

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, May 3, 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, Daly, Elsbernd, Ma, McGoldrick

Budget and Finance Subcommittee

Supervisors Ammiano, Daly, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Mirkarimi

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:00 PM

Thursday
11:00 AM

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

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

Volume 100 Number 17

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

Quorum present.

Supervisor Alioto-Pier was noted present at 2:15 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the April 5, 2005 Meeting Minutes. The motion carried by the following vote:

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

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

050530 [Accept-Expend Bequest of Harvey V. Berneking Living Trust]
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to retroactively accept and expend a gift in the amount of \$100,000 from the HARVEY V. BERNEKING Living Trust for improvements to the Main Library. (Public Library)

Resolution No. 328-05
ADOPTED

050569 [Contract Prop J: Facility Security Services]

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

Resolution No. 329-05

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee**050415 [Establishing a tour bus restriction on Baker Street]**

Ordinance amending the San Francisco Police Code by adding Section 1183.35 to establish a tour bus restriction on Baker Street between Richardson Avenue and Union Street. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

Ordinance No. 79-05

FINALLY PASSED

050420 [Establishing a tour bus restriction on Broderick Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.36 to establish a tour bus restriction on Broderick Street between Richardson Avenue and Union Street. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

Ordinance No. 81-05

FINALLY PASSED

050421 [Establishing a tour bus restriction on Chestnut Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.32 to establish a tour bus restriction on Chestnut Street between Lyon Street and Richardson Avenue. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

Ordinance No. 82-05

FINALLY PASSED

050478 [Establishing a tour bus restriction on Greenwich Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.33 to establish a tour bus restriction on Greenwich Street between Lyon and Divisadero Streets. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

Ordinance No. 83-05

FINALLY PASSED

050479 [Establishing a tour bus restriction on Filbert Street]

Ordinance amending the San Francisco Police Code by adding Section 1183.34 to establish a tour bus restriction on Filbert Street between Lyon and Divisadero Streets. (Parking and Traffic Department)

(3/14/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2975.)

Ordinance No. 84-05

FINALLY PASSED

050525 [Establishing commercial vehicle weight restrictions on Broderick Street]

Ordinance amending the San Francisco Traffic Code by adding Section 28.5.58 to establish a commercial weight restriction on Broderick Street between Richardson Avenue and Union Street. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

Ordinance No. 85-05

FINALLY PASSED

050526 [Extending commercial vehicle weight restrictions on Chestnut Street]

Ordinance amending the San Francisco Traffic Code by amending Section 28.5.9 to extend the commercial vehicle weight restriction on Chestnut Street to include Chestnut Street between Lyon and Broderick Streets. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

Ordinance No. 86-05

FINALLY PASSED

050527 [Establishing commercial vehicle weight restrictions on Greenwich Street]

Ordinance amending the San Francisco Traffic Code by adding Section 28.5.57 to establish a commercial vehicle weight restriction on Greenwich Street between Divisadero and Lyon Streets. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

Ordinance No. 87-05

FINALLY PASSED

050528 [Establishing commercial vehicle weight restrictions on Filbert Street]

Ordinance amending the San Francisco Traffic Code by adding Section 28.5.59 to establish a commercial weight restriction on Filbert Street between Divisadero and Lyon Streets. (Parking and Traffic Department)

(3-14-05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2974.)

Ordinance No. 88-05

FINALLY PASSED

050529 [Extending commercial vehicle weight restrictions on Baker Street]

Ordinance amending the San Francisco Traffic Code by amending Section 28.5.3, establishing a commercial vehicle weight restriction on Baker Street, by extending the restriction to include Baker Street between Union Street and Marina Boulevard. (Parking and Traffic Department)

(DPT Order No. 2974.)

