

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, January 4, 2005 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
10:00 AM

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

Volume 100 Number 1

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll Supervisors Alioto-Pier, Daly, were noted absent.

Quorum present.

Supervisor Alioto-Pier was noted present at 2:23 p.m.

*Supervisor Daly was previously excused from attending today's meeting.
(See Infra)*

Supervisor Daly Excused from Attendance

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

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

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve November 23, 2004 and December 7, 2004 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Services Committee

041529 [Liquor License Transfer, 699 Third Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 681 Third Street to 699 Third Street (District 6) to Joseph Kim for the Third & Townsend Corner Store 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. (City Services Committee)

Resolution No. 2-05

ADOPTED

041608 [Liquor License - Ferry Building Marketplace, Unit 33, The Embarcadero]

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 355 Bayshore Boulevard to Ferry Building Marketplace, Unit 33, The Embarcadero (District 3), and the issuance of a Type 42 on-sale beer and wine public premises license at the same location, to Boriana Stoilova for I Preferiti Di Boriana Montepulciano LLC 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. (City Services Committee)

Resolution No. 9-05

ADOPTED

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.

Resolution No. 7-05

ADOPTED

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.

Resolution No. 8-05

ADOPTED

**041651 [Expand treatment capacity for methamphetamine abuse in San Francisco]
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of \$497,910 from the Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services (CSAT/SAMHSA) to expand treatment capacity for methamphetamine abuse in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2004, to September 29, 2005. (Public Health Department)

Resolution No. 11-05

ADOPTED

041658 [Contract funds to support sustainable school-based health care]

Resolution authorizing the San Francisco Department of Public Health, Balboa Teen Health Center, Community Health Programs for Youth (SFDPH), to enter retroactively into an agreement with Public Health Institute, California School Health Centers Association (PHI/CSHC) the primary contractor, and expend funds in the amount of \$18,820 to support advocacy at the local, state, and national levels for sustainable school-based health care; for the period of August 1, 2004 to July 31, 2005. (Public Health Department)

Resolution No. 12-05

ADOPTED

**041696 [Accept-Expend Federal Grant]
Supervisors Elsbernd, Dufty**

Resolution Authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Department of Justice – Office of Community Oriented Policing for a project entitled “U.S. Department of Justice – Universal Hiring Program.”

Resolution No. 17-05

ADOPTED

**041697 [Accept-Expend Federal Grant – Special Emphasis Victim Assistance Program: Elder Abuse]
Supervisors Peskin, Elsbernd**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$110,000 through the California Governor’s Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled “Special Emphasis Victim Assistance Program: Elder Abuse.”

Resolution No. 18-05

ADOPTED

**041698 [Accept-Expend Federal Grant – Special Emphasis Victim Assistance Program - Homicide]
Supervisors Maxwell, Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$110,000 through the California Governor’s Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled “Special Emphasis Victim Assistance Program—Homicide.”

Resolution No. 19-05

ADOPTED

Recommendations of the Finance and Audits Committee**041466 [Extending the Yerba Buena Center Redevelopment Plan by One Year]
Supervisor Daly**

Ordinance amending the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the Yerba Buena Center Redevelopment Plan and the time limit to receive property taxes and repay indebtedness pursuant to Senate Bill 1045.

**Ordinance No. 1-05
FINALLY PASSED**

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

Ordinance appropriating \$980,349 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.)

**Ordinance No. 4-05
FINALLY PASSED**

Recommendations of the Rules Committee**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.

**Ordinance No. 2-05
FINALLY PASSED**

**041487 [Mayor's Office on Disability]
Supervisors Alioto-Pier, Daly**

Ordinance amending the San Francisco Administrative Code by amending the title to Chapter 2A, Article 1 to add the Department of Administrative Services and by adding a new Section 2A.22 to Chapter 2A, Article 1 to create the Mayor's Office on Disability and place it within the Department of Administrative Services and empower the Mayor's Office on Disability to issue, subject to approval by ordinance of the Board of Supervisors, policies and procedures with respect to compliance with the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes.

