

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, November 16, 2004 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

MATT GONZALEZ, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE MCGOLDRICK, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Sandoval, Daly, McGoldrick

City and School District Select Committee

Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Hiles, Wynns

City Services Committee

Supervisors Dufty, Ma, Elsbernd

Finance and Audits Committee

Supervisors Daly, Peskin, Ammiano

Land Use Committee

Supervisors McGoldrick, Peskin, Maxwell

Rules Committee

Supervisors Maxwell, Alioto-Pier, Gonzalez

Meeting Days

2nd, 3rd, 4th Thursday
10:00 AM

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

Thursday
9:30 AM

Wednesday
1:00 PM

Monday
1:00 PM

Wednesday
9:00 AM

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

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Matt Gonzalez, Sophie Maxwell, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll Supervisors Ma and McGoldrick were noted absent.

Quorum present.

Supervisors Ma and McGoldrick were excused from attending today's meeting. (See Infra)

Supervisors Ma and McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to excuse Supervisors Ma and McGoldrick from attending today's meeting. The motion carried by the following vote:

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

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve October 19, 2004 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041100 [Liquor License Transfer, 119 Sacramento Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 38th and Clement Golf Course to 119 Sacramento Street (District 3) to David D. Davari for Focaccia Market and Bakery will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 693-04

ADOPTED

041305 [Liquor License, 965 Mission Street, Suite 160]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Steve Kahn, for Fronterra LLC at the Off-Market Theaters, located at 965 Mission Street, Suite 160 (District 6), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 696-04

ADOPTED

**041431 [Provide car seats and information to hard to reach and diverse communities]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$2,000 from the California Department of Health Services (CDHS), to purchase car/booster seats; for the period of January 12, 2004 through January 30, 2005. (Public Health Department)

Resolution No. 697-04

ADOPTED

**041432 [Accept-Expend Federal Grant]
Supervisor Ma**

Resolution authorizing the San Francisco Fire Department (SFFD) to accept and expend a grant in the amount of \$398,548 from the Federal Emergency Management Agency (FEMA) to acquire wildland firefighting protective clothing and equipment. (Fire Department)

Resolution No. 698-04

ADOPTED

Recommendation of the Finance and Audits Committee**041352 [Lease of City Property for Fair Market Value]
Supervisors Daly, Gonzalez, Peskin, Ammiano, Elsbernd, Ma**

Ordinance amending San Francisco Administrative Code Sections 23.33 and 23.34 to establish a City policy that City-owned property be leased for fair market value, unless a finding of public policy supports a below-market rate, and requiring all below-market rate leases to be reported to the Board of Supervisors and posted on the City's website, and amending San Francisco Administrative Code Section 23.32 to make certain clarifications.

Ordinance No. 278-04

FINALLY PASSED

Recommendation of the Land Use Committee**041273 [School Children Crossing Warning Signs]
Supervisors Ma, Maxwell, Dufty, Ammiano, Elsbernd**

Ordinance requiring all public and private parking lots and facilities, including parking lots maintained by commercial businesses, within 500 feet of Kindergarten through grade 12 school sites to post "Caution - School Children Crossing" signs at all parking lot exits.

Ordinance No. 276-04
FINALLY PASSED

Recommendations of the Rules Committee**041244 [Settlement of Lawsuit - Alema Hoskins, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Alema Hoskins, a minor, by and through her guardian, Susie McAllister and Jeanell Harris, a minor, by and through her guardian, Inell Manuel against the City and County of San Francisco for \$108,000; the lawsuit was filed on January 17, 2003 in San Francisco Superior Court, Case No 416-515; entitled Alema Hoskins, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 274-04
FINALLY PASSED

041250 [Settlement of Lawsuit - Mehran Esmaili, et al.]

Ordinance authorizing settlement of the lawsuit filed by Mehran Esmaili, et al., against the City and County of San Francisco for \$49,500; the lawsuit was filed on September 23, 1999, in Santa Clara County Superior Court, Case No. 1-02-CV805070; entitled Mehran Esmaili, et al. v. City of Millbrae, et al.; other material terms of said settlement are: (1) Each party shall mutually release the other from all claims arising from the February/March 2000 landslide that forms the basis of the action; (2) Each party shall dismiss with prejudice all complaints and cross-complaints filed in the action; and (3) Each party shall bear its own legal costs and fees;

Ordinance No. 275-04
FINALLY PASSED

041340 [Settlement of Lawsuits - Kevin B. Williams]