Ordinance No. 89-05

FINALLY PASSED

Consent Agenda was passed by the following vote:

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

Absent: 1- Alioto-Pier

*Supervisor Dufty, seconded by Supervisor McGoldrick, moved to rescind the previous vote.
Motion to rescind was passed without objection.*

The foregoing items were acted upon by the following vote:

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

Severed from Consent Agenda

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

050431 [To re-appropriate bond sales proceeds from 3 capital projects, funded by General Obligation Bonds; and to re-appropriate the bond sales proceeds from 11 projects, funded by Lease Revenue Bonds] Mayor, Supervisors McGoldrick, Elsbernd

Ordinance re-appropriating \$15,964,440 from 3 large capital projects within the 2000 Neighborhood Recreation and Park Facilities Improvement General Obligation Bond to fund the improvement and construction of parks and open space for 11 neighborhood park projects within the Lease Revenue Bond Capital Program. Projects include Rossi Playground, Fay Park Garden, SOMA Park, Junipero Serra Playground/Clubhouse, Sunnyside Playground/Clubhouse, Sunnyside Conservatory, Rolph Park Clubhouse, Herz Playground/Coffman Pool, Visitacion Greenway Senior Park, Moscone Recreation Center and St. Mary's Playground; and

Re-appropriating \$15,964,440 from 11 various projects within the Lease Revenue Bond Capital Program to fund the improvement and construction of parks and open space for 3 large capital projects within the 2000 Neighborhood Recreation and Park Facilities Improvement General Obligation Bond program; Moscone Recreation Center – Phase I, Chinese Recreation Center and Larsen Sava Pool.

(Fiscal impact.)

Ordinance No. 80-05

FINALLY PASSED by the following vote:

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

REGULAR AGENDA

NEW BUSINESS

Recommendation of the Government Audit and Oversight Committee

**050679 [Audit Priorities]
Supervisors Peskin, Elsbernd**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

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

Motion No. M05-67

APPROVED by the following vote:

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

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

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Daly, 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

Supervisor Mirkarimi welcomed, introduced and presented a Certificate of Honor to a representative of the Hamilton Family center in recognition of Mother's Day.

SPECIAL ORDER 4:00 P.M.**050574 [Public Hearing - Appeal of Categorical Exemption from Environmental Review (Variance Decision) for 1400-1402 Cole Street]**

Hearing of persons interested in or objecting to the variance decision of the Planning Department dated December 6, 2004 (Case No. 2003.0639V), exempting from environmental review under CEQA Guidelines, the proposal to add a third floor addition, to include a second dwelling unit to a two-story mixed-use (dwelling unit over commercial) structure (Adel's Wine Cellar), and to legalize and enlarge an addition at the rear of the building, creating a roof deck and access stair in the required rear yard. The existing structure, detached garage, and rear yard deck are considered noncomplying with respect to the Planning Code, as they are located in the required rear yard.

The project is located at 1400-1402 Cole Street, southeast corner of the intersection of Cole and 17th Streets; Lot 023 in Assessor's Block 1291 within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. (Appellants: Dr. Dennis L. Hamby, and Mrs. Carol Hamby)

(Filed April 5, 2005; companion measure to Files 050575, 050576, 050577; District 5.)

The President inquired as to whether members of the public wished to address the Board.

Representatives of the project sponsor informed the Board they were aware of the withdrawal of the appeal but were available if needed.

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 (variance decision) described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)**050575 [Affirming the categorical exemption issued for 1400-1402 Cole Street]**

Motion affirming the determination by the Planning Department that the 1400-1402 Cole Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

050576 [Disapproving the categorical exemption issued for 1400-1402 Cole Street]

Motion disapproving the determination by the Planning Department that the 1400-1402 Cole Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

050577 [Preparation of findings related to the categorical exemption issued for 1400-1402 Cole Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1400-1402 Cole Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

COMMITTEE REPORTS

050710 [Appointment - Police Commission]

Motion confirming the Rules Committee's nomination of, and appointing, Gayle Orr-Smith to the San Francisco Police Commission for a term of office commencing on April 30, 2005 at noon, term ending April 30, 2009 at noon.

Gayle Orr-Smith, succeeding herself, term expiring April 30, 2005 at noon, seat 3, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for a four-year term ending April 30, 2009 at noon.

(Supervisor Mirkarimi dissenting in Committee)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to amend by replacing the nomination of "Gayle Orr-Smith" with "Kim-Shree Maufus".