**Ordinance No. 3-05
FINALLY PASSED**

041606 [Settlement of Lawsuit - Eugene Duffy]

Ordinance authorizing settlement of the lawsuit filed by Eugene Duffy against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 13, 2003, in San Francisco Superior Court, Case No. 421395; entitled Eugene Duffy, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

041648 [Settlement of Lawsuit - Steve Potter]

Ordinance authorizing settlement of the lawsuit filed by Steve Potter against the City and County of San Francisco for \$50,000 paid to the City and County of San Francisco by Cross-Defendant OneBeacon; the lawsuit was filed on March 20, 2003 in the United States District Court, Case No. C03-1217 MEJ; entitled Steve Potter, et al., v. City and County of San Francisco, et al; other material terms of said settlement are Cross-Defendant OneBeacon will pay \$195,000 to plaintiff and plaintiff's counsel and \$100,000 to co-defendant Palace of Fine Arts Theater League. (City Attorney)

PASSED, ON FIRST READING

041167 [Appointment - Library Citizens Advisory Committee]

Resolution appointing Maryam Daryabegi-Farhang, term ending July 18, 2006, to the Library Citizens Advisory Committee.

Maryam Daryabegi-Farhang, new appointment, seat 13, must be a member from the community at large, representative of New Americans for whom English is a second language, for the unexpired portion of a two-year term ending July 18, 2006.

Resolution No. 5-05

ADOPTED

041634 [Settlement of Unlitigated Claim]

Resolution approving the settlement of the unlitigated Claim No. 04-03446 filed by National Mutual Insurance Company as subrogee for the Chinese American War Veterans on May 10, 2004 against the City and County of San Francisco for \$61,192.99. (City Attorney)

Resolution No. 10-05

ADOPTED

**041667 [Appointment - Citizens' General Obligation Bond Oversight Committee]
Supervisor Elsbernd**

Resolution appointing William Wong and John Hentz, terms ending November 21, 2006, to the Citizens' General Obligation Bond Oversight Committee; residency requirement waived.

William Wong (residency requirement waived), succeeding himself, term expired November 21, 2004, seat 2, must be active in labor organizations, for the unexpired portion of a two-year term ending November 21, 2006. John Hentz, succeeding himself, term expired November 21, 2004, seat 3, must be active in a community organization, for the unexpired portion two-year term ending November 21, 2006.

Resolution No. 13-05

ADOPTED

041670 [Appointment - Ballot Simplification Committee]

Resolution appointing Alma Carroll, Betty Packard and Suzanne Strassevitch, terms ending November 30, 2006, to the Ballot Simplification Committee.

Alma Carroll, succeeding herself, term expired, seat 1, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006.

Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006.

Suzanne Strassevitch, succeeding herself, term expired, seat 3, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2006.

Resolution No. 14-05

ADOPTED

041672 [Appointment - Developmental Disabilities Area Board V]

Resolution appointing Jennifer Walsh, term ending December 31, 2007, to the Developmental Disabilities Area Board V.

Jennifer Walsh, succeeding Sara Desumala, term expiring December 31, 2004, seat 2, must have a demonstrated interest and leadership in human services, for a new three-year term ending December 31, 2007.

Resolution No. 15-05

ADOPTED

041715 [Appointment - Bicycle Advisory Committee]

Supervisor Elsbernd

Resolution appointing Elbert Hill, term ending November 19, 2006, to the Bicycle Advisory Committee.

Elbert Hill, succeeding William Henning, term expired, seat 7, must be a nominee of District 7 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

Resolution No. 20-05

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Daly

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendations of the Finance and Audits Committee**

**041492 [Appropriate funding from the Department of Human Services to increase available funding in the Department of Public Health for self-help services to the homeless]
Supervisor Daly**

Ordinance appropriating \$283,809 from the Department of Human Services to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 8, 2005. Therefore, the Board will lose the ability to override the veto unless it votes on or before February 8, 2005.

(Fiscal impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Dufty, Elsbernd, Ma

Absent: 1 - Alioto-Pier

Excused: 1 - Daly

**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.

Ordinance No. 5-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Alioto-Pier

Excused: 1 - Daly

Recommendations of the Land Use Committee

**041067 [Amending Planning Code Section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District]
Supervisors Gonzalez, Daly**

Ordinance to amend the Planning Code by amending section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 8-05

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Elsbernd, Ma

Absent: 1 - Alioto-Pier

Excused: 1 - Daly

041664 [Hunters Point Shipyard - Health Code - Fees]

Ordinance amending the Health Code by adding section 3108 to authorize the Department of Public Health to charge fees to defray the costs of implementation of Article 31 of the Health Code and making environmental findings.

