

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 11, 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, Duffy, 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 35

Members Present: 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 2:05 p.m. On the call of the roll the following Supervisors Alioto-Pier and Sandoval were noted absent.

*Supervisor Sandoval was noted present at 2:06 p.m.
Supervisor Alioto-Pier was previously was previously excused. (See Infra)*

Supervisor Alioto-Pier Excused from Attendance

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

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

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved to approve September 13, 2005 and September 20, 2005 Meeting Minutes. The motion carried by the following vote:

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

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

- 051440 [Airport Equipment Maintenance and Operating Agreement]
Resolution approving Equipment Maintenance and Operating Agreement between San Francisco Terminal Equipment Company, LLC and the City and County of San Francisco, acting through its Airport Commission. (Airport Commission)
- Resolution No. 743-05
ADOPTED

051530 [Airport Public Parking Services Proposition]

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

(Fiscal impact.)

Resolution No. 741-05

ADOPTED

051531 [Airport Employee Parking Services Proposition J]

Resolution approving the Controller's certification that Airport Employee Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact.)

Resolution No. 740-05

ADOPTED

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

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

(Fiscal impact.)

Resolution No. 739-05

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee**051464 [Traffic Regulations]**

Supervisor Ammiano

Resolution enacting and rescinding traffic regulations on various streets

MID-BLOCK CROSSWALK - ESTABLISH
Alabama Street, between 24th and 25th Streets.

(8/15/05: Categorically exempt from Environmental Review Class I(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.)

Resolution No. 730-05

ADOPTED

051546 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY NO STOPPING ANYTIME – ESTABLISH

Beacon Street, both sides, from the south end of the driveway of 383 Beacon Street to 120 feet southerly.

(8/30/05: 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. 3056.)

Resolution No. 738-05

ADOPTED

051547 [STOP Intersections]

Supervisor Elsbernd

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Clement Street and 15th Avenue, stopping Clement Street at 15th Avenue, making this intersection an all-way STOP.

Flood Avenue at Congo Street, installing STOP signs on Flood Avenue at Congo Street, making this intersection an All-Way STOP.

Fairfield Way at Kenwood Way, installing a STOP sign on Fairfield Way at Kenwood Way. (Parking and Traffic Department)

(8/30/05: 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. 3056.)

Resolution No. 737-05

ADOPTED

051553 [Supporting the City's application for Prop 63 Mental Health Funding]

Supervisor Ma

Resolution supporting the City's application to the State of California for the Mental Health Services Act (MHSA). (Public Health Department)

Resolution No. 744-05

ADOPTED

051587 [Approval of the Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]

Supervisor Mirkarimi

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2005-2006. (Public Health Department)

Resolution No. 736-05

ADOPTED

Recommendations of the Rules Committee

051540 [Settlement of Lawsuit - Torfirio Carpenter]

Ordinance authorizing settlement of the lawsuit filed by Torfirio Carpenter against the City and County of San Francisco for \$40,000; the lawsuit was filed on April 21, 2004 in San Francisco Superior Court, Case No. 430-718; entitled Torfirio Carpenter, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 240-05

FINALLY PASSED

051541 [Settlement of Lawsuit - Raymond Nario]

Ordinance authorizing settlement of the lawsuit filed by Raymond Nario against the City and County of San Francisco for \$60,000.00; the lawsuit was filed on October 20, 2003 in United States District Court, Case No. C05-1394 JSW; entitled Raymond Nario, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 239-05

FINALLY PASSED

051442 [Settlement of Lawsuit - Anna Maria Olmedo]

Ordinance authorizing settlement of the lawsuit filed by Anna Maria Olmedo against the City and County of San Francisco for \$62,500; the lawsuit was filed on August 15, 1999 in San Francisco Superior Court, Case No. 314-031.

Ordinance No. 238-05

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

051378 [Sale of City Property located at 425 Mason Street, San Francisco]

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

(Fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee

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.

