

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, October 18, 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.

Volume 100 Number 36

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll the following Supervisor Duffy was noted absent.

Supervisor Duffy was noted present at 2:07 p.m.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

051382 [Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) - include Entertainment Commission and Emergency Medical Services in review process]
Supervisor Daly

Ordinance amending San Francisco Traffic Code Section 800 to include the Entertainment Commission as part of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT); amending Section 801 to require emergency medical services plans for "major events" and the inclusion of the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) in approval process for major event applications; amending Section 802 to expand definition of "major events" to include street fairs; amending Section 804 to require Clerk of the Board of Supervisors to transmit copies of any legislation approving a temporary street closing for major events to the Director of EMSEO; amending Section 806 to include the Executive Director of the Entertainment Commission in the review process of applications for temporary use of streets for street fairs; amending San Francisco Administrative Code Section 90.4 to require permit applicants for major events to submit an emergency medical services plan to the Entertainment Commission for consideration in the approval of permit applications for major events.

Ordinance No. 242-05
FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

- 051522 [To de-appropriate current capital project appropriations to reflect updated sources and uses of capital project funding]**
Mayor

Ordinance de-appropriating \$287,977,266 of existing sources and uses authority for various San Francisco International Airport (SFIA) capital project funding to reflect actual sources of funding available to support the Five-Year Capital Plan, Fiscal Year 2004-05 through Fiscal Year 2008-09.

(Fiscal impact.)

Ordinance No. 245-05
FINALLY PASSED

- 051529 [To appropriate capital project funding to reflect updated sources and uses appropriation consistent with the priorities outlined in the San Francisco International Airport's Five-Year Capital Plan]**
Mayor

Ordinance appropriating \$243,723,524 in total sources and uses, including the de-appropriation of \$125,321,506 in current project funding to use this source for appropriation, as well as appropriating an additional \$26,055,079 of available Airport fund balance, \$59,588,300 of grant authorization to accept and expend funds from the Federal Aviation Administration for projects related to security, runway and taxiway construction and improvements, \$23,182,388 of grant authorization to accept and expend funds from the California Department of Transportation (Caltrans) for viaduct construction, and \$9,576,251 in interest income. These various sources and uses are herein appropriated for various San Francisco International Airport (SFIA) capital projects as detailed below to reflect the updated San Francisco International Airport Five-Year Capital Plan, Fiscal Year 2004-05 through Fiscal Year 2008-09. Of the \$243,723,524 appropriated, \$24,970,000 for the Westfield Cargo Redevelopment project is herein placed on reserve.

(Fiscal impact.)

Ordinance No. 244-05
FINALLY PASSED

Recommendations of the Land Use Committee

- 051248 [Sacramento Street Neighborhood Commercial District – Allowing residential conversion on second and third stories with a conditional use permit]**
Supervisor Alioto-Pier

Ordinance amending Section 724.1 of the Planning Code to allow, as a conditional use, for conversion of upper floor residential units in the Sacramento Street Neighborhood Commercial District as a conditional use, where: the new use will be an Other Institution, Large, Educational Services use, only one dwelling unit in building will be converted and that unit is the only non-residential use in the building, and no legally residing tenant will be displaced; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 243-05
FINALLY PASSED

**051554 [Abolition of legislated setback for 301-323 14th Avenue]
Supervisor McGoldrick**

Ordinance amending the San Francisco Planning Code by abolishing the legislated front setback of the southeastern portion of the property located at 301-323 14th Avenue, identified as Assessor's Block No. 1446, Lot No. 054 (formerly Lots 001, 004, 006, 053), as shown on Block Book Map No. 1446 of the City and County of San Francisco, Volume 12; and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

Ordinance No. 241-05
FINALLY PASSED

Recommendation of the Budget and Finance Committee

**051609 [Mortgage Credit Certificates]
Supervisors Ma, Elsbernd**

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

Resolution No. 726-05
ADOPTED

Recommendations of the Rules Committee

051704 [Appointment - Treasury Oversight Committee]

Resolution appointing Scott MacDonald, term ending June 5, 2009, to the Treasury Oversight Committee.

Scott MacDonald, succeeding Leonardo Fermin, resigned, seat 4, must represent the public at large, for the unexpired portion of a four-year term ending June 5, 2009.

Resolution No. 728-05
ADOPTED

051705 [Appointment - Bicycle Advisory Committee]

Resolution appointing Frank Chan, term ending November 19, 2006, to the Bicycle Advisory Committee.

Frank Chan, succeeding Dianna Waggoner, seat 3, must be a nominee of District 3 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for the unexpired portion of a two-year term ending November 19, 2006.

Resolution No. 749-05
ADOPTED

051706 [Appointment - Graffiti Advisory Board]

Resolution appointing Milo Hanke, term indefinite, to the Graffiti Advisory Board.

Milo Hanke, succeeding Julie Viera, resigned, seat 4, must represent a nonprofit organization who provides services related to the City's beautification and neighborhood cleanup programs, for an indefinite term.