Motion to amend failed by the following vote:

Ayes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

Noes 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin

Motion No. M05-63

APPROVED by the following vote:

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

**050695 [Adoption of Board of Supervisors' 2005 Budget Process and Policy Priorities]
Supervisors Ammiano, Daly, Elsbernd, McGoldrick, Ma, Mirkarimi**

Resolution adopting the San Francisco Board of Supervisors' 2005 Budget Process and Policy Priorities.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to amend the list of budget priorities to include funding for Public Health Nurses, Senior Medical Social Workers and a Health Care Billing Clerk to the Department of Public Health.

Motion to amend the list of budget priorities was passed without objection.

Supervisors Daly, Elsbernd, and Mirkarimi requested to be added as co-sponsors.

Resolution No. 337-05

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Alicia Schwartz, POWER; expressed concerns regarding lack of notification to Bayview Hunters Point residents of grants available to pay costs for underground wiring
Eddie Mary Gibson; expressed concerns regarding underground wiring costs charged to residents
Kevin Williams; expressed concerns regarding costs charged with threats to place lien on his property
Nora Calderon; expressed concerns regarding underground wiring costs
Oliveia Castillo; expressed concerns regarding underground wiring costs
Andre Rucker; expressed concerns regarding less fortunate residents of S. F.
Ashia Shareiff; expressed concerns regarding the treatment of residents in Bayview Hunters Point
Jessie Tello; expressed concerns regarding treatment of residents in Bayview Hunters Point
Marjorie Turner; wants refund of money paid for underground wiring.
James Chaffe; expressed concerns regarding privatization issues
Female speaker; questioning how the underground wiring cost for Bayview Hunters Point residents was approved
Male speaker; recognized and remembered his mother who was a City employee
Eugene Gordon, Jr.; read views on life
Bruce Allison; thanked the Board for his award, and expressed concerns regarding the closure of Men's Place
John DiDonna; expressed views regarding free speech
Male speaker; asking the Supervisors to support Supervisor Maxwell in helping the residents with underground wiring grants
Joe Collins; expressed concern regarding jobs going to out-of-state workers rather than to S. F. residents
Judy, Mission Hiring Hall; expressed concerns regarding City hiring laws not being upheld
Peter Warfield; expressed concern regarding radio frequency identification at the Library
Ginger Dawn Dungan, expressed concern regarding safety issues in homeless shelters
Bill Jones; thanked the Board for listening to residents' concerns
Reverend Arnold Townsend; expressed concerns regarding 16th and Illinois St. work site not hiring S. F. workers
Michael; S. F. Building Trades Council, expressed concerns regarding 16th and Illinois St. work site not hiring S. F. workers
Female speaker; concerns regarding her treatment in homeless program
Eileen Voken; expressed concerns regarding newspaper articles on SFO Program for Growth
David Graves; expressed concerns regarding real estate external pressures, budget constraints and fish dying in Bay
Female speaker; expressed views on Mayor Newsom
Beverly, Executive Director, Domestic Violence Coalition; requested that funds not be deleted from the Domestic Violence programs

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.

**050754 [Juror Appreciation Week]
Supervisors Dufty, Elsbernd**

Resolution declaring May 8 through May 14, 2005, Juror Appreciation Week throughout the City and County of San Francisco.

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

Resolution No. 330-05

ADOPTED

**050755 [Supporting the WorldPride celebration in Jerusalem]
Supervisors Dufty, Ammiano, Maxwell, Daly, Mirkarimi, Ma**

Resolution supporting the WorldPride celebration in Jerusalem.

Resolution No. 331-05

ADOPTED

**050756 [Accept-Expend Grant Awarded to the San Francisco Department of the Environment by the Friends of the Commission on the Status of Women]
Supervisor Elsbernd**

Resolution authorizing the San Francisco Department of the Environment to accept and expend a grant in the amount of \$25,000.00 from the Friends of the Commission on the Status of Women to provide outreach and education about recycling used cell phones.

Resolution No. 332-05

ADOPTED

**050757 [Safe Jobs]
Supervisor Ma**

Resolution recognizing and declaring the month of May 2005 as "Safe Jobs for Youth Month" in the City and County of San Francisco.

Resolution No. 333-05

ADOPTED

**050758 [Commending Nick and Sophia Vlahiotis]
Supervisors Ma, Dufty**

Resolution commending Nick and Sophia Vlahiotis on the 20th Anniversary of Ristorante Capri.