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

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

Continued as amended to October 18, 2005

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

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

From the City Operations and Neighborhood Services Committee with Recommendation "Do Not Pass"

050689 [Public Works Code - significant trees, landmark trees, and penalties for violations]
Supervisor Daly

Ordinance amending the Public Works Code by amending Sections 802, 804, 807, and 808 and adding Section 810A to address removal, maintenance, and nomination of significant trees as defined herein; 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 Section 810 to allow the City to landmark any tree within its territorial limits; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Ordinance be TABLED. The motion carried by the following vote:

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

NEW BUSINESS**Recommendations of the Budget and Finance Committee**

**050922 [Payroll Expense Tax Exclusion for qualified clean energy technology businesses]
Supervisors McGoldrick, Alioto-Pier, Mirkarimi, Elsbernd, Ma, Sandoval**

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for qualified clean energy technology businesses, as specified.

Continued to October 25, 2005

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

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

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval

Noes: 2 - Daly, Peskin

Excused: 1 - Alioto-Pier

Supervisor Sandoval Excused From Voting

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Sandoval, at his request, from voting on this matter due to a possible conflict of interest. The motion carried by the following vote:

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

Excused: 2 - Alioto-Pier, Sandoval

**051512 [Amendment to Budget Analyst contract to exercise two year option]
Supervisor Peskin**

Motion approving exercising the first option set forth in the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to extend the term of the Agreement from January 1, 2006 through December 31, 2007.

(Fiscal impact.)

Motion No. M05-124

APPROVED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin

Noes: 1 - Maxwell

Excused: 2 - Alioto-Pier, Sandoval

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

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

Excused: 1 - Alioto-Pier

Continued as amended to October 18, 2005

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

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

Supervisor Daly was noted absent at 4:06 p.m.

- 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.

PASSED ON FIRST READING by the following vote:

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

- 051505 [Traffic Regulations]**
Supervisor Duffy

Resolution enacting and rescinding traffic regulations on various streets

BICYCLE LANES - ESTABLISH (6-month trial)
Fourteenth Street, eastbound, from Market Street to Dolores Street.

ONE WAY STREET - ESTABLISH (6-month trial)
Fourteenth Street, from Market Street to Dolores Street (two-way to eastbound only).

(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.)

Resolution No. 742-05

ADOPTED by the following vote:

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

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.)

PASSED ON FIRST READING by the following vote:

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

- 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.)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use Committee

Supervisor Daly was noted present at 4:11 p.m.

- 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.

PASSED ON FIRST READING by the following vote:

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

- 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)

PASSED ON FIRST READING by the following vote:

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

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

Privilege of the Floor

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

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Linus Back in recognition of his Anniversary of his 27 years of service to the City and County of San Francisco.

SPECIAL ORDER 4:00 P.M.

051222 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

Continued to October 25, 2005

Supervisor Duffy, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

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

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.)**051223 [Affirming the categorical exemption issued for 899 North Point Street]**

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 25, 2005

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

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

051224 [Disapproving the categorical exemption issued for 899 North Point Street]

Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 25, 2005

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

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

- 051225 [Preparation of findings related to the categorical exemption issued for 899 North Point Street]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to October 25, 2005

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

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

SPECIAL ORDER 4:00 P.M.

- 051542 [Public Hearing - Appeal of Categorical Exemption from Environmental Review (Variance Decision) for 2642 and 2644 Hyde Street]

Hearing of persons interested in or objecting to the variance decision of the Planning Department dated July 13, 2005 (Case No. 2004.1312V), exempting from environmental review the proposal to rebuild an existing second-floor balcony within the required rear yard of the existing two-family structure that was originally constructed without a permit. The balcony would be approximately 12 feet wide, 3 feet deep, and set back from each side property line by approximately 5 feet. The balcony would be cantilevered over the rear yard.

The project is located at 2642 and 2644 Hyde Street, east side between Bay and North Point Streets; Lot 017 in Assessor's Block 0027 in an RH-3 (House, Three-Family) District and 40-X Height and Bulk District. (Appellant: Stephen M. Williams.)

(Filed 8/31/05; companion measure to Files 051543, 051544, 051545; District 2.)

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

Stephen Williams, Appellant withdrew the appeal.