Ordinance authorizing settlement of the following lawsuits filed by Kevin B. Williams against the City and County of San Francisco: (1) lawsuit filed on or about December 2000 in United States District Court for the Northern District of California, Case No. C00-4728 SI, entitled Kevin Williams v. City and County of San Francisco, et al.; (2) lawsuit filed on or about December 2003 in San Francisco Superior Court, Case No. 503990, entitled Kevin Williams v. City and County of San Francisco; (3) lawsuit filed on or about September 2002 in San Francisco Superior Court, Case No. 411914; entitled Kevin Williams, on behalf of the City and County of San Francisco and himself v. Tutor Saliba, Inc., et al.; material terms of the settlement are that plaintiff dismisses all lawsuits with prejudice, that plaintiff resigns from City employment and forgoes future City employment, that City pays to plaintiff the amount of \$120,000, of which approximately \$71,243.68 is intended to make up a retirement account shortfall, and that Federal Magistrate Judge is to decide amount of attorneys' fees and costs, based on motion by plaintiff's attorneys, in an amount not to exceed \$280,000. (City Attorney)

Ordinance No. 277-04
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Severed From Consent Agenda

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

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

**041356 [Back Streets Business Advisory Board]
Supervisors Maxwell, Dufty, Ammiano, Ma**

Ordinance adding Sections 5.260 through 5.265 of the Administrative Code, to create a Back Streets Business Advisory Board, comprised of nine voting members, eight appointed by the Board of Supervisors and one appointed by the Small Business Commission, and non-voting members representing various organizations of government; to require the advisory board within nine months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to Back Streets businesses; to require the Board of Supervisors or a Board committee to hold a hearing on the report; to authorize the advisory board to submit other reports to the Board of Supervisors and to communicate with the Board of Supervisors, the Small Business Commission, other governmental entities, the business community, and the public on matters pertaining to Back Streets businesses; and to provide for the sunseting of the advisory board in two years.

Ordinance No. 279-04

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 2 - Ma, McGoldrick

UNFINISHED BUSINESS

REGULAR AGENDA

From the Finance and Audits Committee "Without Recommendation"

- 040973 [Official Advertising - Type 2 non-consecutive day official advertising]**
Resolution designating the San Francisco Chronicle to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

Resolution No. 703-04

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval

Noes: 1 - Elsbernd

Excused: 2 - Ma, McGoldrick

Recommendation of the Land Use Committee

- 041385 [Street Encroachment at 199 Geary Street - Security Pacific Place]**
Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Continued to December 7, 2004

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

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval

Excused: 2 - Ma, McGoldrick

NEW BUSINESS

Recommendations of the City Services Committee

- 041308 [Regulating the Distribution of Handbills]**
Supervisor Ma

Ordinance amending Article 5.7 of the Public Works Code by repealing section 184.71, which required persons distributing handbills to register and pay fees, amending section 184.73 to make violation of the ordinance an infraction instead of a misdemeanor, amending section 184.74 to permit the City to recover costs incurred in cleaning up handbills distributed in violation of the ordinance and to impose civil penalties for violations, and by renumbering sections 184.71 through 184.77.

Continued to November 23, 2004

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

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, Peskin, Sandoval

Excused: 2 - Ma, McGoldrick

041129 [Liquor License Transfer, Northeast Corner of Broderick and Oak Streets]

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 2055 McAllister to the Northeast corner of Broderick and Oak Streets (District 5) to James L. Falletti for Falletti & Baldocchi Finer Foods, Inc., dba Falletti Foods, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 695-04

ADOPTED by the following vote:

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

Recommendations of the Land Use Committee**Appointment of President Pro Tempore**

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

The President resumed the Chair shortly thereafter.

**030667 [Domestic Partner and Family Protection Rent Ordinance]
Supervisors Gonzalez, Daly, Peskin, Ammiano**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9 to prohibit evictions from rent-controlled units based solely on the addition of an existing tenant's child, parent, grandchild, grandparent, brother or sister, or the spouse or domestic partner (as defined in Administrative Code Sections 62.1 through 62.8) of such relatives, or for the addition of the spouse or domestic partner of a tenant, where a pre-existing rental agreement or lease limits the number of occupants or limits or prohibits subletting or assignment and where the landlord has unreasonably refused the tenant's written request to add such occupant(s), unless the total number of occupants exceeds two persons per studio rental unit, three per one-bedroom unit, four per two-bedroom unit, six per three-bedroom unit or eight per four-bedroom unit, or unless this total would exceed the number of occupants permitted under state law and/or other local codes (e.g., Planning, Housing, Fire and Building Codes) [Section 37.9(a)(2)]; and expressing the intent of the Board of Supervisors that the Rent Board Rules and Regulations regarding subletting consent procedures be substantially applied to this legislation (but modified to address the family situations that are the subject of this legislation).