Resolution No. 748-05
ADOPTED

051709 [Appointment - Community Choice Aggregation Citizens Advisory Task Force]

Resolution appointing Maurice Campbell, term ending May 31, 2006, to the Community Choice Aggregation Citizens Advisory Task Force.

Maurice Campbell, new appointment, seat 3, must be an environmental justice advocate currently residing in the southeast sector of San Francisco, for the unexpired portion of a two-year term ending May 31, 2006.

Resolution No. 727-05

ADOPTED

051707 [Appointment - Local Homeless Coordinating Board]

Resolution appointing Laura Guzman, L.S. Wilson, Jr., Barbara Blong and Rev. Harry Chuck, for a term to be determined, to the Local Homeless Coordinating Board, residency requirement waived.

Laura Guzman (residency waiver required), new appointment, seat 1, must be a member of the disabled community, for a term to be determined.

L.S. Wilson, Jr., new appointment, seat 2, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for a term to be determined.

Barbara Blong, new appointment, seat 3, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for a term to be determined.

Rev. Harry Chuck, new appointment, seat 4, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for a term to be determined.

Resolution No. 747-05

ADOPTED

051708 [Appointment - Shelter Monitoring Committee]

Resolution appointing Maxine Pauson and Dorothy Harris, terms ending November 23, 2006, to the Shelter Monitoring Committee.

Maxine Pauson, succeeding Bruce Allison, resigned, seat 1, must be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2006.

Dorothy Harris, succeeding Jesus Medellin, resigned, seat 6, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for the unexpired portion of a two-year term ending November 23, 2006.

Resolution No. 746-05

ADOPTED

051592 [Appointment - Pedestrian Safety Advisory Committee]

Resolution appointing Anna Zacher, Pi Ra, Aileen Carrigan, terms ending March 28, 2007, and Anwar Mai, term ending March 28, 2006, to the Pedestrian Safety Advisory Committee.

Anna Zacher, succeeding Susan Vaughn, term expired, seat 2, must be a representative from a pedestrian safety organization, for the unexpired portion of a two-year term ending March 28, 2007.

Pi Ra, succeeding himself, term expired, seat 6, must be a representative from bicycle or other non-motorized wheeled personal transport organization, for the unexpired portion of a two-year term ending March 28, 2007.

Aileen Carrigan, succeeding Ed Franklin, term expired, seat 10, must represent the public at-large, for the unexpired portion of a two-year term ending March 28, 2007.

Anwar Mai, succeeding Sharon Priest, resigned, seat 11, must represent the public at-large, for the unexpired portion of a two-year term ending March 28, 2006.

Resolution No. 757-05
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

**050253 [Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations with respect to foods which are subject to a state or federal Department of Health and Human Services, Food and Drug Administration, or Environmental Protection Agency safety advisory where said advisory is regarding a substance included on the Proposition 65 list issued by the State of California Environmental Protection Agency and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**051458 [Public Works Code - landmark trees and penalties for violations]
Supervisor McGoldrick**

Ordinance amending the Public Works Code by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Continued to November 1, 2005

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

**050883 [Designating a sole source contractor for the art elements of the 24th and York Mini Park]
Supervisor Ammiano**

Ordinance designating Precita Eyes Muralists as the sole source contractor for the art elements of the 24th and York Mini Park and waiving the competitive procurement requirements of San Francisco Administrative Code Chapter 6 for these services.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**051250 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]
Supervisor Mirkarimi**

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; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; 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 as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or must cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; 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 cannabis 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 to add Section 1.177 to authorize the Department of Health to issue medical cannabis dispensary permits.

(Fiscal impact.)

(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved an amendment of the whole.

Supervisor Daly requested to divide the question of amending Sections 3204g & 3214a.

The question was divided.

The motion to amend without Sections 3204g and 3214a was passed by the following vote:

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

Noes: 1 - Daly

The motion to amend Sections 3204g and 3214a was passed by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly, seconded by Supervisor Maxwell, moved to strike reference to the City Planning code.

Motion to amend failed by the following vote:

Ayes: 2 - Daly, Maxwell

Noes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly moved to amend Section 3205 (b) to add language making planning recommendations advisory only.

Failed for lack of second

Supervisor Daly moved to amend on page 44, by striking lines 11-15 relating to maintaining of records.

Failed for lack of second.

Supervisor Daly moved to amend on page 47 line 10, to add language relating to verifying physicians recommendations.

Failed for lack of second.

Supervisor Daly moved to amend on page 48, line 15 to add language relating to existing clubs not being closed.

Failed for lack of second

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to amend on page 44 by striking lines 23 & 24; on page 45 by striking lines 1-3.

The motion to amend failed passed by the following vote:

Ayes: 4 - Alioto-Pier, Elsbernd, Ma, Maxwell

Noes: 7- Ammiano, Daly, Dufty, McGoldrick, Mirkarimi, Peskin, Sndoval

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to amend to add to the list of exclusions of 24 hour dispensaries industrial M1 and M2.