The President declared the public hearing closed.

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

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

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 approved.)

- 051543 [Affirming the categorical exemption issued for 2642-2644 Hyde Street]

Motion affirming the determination by the Planning Department that the 2642-2644 Hyde Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

051544 [Disapproving the categorical exemption issued for 2642-2644 Hyde Street]

Motion disapproving the determination by the Planning Department that the 2642-2644 Hyde Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

051545 [Preparation of findings related to the categorical exemption issued for 2642-2644 Hyde Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2642-2644 Hyde Street Project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

COMMITTEE REPORTS

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Dufty provided the Board with an update on the Mental Health Board on which he represents the Board of Supervisors.

Supervisor Maxwell provided the Board with an update on the California League of Cities on which she represents the Board of Supervisors.

Supervisor Ma provided the Board with an update on the Disaster Council on which she represents the Board of Supervisors.

Supervisor Daly provided the Board with an update on the Urban Counties Caucus on which he represents the Board of Supervisors.

Supervisor Ammiano provided the Board with an update on the Golden Gate Bridge District and Municipal Transportation Authority on which he represents the Board of Supervisors.

Supervisor Elsbernd provided the Board with an update on the Health Service Board on which he represents the Board of Supervisors.

PUBLIC COMMENT

*Patricia Vaughey; expressed concern with neighborhood issues relating to issuing of restaurant equipment
Abdullah Megaheed; requested the Board to honor the 9 year old who completed a swim for Alcatraz to San
Francisco*

James Chaffee; expressed concern with SF Library issues

Fred Solmon; showed support for Item 37

Mike Strickland; expressed concern with the Blue Angels flying over the City

Tony Coleman; showed support for Item 37

Male Speaker; showed support for Item 37

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.*

Supervisor McGoldrick was noted absent at 5:01 p.m.

**051632 [Walk to School Day]
Supervisor Ma**

Resolution declaring October 5, 2005 as "Walk Our Children to School Day" in the City and County of San Francisco.

Resolution No. 735-05

ADOPTED

**051634 [Microenterprise Development Month]
Supervisor Ma**

Resolution declaring October 2005 as "Microenterprise Development Month" in the City and County of San Francisco.

Resolution No. 734-05

ADOPTED

**051638 [Employment Policies and Procedures Regarding Criminal History]
Supervisors Ammiano, Maxwell, Daly, Mirkarimi, Dufty**

Resolution urging the Civil Service Commission and the Department of Human Resources to review and revise current policies and procedures where appropriate so that people who have been in prison or convicted of criminal activity are not unreasonably denied City employment.

Resolution No. 764-05

ADOPTED

**051655 [Declaring October 1, 2005, to be Renewable Energy Day in San Francisco]
Supervisor Elsbernd**

Resolution declaring October 1, 2005, to be Renewable Energy Day in San Francisco.

Resolution No. 733-05

ADOPTED

**051656 [Proclaiming October 2005 as "San Francisco Disaster Preparedness Month"]
Supervisors Ma, Dufty**

Resolution proclaiming October 2005 as "San Francisco Disaster Preparedness Month".

Resolution No. 732-05

ADOPTED

**051657 [Commending the Second Annual Loveparade San Francisco]
Supervisor Mirkarimi**

Resolution commending the success of the 2005 Loveparade San Francisco.

Resolution No. 731-05

ADOPTED by the following vote:

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

Absent: 1 - McGoldrick

Excused: 1 - Alloto-Pier

**051658 [Shared Lane Markings on Seventh Avenue]
Supervisor Mirkarimi**

Resolution urging the Department of Parking and Traffic to complete stenciling Shared Lane Markings on Seventh Avenue between Kirkham Street and Lincoln Way.

Resolution No. 765-05

ADOPTED.

**051659 [Supporting Federal Legislation H.R. 1492 - Preservation of Historic Confinement Sites]
Supervisors Peskin, Mirkarimi**

Resolution expressing support for House Resolution 1492, federal legislation to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II.

Resolution No. 729-05

ADOPTED.

