10:00 AM

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

Volume 101 Number 27

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

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Sandoval was noted absent.*

*Supervisor Sandoval was excused from attendance. (See Infra)*

*There was a quorum.*

### Supervisor Sandoval Excused from Attendance

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

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

## APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the Meeting Minutes of June 27, 2006. The motion carried by the following vote:

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

## COMMUNICATIONS

## CONSENT AGENDA

### Recommendation of the City Operations and Neighborhood Services Committee

060826 [Prohibiting vehicle parking for commercial advertising purposes]  
Supervisors McGoldrick, Dufty

Ordinance repealing San Francisco Police Code Section 681, adding San Francisco Traffic Code Section 63.3, and amending San Francisco Traffic Code Section 132 to impose a penalty of \$100 for violation of Traffic Code Section 63.3. (Parking and Traffic Department)

Ordinance No. 214-06  
FINALLY PASSED

**Recommendations of the Rules Committee****060827 [Settlement of Lawsuit - Nibbi Brothers, Inc]**

Ordinance authorizing settlement of the lawsuit filed by Nibbi Brothers, Inc., against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 17, 2006 in San Francisco Superior Court, Case No. CGC 06448631; entitled Nibbi Brothers, Inc., v. City and County of San Francisco. (City Attorney)

**Ordinance No.** 215-06

**FINALLY PASSED**

**060842 [Settlement of Lawsuit - Alfonso Helena]**

Ordinance authorizing settlement of the lawsuit filed by Alfonso Helena against the City and County of San Francisco for \$114,500; the lawsuit was filed on January 20, 2004 in United States District Court, Northern District of California, Case No. C04-0260; entitled Alfonso Helena, et al., v. City and County of San Francisco, et al.

**Ordinance No.** 216-06

**FINALLY PASSED**

**061037 [Settlement of Lawsuit - Alameda County]**

Ordinance authorizing settlement of the lawsuit, County of Alameda, Alameda County Flood Control and Water Conservation District v. City and County of San Francisco, for declaratory and injunctive relief; and costs of suit including attorneys fees, filed on June 19, 2006 San Francisco County Superior Court, Case No. CPF-06-506443; material terms of said settlement are payments in the amount of \$1.2 million to Alameda County Flood Control and Water Conservation District for projects in the Alameda Creek watershed. (City Attorney)

**PASSED, ON FIRST READING**

**060990 [Appointment - Golden Gate Bridge, Highway and Transportation District]**

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

Richard Grosboll, succeeding Leah Shahum, resigned, seat 3, 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.** 454-06

**ADOPTED**

**061062 [Appointment - Lead Hazard Reduction Citizens Advisory Committee]**

Resolution appointing James Ruigomez, term ending December 22, 2009, to the Lead Hazard Reduction Citizens Advisory Committee; residency requirement waived.

James Ruigomez, succeeding Theodore Strong; term expired, seat 4, must represent the building trades, for the unexpired portion of a four-year term ending December 22, 2009.

**Resolution No.** 455-06

**ADOPTED**

The foregoing items were acted upon by the following vote:

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

061117 [Adopting findings related to affirming the categorical exemption issued for 899 North Point Street]  
Motion adopting findings related to 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.

Motion No. M06-81

APPROVED by the following vote:

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

### Recommendations of the Land Use and Economic Development Committee

060345 [Zoning Jackson Square Special Use District]  
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 249.25 (Jackson Square Special Use District) to require that ground floor institutional use be subject to conditional use authorization and by amending Sectional Map 1SU of the Zoning Map of the City and County of San Francisco to include Lot 4, Block 195 (site of City Landmark No. 237) within the boundaries of the Jackson Square Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Ordinance No. 217-06

FINALLY PASSED by the following vote:

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

**051685 [Increasing the requirements of the Inclusionary Affordable Housing Program.]  
Supervisors Daly, Maxwell**

Ordinance amending Planning Code Sections 315.1, 315.2, 315.3, 315.4, and 315.5, 315.6, and 315.8 related to the Inclusionary Affordable Housing Program to increase the percentage of affordable housing required for all residential developments of 10 units or more; to adjust the way low and median income is calculated from a method using Metropolitan Statistical Area calculations to City and County of San Francisco calculations; to provide, with certain exceptions, that the amendments apply to any housing project that has not received a first site or building permit by the effective date of this legislation and applies to phased projects on separate but adjacent lots; to provide for mandatory lotteries to market new inclusionary units and the maintenance of a list generated from a lottery for units that become available; to require a project sponsor that elects an alternative to providing on-site inclusionary housing to make its election at the time of project approval; to allow project sponsors to use California Debt Limit Allocation Committee (CDLAC) tax-exempt bonds to finance inclusionary units under certain circumstances; to build all off-site inclusionary units within one mile of the principal project and to offer those units as rental housing or as ownership housing affordable to households earning no more than 80% of median income; requiring the Mayor's Office of Housing to adjust the in lieu fee annually and no later than July 1 and to report the adjustment to the Board of Supervisors; requiring the Mayor's Office of Housing to evaluate its monitoring procedures and those of the San Francisco Redevelopment Agency with the goal of establishing one monitoring system for all inclusionary units in the City and County of San Francisco; requiring the Planning Department to submit a completed impact study to the Board of Supervisors and Planning Commission no later than October 1, 2006; requesting that the Planning Department and Mayor's Office of Housing conduct certain additional studies described herein; and making findings including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 219-06

FINALLY PASSED by the following vote:

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

## NEW BUSINESS

### Recommendation of the Budget and Finance Committee

*Supervisor Daly was noted absent at 2:35 p.m.*

**060853 [Restricting Posting of Signs on City-Owned Lamp Posts or Utility Poles]  
Supervisor Peskin**

Ordinance amending Article 5.6 of the San Francisco Public Works Code to increase restrictions governing signs on City-owned lamp posts and utility posts located on commercial streets.

PASSED ON FIRST READING by the following vote:

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

### Recommendations of the Government Audit and Oversight Committee

**061011 [Assessment Ballots for City Parcels - Fillmore Jazz Community Benefit Districts]**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Fillmore Jazz District Community Benefit District.

**Resolution No.** 456-06

**ADOPTED** by the following vote:

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

**060947 [Amendment to Budget Analyst Professional Services Agreement]**

**Supervisor Peskin**

Motion amending the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to amend the composition of the Joint Venture, replacing the Harvey M. Rose Accountancy Corporation with Harvey M. Rose Associates, LLC.

**Motion No.** M06-82

**APPROVED** by the following vote:

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

**Recommendations of the Land Use and Economic Development Committee****060265 [Residential and Industrial Compatibility and Protection]**

**Supervisor Maxwell**

Ordinance amending the Administrative Code to add Chapter 35 to provide that certain industrial uses shall not be considered a nuisance due to changed circumstances on adjacent property, with certain exceptions; to require notice regarding adjacent industrial uses to be provided prior to the transfer of real property for residential uses; to provide for civil penalties; to provide for a private right of action; and making environmental findings.

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

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

**060926 [Landmark Designation of the Doggie Diner sign, located in the median strip of Sloat Boulevard and 45th Avenue]**

**Supervisor Elsbernd**

Ordinance Designating the Doggie Diner sign, located in the median strip of Sloat Boulevard and 45th Avenue, as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

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

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

**Recommendations of the Rules Committee****061061 [Appointment - Entertainment Commission]**

Motion appointing Terrance Alan, term ending July 1, 2010, to the Entertainment Commission.

1 seat being considered

Terrance Alan, succeeding himself, term expired, seat 2, shall represent the interests of entertainment associations or groups, for a four-year term ending July 1, 2010.

**Motion No.** M06-83

**APPROVED** by the following vote:

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

**061048 [Appointments, Taxi Commission]**

Motion approving the Mayor's appointments of Tom Oneto and Malcolm Heinicke, terms ending March 2, 2007, and Min Paek, term ending March 2, 2008, to the Taxi Commission. (Clerk of the Board)

**Motion No.** M06-80

**APPROVED** by the following vote:

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

**SPECIAL ORDER 3:30 P.M - Recognition of Commendations****Privilege of the Floor**

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 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: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin  
Absent: 1 - McGoldrick  
Excused: 1 - Sandoval

*Supervisor Dufty welcomed, introduced and presented a Certificate of Honor to members of the Department of Human Resources staff.*

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

*Supervisor McGoldrick was noted present at 3:53 p.m.*



**060980 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 229 32nd Avenue, Katherine Delmar Burke School (aka 7070 California Street)]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site, within the Katherine Delmar Burke School Campus, is set back from El Camino del Mar to the north and also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require Conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: James Argo, President, Lincoln Park Neighborhood Association, Inc.)

(Filed June 20, 2006; companion measure to Files 060981, 060982, 060983, District 1.)