The motion to amend passed by the following vote:

Ayes: 8- Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Ammiano, McGoldrick, Mirkarimi

Supervisor Daly, seconded by Supervisor Maxwell, moved to amend to add to the list of exclusions of 24 dispensaries for the Onclave Neighborhood District.

Motion to amend was passed by the following vote:

Ayes: 11- Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to re-refer to Committee.

Motion to re-refer to Committee failed by the following vote:

Ayes: 4 - Alioto-Pier, Daly, Elsbernd, Sandoval

Noes: 7 - Ammiano, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to strike all reference to M districts, Section 217 on page 18, line 21 to strike all reference to P's

Motion to amend was passed by the following vote:

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to add language to include language relating to wheelchair accesibility.

The motion to amend was passed by following vote:

Ayes: 11- Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to continue this item to October 25, 2005.

Motion to continue failed by the following vote:

Ayes: 5 -Alioto-Pier, Dufty, Elsbernd, McGoldrick, Sandoval

Noes: 6 - Ammiano, Daly, Ma, Maxwell, Mirkarimi, Peskin

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend to add a window within 6 months from the effective date of this legislation all existing cannabis existing and new must apply for permits.

Motion to amend failed by the following vote:

Ayes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell,

Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

Absent: 1 - McGoldrick

~~Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote:~~

Motion to rescind the previous vote carried without objection.

Motion to amend by adding a window within 6 months from the effective date of this legislation all existing and new cannabis clubs must apply for permits failed by the following vote:

Ayes: 5 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell,

Noes: 6 - Ammiano, Daly, Mirkarimi, McGoldrick, Peskin, Sandoval

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved to continued this matter to October 25, 2005

Motion to amend failed by the following vote:

Ayes: 5 - Alioto-Pier, Daly, Elsbernd, Peskin, Sandoval,

Noes: 5 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi

Absent: 1- Ma

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote:

Motion to rescind the previous vote carried without objection.

Supervisor Dufty, seconded by Supervisor Ammiano, moved to amend to add language relating to the advertising signs for MCDs.

Motion to amend passed by the following vote:

Ayes: 10 -

Absent: 1- Ma

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved to continued to October 25, 2005.

Motion to amend passed by the following vote:

Ayes: 7 - Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 4 - Ammiano, Dufty, McGoldrick, Mirkarimi

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, 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 residential-mixed zoning districts, industrial districts, and certain mixed use districts; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; 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 the Planning Commission to hold a discretionary review hearing on each medical cannabis dispensary application; require dispensaries operating as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or must cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; 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 cannabis 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 including signage and advertising requirements; 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 to add Sections 1.177 to authorize the Department of Health to issue medical cannabis dispensary permits.

Continued as amended to October 25, 2005.

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

Ayes: 6 - Alioto-Pier, Daly, Elsbernd, Ma, Maxwell, Sandoval

Noes: 5 - Ammiano, Duffy, McGoldrick, Mirkarimi, Peskin

Recommendation of the Rules Committee

**050867 [San Francisco Community Health Joint Powers Authority Conflict of Interest Code]
Supervisor Ammiano**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by adding section 3.1-417 to create a conflict of interest code for the San Francisco Community Health Joint Powers Authority.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Privilege of the Floor

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to Johnny Wilson for being the youngest person to swim across the Bay from Alcatraz and for raising \$30,000 for victims of Katrina.

SPECIAL ORDER 4:00 P.M.

051627 [Public Hearing - Appeal of Categorical Exemption for 1070 Sanchez Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 28, 2005 (Case No. 2004.0810E), exempting from environmental review the proposal to demolish an existing, two-story, single-family structure, and construct in its place a four-story, two unit building. The existing building is about 29-feet-tall and contains approximately 950 gross square feet (gsf), with two bedrooms, and two independently accessible parking spaces. The new building would be about 40 feet tall, four-stories, about 4,934, gsf of space, containing two dwelling units (with three bedrooms each), and two, independently accessible parking spaces. The net change in gross square footage for the site would be an increase of about 3,984 gsf; there would be no net change in number of parking spaces. According to the project sponsor, there is a 9-inch diameter camellia, a 23-inch hemlock and an unidentified 33-inch tree on site. The camellia and hemlock would be removed and the 33-inch tree would remain with the project. According to the Historical Resource Evaluation Report, the structure was likely constructed in 1887, as the water records show a hookup date of August 26, 1887. The building is not included in any survey or inventory, and has been determined not to be an historical resource under CEQA.

The approximately 2,539 sq. ft. project site is located at 1070 Sanchez Street, west side of Sanchez Street, between Elizabeth Street and 24th Street, in the Noe Valley neighborhood of San Francisco; Lot 3 in Assessor's Block 3654 in an RH-3 (House, Three-Family) District and 40-X Height and Bulk District. (Appellant: Tracey Hughes)

(Filed 9/23/05; companion measure to Files 051628, 051629, 051630; District 2.)

