

**CITY AND COUNTRY OF SAN  
FRANCISCO; CITY HALL, 1 DR.  
CARLTON B. GOODLETT PLACE  
SAN FRANCISCO, CA 94102-  
4689**

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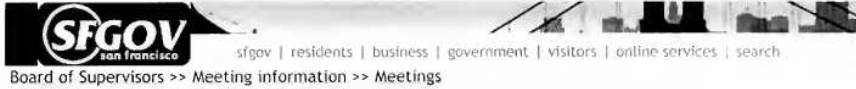
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City and County of San Francisco  
Board of Supervisors

April 11, 2007

# City and County of San Francisco

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

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## MEETING MINUTES

**Tuesday, April 10, 2007 - 2:00 PM**  
**Wednesday, April 11, 2007 - 1:00 PM**

**Legislative Chamber - Second Floor**  
**Regular Meeting**

**Board of Supervisors**

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

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

**Members Excused:** *None.*

**Members Absent:** *None.*

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.*

*There was a quorum.*

## APPROVAL OF MEETING MINUTES

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved to approve the March 13, 2007 meeting minutes. The motion carried by the following vote:

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

## COMMUNICATIONS

*Communication received from former Clerk of the Board, Gloria L. Young, thanking the Board of Supervisors.*

## CONSENT AGENDA

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

#### 061662 [Liquor License Transfer, 83 First Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 7404 Mission Street to 83 First Street to Mark E. Rennie for The Bar Downtown, LLC dba The Bar Downtown, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Enacted 168-07

Number:

ADOPTED

#### 070228 [County Refugee Services Plan]

Resolution approving the City and County of San Francisco's Refugee Services Annual Plan for federal fiscal year 2006-2007. (Human Services

3 1223 07661 6870

Department)  
Enacted 172-07  
Number:  
ADOPTED

## Recommendations of the Rules Committee

### 061695 [Assessment Appeals Boards: expanding Board Two jurisdiction] Supervisor Peskin

Ordinance amending Administrative Code Chapter 2B "Assessment Appeals Boards" by amending Section 2B.6 and Section 2B.13 to expand the jurisdiction of Board Two (1) from less than \$20,000,000 to less than \$50,000,000 maximum assessed roll value, and (2) to include jurisdiction over residential property of four units or less in the downtown and south of Market areas that are currently excluded from Board Two jurisdiction.

Enacted 79-07  
Number:  
FINALLY PASSED

### 070122 [Conflict of Interest Code Amendments] Supervisor Elsbernd

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.102.5, 3.1-105, 3.1-120, 3.1-145, 3.1-150, 3.1-155, 3.1-160, 3.1-175, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-230, 3.1-242, 3.1-245, 3.1-252, 3.1-265, 3.1-267, 3.1-270, 3.1-275, 3.1-285, 3.1-312, 3.1-315, 3.1-320, 3.1-325, 3.1-335, 3.1-340, 3.1-345, 3.1-350, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-420, 3.1-435, 3.1-440, 3.1-445, and 3.1-500; renumbering sections 3.1-252, 3.1-265, and 3.1-375 as sections 3.1-255, 3.1-362 and 3.1-252, respectively; deleting sections 3.1-109, 3.1-168, 3.1-170, 3.1-220, 3.1-222, 3.1-290, 3.1-400, 3.1-423, and 3.1-430; and adding sections 3.1-108, 3.1-193, 3.1-251, 3.1-253, and 3.1-457, all to update the list of designated employees who must file financial disclosure statements, to modify the applicable disclosure categories, and to clarify that consultants for each City agency must file financial disclosures in disclosure category 1 unless the agency's director has indicated otherwise. (Clerk of the Board)

Enacted 80-07  
Number:  
FINALLY PASSED

### 070109 [Settlement of Lawsuit - Harvey John Merk]

Ordinance authorizing settlement of the lawsuit filed by Harvey John Merk against the City and County of San Francisco for \$135,000; the lawsuit was filed on August 5, 2005 in San Francisco Superior Court, Case No. 443-654; entitled Harvey John Merk, et al., v. City and County of San Francisco, et al. (City Attorney)

Enacted 76-07  
Number:  
FINALLY PASSED

### 070293 [Settlement of Lawsuit - Marnie Carter]

Ordinance authorizing settlement of the lawsuit filed by Marnie Carter

against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 30, 2005 in San Francisco Superior Court, Case No. 439-948; entitled *Marnie Carter, et al., v. City and County of San Francisco, et al.* (City Attorney)

Enacted 77-07  
Number:  
FINALLY PASSED

**070294 [Settlement of Lawsuit - Adrienne Hogan]**

Ordinance authorizing the settlement of a lawsuit filed by Adrienne Hogan against the City and County of San Francisco for \$50,000.00 (fifty thousand dollars); the lawsuit was filed on September 19, 2005, in San Francisco Superior Court, Case No. 444952, entitled *Adrienne Hogan v. City and County of San Francisco et al.* (City Attorney)

Enacted 78-07  
Number:  
FINALLY PASSED

**070295 [Settlement of Lawsuit - Hattie Finn-Carter]**

Ordinance authorizing the settlement of a lawsuit filed by Hattie Finn-Carter against the City and County of San Francisco, Public Utilities Commission, Kevin Lyons, Dan Gilman, and Michael Saldanha for \$70,000.00 (seventy thousand dollars); the lawsuit was filed on February 13, 2006, in United States District Court for the Northern District of California, Case No. 06-1067, entitled *Hattie Finn-Carter v. City and County of San Francisco, Public Utilities Commission, Kevin Lyons, Dan Gilman, and Michael Saldanha.* (City Attorney)

Enacted 74-07  
Number:  
FINALLY PASSED

**070297 [Settlement of Lawsuit - San Francisco Bay Area Supervisor Peskin Transit District]**

Ordinance authorizing revised settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled *San Francisco Bay Area Transit District v. City and County of San Francisco, et al.* (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for the principal amount of \$2,367,570.