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Duffy, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 2 - Ma, McGoldrick

**041353 [Encouraging Condominium Conversions Where Tenants Are Not Displaced]
Supervisor Daly**

Ordinance amending the Subdivision Code by repealing portions of Sections 1302, 1308, 1359, 1388, 1396, and 1396.1; by repealing Section 1316 in its entirety; amending Section 1359 to delete the exception for certain two-unit buildings; and by amending Section 1396.1 to give preference in the condominium lottery to buildings where certain evictions have not taken place.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Recommendations of the Rules Committee

**041449 [Establishing a Shelter Monitoring Committee]
Supervisors Gonzalez, Alioto-Pier**

Ordinance adding Article XII to Article 20 of the San Francisco Administrative Code to establish a Shelter Monitoring Committee to monitor and report on homeless shelters funded in whole or in part by the City.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 2 - Ma, McGoldrick

041111 [Appointment - Assessment Appeals Board No. 1]

Resolution appointing Peter Fatooh and Carol Ruth Silver to the Assessment Appeals Board No. 1 for a three-year term ending September 3, 2007.

Peter Fatooh, succeeding himself, term expiring September 6, 2004, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007.

Carol Ruth Silver, succeeding Thomas Ramm, term expiring September 6, 2004, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board for a three-year term ending September 3, 2007.

Resolution No. 694-04

ADOPTED by the following vote:

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

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**SPECIAL ORDER 4:00 P.M.****041199 [Public Hearing - Appeal of Categorical Exemption - 2404 Broadway Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 3, 2004, Case No. 2004.0406E, approving the proposed project to vertically and horizontally expand an existing three-story-over-basement Colonial Revival house located at 2404 Broadway Street, Assessor's Block 562, Lot 4. (Appellants: Suzanne and Françoise Antounian, represented by their attorneys, G. Scott Emblidge and Rebecca Bedwell-Coll of Moscone, Emblidge & Quadra, LLP.)

(Filed August 18, 2004; companion measure to Files 041200, 041201, 041202; District 3.)

Continued to November 23, 2004

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

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

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption 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.)**041200 [Affirming the categorical exemption issued for 2404 Broadway Street]**

Motion affirming the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 23, 2004

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

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

041201 [Disapproving the categorical exemption issued for 2404 Broadway Street]

Motion disapproving the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to November 23, 2004

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

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

041202 [Preparation of findings related to the categorical exemption issued for 2404 Broadway Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2404 Broadway Street project is categorically exempt from environmental review under the California environmental Quality Act. (Clerk of the Board)

Continued to November 23, 2004

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

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

SPECIAL ORDER 4:30 P.M

041275 [Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

Continued to December 14, 2004

CONTINUED by the following vote:

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

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption 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.)**041276 [Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 14, 2004

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

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

041277 [Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 14, 2004

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

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

- 041278 [Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to December 14, 2004

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

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

*Abdullah Megaheed; homeless issues
Jackie Bronson; Emergency Winter Shelter program
Rodney; general issues*

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

- 041552 [Legislative Analyst Request - Establishing a Sports Commission in the City and County of San Francisco]
Supervisor Ma

Motion requesting the Legislative Analyst to research and prepare an in-depth report on model municipalities with respect to establishing a Sports Commission in the City and County of San Francisco.

APPROVED by the following vote:

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

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.

**041557 [Commending Jack Breslin]
Supervisor Dufty**

Resolution commending Jack Breslin of the Department of Public Health for his 33 years of service to the City of San Francisco.

Resolution No. 699-04

ADOPTED

**041559 [Zoning - Extension of Planning Commission Review Period]
Supervisor Elsbernd**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to provide for an increase in the height exemption for elevator penthouses from 10 feet to 16 feet.

Resolution No. 700-04

ADOPTED

**041560 [American Indian Heritage Month]
Supervisor Ma**

Resolution declaring November 2004 as "American Indian Heritage Month" in the City and County of San Francisco.

Resolution No. 701-04

ADOPTED

**041561 [Apply, accept and expend of a State grant for the Visitacion Valley Greenway]
Supervisor Maxwell**

Resolution authorizing the Recreation and Park Department to apply, accept and expend a grant in the total amount of \$102,000 under the Federal Land and Water Conservation Fund for the Visitacion Valley Greenway.