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

Tracey Hughes, appellant

Joe Butler, Architect for appellant

Carolyn Lam, support of appellant

Mary Bishop, support of appellant

Female speaker, support of appellant

Chris Buck, support of appellant

Carol Roos, Lisa Gibson, Mark Luellan, representatives of the Planning Department reviewed with the Board the Planning recommendations.

Alice Barkley, attorney for the project sponsor.

Angus McCarthy, support of project sponsor

Joe O'Donoghue, support of project sponsor

Rebuttal Period: Tracey Hughes, appellant and Joe Butler

The President declared the public hearing closed.

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 approved.)

051628 [Affirming the categorical exemption issued for 1070 Sanchez Street]

Motion affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Motion No. M05-126

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051629 [Disapproving the categorical exemption issued for 1070 Sanchez Street]

Motion disapproving the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

051630 [Preparation of findings related to the categorical exemption issued for 1070 Sanchez Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

Motion No. M05-127

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

From the Budget and Finance Committee

051747 [Setting a permit application fee and an annual license fee for medical cannabis dispensaries]

Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to add Section 3204 setting an application fee for a medical cannabis dispensary permit and amending the Business and Tax Regulations Code to add Section 249.17 to provide for an annual license fee for permitted medical cannabis dispensaries.

Amended by replacing "\$6,110 with \$6,691".

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

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

Continued as amended to October 25, 2005.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**051636 [Expend Federal Funding – Community Development Block Grant]
Supervisors Ammiano, Maxwell**

Resolution approving the expenditure of One Million Five Hundred Sixty-five Thousand Five Hundred and Seventeen Dollars and Nineteen Cents (\$1,565,517.19) of Community Development Block Grant Funds.

Resolution No. 756-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee

Supervisor McGoldrick Excused From Voting

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

051603 [Port of San Francisco Proposed Piers 27-31 Mixed Use Recreation Project Fiscal Feasibility]

Resolution adopting findings that the proposed Piers 27-31 Mixed Use Recreation Project is fiscally feasible and responsible under Administrative Code Chapter 29. (Port)

(Fiscal impact.)

NOT ADOPTED by the following vote:

Ayes: 1 - Elsbernd

Noes: 9 - Alioto-Pier, Ammiano, Daly, Duffy, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Excused: 1 - McGoldrick

**051674 [Settlement of Lawsuit - CCSF et al., v. Myers Natoma Venture, et al.]
Mayor, Supervisor Daly**

Ordinance authorizing settlement of the eminent domain action filed by the City and County of San Francisco against Myers Natoma Venture, LLC, filed on October 8, 2004 in San Francisco Superior Court, No. 04-435-334; entitled City and County of San Francisco, et al., v. Myers Natoma Venture, LLC, et al.; and authorizing settlement of the lawsuit filed by Myers Natoma Venture and Myers Development Company against the City and County of San Francisco, the Transbay Joint Powers Authority, and the Peninsula Corridor Joint Powers Board, filed on July 16, 2004 in San Francisco Superior Court, No. 04-504-363, entitled Myers Natoma Development, et al., v. City and County of San Francisco, et al., for fifty-eight million dollars (\$58,000,000) payable by the Transbay Joint Powers Authority with funding from the San Francisco County Transportation Authority and the Metropolitan Transportation Commission; other material terms of said settlement are that the City and County of San Francisco and the Metropolitan Transportation Commission are to take title to 80 Natoma Street if the Transbay Terminal Project fails to meet deadlines in the Cooperative Agreement for commencement of terminal operations, Myers waives any right to refile claims related to the June 2004 suspension of its permit for 80 Natoma, as well as the terms and conditions as provided in Exhibit A.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance authorizing settlement of the eminent domain action filed by the City and County of San Francisco against Myers Natoma Venture, LLC, filed on October 8, 2004 and amended on November 5, 2004, in San Francisco Superior Court, No. 04-435-334; entitled City and County of San Francisco, et al., v. Myers Natoma Venture, LLC, et al.; and authorizing settlement of the lawsuit filed by Myers Natoma Venture and Myers Development Company against the City and County of San Francisco, the Transbay Joint Powers Authority, and the Peninsula Corridor Joint Powers Board, filed on July 16, 2004 in San Francisco Superior Court, No. 04-504-363, entitled Myers Natoma Development, et al., v. City and County of San Francisco, et al., for fifty-eight million dollars (\$58,000,000) payable by the Transbay Joint Powers Authority with funding from the San Francisco County Transportation Authority and the Metropolitan Transportation Commission; other material terms of said settlement are that the San Francisco County Transportation Authority and the Metropolitan Transportation Commission are to take title to 80 Natoma Street if the Transbay Terminal Project fails to meet deadlines in the Cooperative Agreement for commencement of terminal operations, Myers waives any right to refile claims related to the June 2004 suspension of its permit for 80 Natoma, as well as the terms and conditions as provided in Exhibit A.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CLOSED SESSION

CONFERENCE WITH THE CITY ATTORNEY

051702 [Closed Session - Existing Litigation City as Plaintiff and Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the following pending litigation in which, in sum, the City and County moved for eminent domain to obtain property located at 80 Natoma Street in San Francisco, near the site of the Transbay Terminal, and the property owner(s) have filed related litigation against the City.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending litigation listed below.