Ordinance No. 6-05

FINALLY PASSED by the following vote:

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

041665 [Hunters Point Shipyard - Subdivision Code - Fees]

Ordinance amending the San Francisco Subdivision Code by adding Sections 1615, 1649, and 1664(e) to establish fees to defray the costs of implementation of Subdivision Code, Division 3, Articles 1-8 and making environmental findings.

Ordinance No. 7-05

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the City Services Committee

**040559 [Waiver of payment for additional police services]
Supervisors Maxwell, Dufty**

Ordinance waiving payment of additional police services incurred by Black Diamond Dynasty for the production of the 2002 Juneteenth Festival pursuant to Article 10B.2 of the Administrative Code.

PASSED ON FIRST READING by the following vote:

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

**041350 [Amending and Adding to Section 184.78 of the Public Works Code Regarding Banners]
Supervisors Ma, Dufty**

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

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

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

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Supervisor Alioto-Pier noted present at 2:23 p.m.

**041494 [Humane Treatment of all Companion Dogs]
Supervisor Dufty**

Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

041554 [Amending Health Code Section 42.3 to authorize hearing officer to prohibit owner of a dog declared vicious and dangerous from owning dogs for three years]**Supervisor Dufty**

Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of three years.

PASSED ON FIRST READING by the following vote:

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

041555 [Creating requirement to exchange identification information when dog involved in bite of human or animal]**Supervisor Dufty**

Ordinance amending San Francisco Health Code by adding Section 39 to create requirement of exchange of identification and rabies information after a dog bites a human or animal and by amending Section 41.11 by moving requirement of dog bite reporting to Section 39.

PASSED ON FIRST READING by the following vote:

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

040213 [Community Audit for the Southeast neighborhoods in San Francisco]**Supervisor Dufty**

Resolution requesting the City Controller to initiate a Community Audit addressing needs in the Southeast sector, to consider, document and evaluate community needs as well as do an assessment of community benefit programs, capacity building, City services and City-funded programs.

Resolution No. 3-05

ADOPTED by the following vote:

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

041160 [Liquor License, 371-373 Broadway]

Resolution disapproving the request for the issuance of a Type 48 on-sale general public premises liquor license to David Seto for Seto Enterprises Inc., located at 371-373 Broadway (District 3), and determining that it will not 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. (City Services Committee)

Resolution No. 4-05

ADOPTED by the following vote:

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

Recommendations of the Finance and Audits Committee

**040731 [Conduct a Nexus Study On Imposition of the Park Fee on Uses Other Than Office On Geographic Areas of the City Other than C-3 Use Districts]
Supervisor Peskin**

Ordinance amending Planning Code Section 139 to provide that \$100,000 of Downtown Special Park Fund monies shall be used to fund a nexus study, under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fee should be imposed on uses other than office and on geographic areas of the City other than C-3 use districts, prohibiting use of Downtown Park Fee monies on improvements for Ferry Park until that nexus study is completed unless use of such monies is approved by a financial committee of the Board of Supervisors, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Mayor)

PASSED ON FIRST READING by the following vote:

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

**041351 [Contract for Electric Services]
Supervisor Ma**

Ordinance approving two contracts between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for electric services required to ensure reliable delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco administrative code that every contract contain a statement regarding guaranteed maximum costs.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

**041467 [Extending Redevelopment Agency's Times for Incurring and Repaying Debt for Affordable Housing Development]
Supervisor Daly**

Ordinance approving, for the redevelopment plans listed below, the extension of existing time limits in each plan for establishment of loans, advances and indebtedness and for repayment of indebtedness for the exclusive purpose of financing Low and Moderate Income Housing Fund activities: (1) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan, (2) the Hunters Point Redevelopment Plan, (3) the India Basin Industrial Park Redevelopment Plan.

PASSED ON FIRST READING by the following vote:

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

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.)