Resolution No. 334-05

ADOPTED

**050722 [Final Map for a 23 Unit Commercial/Residential Condominium Project - 515-521-525 Gough Street]
Motion approving Final Map of 515-521-525 Gough Street, A Commercial/Residential Condominium Project, being a subdivision of Lot 77 in Assessor's Block No. 793, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)**

(DPw Order No. 175,326; District 6.)

Motion No. M05-64

APPROVED

050723 [Final Map for a 6 Lot Merger and 5 Lot Re-subdivision Project - 830 Lake Street]

Motion approving Final Map of 830 Lake Street, A 6 Lot Merger and 5 Lot Re-subdivision Project, being a re-subdivision of Lots 7, 8, 9, 10, 11 and 12 in Assessor's Block No. 1349, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPw Order No. 175,337; District 1.)

Motion No. M05-65

APPROVED

050731 [Needle Exchange Emergency]

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

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

Motion No. M05-66

APPROVED

Severed from Without Committee Reference

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

The foregoing items were acted upon by the following vote:

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

050759 [Supporting AB 452, Double Fine Zone for Moving Violations on 19th Avenue and Park Presidio Boulevard]

Supervisors Mirkarimi, Ma, Elsbernd

Resolution urging the California State Assembly and Governor to support Assembly Bill No. 452.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved an amendment of the whole and further amended by Supervisor McGoldrick.

AMENDED.

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

Resolution No. 335-05

ADOPTED AS AMENDED by the following vote:

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

[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 Elsbernd, 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 Elsbernd, 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

**050779 [Commending Teachers and School Workers in S.F. Unified School District]
Supervisors Daly, Ammiano, Elsbernd, Mirkarimi, Ma**

Resolution commending the San Francisco Unified School District teachers and workers for their labor to educate and serve San Francisco's future leaders.

Resolution No. 336-05

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

**050771 [Annual Appropriation Ordinance for Selected Departments, as of May 1, 2005, Fiscal Year 2005-2006]
Mayor**

Ordinance appropriating all estimated receipts and all estimated expenditures for selected Departments of the City and County of San Francisco as of May 1, 2005 for the fiscal year ending June 30, 2006.

(Fiscal impact; Appropriation for the following selected departments: Airport, Municipal Transportation Agency, Port, Public Utilities Commission, Retirement System, Rent Arbitration Board.)

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050780 [Proposed Annual Salary Ordinance for the Selected Departments, as of May 1, 2005, Fiscal Year 2005-2006]
Mayor**

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for selected Departments of the City and County of San Francisco as of May 1, 2005, for the Fiscal Year ending June 30, 2006, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050773 [Zoning - 6 Month Extension of Interim Moratorium on Medical Cannabis Dispensaries]
Supervisor Mirkarimi**

Urgency ordinance approving a 60 day extension of the interim zoning moratorium throughout the City on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

5/3/05, ASSIGNED to Board of Supervisors.

**050784 [Establishing a Small Local Business Enterprise Program; Prohibiting Discrimination in Contracting and Subcontracting]
Supervisor Ma**

Draft Ordinance amending the San Francisco Administrative Code by adding Chapter 14B to establish a Small and Micro Local Business Enterprise Program, prohibit discrimination in City contracting, and suspend Chapter 12D.A.

5/3/05, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

**050785 [STOP Intersections - Octavia Frontage Road]
Supervisor Mirkarimi**

Resolution designating certain intersections as "STOP" Intersections.

STOP signs - ESTABLISH

Octavia Frontage Road and Haight Street, stopping Octavia Frontage Road, at Haight Street

Octavia Frontage Road and Page Street, stopping Octavia Frontage Road, at Page Street

Octavia Frontage Road and Oak Street, stopping Octavia Frontage Road, at Oak Street

Octavia Frontage Road and Fell Street, stopping Octavia Frontage Road, at Fell Street

(5/2/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

5/3/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 05/23/05 - Parking and Traffic notified to post notices and ad place in the 05/28/05 edition of the SF Chronicle.

**050786 [Allocation of McKinney-Vento Funds]
Supervisor Daly**

Resolution urging the City to keep an open dialogue with the homeless community to ensure effective decision making and to comply with requests made by the McKinney Subcontractors for the allocation and oversight of the McKinney-Vento Targeted Homeless Assistance Grant funding.