City and County of San Francisco, et al., v. Myers Natoma Venture, LLC, et al., S. F. Superior Court No. 04-435-334 (filed October 8, 2004)

Myers Natoma Development, et al., v. City and County of San Francisco, et al., S. F. Superior Court No. 04-504-363 (filed July 16, 2004) (City Attorney)

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 7:45 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 8:05 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

Report on Closed Session

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

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

*Cheryl Adams, Deputy City Attorney
Ed Harrington, Controller
Audrey Pearson, Deputy City Attorney
Andrew Schwartz, Outside Counsel
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk*

The meeting was informational only and no action was taken.

[Elect Not to Disclose]

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

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed interest with homeless issues

Spencer; invited the Board to attend the "We Can't Wait" Drive the Bush Regime"

Former Supervisor Tony Hall; updated the Board on the recent Treasure Island Development plan

James Chaffe; expressed concern with issues relating to the SF Library

John DiDonna; expressed concern with the Blue Angels

Joe O'Donoghue; expressed concern with issues relating to the Tax Assessor files

Ace Washington; showed support for the Board meeting relating to gun and gang violence

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.

051687 [Contracting Out City Services - D.A. Victim Witness Program]
Supervisor Ammiano

Resolution concurring with the Controller's certification that assistance to certain victims of crime and education in community anti-street violence can be practically performed for the District Attorney's Victim Witness Assistance Program by a private contract at a cost of \$145,751, a lower cost than similar work services performed by City and County employees.

Resolution No. 755-05

ADOPTED

**051688 [Treasure Island Development Authority]
Supervisor Daly**

Resolution urging the Treasure Island Community Developers (TICD) to pay \$1.8 million to the Treasure Island Development Authority (TIDA) pursuant to the original Exclusive Negotiating Agreement (ENA), and for TIDA to immediately address the quality of life concerns of residents at Treasure Island.

Resolution No. 763-05

ADOPTED

**051689 [Commending Lawrence D. Laterza]
Supervisor Duffy**

Resolution commending Lawrence D. Laterza for his career as a Licensed Clinical Social Worker in the City and County of San Francisco.

Resolution No. 754-05

ADOPTED

**051690 [Opposition to Proposition 74, "Put The Kids First Act"]
Supervisors Duffy, Ammiano, Ma**

Resolution opposing Proposition 74, "Put The Kids First Act," on the November 8, 2005 special ballot election.

Resolution No. 761-05

ADOPTED

**051691 [Opposition to Proposition 75, the "Paycheck Deception Act"]
Supervisors Duffy, Ammiano, Ma**

Resolution strongly opposing Proposition 75, the "Paycheck Deception Act" on the November 8, 2005 special ballot election.

Resolution No. 760-05

ADOPTED

**051693 [Oil Drilling Activities]
Supervisor Ma**

Resolution urging Venoco Inc. and other petroleum and energy interests to not increase their oil drilling activities off the California coast by resuming drilling from Platform Grace, or other expansions, and to issue a public statement confirming this action.

Resolution No. 759-05

ADOPTED

**051694 [Opposing Proposition 73, the "Parental Notification and Child Protection Act"]
Supervisors Maxwell, Ma**

Resolution opposing Proposition 73, otherwise known as the "Parental Notification and Child Protection Act."

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

Resolution No. 762-05

ADOPTED

**051697 [Zoning - Extension of Planning Commission Review Period - Better Neighborhood Planning]
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.

Resolution No. 753-05

ADOPTED

**051698 [Commending Webzine 2005]
Supervisor Mirkarimi**

Resolution commending Webzine 2005, for promoting independent online publishing.

Resolution No. 752-05

ADOPTED

**051699 [Authorizing the Sheriff Department to execute contracts with the State]
Supervisor Mirkarimi**

Resolution authorizing the Sheriff Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) for the care and confinement of inmates/parolees while pending probable cause determination, revocation of parole or being returned to custody.

Resolution No. 751-05

ADOPTED

**051700 [Accept and Expend Grant Lead Safe for Kid's Sake Award of Excellence - Fiscal Year 2005-2006; Lead Program at the Mayor's Office of Housing]
Supervisors Peskin, Ma**

Resolution authorizing the Mayor through the Mayor's Office of Housing to accept and expend a grant of \$175,000.00 from the United States Conference of Mayors for outreach, education and testing related to lead hazards in housing in the City and County of San Francisco.

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

Resolution No. 750-05

ADOPTED

**051701 [Condemning William Bennett for his racist comments]
Supervisor Sandoval**

Resolution condemning former Education Secretary William Bennett's racist and inflammatory comments on his syndicated radio talk show suggesting that the abortion of African American babies would reduce the country's crime rate.