PASSED ON FIRST READING by the following vote:

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

041630 [Eliminating the Office of Emergency Services Revolving Fund]

Supervisor Ma

Ordinance amending the San Francisco Administrative Code by repealing Section 10.142, to eliminate the Office of Emergency Services Revolving Fund. (Emergency Communications Department)

PASSED ON FIRST READING by the following vote:

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

041169 [Municipal Railway Professional Services Contract CS-123, Amendment No. 7]

Resolution authorizing the Director of Transportation to execute an amended version of Amendment No. 7 to San Francisco Municipal Railway Contract No. CS-123, Professional Design and Construction Support Services for Muni Metro Third Street Light Rail Project, with WPK Third Street Consultants, for additional construction support services, for an amount not to exceed \$675,000, and a total contract amount not to exceed \$10,806,206, and to extend the contract for one year. (Municipal Transportation Agency)

(Fiscal impact.)

Resolution No. 6-05

ADOPTED by the following vote:

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

Recommendation of the Land Use Committee

- 041151 [Ellis Act amendments by California Legislature: expand residential tenant relocation payment eligibility where units are withdrawn from rental market under Ellis; prohibit owner withdrawal of specified residential hotel units from rental market]**
Supervisors Peskin, Ammiano, McGoldrick, Gonzalez, Daly, Mirkarimi

Ordinance implementing recent California State Legislature amendments of the Ellis Act (California Government Code §§7060 et seq., see §§7060 and 7060.1), by amending the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) at Sections 37.9(a)(13) and 37.9A(e) to provide that: when residential units are withdrawn from the rental market pursuant to the Ellis Act, each tenant who is relocated is entitled to a payment of \$4,500 up to a maximum total per unit of \$13,500 (37.9A(e)), for tenants who reside in their units on or after August 10, 2004, with these payment amounts to increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for the preceding 12 months; and, owners may not withdraw defined residential hotel units from the rental market pursuant to the Ellis Act if the hotel's occupancy permit was issued prior to January 1, 1990, and if the hotel did not file a notice of intent prior to January 1, 2004 to withdraw the units from the rental market (Section 37.9(a)(13)). Also amending Section 37.9A(e) to provide that the existing additional relocation payment of \$3,000 to each senior (62 or older) or disabled tenant displaced when residential units are withdrawn from the rental market pursuant to the Ellis Act will likewise increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the CPI for the preceding calendar year (see Section 37.9A(e)(3)(D)).

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Alioto-Pier, Ma

Excused: 1 - Daly

Recommendations of the Rules Committee

Supervisor Dufty Excused From Voting

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to excuse Supervisor Dufty from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Excused: 2 - Daly, Dufty

- 041671 [Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Board of Directors, the Golden Gate Bridge, Highway and Transportation District.

Supervisor Bevan Dufty, succeeding Supervisor Michela Alioto-Pier, resigned, seat 5, must be member of the Board of Supervisors, for the unexpired portion of a two-year term ending January 31, 2005.

Resolution No. 1-05

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Excused: 2 - Daly, Dufty

Supervisor McGoldrick Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to excuse Supervisor McGoldrick from voting on this matter. The motion carried by the following vote:

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

041674 [Appointment - Bay Area Air Quality Management District Board of Directors]

Resolution appointing Supervisor Jake McGoldrick, term ending February 1, 2009, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Jake McGoldrick, succeeding himself, term expiring February 1, 2005, seat 1, must be a member of the Board of Supervisors, for a new four-year term ending February 1, 2009.

Resolution No. 16-05

ADOPTED by the following vote:

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

CALLED FROM COMMITTEE

040329 [Conditional approval of an historical property contract for the Chronicle Building Market Street - The Chronicle Building]

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of conditional landmark No. 243 at 690 Market Street and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute the historical property contract.

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

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

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of the existing Chronicle Building, a structure with an eleven story tower and adjoining sixteen story tower located at 690 Market Street, also known as conditional Landmark No. 243 and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute an historical property contract at such time as the Chronicle Building becomes Landmark 243, the Board of Supervisors determines that the rehabilitation plan for the Chronicle Building has been completed, and the City is fully compensated for its time and material costs in processing and administering the application for an historical property contract for the Chronicle Building.

Continued to January 11, 2005

Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Resolution be **CONTINUED AS AMENDED**. The motion carried by the following vote:

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

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

Privilege of the Floor

Supervisor Peskin, 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 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

Supervisor McGoldrick recognized Supervisor Matt Gonzalez's accomplishments and expressed his appreciation to Supervisor Gonzalez.