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

*There were none.*

*The President closed the public hearing.*

**HEARD AT PUBLIC HEARING.**

*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.)****060981 [Affirming the categorical exemption issued for the 229 32nd Avenue (aka 7070 California Street) project]**

Motion affirming the determination by the Planning Department that the 229 32nd Avenue (aka 7070 California Street) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Motion No.** M06-84

**Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

**060982 [Disapproving the categorical exemption issued for the 229 32nd Avenue (aka 7070 California Street) project]**

Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (aka 7070 California Street) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:**

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

**060983 [Preparation of findings related to the 229 32nd Avenue (aka 7070 California Street) project]**  
 Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 229 32nd Avenue (aka 7070 California Street) project is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Motion No.** M06-85

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

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

## SPECIAL ORDER 4:00 P.M.

### Supervisor Alioto-Pier Excused From Voting

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

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

**060966 [Public Hearing - Appeal of Final Environmental Impact Report for Wharf J-10 Project]**  
 Hearing of persons interested in or objecting to the Planning Commission's June 22, 2006, certification of a Final Environmental Impact Report identified as Planning File No. 2001.0636E, through its Motion No. 17274, for a proposed Wharf J-10 demolition and improvements at 2936 Hyde Street in the Fisherman's Wharf area of San Francisco's Northeastern Waterfront. (Appellant: David P. Cincotta, on behalf of F. Alioto Fish Co.)

(Filed July 6, 2006; companion measure to Files 060967, 060968, 060969, District 2.)

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

*David Cincotta, Attorney for the appellant*

*President, Telegraph Hill Association, support of appellant*

*Young male speaker; support of appellant*

*Nan Roth; Telegraph Hill Association; support of appellant*

*President North Beach Association; support of appellant*

*Jerry Adams; support of appellant*

*Francisco di Costa; support of appellant*

*Nannie Turrell, and Paul Maltzer, Planning Department's representative reviewed with the Board the Planning Department's recommendation.*

*Monique Moyer, Executive Director, Port and members of the Port Staff reviewed with the Board the Port's project.*

*Male Speaker; support of project sponsor*

*Paul Cappurro; support of project sponsor*

*Ernestine Weiss support of project sponsor*

*Rebuttal Period*

*David Cincotta, Attorney for appellant*

*The President closed the public hearing.*

**HEARD AT PUBLIC HEARING by the following vote:**

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

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)**

**060967 [Affirming certification of Wharf J-10 FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Wharf J-10 Project.

*Continued to August 8, 2006 at 4:30 p.m.*

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

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

Excused: 2 - Alioto-Pier, Sandoval

**060968 [Disapproving certification of Wharf J-10 FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Wharf J-10 Project.

*Continued to August 8, 2006 at 4:30 p.m.*

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

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

Excused: 2 - Alioto-Pier, Sandoval

**060969 [Preparation of findings to disapprove certification of Wharf J-10 FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Wharf J-10 FEIR.

*Continued to August 8, 2006 at 4:30 p.m.*

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

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

Excused: 2 - Alioto-Pier, Sandoval

**COMMITTEE REPORTS**

**ROLL CALL FOR INTRODUCTIONS**

## PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

*Abdullah Megaheed; expressed concern with the war in the Middle East*  
*Male speaker; expressed concern with issues relating to Golden Gate Park and not allowing the boarding of horses in Golden Gate Park*  
*Ernestine Weiss; expressed concern with the issues allowing a plaque in recognition of Tom Sweeny*  
*Richard McCree; expressed concern with issues relating to his patent for the design of Sigmond Stern Grove*  
*Walter; sang to the Board*  
*Eugene Gordon; expressed concern with issues relating to the violation of human rights conditions*  
*Alex Reyes; expressed concern with issues at the Human Rights Commission and the violation of the non-discrimination code*  
*Ileana Hernandez; expressed concern with issues at the Human Rights Commission and the violation of the non-discrimination*  
*Gary Delagnes, SFPOA; expressed concern with issues related to Item 30*  
*legislation resisting the Federal Government's intervention in a San Francisco investigation in the G-8*  
*Protest, protest and expressing support for the Ca. Shield Law*  
*John Di Donna; expressed concern with the bombing in Lebanon*  
*Liz Wolf-Spader; expressed support for Item 30 legislation resisting the Federal Government's intervention in a San Francisco investigation in the G-8 protest, and expressing support for the Ca. Shield Law*  
*Ms. Johnson; expressed concern with general issues*  
*Steven Worsley; showed interest in the Coit Tower gift shop*  
*Richard Knee; showed support for Item 30 legislation resisting the Federal Government's intervention in a San Francisco investigation in G-8 protest, protest and expressing support for the Ca. Shield Law*  
*Catie Hawkins Ocorrie; expressed concern with SF Police presence at an event*  
*at South Park*  
*Leon Walker, Sr.; expressed concern with SF Police presence at an event*  
*at South Park*  
*John DaCosta; expressed concern with issues relating to public comment*  
*and issues with types of equipment are in place in case of a disaster*  
*Peter Warfield, expressed issues relating with the RFID and concerns with the SF Library not being open on Sundays and more hours on Mondays*  
*Carlos Villareal; showed support for Item 30 legislation resisting the Federal Government's intervention in a San Francisco investigation in the G-8 protest, protest and expressing support for the Ca. Shield Law*