Resolution No. 758-05

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Duffy, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From Without Reference to Committee Agenda

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

**051692 [Duplication of Health Benefits to City-Employed Spouses and Partners]
Supervisors Elsbernd, Ma**

Resolution urging the Health Service Board to adopt a rule change that will eliminate the duplication of health benefits to City-employed spouses and partners.

Supervisor Daly requested that this matter be referred to Committee.

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

REFERRED to the Rules Committee.

Supervisor Elsbernd requested that the following two items be severed so that they might be considered separately.

**051695 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ) - \$100,000]
Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$100,000 from the Office of Justice Programs (OJP), Department of Justice for the purpose of supporting activities to reduce the number of violent and drug-related crimes in the designated Weed and Seed area within the Bayview Hunters Point neighborhood.

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

**051696 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ) - \$653,368]
Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$653,368 from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), Department of Justice for the purpose of supporting activities to reduce the drug problem and violent activity associated with drug activity in San Francisco.

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

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.

*[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 Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, 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 Daly, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**051717 [Commending Deputy City Attorney John Cooper]
Supervisors Daly, Dufty**

Resolution commending John Cooper for his work as a Deputy City Attorney.

Resolution No. 745-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**051715 [Better Streets Policy]
Mayor, Supervisor McGoldrick**

Ordinance amending the Administrative Code to add Chapter 98, the Better Streets Policy; making environmental findings; authorizing and urging official acts in furtherance of this Ordinance; and requesting General Plan amendments to incorporate the Better Streets Policy and its supporting principles.

10/18/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/17/2005. 10/26/05 - Referred to Planning for determination of environmental impact.

- 051720 [Limousines operating as unlicensed taxicabs; inspection of limousine waybills; criminal and administrative penalties]**
Supervisor Elsbernd

Ordinance amending the San Francisco Police Code by: (1) repealing current Section 1165, dealing with local licensing of limousines; (2) amending Section 1078, to re-state the prohibition on limousines acting as unlicensed taxicabs within San Francisco; (3) adding a new Section 1165, pursuant to California Public Utilities Code Section 5371.4(i), to authorize police officers to inspect limousine waybills and make violation an infraction; (4) amending Section 1185, to correct certain misdemeanor penalties and increase infraction penalties for violation of Section 1078; and (5) adding Section 1187.1, to authorize imposition of administrative penalties against persons operating a motor vehicle as a taxicab without a permit.

10/18/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/17/2005. 10/26/05 - Referred to the Small Business Commission.

- 051721 [Zoning - Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**
Supervisors Ammiano, Maxwell, Duffy, Daly

Urgency Ordinance approving an interim zoning moratorium on new check cashing and pay day lender uses for 45 days and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

10/18/05, ASSIGNED to Land Use Committee.

- 051724 [Personal Services Minimum Contractual Rate Ordinance]**
Supervisor Daly

Ordinance amending the San Francisco Administrative Code by adding Chapter 12V, Sections 12V.1 through 12V.5, to: require entities that contract for personal services to compensate the providers of those services at a rate per hour of no less than the City's Minimum Wage rate and maintain records, designate the City's Office of Labor Standards Enforcement as the enforcement agency, and establish investigation, enforcement and administrative appeals procedures.

10/18/05, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 11/17/2005.

Resolutions

- 051692 [Duplication of Health Benefits to City-Employed Spouses and Partners]**
Supervisors Elsbernd, Ma

Resolution urging the Health Service Board to adopt a rule change that will eliminate the duplication of health benefits to City-employed spouses and partners.

10/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/18/05, REFERRED to Rules Committee. Supervisor Daly requested that this matter be referred to Committee.

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

**051695 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ) - \$100,000]
Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$100,000 from the Office of Justice Programs (OJP), Department of Justice for the purpose of supporting activities to reduce the number of violent and drug-related crimes in the designated Weed and Seed area within the Bayview Hunters Point neighborhood.

10/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/18/05, REFERRED to Budget and Finance Committee. Supervisor Elsbernd requested that this matter be referred to Committee.

**051696 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice (MOCJ) - \$653,368]
Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$653,368 from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), Department of Justice for the purpose of supporting activities to reduce the drug problem and violent activity associated with drug activity in San Francisco.

10/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/18/05, REFERRED to Budget and Finance Committee. Supervisor Elsbernd requested that this matter be referred to Committee.

**051716 [Settlement of Unlitigated Claim - The Hertz Corporation]
Supervisor Ammiano**

Resolution authorizing settlement of an unlitigated claim with The Hertz Corporation, for a payment to the City in the amount of \$250,000.00, and on certain other terms.

10/18/05, RECEIVED AND ASSIGNED to Rules Committee.

**051717 [Commending Deputy City Attorney John Cooper]
Supervisors Daly, Dufty**

Resolution commending John Cooper for his work as a Deputy City Attorney.

10/18/05, ADOPTED.

**051718 [Police Officers' search and rescue training]
Supervisor Alioto-Pier**

Hearing on the search and rescue training for Police Officers.