Supervisor Sandoval expressed his appreciation to Supervisor Matt Gonzalez.

Supervisor Alioto-Pier expressed her appreciation to Supervisor Matt Gonzalez.

Supervisor Dufty expressed his appreciation to Supervisor Matt Gonzalez.

Supervisor Maxwell expressed her appreciation to Supervisor Matt Gonzalez.

Supervisor Elsbernd expressed his appreciation to Supervisor Matt Gonzalez.

Supervisor Ma expressed her appreciation to Supervisor Matt Gonzalez.

Supervisor Ammiano expressed his appreciation to Supervisor Matt Gonzalez.

City Attorney Dennis Herrera expressed his appreciation and wished Supervisor Gonzalez much success.

Supervisor Gonzalez expressed his appreciation to the Members of the Board of Supervisors.

Supervisor Peskin welcomed, introduced and presented a Certificate of Honor to San Francisco Health Inspectors.

Recess

The Board recessed at the hour of 4:07 p.m.

Reconvening of the Board

The Board at the hour of 4:25 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Alioto-Pier, Dufty, Elsbernd, Gonzalez, Ma,

Maxwell, Peskin, - 7

Quorum present.

Supervisor Ammiano was noted present at 4:26 p.m.

Supervisor Sandoval was noted present at 4:27 p.m.

Supervisor McGoldrick was noted present at 4:40 p.m.

SPECIAL ORDER 4:00 P.M.

041641 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 329 Bay Street]

Hearing of persons interested in or objecting to the decision of the Planning Department, approving a Final Mitigated Negative Declaration (Case No. 2003.1152E) adopted and issued on June 22, 2004, for the proposed demolition of an existing one-story, 8,550, square-foot retail building, and the construction an approximately 39,000 gross-square-foot, four-story building consisting of 21 dwelling units, approximately 2,000 gross square feet of retail space, and 21 below-grade parking spaces. The rectangular-shaped project site is on the south side of Bay Street within the City block bounded by Bay, Powell, Francisco, and Mason Streets (bisected east-west by Vandewater Street). The site is in the North Beach area of San Francisco, located at 329 Bay Street, on Assessor's Block 41, Lot 36.

The basis for the appeal is the proposed removal of the existing tree (40 year-old Blackwood Acacia, *Acacia melanoxylon*) on the Vandewater Street during construction. (Appellants: Arthur Chang, Katherine Petrin, and Carolyn Blair.)

(Appeal filed November 29, 2004 by Arthur Chang, Katherine Petrin, and Carolyn Blair; companion measure to Files 041642, 041643, 041644, 041716, 041717, 041718; District 3.)

Matter of Appeal Being Timely Filed

*Katherine Petrin; Appellant
David Cincotta, Attorney for Project Sponsor; CST Associates*

*Hearing on Matter of Appeal of Negative Declaration
Katherine Petrine, Arthur Chang and Carolyn Blair; Appellants for Vandewater Street Neighbors
Howard Strassman, Sierra Club; support of appellant
Wendy Hampton; support of appellant
Mark Bruno; support of appellant
Anthony Amgander; support of appellant
Carolyn Blair; support of appellant
Male Speaker; support of appellant
Francisco di Costa; support of appellant*

Paul Maltzer, Planning Department representative reviewed the Planning Department's recommendation with the Board.

*David Cincotta; Attorney for project sponsor
Tony Chan; CST Associates project sponsor
Roy Leggett, Consulting arborist; support of project sponsor
Chuck Tang; support of project sponsor
Female Speaker; support of project sponsor*

*President inquired as to whether any member of the public wished to address the Board.
The President declared the public comment on this matter closed.*

*Rebuttal Period
Katherine Petrin, Appellant*
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)**041642 [Finding appeal of the negative declaration for 329 Bay Street untimely]**

Motion finding the appeal of the negative declaration issued on June 22, 2004 for 329 Bay Street not timely filed. (Clerk of the Board)

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

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

041643 [Finding negative declaration appeal of 329 Bay St. timely]

Motion finding the appeal of the negative declaration issued on June 22, 2004, for 329 Bay Street timely filed. (Clerk of the Board)

Motion No. M05-3

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

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

041644 [Preparation of findings related to the timeliness of the negative declaration appeal for 329 Bay Street]