5/3/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050787 [Drinking Water Week]
Supervisor Ma**

Resolution recognizing May 1-7, 2005 as "Drinking Water Week" in the City and County of San Francisco.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050788 [Commending Homeless Mothers in San Francisco]
Supervisor Mirkarimi**

Resolution commending the homeless mothers who are struggling to raise families in San Francisco in the midst of a housing crisis.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050789 [Public Works Week]
Supervisors Peskin, Ma**

Resolution declaring May 16 through 20, 2005, as Public Works Week.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050790 [Honoring Bay Area Holocaust Survivors]
Supervisors Sandoval, Peskin, Dufty, Ma, Elsbernd**

Resolution honoring Bay Area Holocaust Survivors on the 60th Anniversary of their liberation, and commending them for their contributions to the San Francisco and Bay Area community.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050791 [Nova Knits Inc.]
Supervisors McGoldrick, Peskin, Maxwell, Sandoval, Mirkarimi, Ammiano, Daly, Alioto-Pier, Dufty**

Resolution urging Nova Knits Inc. to comply with the Worker Adjustment and Retraining Notification (WARN) Act and the legitimate requests of its laid off workers and to ensure that its laid off workers are able to access transitional employment benefits through Unemployment Insurance, the Workforce Investment Act (WIA) and the Trade Adjustment Assistance Act (TAA).

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050772 [California's Day of the Teacher]
Supervisors Ammiano, Daly, Mirkarimi, Ma, Elsbernd**

Resolution declaring May 11, 2005 as California's Day of the Teacher in the City and County of San Francisco.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050770 [Hearing - Redevelopment Plan for the Transbay Redevelopment Project Area]

Hearing to consider possible adoption of an Ordinance approving and adopting the Redevelopment Plan for the Transbay Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan and related documents and agreements (including a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement with the Redevelopment Agency of the City and County of San Francisco and the Transbay Joint Powers Authority) are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679; authorizing official acts (including the execution of agreements) in furtherance of this ordinance. (Clerk of the Board)

5/3/05, ASSIGNED to Board of Supervisors. Pursuant to File 050615, Board to sit as a Committee of the Whole May 10, 2005, at 4:00 p.m.

050776 [Hearing - 6 Month Extension of Interim Moratorium on Medical Cannabis Dispensaries]

Hearing to consider the possible adoption of an urgency ordinance approving a 6 month extension of the interim zoning moratorium throughout the City on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings. (Clerk of the Board)

5/3/05, ASSIGNED to Board of Supervisors. Pursuant to File 050775, Board to sit as a Committee of the Whole May 10, 2005, at 5:00 p.m.

**050777 [Feasibility of the inclusion of the televised broadcast of the S.F. Board of Education meetings]
Supervisor Ammiano**

Hearing to inquire into the feasibility of the inclusion of the televised broadcast of the San Francisco Board of Education meetings as part of SFGTV's regular broadcast schedule.

5/3/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

**050778 [Limited English speaking persons using the Residential Rent Stabilization and Arbitration Board's services]
Supervisor Ma**

Hearing to review and discuss the number of limited English speaking persons using the Residential Rent Stabilization and Arbitration Board's services overall and the effectiveness of these services.

5/3/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050781 [PUC's Hetch Hetchy Capital Improvement Contract]
Supervisor McGoldrick**

Hearing to discuss the RFP process, the contract terms and the scope of work covered in the Public Utilities Commission's (PUC) contract award to Parsons and CH2M Hill for the PUC's Hetch Hetchy capital improvement projects.

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050782 [Adolescent Working Group Report on the Health Needs of 19-24 Year Olds.]
Supervisor Daly**

Hearing regarding the Adolescent Working Group's Report on the health needs of 19-24 year olds.

5/3/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050783 [Underground Utilities Program]
Supervisor Maxwell**

Hearing on the City's Underground Utilities Program, specifically on the program's assistance for low-income homeowners.

5/3/05, RECEIVED AND ASSIGNED to Land Use Committee.