*Supervisor Daly was noted present at 3:19 p.m.*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

### 060939 [Closed Session - Existing Litigation - SF Bicycle Plan Policy]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following lawsuit entitled Coalition for Adequate Review, Ninety-nine Percent and Rob Anderson v. City and County of San Francisco, San Francisco Superior Court Case No. 505-509, Filed on July 28, 2005, involving a challenge to the City's June 7, 2005 adoption of the 2005 San Francisco Bike Plan Policy Framework. Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session because discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit. (City Attorney)

#### CLOSED SESSION

*The Board recessed at the hour of 3:39 p.m. to convene in closed session pursuant to the above motion.*

#### Reconvening of the Board

*The Board at the hour of 4:09 p.m. reconvened.*

#### Calling the Roll

*The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 9*

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

*Supervisor McGoldrick was noted present at 3:53 p.m.  
Supervisor Sandoval was previously excused from today's attendance.*

*Cheryl Adams, Deputy City Attorney  
Audrey Pearson, Deputy City Attorney  
Gloria L. Young, Clerk of the Board  
Kay Gulbengay, Deputy Clerk*

#### [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 existing litigation listed above.*

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved. The motion carried by the following vote:**

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

*Supervisor McGoldrick was noted absent at 3:26 p.m*

**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.*

**061119 [Authority to Expend State Funding-CalHome Grant of \$750,000]  
Supervisor Elsbernd**

Resolution authorizing the Mayor of the City and County of San Francisco to expend \$750,000 in grants from the California Department of Housing and Community Development under the CalHome Mortgage Assistance Program as authorized by and pursuant to Chapter 6 of Part 2 of Division 31 of the Health and Safety Code, commencing with Section 50650 and implementing regulations to assist low income first time homebuyers with deferred loans to purchase single family residences in the City.

**Resolution No.** 458-06

**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Absent: 1 - McGoldrick

Excused: 1 - Sandoval

**061121 [Single Room Occupancy (SRO) Task Force]  
Supervisor Ammiano**

Resolution amending the Single Room Occupancy (SRO) Health, Stabilization and Safety Task Force to rename it the Single Room Occupancy (SRO) Task Force, to redefine its mission and duties, to dissolve the current SRO Task Force and to restructure it as the SRO Task Force to reflect the conditions faced in 2006 by SRO tenants, operators and owners, reducing its membership to thirteen: eight appointed by the Board of Supervisors; four appointed by designated Department Heads; and one chair appointed by the Director of Health.

**Resolution No.** 459-06

**ADOPTED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Absent: 1 - McGoldrick

Excused: 1 - Sandoval

**Severed From Without Reference to Committee Agenda**

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

**061079 [Designation of a Government Representative to the Board of Directors of Lenders for Community Development]  
Supervisor Alioto-Pier**

Resolution designating a Government Representative to the Board of Directors of Lenders for Community Development to act on behalf of the City and County of San Francisco in that capacity; and granting authority to City officials to designate replacement Government Representatives.

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

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin

Absent: 1 - McGoldrick

Excused: 1 - Sandoval

Resolution No. 457-06

**ADOPTED AS AMENDED** by the following vote:

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

*Supervisor Mirkarimi requested that following File Nos. 061086, 061088, and 061089 be severed so that they might be considered separately.*

**061086 [Resisting the Federal Government's Intervention in a San Francisco Investigation]  
Supervisors Mirkarimi, Ammiano, Daly**

Resolution resisting the federal government's intervention in the City and County of San Francisco's investigation of the July 8th, 2005 G-8 protest and expressing support for the California Shield Law.

**REFERRED** to the Rules Committee.

**061088 [Collecting Data on the Number of Ellis Act Evictions Enforced by the Sheriff]  
Supervisors Mirkarimi, Ammiano, Dufty**

Resolution urging the San Francisco Sheriff's Department to collect data on the number of Ellis Act evictions it enforces by adding a checkbox on its eviction instruction form to disclose that the eviction is an Ellis Act eviction.