Resolution No. 702-04

ADOPTED

**041530 [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. M04-122

APPROVED

**041531 [Emergency Declaration Concurrence - Influenza Vaccine]
Mayor**

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

Motion No. M04-123

APPROVED

**041546 [Emergency Disadvantaged Business Enterprise Program - Suspending 30 Day Rule]
Supervisor Ammiano**

Motion suspending Rule 5.40 of the Rules of Order of the Board of Supervisors to allow the Board of Supervisors to consider, without waiting 30 days after its introduction, a proposed emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Motion No. M04-124

APPROVED

**041547 [Emergency Disadvantaged Business Enterprise Program - November 23 Committee of the Whole]
Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on November 23, 2004, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Motion No. M04-125

APPROVED

**041558 [Controller to provide bi-monthly updates on progress implementing the City's ordinance requiring bar-coding or other means to track the permit approval process with the Department of Building Inspection]
Supervisor Dufty**

Motion requesting the Controller to provide bi-monthly updates on progress implementing the City's ordinance requiring bar-coding or other means to track the permit approval process with the Department of Building Inspection.

Motion No. M04-126

APPROVED

**041562 [Report for Interim Moratorium on Demolition of Single-and Dual-Screen Movie Theaters]
Supervisor McGoldrick**

Motion adopting and issuing the Legislative Analyst report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on demolition on single-and dual-screen movie theaters.

Motion No. M04-127

APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor**Ordinances****041570 [Conflict of Interest Code Amendments]
Supervisor Gonzalez**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-205, 3.1-218, 3.1-230, 3.1-245, 3.1-265, 3.1-270, 3.1-275, 3.1-280, 3.1-285, 3.1-310, 3.1-315, 3.1-325, 3.1-335, 3.1-340, 3.1-345, 3.1-350, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-410, 3.1-420, 3.1-430, 3.1-435, and 3.1-440; deleting sections 3.1-255 and 3.1-268; and adding section 3.1-222 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.
11/16/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/16/2004.

**041571 [Chapter 6 Technical Amendments]
Supervisors Ma, Peskin**

Ordinance amending San Francisco Administrative Code Chapter 6 to update section 6.2, to add new section 6.9 concerning subcontractor limitation of rights, to add new subsection 6.20(F) for a bidder prequalification process, to add new subsection 6.21(A)(10) to allow a specification requirement for contractor work with its own forces, to revise subsection 6.21(C) to allow a department head to reject all bids, to revise subsection 6.22(J) concerning retention of progressive payments, to add a new subsection 6.22(Q) concerning public work contract claims, to revise section 6.41 concerning subsequent phase competition for design services, to revise section 6.60 emergency contracting procedures, to revise section 6.61 design-build contracting procedures, to revise section 6.62 job order contracting procedures, to revise 6.64 as-needed contracting procedures, and to revise section 6.65 special service contracting procedures.
11/16/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/16/2004.

**041577 [Clarifications and Technical Corrections to Work Practices Program for Lead-Based Paint Disturbance and Removal]
Supervisor Peskin**

Ordinance amending Section 3407 et seq. of the Building Code, to amend the definitions of Clearance Inspection, Containment and Barrier Systems, and Prohibited Practices; to clarify scope of prohibitions on the removal or disturbance of lead-based paint; to specify the type of covering required prevent contamination by lead debris; to specify where signs noticing lead work must be posted, to make further minor technical corrections to the work practices program for lead-based paint disturbance and removal; 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.
11/16/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 12/16/2004.

**041579 [Charter Amendment Deadlines]
Supervisor Elsbernd**

Ordinance amending Section 305 of the Elections Code to require introduction of proposed Charter Amendments not less than 210 days prior to an election and to require an informational committee hearing regarding the proposed Charter Amendment no earlier than 30 days nor later than 60 days after introduction of the proposed Charter Amendment.

11/16/04, RECEIVED AND ASSIGNED to Rules Committee.

**041580 [Authorizing Controller to eliminate positions of laid off employees from the budget in order to expedite offers of Early Retirement Benefits and mitigate the effect of layoffs]
Supervisor Elsbernd**

Ordinance to effect a supplemental change to the budget by directing Department Heads to certify positions eliminated as a result of budget constraints and authorizing the Controller to identify the date of expiration of funding in the budget for such positions in order to expedite offers of Early Retirement Benefits and mitigate the effect of layoffs.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee. 11/29/04: Notified Dept. heads, the Controller's Office and Retirement Board of Dec. 2 Budget Committee meeting.

**041583 [Appropriate fund balance for the Port of San Francisco's Pier 35 Security Enhancements Project (Port's Cruise Ship Terminal)]
Mayor**

Ordinance appropriating \$998,349 of unappropriated fund balance from the Port for the Pier 35 Security Enhancement Project, the Port's Cruise Ship Terminal, to fund the second phase of the construction contract for Fiscal Year 2004-05.