050792 [Annual Budget, FY 2005-2006]

Hearing to consider the Mayor's proposed budget for selected departments for fiscal year 2005-2006. (Clerk of the Board)

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050793 [Budget Hearing and Review, FY 2005-06]

Hearing to consider the Annual Budget for the Municipal Transportation Agency for fiscal year 2005-2006. (Clerk of the Board)

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050794 [Budget Hearing and Review, FY 2005-06]

Hearing to consider the Annual Budget for the Port, Retirement System, and Rent Arbitration Board for fiscal year 2005-2006. (Clerk of the Board)

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050795 [Budget Hearing and Review, FY 2005-06]

Hearing to consider the Annual Budget for the Airport and Public Utilities Commission for fiscal year 2005-2006. (Clerk of the Board)

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050796 [Budget Hearing and Review, FY 2005-06]

Hearing to consider the Annual Budget for the Port, Retirement System, Rent Arbitration Board, Airport, and Public Utilities Commission for fiscal year 2005-2006. (Clerk of the Board)

5/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions**050774 [Report for Interim Moratorium on Clubs or Dispensaries Where Marijuana is Grown, Purchased or Distributed With a Medical Recommendation]**

Supervisor Mirkarimi

Motion issuing the Planning Department's report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050775 [Committee of the Whole - May 10, 2005, at 5:00 p.m.]

Supervisor Mirkarimi

Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending an interim zoning moratorium throughout the City for 60 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

5/3/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

- 050724 [Zoning Map Amendment in connection with the Alabama and 18th Streets Affordable Housing Special Use District]**
Ordinance amending the Sectional Zoning Map No. 7SU of the San Francisco Planning Code to incorporate the Alabama and 18th Streets Affordable Housing Special Use District as being applicable to the block bounded by 18th, 19th, Alabama, and Florida Streets (Assessor's Block 4021, Lot 001); adopting findings. (Planning Department)
4/25/05, RECEIVED AND ASSIGNED to Land Use Committee.
4/28/05, President Peskin waived the 30-day Rule.
- 050725 [Alabama and 18th Streets Affordable Housing Special Use District]**
Ordinance amending the San Francisco Planning Code by adding Section 249.27 to create the Alabama and 18th Streets Affordable Housing Special Use District applicable to the block bounded by 18th, 19th, Alabama, and Florida Streets (Assessor's Block 4021, Lot 001); adopting findings. (Planning Department)
4/25/05, RECEIVED AND ASSIGNED to Land Use Committee.
4/28/05, President Peskin waived the 30-day Rule.
- 050726 [Settlement of Claims - Pacific Gas & Electric Company]**
Ordinance approving the settlement of telephone users tax refund claim asserted by Pacific Gas & Electric Company against the City and County of San Francisco in a claim for refund, then in Pacific Gas & Electric Company v. City and County of San Francisco, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM and Adv. No 04-3071 DM. (City Attorney)
4/25/05, RECEIVED AND ASSIGNED to Rules Committee.
- 050727 [Amending the Building Code Sections 106.3.2, 109, 209, 419, 1403, 1506, 2312.3.]**
Ordinance amending Sections 106.3.2, 109, 209, 419, 1403, 1506, 2312.3 of the Building Code to allow land surveyors to prepare submittal documents; to prohibit use or occupancy of structures until a certificate of final completion and occupancy or other approval by the Department of Building Inspection has been issued; to remove the definition of building height; to regulate the depth of structural projections; to delete requirements for exterior backings constructed of solid wood and plywood; to allow for approved alternate locations for storm or casual water drains; to remove requirement that solid wood or plywood wall sheathing used as backing for plaster be pressure-treated, and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)
4/25/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/2/2005.
- 050728 [Amending the Housing Code regarding mechanical ventilation of bathrooms]**
Ordinance amending Section 504 of the Housing Code to modify requirements for mechanical ventilation of bathrooms and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)
4/25/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/2/2005.
- 050729 [Amending the Plumbing Code regarding storm water drain locations and grease traps]**
Ordinance amending Section 306.2 and Section 1014.1 of the Plumbing Code to allow for alternate locations for rain water drains; to modify the requirements for grease traps; and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code. (Building Inspection Department)
4/25/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/2/2005.