**REFERRED** to the Land Use and Economic Development Committee.

**061089 [Enforcement of and Assistance with Ellis Act Evictions]  
Supervisors Mirkarimi, Ammiano**

Resolution urging the San Francisco Sheriff to not enforce Ellis Act evictions and the Rent Board to not assist landlords with evicting tenants under the Ellis Act, and commending the San Francisco Sheriffs Department for establishing the only sheriff-led Eviction Assistance program in the State of California.

**REFERRED** to the Land Use and Economic Development Committee.

*Supervisor Elsbernd requested that the following File Nos. 061085 and 061118 be severed so that they might be considered separately.*

**061085 [Supporting Assembly Bill 2449 - Mandating statewide recycling of checkout bags at grocery stores]  
Supervisor Mirkarimi**

Resolution urging San Francisco's elected officials in Sacramento to support AB 2449, mandating statewide recycling of checkout bags at grocery stores, and oppose any language that would pre-empt the right of local jurisdictions to institute fees or other requirements to promote waste reduction.

Resolution No. 460-06

**ADOPTED** by the following vote:

Ayes: 6 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin  
Noes: 3 - Alioto-Pier, Elsbernd, Ma  
Absent: 1 - McGoldrick  
Excused: 1 - Sandoval



**061118 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 7, 2006 Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 7, 2006 Election.

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

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

**Motion No.** M06-79

**APPROVED AS AMENDED** by the following vote:

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

## IMPERATIVE AGENDA

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

*[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 Mirkarimi, seconded by Supervisor Maxwell, moved to approve the Serious Injury Finding. The motion carried by the following vote:

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

*[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 Mirkarimi, seconded by Supervisor Maxwell, moved to approve the Brown Act Finding. The motion carried by the following vote:

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

**061136 [Opposing Federal Legislation]  
Supervisors Peskin, Maxwell, Ammiano, Mirkarimi**

Resolution declaring opposition to House Resolution 5970, federal legislation that would lower the minimum wage for workers who earn tips.

**Resolution No.** 435-06

**ADOPTED** by the following vote:

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

Absent: 1 - McGoldrick

Excused: 1 - Sandoval

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

### Ordinances

**060892 [Revenue Control Equipment requirements for Parking Garages and Lots]  
Supervisors McGoldrick, Daly**

Ordinance adding Article 22 to the Business and Tax Regulations Code, amending Article 9 of the Business and Tax Regulations Code, and repealing Article 49 of the Police Code, to establish revenue control equipment functionality and business practices requirements for purposes of Parking Tax collection and consumer protection, to establish penalties for violation, to require that parking garage and lot operators certify concurrent with payment of Parking Taxes their use of revenue control equipment that meets those requirements, and establishing a limited Parking Tax amnesty program.

(Fiscal impact.)

6/20/06, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/20/2006.

06/28/06 - Referred to the Small Business Commission for review and comment.

7/25/06, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

7/25/06, ASSIGNED to Budget and Finance Committee.

7/28/06, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and comment.

8/1/06, TRANSFERRED to Government Audit and Oversight Committee.

8/1/06, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing same title.

8/1/06, ASSIGNED to Government Audit and Oversight Committee.

**061141 [Sole source procurement of interior furniture/workstations and movable partitions for the San Francisco Main Library Renovation]  
Supervisor Ma**

Ordinance waiving the competitive requirements of San Francisco Administrative Code section 21.1, and authorizing the Purchaser to negotiate and issue a purchase order for interior furniture/workstations and movable partitions for the San Francisco Main Library from One Workplace, a Steelcase distributor, as a sole source.

8/1/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item to be scheduled at the August 7, 2006 meeting.

**061142 [Adding Section 702 to the Business and Tax Regulations Code and amending Sections 703 and 714 of the San Francisco Business and Tax Regulations Code]  
Supervisors Mirkarimi, Daly**

Ordinance amending Article 10, Utility Users Tax, by adding Section 702 to the Business and Tax Regulations Code; amending Section 703 of the San Francisco Business and Tax Regulations Code making technical clarifications to the Utility Users Tax on telephone services to address change in interpretation of referenced federal law; and amending Section 714 of the San Francisco Business and Tax Regulations Code to conform with Article 6, Common Administrative Provisions.