10/18/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051719 [Judicial Review of the Ogoni Nine]
Supervisors Ammiano, Daly, Elsbernd**

Resolution urging the Government of Nigeria to conduct a full judicial review of the trial of the Ogoni Nine, make reparations to the survivors of the Ogoni Nine, increase social spending for the Ogoni and the Niger Delta as a whole, ensure that all members of the security forces receive training in international standards on the use of force and firearms, in particular the 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051725 [Accept-Expend State Grant - Department of Parking and Traffic]
Supervisors Ammiano, Ma**

Resolution authorizing the Department of Parking and Traffic to apply for, accept and expend a grant in the amount of \$706,500 from the California Department of Transportation for Safe Routes to School grant funding. 10/18/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051726 [Urging Caltrans to restore the double turn lanes from Duboce Avenue onto South Van Ness]
Supervisor Dufty**

Resolution urging Caltrans to restore the double turn lanes from Duboce Avenue onto South Van Ness.

10/18/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be scheduled for consideration at the November 2, 2005 meeting together with File 051613.

**051727 [Urging Commemoration of Harvey Milk Stamp]
Supervisors Daly, Ammiano, Dufty, Sandoval**

Resolution urging the United States Post Master General to issue a commemorative stamp of Harvey Milk.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051728 [Commending Lights On Afterschool]
Supervisor Ma**

Resolution commending Lights On Afterschool!

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051729 [Accept-Expend Federal Grant - Department of the Environment]
Supervisor Ma**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Environmental Protection Agency Aging Initiative to reduce seniors' exposure to environmental hazards, increase senior participation in free and low cost toxic reduction programs currently being offered by the City and to work with seniors and senior networks to conduct outreach and education efforts to seniors by seniors.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051730 [Commending the San Francisco Health Plan]
Supervisor Maxwell**

Resolution commending the San Francisco Health Plan for their commitment and dedication to the residents of the City.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051731 [Proclaiming November 2005 as Lung Cancer Awareness Month in San Francisco]
Supervisor Maxwell**

Resolution proclaiming November 2005 as Lung Cancer Awareness Month in San Francisco.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051733 [Acceptance of a monetary gift - Recreation and Park Department]
Supervisor Maxwell**

Resolution approving the acceptance of a monetary gift of \$53,075 from Michael Lanza to the Recreation and Park Department to fund improvements for the Arkansas Friendship Community Garden and a pathway at Potrero Hill Playground, and to support recreational programs at Potrero Hill Recreation Center.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051734 [Grant of Federal Funds - Municipal Transportation Agency]
Supervisor Maxwell**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$23,600 of Section 115 funds from the Federal Transit Administration for the Municipal Railway's Radio System Replacement and Third Street Phase 1 projects, excluding administrative overhead costs.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051735 [Accept-Expend Federal Grant - Department of the Environment]
Supervisor Mirkarimi**

Resolution authorizing the Department of the Environment to accept and expend grant funds in the amount of \$15,000 from the Environmental Protection Agency (EPA) for the ongoing development of a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco and disseminate information about the database to stakeholders.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051736 [Home Care and Hospice Day]
Supervisors Peskin, Daly**

Resolution commending the San Francisco Bay Area Regional Council of Home Care Providers, and declaring November 9, 2005, Home Care and Hospice Day in San Francisco.
10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051738 [Commending Plant*SF, Sidewalk Pocket Park Gardens]
Supervisor Ammiano**

Resolution commending the work of Plant*SF, Sidewalk Pocket Park Gardens and other projects that promote community-based permeable landscaping and public open-space gardens located on public rights-of-way.
10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**051713 [Shelter Monitoring Committee]
Supervisor Alioto-Pier**

Hearing to consider the Shelter Monitoring Committee's report.
10/18/05, RECEIVED AND ASSIGNED to Rules Committee.

**051714 [Hayward Fault]
Supervisor Alioto-Pier**

Hearing to discuss activity on the Hayward Fault and how that would impact San Francisco.
10/18/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051737 [Budget Analyst Report on the Public Education Enrichment]
Supervisor Ammiano**

Hearing to discuss the Budget Analyst Report on the Public Education Enrichment Fund dated September 30, 2005.
10/18/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions

**051712 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051722 [Establishing a Select Committee on Ending Gun and Gang Violence Pursuant to Board of Supervisors Rules of Order, Rule 5.26]
Supervisors Maxwell, Mirkarimi, Ma

Motion to establish a Select Committee on Ending Gun and Gang Violence pursuant to Board of Supervisors Rules of Order, Rule 5.26.

10/18/05, RECEIVED AND ASSIGNED to Rules Committee.

- 051723 [Designating the Committee on Parades]
Supervisor Peskin

Motion designating the City Operations and Neighborhood Services Committee of the Board of Supervisors as the Committee on Parades.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051732 [Committee of the Whole - November 1, 2005 at 5:30 p.m.]
Supervisors Maxwell, Mirkarimi

Motion scheduling a Committee of the Whole on November 1, 2005, at 5:30 p.m. to hold a hearing to discuss the City's plan to end gun and gang violence in San Francisco.