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 329 Bay Street. (Clerk of the Board)

Motion No. M05-4

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

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

(Only one of the following two motions should be adopted.)**041716 [Affirm approval of the negative declaration for 329 Bay Street]**

Motion affirming Planning Department adoption of the final negative declaration for 329 Bay Street. (Clerk of the Board)

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

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

041717 [Reversing approval of the negative declaration for 329 Bay Street]

Motion reversing the Planning Department approval of the final negative declaration for 329 Bay Street. (Clerk of the Board)

Motion No. M05-5

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

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

041718 [Preparation of findings to reverse approval of the negative declaration for 329 Bay Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department approval of the negative declaration for 329 Bay Street. (Clerk of the Board)

Motion No. M05-6

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

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

Excused: 1 - Daly

Appointment of President Pro Tempore

*At the request of the President, Supervisor Sandoval assumed the Chair.
The President resumed the Chair shortly thereafter.*

SPECIAL ORDER 5:00 P.M.

041636 [Public Hearing - Appeal, Conditional Use - 100 Felton Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission its Motion No.16877 dated October 28, 2004, Case No. 2004.0141C, approving a conditional use authorization pursuant to Planning Code Section 209.6(b) to allow the installation of a wireless telecommunications facility consisting of 6 panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street; Lot 013 in Assessor's Block 5926. (Appellant: Dwayne Jusino)

(Appeal filed November 29, 2004 by Dwayne Jusino; companion measure to Files 041637, 041638, 041639, District 3.)

Duane Jusino; Appellant
Hazel Lee; support of appellant
Marlene Trend; support of appellant
Richard Lee; support of appellant
David Lee; support of appellant
Chris Ortias; support of appellant
Male Speaker; support of appellant
Female Speaker; support of appellant
Mr. Chan; support of appellant
Simon Louie; support of appellant
Ally Gee; support of appellant
Male Speaker; support of appellant
Victor; support of appellant
Howard Woo; support of appellant
Francisco di Costa; support of appellant

Planning Representative reviewed with the Board the Planning Commission's recommendation.

Tony Kim, Cingular Wireless; Project Sponsor
Philip Daly; support of project sponsor
Dan Lappa; support of project sponsor
Herbert Kyle; support of project sponsor

President inquired as to whether any member of the public wished to address the Board.
The President declared the public comment on this matter closed.

Rebuttal Period
Duane Jusino, Appellant
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

041637 [Appeal, Conditional Use - 100 Felton Street]

Motion approving decision of the Planning Commission by its Motion No.16877, approving Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, and adopting findings pursuant to Planning Code Section 101.1.

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

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

041638 [Appeal, Conditional Use - 100 Felton Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16877, approving Conditional Use Application No. 2004.0141C on property located at 100 Felton Street.

Motion No. M05-1

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

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

041639 [Findings - 100 Felton Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, for action by the Board at its next meeting.

Motion No. M05-2

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

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

ROLL CALL FOR INTRODUCTIONS**PUBLIC COMMENT**

Abdullah Megaheed; recognized Supervisor Matt Gonzalez

James Chaffee; Library issues

Bruce Allison; recognized Supervisor Matt Gonzalez and senior issues

John Aldonna; general issues

Peter Warfield; recognized Supervisor Matt Gonzalez and Library issues

Francisco di Costa; Tsumani tragedy and recognized Supervisor Matt Gonzalez

Otto Duffy; request 3 minutes for public comment

Mr. Sanford; recognized Supervisor Matt Gonzalez

Male Speaker; general issues

Male Speaker; recognized Supervisor Matt Gonzalez and medical marijuana issues

Male Speaker; recognized Supervisor Matt Gonzalez

Female Speaker; tenant issues and recognized Supervisor Matt Gonzalez

Erica McDonald; recognized Supervisor Matt Gonzalez

Native Son; recognized Supervisor Matt Gonzalez

Female Speaker; recognized Supervisor Matt Gonzalez

Female Speaker; Community Tenant Association recognized Supervisor Matt Gonzalez

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.

**041736 [Amending Declaration of November 2, 2004 Election Results]
Supervisor Gonzalez**

Resolution amending Resolution No, 735-04, which declared the results of the November 2, 2004 Consolidated General Election, to include results of uncontested races.