**051631 [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.

Motion No. M05-125

APPROVED by the following vote:

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

Absent: 1 - McGoldrick

Excused: 1 - Alioto-Pier

The foregoing items were acted upon by the following vote:

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

Absent: 1 - McGoldrick

Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**051668 [Expand the Inclusionary Affordable Housing Program to include Buildings of 5 units or more]
Supervisor McGoldrick**

Ordinance amending the Planning Code by amending Sections 315.2 and 315.3 to expand the application of the Inclusionary Affordable Housing Program to buildings of five units and more.

10/11/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/10/2005.

**051669 [Prohibition on Smoking in Public Transit Stops and Shelters]
Supervisor Ma**

Ordinance amending Section 1009.22 of the San Francisco Health Code, to prohibit smoking in public transit stops and shelters.

10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

10/18/05 - Referred to the Youth Commission.

**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. 10/11/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be considered at the 10/17/05 Special meeting of Government Audit & Oversight Committee.

**051675 [Appropriate \$800,000 of funding from the General Fund Reserve to the Fire Department for the purchase of fire hydrant caps that will serve as an adapter as part of the city-wide standardization of fire hydrants]
Supervisor Sandoval**

To appropriate \$800,000 of funding from the General Fund Reserve to the Fire Department for the purchase of fire hydrant caps that will serve as an adapter as part of the city-wide standardization of its fire hydrants to meet compatibility standards as set forth by the State of California for hydrants and hoses for Fiscal Year 2005-2006.

(Fiscal impact.)

10/11/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051676 [24th Street – Noe Valley Neighborhood Commercial District – full-service restaurants and bars]
Supervisor Dufty**

Ordinance amending Planning Code Sections 728.41 and 728.42 of the 24th Street – Noe Valley Neighborhood Commercial District to provide for a limited number of new full-service restaurants and new bar uses that satisfy specific requirements and obtain conditional use authorization; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/11/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/10/2005.

**051684 [To re-appropriate funds from the Mayor's Office to the Treasure Island Development Authority salaries account to fund severance pay and benefits to the Director of Treasure Island]
Supervisors Sandoval, Daly**

Ordinance re-appropriating \$254,500 of salary funds from the Mayor's Office to the Treasure Island Development Authority salaries account to fund severance pay and benefits to the Director of Treasure Island for Fiscal Year 2005 - 2006.

(Fiscal impact.)

10/11/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051685 [Increasing the requirements of the Inclusionary Affordable Housing Program.]
Supervisor Daly**

Draft Ordinance amending Planning Code Sections 315.1 to adjust income levels for the Inclusionary Housing Program from Metropolitan Statistical Area Calculations to City and County of San Francisco calculations, and amending Section 315.4 and 315.5 to increase requirements for all residential developments of 10 units or more to provide inclusionary housing units, and making findings.

10/11/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051686 [Granting public safety service retirement benefits to district attorneys, public defenders and public defender investigators]
Supervisor Sandoval**

Draft Ordinance amending the San Francisco Administrative Code by adding Article III, Section ____ through ____, to Chapter 16 to require that the City contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that local prosecutors, public defenders and public defender investigators, on or after January 1, 2002, shall be members of the Public Employees' Retirement System pursuant to Code Section 20423.6, and find that such a contract will be cost-neutral to the City.

10/11/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Resolutions

**051670 [State funding for California Healthcare for Indigents Program (CHIP) allocation for medical services to indigent persons]
Supervisor Ma**

Resolution authorizing the Department of Public Health to accept and expend retroactively a grant allocation in the amount of \$2,622,282 for Fiscal Year 2005-06 funding from the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funds for medical services to indigent persons, professional services, medical services contracts, materials and supplies, and personal services; for the period of July 1, 2005, to June 30, 2006.

10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be heard in the next City Operations & Neighborhood Services Committee meeting.

**051677 [Grant of Federal Funds - Municipal Transportation Agency - \$65,840,680]
Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency to Accept and Expend \$65,840,680 of Federal Formula Section 5307 Surface Transportation Program and Congestion Mitigation for Air Quality Capital Assistance for various San Francisco capital projects and activities, excluding Administrative Overhead Costs.