10/18/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

PROPOSED MOTIONS

Requests Granted

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to inspect whether or not DPT can install speed bumps or other traffic calming measures at the intersection of 16th Ave. and Lawton.

Can the Department of Parking and Traffic inspect whether or not it is feasible to install speed bumps or other traffic calming measures at the intersection of 16th Ave. and Lawton? This intersection is curved, and cars driving too fast have spun out and damaged property in the area.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation to designate restaurants as a conditional use in the Lower Haight Neighborhood Commercial District (400 to 800 block).

From: Supervisor Mirkarimi

To: City Attorney

To: Director, Department of Real Estate

To: Mayor's Office

Requesting/Inquiring: Requesting the City Attorney, Department of Real Estate, and the Mayor's Office to detail the steps necessary to qualify the land-use and planning approval for allowing the construction of a mosque (affiliated with Islam) on Brotherhood Way as it pertains to City's past program aimed at the parcel allocation for religious institutions (house of worship) where the major religions in the United States are represented with the exception of the Islamic faith.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

- Intersection of Steiner St. and Fell St.*
- Mailboxes at Grove St. and Buchanan St.*
- In red on the sidewalk of Ivy St. and Buchanan St.*
- Building at 706 Buchanan*
- Private property of Hayes Valley Apts. At 635 Buchanan*
- Electric box on Stanyan between Park St. and Alma St.*
- Public property at McAllister St. and Divisadero Blvd.*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at 590 Steiner St. and at 710 Steiner St.

From: Supervisor Mirkarimi

To: Director, Recreation and Park Department

Requesting/Inquiring: Requesting the Recreation and Park Department to clean the Mini-Park near 1111 Buchanan, and to give a report on regular cleaning and gardening of the park and coordinating the cleaning schedule.

From: Supervisor Mirkarimi

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requesting the Municipal Transportation Agency to report on the status of the:

- 1. Service runs and times for MUNI lines #6, #7, #71, #5, #21, #22, #24, #31, #33, #38, #44, and N-Judah since September 16, 2005.*
- 2. Expect date of return to the same service level prior to the cut backs in runs.*
- 3. The reason of the use of buses on the #6 line that do not have bike racks or wheelchair lifts.*
- 4. The reason for use of articulated buses on the #71 line on the weekends and not during the weekday commute times.*

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of establishing the crosswalks at the intersections of Haight St. and Waller St. and Haight St. and Masonic Ave. (near the AIM High Academy on Haight St. and Masonic Ave.), to the yellow ladder-style crosswalks which is the new standard for school crosswalks.

cc: Michael Moss

Creepingmoss Design

7227 Geary Blvd., No. 2

San Francisco, CA 94121

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the feasibility of establishing the west end of the intersection of Octavia Street and Fell Street To "Right Turn Only".

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the feasibility of establishing traffic calming measures for 12th Avenue between Lincoln Way and Irving Street.

cc: Paul Gillis

1275 12th Ave.

San Francisco, CA 94122

Evette Davis

Beg Davis Public Affairs

150 Post St., Suite 740

San Francisco, CA 94108

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the feasibility of establishing a motorcycle parking on the south side of Hayes Street (north end of Hayes Green) between the northbound and southbound sections of Octavia Street.

cc: Paul Gillis

1275 12th Ave.

San Francisco, CA 94122

Evette Davis

Beg Davis Public Affairs

150 Post St., Suite 740

San Francisco, CA 94108

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the feasibility of a three-way signal at the intersection of Gough Street and Hayes Street.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the feasibility of establishing a separate timing for pedestrian crossing at the Panhandle crosswalks at Masonic Avenue and Fell Street, and Masonic Avenue at Oak Street.

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an amendment to necessary sections of Chapter 7 of the Environment Code, so that green building design requirements apply to all possible city leaseholds.

From: Supervisor Ammiano

To: Chancellor, City College of San Francisco

Requesting/Inquiring: Urging City College of San Francisco to negotiate with the neighbors that surround the construction of the New Mission Campus site to include a daily start time of 9AM during the week, no work on weekends, immediate installation of double paned windows in all rooms affected by noise, better dust mitigation efforts and air filters, in hopes that City College will sincerely consider the impacts of this construction on its neighbors, and will act quickly to improve the situation.

In Memoriams

Maureen Duggan-Woods - Supervisors Elsbernd and Alioto-Pier

Moir Erin O'Donnell - Supervisor Elsbernd

Helen Lem - Supervisor Peskin

Cheree Black - Supervisor Maxwell

Dante Rollins - Supervisor Maxwell

ADJOURNMENT

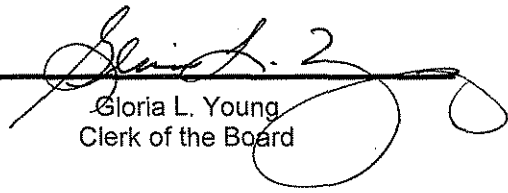
There being no further business the Board adjourned at the hour of 8:11 p.m.

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 November 22, 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