8/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

## **Resolutions**

**061086 [Resisting the Federal Government's Intervention in a San Francisco Investigation]  
Supervisors Mirkarimi, Ammiano, Daly**

Resolution resisting the federal government's intervention in the City and County of San Francisco's investigation of the July 8th, 2005 G-8 protest and expressing support for the California Shield Law.

7/18/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/25/06, CONTINUED. Continued to August 1, 2006

8/1/06, REFERRED to Rules Committee.

**061088 [Collecting Data on the Number of Ellis Act Evictions Enforced by the Sheriff]  
Supervisors Mirkarimi, Ammiano, Dufty**

Resolution urging the San Francisco Sheriff's Department to collect data on the number of Ellis Act evictions it enforces by adding a checkbox on its eviction instruction form to disclose that the eviction is an Ellis Act eviction.

7/18/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/25/06, CONTINUED. Continued to August 1, 2006

8/1/06, REFERRED to Land Use and Economic Development Committee.

**061089 [Enforcement of and Assistance with Ellis Act Evictions]  
Supervisors Mirkarimi, Ammiano**

Resolution urging the San Francisco Sheriff to not enforce Ellis Act evictions and the Rent Board to not assist landlords with evicting tenants under the Ellis Act, and commending the San Francisco Sheriffs Department for establishing the only sheriff-led Eviction Assistance program in the State of California.

7/18/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

7/25/06, CONTINUED. Continued to August 1, 2006

8/1/06, REFERRED to Land Use and Economic Development Committee.

**061120 [Supporting Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006]  
Supervisors Peskin, Daly**

Resolution expressing support for California State Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006.

8/1/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061149 [Resolution to establish the Fillmore Jazz District Community Benefit District]  
Supervisor Mirkarimi**

Resolution establishing a property-based business improvement district to be known as the "Fillmore Jazz District Community Benefit District," ordering the levy and collection of assessments against identified parcels of real property located in that district for five years, commencing with fiscal year 2006-2007, and making environmental findings.

(Economic Impact)

8/1/06, RECEIVED AND ASSIGNED to Board of Supervisors. 8/9/06 - Economic Impact report received. Companion File Nos. 061011, 061149)

**061150 [Commending El Cucuy and the Votos por America campaign]  
Supervisor Mirkarimi**

Commending DJ Renan Almendarez Coello, known as El Cucuy, and the Votos por America campaign who are working to register one million new voters.

8/1/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**061151 [Issuance and Sale of Revenue Bonds - Lycee Francaise La Perouse]  
Supervisor Ma**

Resolution approving the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$15,000,000 for the financing of the acquisition, construction, improvement and equipping of facilities of Lycee Francaise La Perouse and certain other matters relating thereto.

8/1/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Request for Hearings****061137 [SF Public Library's increase in the Capitol Projects budget]  
Supervisor Ammiano**

Hearing on the San Francisco Public Library's increase in the Capitol Projects budget.  
8/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**061138 [City's ability to amend the Administrative Code by adding Chapter 80, Sections 80.1 through 80.10 to require refiners of motor fuels to divorce company-owned service stations in the CCSF]  
Supervisor Ammiano**

Hearing regarding the City's ability to amend the Administrative Code by adding Chapter 80, Sections 80.1 through 80.10 to require refiners of motor fuels to divorce company-owned service stations in the City and County of San Francisco, to preclude refiners from owning service stations in San Francisco in the future, and barring discrimination by refiners in the wholesale prices charged to service stations in San Francisco.  
8/1/06, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**061139 [City's emergency plan for pets in the event of a major disaster in San Francisco]  
Supervisor Ammiano**

Hearing on the status of the City's emergency plan for pets in the event of a major disaster in San Francisco, and requesting the Clerk of the Board to invite the Departments of Public Health, the Office of Emergency Services and Homeland Security to present their plan for pets in the case of a major emergency.  
8/1/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**061148 [Hearing - Fillmore Jazz District Community Benefit District]**

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Fillmore Jazz District Community Benefit District (CBD)," ordering the levy and collection of a multi-year assessment on identified parcels in the district, and making environmental findings. (Clerk of the Board)  
8/1/06, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 15, 2006 at 3:00 p.m.

**Motion****061136 [Opposing Federal Legislation]  
Supervisors Peskin, Maxwell, Ammiano, Mirkarimi**

Resolution declaring opposition to House Resolution 5970, federal legislation that would lower the minimum wage for workers who earn tips.  
8/1/06, ADOPTED.  
8/2/06, APPROVED.