(Fiscal impact.)

10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051678 [Grant of Regional Funds - Municipal Transportation Agency - \$2,945,658]
Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$2,945,658 of Assembly Bill 664 Funds for San Francisco Municipal Railway Capital Projects, excluding administrative overhead costs.

(Fiscal impact.)

10/11/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051679 [Grant of Federal Funds - Municipal Transportation Agency - \$23,305,667]
Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$23,305,667 Federal Formula Section 5309 Fixed Guideway capital projects and activities, excluding administrative overhead costs.

(Fiscal impact.)

10/11/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051680 [STOP Intersections - Cabrillo Street and 4th Avenue]
Supervisor McGoldrick**

Resolution urging the Department of Parking and Traffic to implement at STOP sign on Cabrillo Street and 4th Avenue, stopping on Cabrillo Street, making this intersection a 4 way STOP.

STOP SIGNS - ESTABLISH

Cabrillo Street and 4th Avenue, stopping Cabrillo Street, making this intersection and All-Way STOP.

10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

10/18/05 - Referred to Parking and Traffic for determination of environmental impact.

10/18/05 - Parking and Traffic notified to post required notices and ad placed in the 10/26/05 edition of the SF Chronicle concerning the 11/7/05 hearing date.

10/27/05 - Response received from Parking and Traffic, exempt from environmental review.

**051683 [Judicial Review of the Ogoni Nine]
Supervisor Ammiano**

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 Fire Arms by Law Enforcement Officials.

10/11/05, RECEIVED AND ASSIGNED to Rules 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.

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

**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.

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

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

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

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

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

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

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

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

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

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

**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.

**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.

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

**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."

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

**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.

**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.

**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.

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

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

Resolution commending Webzine 2005, for promoting independent online publishing.
10/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

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

Requests for Hearing

**051671 [DPT's protest process for parking ticket citations]
Supervisor Ma**

Hearing to review and discuss the Department of Parking and Traffic's protest process for parking ticket citations, including, but not limited to, the current amount of time it takes to evaluate a protested citation.
10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051672 [Office of Emergency Services]
Supervisor Ma**

Hearing to review the progress made at the Office of Emergency Services over the past year, included but not limited, to the expansion of disaster preparedness plans and the increase in coordination with state and federal agencies responsible for disaster management.

10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051673 [Strike at California Pacific Medical Center]
Supervisor Peskin**

Hearing to be updated on the strike at California Pacific Medical Center (CPMC).

10/11/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be considered at the 10/17/05 meeting.

**051681 [SFPUC's Water System Improvement Program]
Supervisor McGoldrick**

Hearing to review the Water System Improvement Program (WSIP) conducted by the San Francisco Public Utilities Commission (SFPUC).

10/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motion

**051682 [Amending Rules 3.7 and 3.8 of the Rules of Order of the San Francisco Board of Supervisors governing the reporting of legislation from Board Committees to the Board]
Supervisor Peskin**

Motion amending Rules 3.7 and 3.8 of the Rules of Order of the Board of Supervisors to provide that Board Committees have until 9:00 a.m. on Thursdays to report legislation to the Board for the following Tuesday's Board meeting.

10/11/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

051586 [Settlement of Lawsuit - Microsoft Corporation, et al.]

Ordinance authorizing settlement of the class-action lawsuit filed by the City and County of San Francisco against Microsoft Corporation for \$1,000,000; the lawsuit was filed on August 27, 2004 in San Francisco Superior Court; entitled City and County of San Francisco, et al., v. Microsoft Corporation, et al.; Microsoft removed the action to federal court and then transferred the action to the United States District Court for the District of Maryland. (City Attorney)

9/20/05, RECEIVED AND ASSIGNED to Rules Committee.

051598 [Settlement of Lawsuit - King C. Electric, Inc.]