Enacted 75-07  
Number:  
FINALLY PASSED.

The foregoing items were acted upon by the following vote:

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

## Severed from the Consent Agenda

**061513 [Liquor License Transfer, 450 Rhode Island]**



Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 1801 San Jose Avenue to 450 Rhode Island Street, and the issuance of a Type 41 on-sale beer and wine eating place license at the same location, to Anthony M. Gilmore for Whole Foods Market California, Inc. dba Whole Foods Market, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

*Supervisor Dufty requested this item be severed from the Consent Agenda.*

Enacted 166-07

Number:

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Dufty

## REGULAR AGENDA

## UNFINISHED BUSINESS

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

070085 [Plastic Bag Reduction Ordinance]

Supervisors Mirkarimi, Ammiano, McGoldrick, Daly, Sandoval, Peskin, Maxwell, Alioto-Pier

Ordinance amending the San Francisco Environment Code by adding Chapter 17, sections 1701 through 1709, to: (1) require the use of compostable plastic, recyclable paper and/or reusable checkout bags by stores located in the City and County of San Francisco, and (2) provide penalties for violations.

Enacted 81-07

Number:

FINALLY PASSED by the following vote:

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

Noes: 1 - Jew

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

070021 [Planning Code Amendment-Landmarking Interiors of Publicly-Accessible Buildings]

Supervisors McGoldrick, Peskin

Ordinance amending the San Francisco Planning Code by amending Sections 1004, 1005 and 1006.7 to provide for review of proposed changes to interior architectural features of privately-owned landmark buildings where such features are in areas of the landmark that are generally accessible to

members of the public; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Enacted 82-07

Number:

FINALLY PASSED by the following vote:

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

Noes: 2 - Alioto-Pier, Jew

## **CALLED FROM COMMITTEE**

060589 [Liquor License Transfer, 845 Market Street, Space 010]

Resolution determining that the transfer of a Type 21 off-sale general license from 1001 South Van Ness Avenue to 845 Market Street, basement of the San Francisco Centre, Space 010 to Bristol Farms Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

*Continued to April 17, 2007.*

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

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

## **NEW BUSINESS**

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

070208 [Electronic benefit transfers, monthly pay period; deleting payment by emergency check] Mayor, Supervisors Ammiano, Dufty  
Ordinance amending sections 20.57.6A, 20.59, 20.59.1, 20.59.3, 20.76, 20.106, and 20.206 of the San Francisco Administrative Code by: 1) authorizing the Department of Human Services (DHS) to provide aid payments in the form of electronic benefit transfers in the General Assistance program, 2) authorizing DHS to provide aid payments on a monthly basis, and 3) deleting DHS' ability to provide aid payments in the form of emergency checks.

PASSED ON FIRST READING by the following vote:

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

070254 [Appropriating \$19,884,652 for San Francisco General Hospital, Laguna Honda Hospital and Health Access Program expenditures to the Department of Public Health for Fiscal Year] Supervisors Ammiano, Dufty

**2006-2007]**

Ordinance appropriating \$19,884,652 of sources, including \$9,443,985 of additional San Francisco General Hospital patient revenue, \$5,000,000 of San Francisco General Hospital prior year settlements, \$3,354,090 of additional Laguna Honda Hospital Medi-Cal revenue and \$423,945 of Laguna Honda Hospital Distinct Part Nursing Facility federal funding and de-appropriating \$1,662,632 in surplus Mental Health Program salaries and Laguna Honda Hospital Social Security budget; appropriating \$19,884,652 of uses, including \$12,617,977 in salaries, related fringe, overtime and materials and supplies at San Francisco General Hospital, \$5,031,675 in overtime, materials and supplies, and other related expenses at Laguna Honda Hospital, and \$2,235,000 for information technology infrastructure costs to implement the Health Access Program; and de-appropriating \$741,973 of General Fund sources and uses to reflect prior appropriation for additional funding for HIV/AIDS related services (File No. 070123 and 070127) in the Department of Public Health for Fiscal Year 2006-2007.

(Fiscal impact.)

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

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

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

*Motion to rescind the vote on this item passed by the following vote:*

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

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Alioto-Pier

**070296 [Appropriating \$4,440,000 of General Fund Reserve funding for County Jail No. 3 Construction Project legal costs]**

Ordinance appropriating \$4,440,000 of General Fund Reserve funding for litigation expenses related to the County Jail No. 3 Replacement Project for Sheriff's Office through the Department of the Public Works to work order for legal services with the City Attorney's Office. (Sheriff)

(Fiscal Impact.)

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

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

Noes: 1 - Jew

**070298 [Airport Commission Declaration of Emergency Contract Pursuant to Section 21.15 of the San Francisco Administration Code]**