**061140 [Legislative Analyst Request - Police Department]  
Supervisor Elsbernd**

Motion requesting the Legislative Analyst to research the disciplinary process of police departments in other jurisdictions. The report should focus on comparing the disciplinary authority of San Francisco's Police Chief, the role of the Office of Citizen Complaints (OCC), and the role of the Police Commission with comparable jurisdictions within California.

8/1/06, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 8, 2006.  
Brief report, desired delivery date August 31, 2006.

## PROPOSED ORDINANCES

**061032 [Mission Bay North Commons at Park P17 Improvements]**

Ordinance designating a portion of State Trust Parcel adjacent to Park P17 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way Terry A. Francois Boulevard; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 176,148 and authorizing official acts in connection with this Ordinance. (Public Works Department)

7/13/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**061033 [Mission Bay - Parks NP1 & NP2 Improvements]**

Ordinance designating a portion of State Trust Parcel 1 lying next to Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 176,149 and authorizing official acts in connection with this Ordinance. (Public Works Department)

7/13/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## PROPOSED RESOLUTIONS

**061035 [Approval of the HIV Prevention Projects Grant application]  
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to submit an interim progress report (IPR) in order to continue to receive funding for the HIV Prevention Projects grant from the Centers of Disease Control and Prevention (CDC). This amount of this annual recurring grant for the next grant year (January 1, 2007 to December 31, 2007) is expected to be approximately \$9 million. The due date of the IPR is September 15, 2006. (Public Health Department)

7/19/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 061067 [Extension of Agreement with PRWT Services, Inc.]**  
Resolution authorizing a two-year extension of the agreement between PRWT Services, Inc. and the City and County of San Francisco. (Municipal Transportation Agency)  
7/20/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 061093 [Unpaid Department of Public Health complaint reinspection fee liens to become special assessments to the property taxes]**  
Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)  
7/19/06, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 8, 2006, at 3:00 p.m.
- 061095 [Special Assessment of Liens for Assessment Costs]**  
Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., 103.3.3 Section 108, Section 110 – Tables 1-K and 1-G, and Sections 3407.7.1.3, 3407.7.1.4, 3407.7.1.5, and 3407.7.1.6 et seq., of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Building Inspection Department)  
7/20/06, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 8, 2006, at 3:00 p.m.
- 061103 [Recurring FY 2006-2007 State grant funds to the Department of Public Health from the California Department of Health Services]**  
Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health (SFDPH) for FY 2006-2007. (Public Health Department)  
7/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 061104 [Approval of the Ryan White Comprehensive AIDS Resources Emergency Act grant application]  
Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit an application to the Health Resources Services Administration (HRSA) in order to continue to receive funding for the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act grant (Care Title I). The amount of this annual recurring grant for the next grant year (March 1, 2007 to February 28, 2008) is expected to be approximately \$28 million. The projected due date of the application is September 28, 2006. (Public Health Department)  
7/21/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Ammiano*

*To: City Attorney*

*Requesting/Inquiring: Requesting revised legal advice and recommendations regarding the City's ability to amend the Administrative Code by adding Chapter 80, Section 80.1 through 80.10 to require refiners of motor fuels to divorce company-owned service stations in the City and County of San Francisco, to preclude refiners from owning service stations in San Francisco in the future, and barring discrimination by refiners in the wholesale prices charged to service stations in San Francisco.*

*From: Supervisor Ammiano*

*To: City Attorney*

*Requesting/Inquiring: Requesting a confidential City Attorney opinion on:*

*· Whether the Mayor acting on his own, through his staff or other assigns, or through the director of a commission-oversighted department have the authority to rescind, amend or otherwise alter the official acts of a commission?*

*· If so, to what extent may such actions be taken? For example, does the authority extend further than making technical corrections of innocent errors such as misspellings, minor/harmless errors of date, time and location?*

*· If the Mayor has inherent executive authority to alter or amend such acts, does that authority apply only to commissions that serve at the pleasure of the Mayor? -- Or also to those appointed by the Mayor for a term? Does that authority apply to commissions whose appointees are confirmed by a legislative body? Does that authority extend to commissions whose appointments are shared between the executive and legislative branches?*

*· If the Mayor has inherent executive authority to alter or amend such acts of commissions whose appointments are either shared or confirmed by the legislative branches, does that authority extend to a commission's acts that have been confirmed, approved, altered or amended or overturned by the judicial branch?*