Ordinance authorizing settlement of the lawsuit filed by King C. Electric, Inc. against the City and County of San Francisco according to the following terms: a) King C. Electric, Inc. ("KCE") pays one hundred nine thousand one hundred eighty-five dollars and ninety-three cents (\$109,185.93) to the City; b) the City pays seventy-eight thousand nine hundred eighty-three dollars and twenty-one cents (\$78,983.21) to KCE; and c) KCE is debarred from performing construction contracts on City-owned projects for two and a half years. The lawsuit was filed on April 14, 2004 in the Superior Court of the City and County of San Francisco, Case No. CGC-o4-430671; entitled King C. Electric, Inc. v. City and County of San Francisco et al. and related cross-action. (City Attorney)

9/23/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**051585 [Acceptance of Subsurface Easement at 2-4 Winfield Street]**

Resolution authorizing the acceptance of a permanent subsurface easement at 2-4 Winfield Street, Assessor's Block 5661, Lot 001 for tie-back rods connected to a City-constructed retaining wall. (Real Estate Department)

9/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051587 [Approval of the Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]

Supervisor Mirkarimi

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2005-2006. (Public Health Department)

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

Department requests this item be considered at the October 3, 2005 meeting.

10/11/05, ADOPTED.

Supervisor Mirkarmi requested to be added as co-sponsor.

051589 [Traffic Regulations]

Supervisor Daly

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY - RESCIND

RIGHT TURN ONLY ONTO SAN JOSE AVENUE - ESTABLISH

Brook Street, westbound, at San Jose Avenue

NO TURN ON RED - ESTABLISH

Sacramento Street, westbound at Stockton Street; and,

Stockton Street, southbound, at Sacramento Street (to facilitate the installation of pedestrian scramble).

ONE-WAY STREET (NORTHBOUND) - RESCIND

ONE-WAY STREET (SOUTHBOUND) - ESTABLISH

Ritch Street, between Brannan and Bryant Streets (200 block). (Parking and Traffic Department)

9/23/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 10/18/05 -

Parking and Traffic notified to post required notices and ad placed in the 10/26/05 edition of the SF Chronicle concerning the 11/7/05 hearing date.

Supervisor Daly requested to be added as sponsor.

051597 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

Alameda Street, both sides, between Potrero Avenue and Utah Street; and, Utah Street, west side, between Alameda and 15th Streets.

2-HOUR PARKING, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Marin Street, both sides, from Evans Avenue easterly to the terminus.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Langton Street, both sides, from Bryant Street to 272 feet southerly (the end of the public right-of-way (300 block)).

SIDEWALK WIDTH - REDUCE

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH

Ingerson Avenue, south side, from 40 feet to 100 feet east of 3rd Street (sidewalk would be reduced from being 25 feet to 15 feet wide).

DIAGONAL (45-DEGREE ANGLE) PARKING - ESTABLISH

Brannan Street, northeast side, from approximately 103 feet east of Colin P. Kelly, Jr. Street to approximately 36 feet west of Delancey Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Folsom Street, north side, from 1st Street to 140 feet westerly. (Parking and Traffic Department)

9/23/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 10/18/05 - Parking and Traffic notified to post required notices and ad placed in the 10/26/05 edition of the SF Chronicle concerning the 11/7/05 hearing date.

051599 [Official Advertising - Type 1 for Consecutive Day Publication and Type 2 for Non-Consecutive Day Publication]

Resolution designating the San Francisco Chronicle and Examiner to be the official newspapers of the City and County of San Francisco for the category of Type 1 consecutive day, and Type 2 non consecutive day official advertising services for the fiscal year commencing upon Board of Supervisors and Mayoral approval and ending June 30, 2006. (Office of Contract Administration)

9/23/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

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.)

10/3/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

051660 [Settlement of Claim - Louis Vuitton, Inc.]

Resolution approving the settlement of the unlitigated claim filed by Louis Vuitton, Inc., against City and County of San Francisco for \$93,000.00. (City Attorney)

10/3/05, RECEIVED AND ASSIGNED to Rules Committee.