PROPOSED RESOLUTIONS

Requests Granted

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: To report on the status of the pothole in front of 436 Fell Street.*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: To report on the status of the repair of the empty sidewalk squares at 566 Haight Street.*

*From: Supervisor Mirkarimi
To: Director, Department of Children, Youth and Their Families
To: Superintendent, Unified School District
Requesting/Inquiring: Given the recent decision to close Golden Gate Academy, DeAvilia, and Ben Franklin Middle School (and Beacon Center), to report on the department's efforts to transition the loss of services formerly provided by aforementioned institutions to District 5 residents?*

Based on summer school and after-school needs in District 5, how will these lost or re-allocated funds and/or services be augmented in District 5? Are there Proposition 39 opportunities for retaining certain services such as Beacon? What planning efforts are being made to ensure no disruption in services once this Beacon Center closes? What planning efforts are being made to enhance summer school and recreation-related activities for students who reside in high crime jurisdictions?

Provide budget information pertaining to the last three fiscal years and the projected funding allocations for FY 2005-2006.

*From: Supervisor Mirkarimi
To: Director, Department of Human Services
Requesting/Inquiring: To report on the delineated breakdown of the total dollar amount of grants and other funds awarded to child care service providers located in and/or serving the population of District 5. Provide this information for the last three fiscal years and the projected funding allocations for FY 2005-2006.*

*From: Supervisor Mirkarimi
To: Director, San Francisco Redevelopment Agency
Requesting/Inquiring: To report on the total dollar amount of Housing Opportunity for People with AIDS (HOPWA) dollars that are awarded to service providers located in and/or serving the population of District 5. Provide this information for the last three fiscal years and the projected funding allocation for FY 2005-2006.*

*From: Supervisor Mirkarimi
To: Director, Mayor's Office of Housing
Requesting/Inquiring: To report on the percentage and total dollar amount of CDBG dollars for housing projects are awarded to service providers located in and/or serving the population of District 5, including, but not limited to each of the following three service categories:*

- Housing*
- HOME Investment Partnership*
- Housing Opportunity for People with AIDS (HOPWA)*

Provide this information for the last three fiscal years, and the projected funding allocations for FY 2005-2006.

*From: Supervisor Mirkarimi
To: Director, Mayor's Office of Community Development
Requesting/Inquiring: To report on the percentage and total dollar amount of CDBG dollars that are awarded to service providers located in and/or serving the population of District 5, including, but not limited to each of the following seven service categories:*

· Public services

- Capitol improvements
- Public space improvement
- Planning
- Economic development
- Housing
- Micro enterprise

What percentage of MOCD's Emergency Shelter Grant (non-CDBG funds) funds are awarded to service providers located in or serving residents of District 5? Provide this information for the last three fiscal years, and the projected funding allocations for FY 2005-2006.

From: Supervisor Mirkarimi

To: Director, Mayor's Office of Criminal Justice

Requesting/Inquiring: To report on the total dollar amount of grants awarded to service providers located in and/or serving the population of District 5; and percentage of funds provided compared to other districts for comparable programs. Provide this information for the last three fiscal years, and the projected funding allocations for FY 2005-2006.

From: Supervisor Mirkarimi

To: Director, Department of the Status of Women

Requesting/Inquiring: To report on the total dollar amount of grants that have been awarded to service providers located in and/or serving the population of District 5. Provide this information for the last three fiscal years, and the projected grant allocations for FY 2005-2006.

From: Supervisor Elsbernd

To: Director, Office of Emergency Services (OES)

To: Director, Department of Public Health (DPH)

To: Director, San Francisco Fire Department (SFFD)

To: Director, Department of Building Inspections (DBI)

To: Director, Department of Planning

Requesting/Inquiring: To establish recommendations for improving the oversight and maintaining the safety of neighbors and the environment in and around the surrounding neighborhoods of Sutro Tower?

In Memoriams

Luis Cervantes (Supervisor Sandoval)

ADJOURNMENT

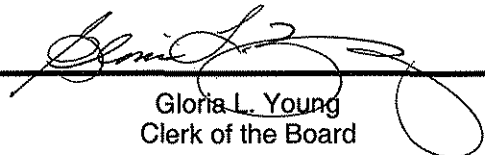
There being no further business, the Board adjourned at the hour of 4:13 p.m.

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 May 24, 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