(Fiscal impact.)

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041584 [Appropriate settlement funds to fund the development costs associated with the San Francisco Electrical Reliability Project]
Mayor**

Ordinance appropriating \$2,666,667 of fund balance from the Hetch Hetchy estimated revenues from the litigation settlement against The Williams Companies, Inc. and Williams Marketing Energy Marketing & Trading Company to the San Francisco Electrical Reliability Project for fiscal year 2004-05. Appropriated funds will facilitate the development costs related to the City power plants.

(Fiscal impact.)

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041585 [De-appropriate funding from the San Francisco Convention Facilities Management Visitors Bureau and the Department of Economic & Workforce Development in the Fiscal Year 2004-05]
Supervisor Sandoval**

Ordinance amending the Annual Appropriation Ordinance by reducing appropriation to the Convention Facilities Management Visitors Bureau for professional services by \$3,660,500 from \$7,321,000 to \$3,660,500 for Fiscal Year 2004-05, reducing the allocation of Hotel Tax authorized by the Administrative Provisions Section 11.11 for the Convention and Visitors Bureau for Fiscal Year 2004-05. Additionally, reducing a total appropriation from the Department of Economic and Workforce Development of \$305,976 for the Fiscal Year 2004-05.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041586 [Public Employment - Department of Business and Economic Development]
Supervisor Sandoval**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 2.71 full time equivalent (FTE) positions at the Department of Business and Economic Development.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041588 [License Fees]
Supervisor Daly**

Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

11/22/04, Fee ad to run in Independent 11/27/04 & 12/4/04.

**041596 [Discouraging speculation in two-unit condominium conversions]
Supervisors Dufty, Ammiano**

Draft Ordinance amending the Subdivision Code by adding Section 1359A to require persons selling two-unit buildings converted to condominiums within 18 months of conversion to pay a fee to the City to assist evicted tenants equivalent to 50% of the profit from the sale of the condominium.

11/16/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee. 12/01/04 - Referred to Planning for determination of environmental impact of fee.

12/01/04 - Referred to Building Inspection Commission.

Resolutions

**041573 [Multifamily Housing Revenue Bonds]
Supervisors Peskin, Daly, Ammiano**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$19,200,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of a first amendment to ground lease; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to city officials to take actions necessary to implement this resolution; and related matters.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

11//19/04, MOH provided substitute documents for the 1st Amendment to Ground Lease and the Loan Agreement.

**041574 [Authorizing the issuance and sale of refunding revenue bonds by CSCDA for Walden House, Inc.]
Supervisor Gonzalez**

Resolution authorizing the issuance and sale of refunding revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$7,950,000 for the Project (as defined herein).

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041575 [Grant to Enhance Voter Education and Poll Worker Training]
Supervisor Gonzalez**

Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed \$300,000.00 from the California Secretary of State to improve San Francisco's voter education and pollworker training programs.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041576 [Authorizing the issuance and sale of revenue bonds by the Arizona Health Facilities Authority for Blood Centers of the Pacific and Blood Systems, Inc.]
Supervisor Alioto-Pier**

Resolution authorizing the issuance and sale of revenue bonds by the Arizona Health Facilities Authority for Blood Centers of the Pacific and Blood Systems, Inc. in an aggregate principal amount not to exceed \$55,000,000 for the Project (as defined herein).

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041578 [International Education Week]
Supervisor Ma**

Resolution declaring the week of November 15-19, 2004 as "International Education Week" in the City and County of San Francisco.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041581 [Accept - Expend State Grant]
Supervisors Dufty, Maxwell**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of \$38,014 from the State Board of Corrections (BOC), from funds made available under the Juvenile Justice and Delinquency Prevention Act of 1974 ("Federal Juvenile Justice Challenge Funds") for developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system.

11/16/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

11/16/04, RECEIVED AND ASSIGNED to City Services Committee.

**041582 [Continuum of Care Plan - Homeless Board Membership]
Supervisor Elsbernd**

Resolution amending the Continuum of Care Plan to reduce the size of the Local Homeless Coordinating Board to sixteen members: eight of whom are appointed by the Mayor, and eight of whom are appointed by the Board of Supervisors.

11/16/04, RECEIVED AND ASSIGNED to Rules Committee.

**041587 [SFHIV Vaccine Clinical Trials Network, Year 2004 to 2005, and add 0.25 of a New Position to the Year 5 Budget]
Supervisors Dufty, Ammiano**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$481,758 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fifth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN) and to add 0.25 of a new position not included in the original agreement; for the period of June 1, 2004 to May 31, 2005.