Resolution No. 24-05
ADOPTED

**041738 [Emergency Disadvantaged Business Enterprise Program – January 25, 2005, Committee of the Whole]
Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on January 25, 2005, 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. M05-7
APPROVED

**041746 [Accept-Expend Federal Grant]
Mayor, Supervisor Dufty**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$989,477 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of integrating the case management system for the JUSTIS Project. The new system will integrate the case management systems serving the Police, Sheriff, District Attorney, Public Defender, Adult Probation and the Superior Court. It will make the sharing of information within the criminal justice community easier, more efficient and accurate.

Resolution No. 21-05
ADOPTED

**041756 [Early Retirement of City Employees]
Supervisors Ammiano, Dufty**

Resolution urging the Mayor to utilize cost savings accrued through the early retirement of fifty (50) City employees through the Early Retirement Program established by Proposition "F" in 2003 to maintain current Recreation and Parks Directors, Senior Escort Employees and Environmental Control Officers.

Resolution No. 26-05
ADOPTED

041757 [Urging the implementation of measures to prevent the consumption of lead tainted candy by children in San Francisco]**Supervisors Ammiano, Dufty**

Resolution urging the United States Food and Drug Administration, the California Department of Health Services, and the San Francisco Department of Public Health to implement measures to prevent the consumption of lead tainted candy by children in San Francisco.

Resolution No. 27-05**ADOPTED****041758 [Appointing Youth to the Library Commission]****Supervisor Daly**

Resolution urging the Mayor to stand by his commitment to the youth of San Francisco by appointing youth to the Library Commission.

Resolution No. 28-05**ADOPTED****041760 [Commending Health District Environmental Health Inspectors]****Supervisor Peskin**

Resolution commending Health District Four Health Inspectors for their dedication and commitment to ensuring safe and healthy living and working environments for San Franciscans living in Chinatown, Fisherman's Wharf, North Beach and the Financial District.

Resolution No. 22-05**ADOPTED****041761 [Opposing the Assembly Constitutional Amendment Bill 5]****Supervisor Sandoval**

Resolution opposing Assembly Constitutional Amendment Bill 5, regarding benefit plans for union workers.

Resolution No. 29-05**ADOPTED****041762 [Accept-Expend Federal/State Grant – Victim/ Witness Assistance Program]****Supervisors Alioto-Pier, Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$90,654 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Violence Against Women Vertical Prosecution Program."

Resolution No. 23-05**ADOPTED**

- 041743 [Approving temporary modification to the Legislative Chamber Seating for the President and the Clerk of the Board to accommodate accessibility]
Supervisor Alioto-Pier

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

Motion No. M05-8

APPROVED

- 041754 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

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

Motion No. M05-9

APPROVED

- 041755 [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. M05-10

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from Without Reference to Committee

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

- 041729 [Urging transfer of Public Defender employees to California Public Employees' Retirement System]
Resolution urging negotiation of agreement to transfer Assistant District Attorneys, Deputy Public Defenders and Investigators employed by the Public Defender from the San Francisco City Employee Retirement System to the California Public Employees' Retirement System.

This matter was severed from the Without Reference Committee by Supervisor Alioto-Pier and referred to the Finance and Audits Committee.

REFERRED to the Finance and Audits Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

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

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

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

**050008 [Honoring Matt Gonzalez]
Supervisor Peskin**

Resolution honoring Matt Gonzalez.

Resolution No. 25-05

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances**041489 [Regulation of Electioneering Communications]
Supervisors Maxwell, Peskin, Alioto-Pier, McGoldrick, Sandoval**

Ordinance amending Chapter One of Article One of the Campaign and Governmental Conduct Code by adding section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications. 10/26/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/25/2004. 12/1/04 - Referred to Ethics Commission for review and recommendation.

1/4/05, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/3/2005.

**050007 [Dissolving Lead Poisoning Prevention Citizens Advisory Committee]
Supervisor Maxwell**

Ordinance repealing section 1607 of the Municipal Health Code, which established the Lead Poisoning Prevention Citizens Advisory Committee, and thereby dissolving the Lead Poisoning Prevention Citizens Advisory Committee.