051661 [Settlement of Lawsuit - Walter Reed]

Ordinance authorizing the settlement of a lawsuit filed by Walter Reed against the City and County of San Francisco for \$36,000.00; the lawsuit was filed on December 15, 2003, in San Francisco Superior Court, Case No. 414322, entitled Walter Reed v. City and County of San Francisco, et al. (City Attorney)
10/3/05, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Ma

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requesting the Municipal Transportation Agency (MTA) to provide (1) the current incident report on light rail lines in mixed traffic, specifically the L-Taraval and N-Judah lines, and if the new Transit Safe program is helping with tracking and reporting; (2) current efforts to enforce safety laws, such as requiring vehicles to stop for light rail vehicles; and (3) if additional managers have been considered to ensure safety.

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 crosswalk at the intersection of Rose St. and Buchanan.

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 in the northwest portion of the intersection of Geary Boulevard and Divisadero Street.

From: Supervisor Mirkarimi

To: Chief, San Francisco Fire Department

Requesting/Inquiring: Requesting the San Francisco Fire Department to report on the status of the Old Station Fire House #21, located at 1152 Oak Street. Specifically, how much is the occupant paying, how much has been paid as well as the terms of occupancy, including any in-kind contributions or labor in improving or modifying said property.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation to amend the administrative code in relation to the use of ultra low sulfur diesel fuel and the best available technology by non-road vehicles in city constructions to reduce construction equipment pollution.

From: Supervisor Elsbernd

To: Director, Department of Real Estate

Requesting/Inquiring: Requesting the Department of Real Estate to inspect the lease agreement at 1145 Market Street as to what are the terms of the lease regarding either having the landlord or SBC increase the number of phone lines to accommodate incoming calls.

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 stop signs or other traffic calming measures at the intersection of Mangels and Colon.

Text as Follows:

Can the Department of Parking and Traffic inspect whether or not it is feasible to install stop signs or other traffic calming measures at the intersection of Mangels and Colon. A four way stop at the intersection of Mangels and Colon may help deter the traffic using this area as a connector between Plymouth and the Sunnyside area. Traffic tends to speed down Mangels.

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 stop signs or other traffic calming measures at the intersection of Yerba Buena Ave., Casitas Ave., and Hazelwood.

Text as follows:

Can DPT inspect and assess the need to install stop signs or other traffic calming measures at the intersection of Yerba Buena Ave., Casitas Ave., and Hazelwood? This intersection represents a safety concern to neighbors in the area. Traffic coming from Hazelwood cannot see if Yerba Buena is clear until much too late when approaching the intersection, also traffic comes up Yerba Buena at much too fast a rate and often continues onto Casitas without slowing down.

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to clarify what legal authority the Board of Supervisors can exercise to enforce the provisions in the 2003 and 2005 Exclusive Negotiating Agreements between the Treasure Island Development Authority (TIDA) and the Treasure Island Community allowing TIDA to collect \$1.8 million and \$4 million respectively.

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to prepare legislation that amends the Healthcare Accountability Ordinance (a) to increase the fee that employers, who are doing business with the City and who do not provide health care coverage to their employees, are required to pay from the current \$1.50 per hour per employee to \$2 per hour per employee, and (b) to have the City budget adequate funding for non-profit organizations so that they can provide health insurance without laying off staff and cutting services.

From: Supervisor Ammiano

To: President, Northern California TV and Radio Workers of America (NCTRWA)

Requesting/Inquiring: Requesting Clerk of the Board of Supervisors to send a letter of inquiry to the President of the Northern California TV and Radio Workers of America (NCTRWA) and further requesting the availability of NCTRWA representatives to attend a potential public hearing at the Board of Supervisors regarding the status of efforts to (1) mitigate noise created by news helicopters flying over residential homes during non-business hours (2) ensure public safety when news helicopters hover beyond the legal limit over residential homes and (3) proactive efforts to better communicate with neighbors and neighborhood organizations.

In Memoriams

Zareh Soghikian - Supervisor Ammiano

Tyler Brown - Supervisor Ammiano

Judge Constance Baker Motley - Supervisor Sandoval

Charles Baldain - Supervisor Maxwell

Thomas W. Shaini - Supervisor Ma

Kevin Dullea - Supervisor Sandoval

ADJOURNMENT


There being no further business the Board adjourned at the hour of 5:09 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 8, 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