11/16/04, RECEIVED AND ASSIGNED to City Services Committee.

**041597 [Precautions Against the Flu]
Supervisor Ammiano**

Resolution urging all San Franciscans to implement prevention measures to reduce as much as possible their risk of contracting the flu.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041598 [Landfill Liabilities]
Supervisor Ammiano**

Resolution supporting the reform of California's Landfill Financial Assurance Rules to ensure that the risks of long term landfill liabilities do not become a financial obligation of the state and local governments and their taxpayers.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041601 [Honoring and commending Tenderloin Tessie Holiday Dinners for creating warm family dinners for those in need during the holiday season for thirty years]**
Supervisors Daly, Dufty, Ammiano

Resolution honoring and commending Tenderloin Tessie Holiday Dinners for creating warm family dinners for those in need during the holiday season for thirty years.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041602 [Supports the release of Colombian Senator Ingrid Betancourt]**
Supervisor Gonzalez

Resolution of solidarity supporting that all parties cooperate to achieve the release of Senator Ingrid Betancourt, and the 3,000 other captives in Colombia.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041604 [Commending Ann Foley posthumously for distinguished public service]**
Supervisor Peskin

Resolution commending Ann Foley posthumously for her dedication and distinguished public service in the Office of the Controller.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041605 [Urging Transportation Secretary Norm Mineta to approve the United Airlines bid to operate a direct route between S.F. International Airport and Guangzhou Baiyun International Airport]**
Supervisor Peskin

Resolution urging the Secretary of the United States Department of Transportation, Norm Mineta, to award a new non-stop flight route between San Francisco International Airport and Guangzhou Baiyun International Airport to United Airlines.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 041527 [Lease for the OMI Family Center at 1760 Ocean Avenue]**
Supervisor Sandoval

Hearing on the efforts of the Real Estate Division and the Department of Public Health to negotiate a new lease for the OMI Family Center at 1760 Ocean Avenue and to identify a new location for the clinic if lease negotiations fail.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041589 [Juvenile Probation Department Budget and Management Issues]
Supervisor Sandoval**

Hearing to receive information on the Juvenile Probation Department's implementation of fiscal instructions from the Budget Committee, including problems such as: (1) Not separating employees pursuant to Budget Committee recommendations; (2) The promotion of individuals without budgetary authority; (3) Not hiring employees, such as the Industrial Hygienist, provided for in the Budget; (4) Possible retaliation against department employees who provided testimony during the budget process; and (5) Examination of City procedures and Controller procedures that allowed the aforementioned to occur.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee. 11/29/04: Notified Controller's Office and Juvenile Probation Dept. of Dec. 2 Budget Committee meeting.

**041590 [Mayor Newsom's Mid-Year Budget Cuts]
Supervisor Sandoval**

Hearing to receive an update from the Mayor's Budget Office and other relevant departments on the Mayor's mid-year budget cuts for fiscal years 2004-05 and 2005-2006.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee. 11/24/04: Department heads notified of Budget Committee meeting.

**041591 [Gleneagles Golf Course]
Supervisor Sandoval**

Requesting the Clerk of the Board to schedule a hearing for the Recreation and Park Department to report on the administration of the contract to manage the Gleneagles Golf Course.

11/16/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041592 [Mission Housing Development Corporation]
Supervisor Daly**

Hearing regarding the Mission Housing Development Corporation's cultural competency and ability to provide services described in their mission statement.

11/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041593 [Mid-Year Spending Adjustments]
Supervisor Daly**

Hearing on the mid-year spending adjustments.

11/16/04, RECEIVED AND ASSIGNED to Budget Committee.

**041594 [Helicopter Usage in San Francisco]
Supervisor Dufty**

Hearing to examine the environmental and quality of life impact of helicopter usage in San Francisco, and requesting the FAA and other relevant agencies to provide information regarding the number and source of helicopters in San Francisco.

11/16/04, RECEIVED AND ASSIGNED to City Services Committee.

Motions**041568 [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.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041569 [Emergency Declaration Concurrence - Influenza Vaccine]**Mayor**

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041572 [Board Off-site Meeting]**Supervisor Ammiano**

Motion ordering the City and School District Select Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on Monday, January 10, 2005, at 4:00 p.m. and directing the Clerk of the Board to prepare the proper notices and postings.

11/16/04, RECEIVED AND ASSIGNED to Rules Committee.