*Background:*

*The San Francisco Recreation and Park Commission meeting on May 30, 2006, 2:00 P.M., City Hall, Room 416, was duly noticed and heard the permit applications for use of Washington Square Park by the North Beach Festival and North Beach Jazz Festival. The issue of the North Beach Festival permit it was in fact an "Appeal" from an earlier Recreation and Park Commission vote granting a permit for park use with no alcohol. As to both applications, the Commission voted six to one to uphold staff recommendation under Park Code Section 4.10, passing the motion for issuance permits for use of the park, without alcohol and thereby re-affirming its earlier decision regarding The North Beach Festival.*

*Thereafter, the Mayor either directly, through mayoral staff or acting through the Director of Recreation and Parks, unilaterally amended the permit to allow alcohol while restricting its use to a certain portion of Washington Square Park. Such decision was made without notice to the public, the parties appearing at the hearing, or re-referral to Recreation and Park Commission for reconsideration with the Mayor's preferred permit outcome appended for deliberation.*

*From: Supervisor Elsbernd*

*To: City Attorney.*

*Requesting/Inquiring: To draft legislation amending the City Charter by increasing the Chief of Police's authority to suspend members of the Department from 10 to 90 days.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: To report on the status of removing the graffiti on the following parking signs: 1243 Masonic, 1101 Masonic, 501 Lyon, 1686 Grove, Across from 607 Central, Southwest corner of Fulton and Baker, 1428 Fulton, 1306 Fulton, 2000 O'Farrell, 100 block of Carl, north side of the street and the 300 block of Carl, north side of the street.*



*From: Supervisor Mirkarimi  
To: Director, Department of Parking and Traffic  
Requesting/Inquiring: To report on the status of removing the graffiti from the light switchboxes at the following locations: 401 Divisadero, 560 Divisadero, Southeast corner of Divisadero and Fulton, Southeast corner of Divisadero and Turk, Southwest corner of Haight and Fillmore and Southwest corner of Haight and Steiner.*

*From: Supervisor Mirkarimi  
To: General Manager, Public Utilities Commission  
Requesting/Inquiring: To report on the status of removing the graffiti from the utility pole at the following locations: Northeast corner of Hayes and Davis, 1681 Fulton, 1575 Fulton, 1588 Fulton, Northeast corner of Fulton and Baker, 540 Baker, Northeast corner of Scott and Fulton, 1290 Hayes, 728 Divisadero, 1201 Divisadero, 251 Divisadero and all four corners of Divisadero and Haight.*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: To report on the status of repairing the pothole at 627 Haight Street.*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: To report on the status of repairing the sidewalk at 1200 Masonic Avenue (a square of the sidewalk is missing) and 942 Hayes Street (a water main cover and sidewalk).*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: To report on the status of removing the graffiti from garbage cans at the following locations: Southwest corner of Hayes and Broadway and the Southeast corner of Hayes and Divisadero.*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: To report on the status of removing graffiti from newsstands at the following locations:*

- Chronicle:*
- Southwest corner of Hayes and Broderick*
- Northwest corner of Fulton and Divisadero*
- Bay Guardian:*
- Southwest corner of Hayes and Broderick*
- Southwest corner of Fulton and Lyon*
- Southwest corner of Fulton and Baker*
- SF Weekly:*
- Northwest corner of Hayes and Divisadero*
- Northwest corner of Fulton and Divisadero*
- Onion and Examiner:*
- Northwest corner of Fulton and Divisadero*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: To report on the status of removing graffiti from mailboxes at the following locations: Southwest corner of Hayes and Lyon, Northeast corner of O'Farrell and Divisadero, Southwest corner of Ellis and Pierce, 906 Divisadero and 821 Divisadero.*

*From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: To report on the status of removing graffiti from the following locations: 1101 Masonic, 1326 Grove (pole for signage of merchant and gates in front of business), 1672 Grove, 590 Baker, 879 Haight, 119 Carl, 289 Carl (graffiti on all the garage doors and front entrance) and property west of 375 Carl (belongs to a Hillpoint address): large colored graffiti on cement covering the hillside.*

**In Memoriams**

*Officer Nick-Tomasito-Birco (Entire Board)*  
*George Robinson (Supervisor Dufty)*  
*Anna Teresa Callan (Supervisor Elsbernd)*  
*Aimee Goggins (Supervisors Maxwell, Sandoval)*  
*Margarita Pongiglione (Supervisor Peskin)*

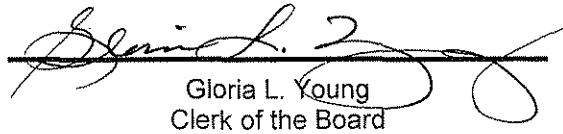
## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:05 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 12, 2006.*

  
Gloria L. Young  
Clerk of the Board