041595 [Legislative Analyst Request - Early morning trash pickup and deliveries]**Supervisor Dufty**

Motion requesting the Legislative Analyst to research noise ordinances and other major metropolitan areas (particularly New York and Washington DC) that address the issues of early morning trash pickup and deliveries, and make recommendations as to the feasibility of such ordinance in San Francisco. Questions: (1) Is it feasible for San Francisco to restrict business hours of private companies? (2) How would time limitations affect traffic conditions? (3) Is it possible to have an "opt-in" system (similar to the residential parking sticker) for residential neighborhoods that wish to restrict hours for trash pickup and deliveries?

11/16/04, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 23, 2004.

041599 [Censure of Supervisor Daly for Violations of Board Rules]**Supervisor Alioto-Pier**

Motion censuring Supervisor Daly for violations of Board Rules.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 11/22/04 - Received correspondence from Supervisor Alioto-Pier relating to the motion for censuring a Supervisor with copies of November 8, 2004 Land Use Committee video tapes. Copies of correspondence distributed to each Supervisor.

11/22/04 - Received from Supervisor Daly, Supervisor Alioto-Pier's correspondence.

11/22/04 - Received from Supervisor Daly a memorandum and response to "Case for Censure". Copies distributed to each Supervisor.

**041600 [Health Care Workers Lockout - December 2, 2004 Board of Supervisors Committee of the Whole]
Supervisor Daly**

Motion for the Board of Supervisors to convene as a Committee of the Whole on December 2, 2004 at 1 pm to consider the impact of the possible lockout of health care workers by Sutter Health and measures the City can take to ameliorate the situation.

11/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

041484 [Settlement of the Lawsuit - Pamela Nash]

Ordinance authorizing settlement of the lawsuit filed by Pamela Nash against the City and County of San Francisco for \$100,000; the lawsuit was filed on February 7, 2003, in the United States District Court, Northern District of California, Case No. C-03-01221-CW; entitled Pamela Nash v. City and County of San Francisco, et. al.

11/1/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041510 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Sussex Street and Swiss Avenue, stopping Swiss Avenue at Sussex Street, making this uncontrolled intersection a two-way STOP;

Beulah and Shrader Streets, stopping Shrader Street at Beulah Street, making this intersection an All-Way STOP;

Broderick and Francisco Streets, stopping Broderick Street at Francisco Street, making this intersection an All-Way STOP; and

Cross and Pope Streets, stopping Pope Street at Cross Street and Cross Street at Pope Street, making this uncontrolled T-intersection an All-Way STOP. (Parking and Traffic Department)

(10-26-04: 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. 2895.)

10/27/04, RECEIVED AND ASSIGNED to Land Use Committee.

041512 [Accept and Expend Federal Grant Funds Under the Airport Improvement Program (AIP) (AIP 26 - Project No.3-06-0221-26) and (AIP 27 – Project No. 3-06-0221-27)]

Resolution authorizing the Airport Commission to accept and expend grant funds in a total amount of \$14,957,719 from the Federal Aviation Administration: \$13,397,719 to be expended on Airport standard and security improvements (A.I.P 26, Project No. 3-06-0221-26); and \$1,560,000 for Airport noise improvements (A.I.P 27, Project No. 3-06-0221-27). (Airport Commission)

10/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041514 [Settlement of Claim - Jon Wesley Hopkins]

Resolution approving the settlement of the unlitigated claim filed by Jon Wesley Hopkins against San Francisco for \$35,000; claim was filed on August 4, 2004. (City Attorney)

11/4/04, RECEIVED AND ASSIGNED to Rules Committee.

041515 [Provide children's dental disease prevention services in San Francisco]

Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$30,429 from the California Department of Health Services (CDHS) to provide dental disease prevention services to children in San Francisco and to enter into an agreement for the use of these funds; for the period of July 1, 2004, to June 30, 2005. (Public Health Department)

11/5/04, RECEIVED AND ASSIGNED to City Services Committee.

11/10/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

041516 [Issue 32 and 33 Refunding Bond Sale Resolutions, Swap Resolution and Twelfth Supplemental Resolution]

Resolution approving the issuance of up to \$875,000,000 additional aggregate principal amount of San Francisco International Airport second series revenue refunding bonds for the purpose of refinancing bonds and subordinate bonds of the Airport Commission; Approving the sale of San Francisco International Airport second series revenue refunding bonds through December 31, 2007; Approving the maximum interest rate, notional amount and term of interest rate swap transactions; Approving the forms of certain documents relating to interest rate swap transactions and authorizing the execution and delivery thereof; Approving and authorizing the use of Airport Commercial paper to pay swap termination payments and costs of issuance; Approving the forms of certain documents relating to San Francisco International Airport second series variable rate revenue bonds and authorizing the execution and delivery thereof; Approving and authorizing the use of Airport commercial paper to pay swap termination payments and costs of issuance; Approving the forms of certain documents relating to San Francisco International Airport second series variable rate revenue bonds and authorizing the execution and delivery thereof; Approving certain amendments to the 1991 Master Resolution; and related matters. (Airport Commission)

11/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

11/17/04, CLERICAL CORRECTION. Per City Attorney, on page 1, delete beginning with the word "Approving" on line 17 through the word "thereof" on line 20; duplicate language.

041517 [Prevailing wage rates for workers on public works and improvement projects, workers performing janitorial services, workers in public off-street parking lots, garages, or storage facilities for automobiles, and workers performing moving services]

Supervisors Daly, Ammiano

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; and (4) workers performing moving services under City contracts at facilities owned or leased by the City. (City Attorney)

11/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041518 [Sprint Spectrum, L.P. Transmitter Lease]

Resolution authorizing and approving a lease of cellular transmitter and antennae space at the Health Center Four to Sprint Spectrum, L.P., a Delaware limited partnership. (Real Estate Department)

11/8/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041519 [Develop a supplemental HIV/AIDS surveillance system to produce population-based estimates of the characteristics of persons with HIV infection in San Francisco and the care they receive, and add two new positions]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of \$267,880 from the Centers for Disease Control and Prevention (CDC) to develop a supplemental HIV/AIDS morbidity and risk surveillance system, to enter into an agreement for the use of these funds, and to add two new positions; for the period of September 1, 2004, to May 31, 2005.

(Public Health Department)

11/8/04, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To identify legal issues and risks associated with increasing franchise fees paid to the City by PG&E under PG&E's gas and electric franchise agreements so that the City can consider whether increasing franchise fees is a viable means of increasing revenue to the City.

From: Supervisor Sandoval

To: Juvenile Probation Department

Requesting/Inquiring: To report on the department's budget and management issues at an upcoming Budget hearing, including problems such as:

- 1. Not separating employees pursuant to Budget Committee recommendations.*
- 2. The promotion of individuals without budgetary authority.*
- 3. Not hiring employees, such as the Industrial Hygienist, provided for in the Budget.*
- 4. Possible retaliation against department employees who provided testimony during the budget process.*
- 5. Examination of City procedures and Controller procedures that allowed the aforementioned to occur.*

Also requesting the Clerk of the Board to send a copy of this request to:

Ed Harrington

Office of the Controller

City Hall, Room 316

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Bill Johnston

Acting Chief Probation Officer

Juvenile Probation Department

375 Woodside Avenue

San Francisco, CA 94127

From: Supervisor Sandoval

To: Recreation and Park Department

Requesting/Inquiring: To report on the administration of the contract to manage the Gleneagles Golf Course at an upcoming hearing.

Also directing the Clerk of the Board to send a copy of this hearing request to:

Ms. Jackie Fong

Recreation and Park Department

McLaren Lodge

501 Stanyan Street

San Francisco, CA 94117

Yomi Agunbiade

Acting General Manager

Recreation and Park Department

McLaren Lodge

501 Stanyan Street

San Francisco, CA 94117

*From: Supervisor Sandoval
To: Mayor's Budget Office
Requesting/Inquiring: To report on the Mayor's Mid-Year budget cuts for Fiscal Years 2004-05 and 2005-2006 at an upcoming hearing.*

Also requesting the Clerk of the Board to send a copy of this request to:

*Ben Rosenfield
Mayor's Budget Director
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102*

*From: Supervisor Sandoval
To: Real Estate Division
Department of the Public Health
Requesting/Inquiring: To report on the efforts to negotiate a new lease for the OMI Family Center at 1760 Ocean Avenue and to identify a new location for the clinic if lease negotiations fail.*

Also requesting the Clerk of the Board to send a copy of this request to:

*Dr. Mitch Katz
Director of Health
Department of Public Health
101 Grove Street
San Francisco, CA 94102*

*Steve Legnitto
Director of Property
Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102*

In Memoriams

*Richard Hongisto (Entire Board)
Greg Smoody (Supervisor Duffy)
Amparo Graham (Supervisor Maxwell)*

ADJOURNMENT

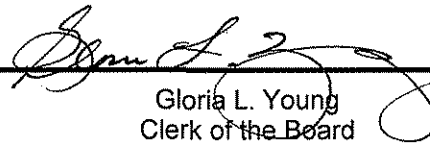
There being no further business, the Board at the hour of 4:52 p.m. adjourned.

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 December 14, 2004.

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