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

**050010 [Amending Administrative Code Section 71.2 definition of qualified historic property]
Supervisor Peskin**

Ordinance amending Administrative Code Section 71.2 to provide that where the interior of a property has or will be altered such that a majority of the interior is substantially equivalent to a new structure, the property is not a "qualified historic property" for the purpose of applying for an historical property contract and providing that non-historic additions to qualified historical properties are not eligible for Mills Act tax benefits from the City.

**050017 [SSO Zoning District – Allowing Financial Service]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Section 818 and adding Section 818.32 to Table 818 to allow a financial service use in an SSO (Service/Secondary Office) zoning district; adopting findings.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/3/2005.

**050018 [Zoning Map amendment - South of Market Area]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification of Block 3787, Lots 12, 13, 18, 24, 26, 28, 50, 160, 161, and 165 through 218 from SLI (Service Light Industrial) to SSO (Service/Secondary Office) in the South of Market Area.

1/4/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/3/2005.

Resolutions

**050002 [Grant Application - Department of the Environment]
Supervisor Alioto-Pier**

Resolution authorizing the Department of the Environment to apply for a grant in the amount of \$350,000.00 from the Bay Area Air Quality Management District for the purpose of reducing emissions from solid waste collection vehicles.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050004 [Implementation of the State's Pierce's Disease Control Program]
Mayor**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into an agreement with the State Department of Food and Agriculture (SDFA), and expend funds in the amount of \$63,887.65 to implement in San Francisco the SDFA Pierce's Disease Control Program; for the period of July 1, 2004 to June 30, 2005.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050005 [Commending Carol Knight]
Supervisor Dufty**

Resolution commending Carol Knight for her 34 years of service to the City and County of San Francisco.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050006 [Commending United California Practitioners of Chinese Medicine]
Supervisor Ma**

Resolution commending United California Practitioners of Chinese Medicine on the occasion of their Tenth Board Installation Ceremony.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050009 [Accept-Expend Federal and State Grants]
Supervisor Peskin**

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of \$780,675 and a state grant in the amount of \$101,145 from the Metropolitan Transportation Commission for the Stockton Street Tunnel Lighting and Pedestrian Improvements Project.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050016 [Safety Measures -- Hyde Street and Vallejo Streets]
Supervisor Peskin**

Resolution urging the Department of Parking and Traffic to install a traffic signal at the intersection of Vallejo and Hyde Streets, urging the painting of crosswalks crossing Hyde Street at Vallejo Street, and designating the intersections of Hyde at Green Streets and Hyde at Broadway Streets all-way STOPS.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/07/05-Referred to Parking and Traffic for review and determination of environmental impact.

01/14/05-Response received from DPT, exempt from environmental review.

02/24/05-Parking and Traffic notified for posting purposes and ad placed in the 3/4/05 edition of the SF Chronicle.

**050019 [Honoring 32nd Anniversary of Roe v. Wade]
Supervisors Ammiano, Dufty, Peskin, Alioto-Pier, Maxwell, Daly, Ma, Mirkarimi**

Resolution recognizing January 22, 2005 as "Stand Up For Choice Day" in honor of the 32nd anniversary of the landmark 1973 United States Supreme Court decision of Roe v. Wade establishing a woman's constitutional right to decide when and if to have a child; and further supporting the local Pro-Choice community demonstrating in San Francisco to defend a woman's right to choose safe and legal abortion and birth control and further urging all legal authorities to fully facilitate the protection of the right of women to control their reproductive health, lives and futures in an ever-increasingly hostile anti-choice climate on the federal level and in state legislatures and courts throughout the country.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050020 [Withdrawing the City from the North Coastal Counties Supervisors Association]

Resolution authorizing the City to withdraw from the "North Coastal Counties Supervisors Association."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050021 [Withdrawing from the San Mateo County-City and County of San Francisco Task Force]

Resolution repealing Resolution No. 876-82, to dissolve the "San Mateo County-City and County of San Francisco Task Force."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050022 [Dissolving the Presidio Neighborhood Representative Work Group]

Resolution repealing Resolution No. 668-01, to dissolve the "Presidio Neighborhood Representative Work Group."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

050023 [Dissolving the United Nations Plaza Working Group]

Resolution repealing Resolution No. 1401-140, to dissolve the "United Nations Plaza Working Group."

1/4/05, RECEIVED AND ASSIGNED to Rules Committee.

**050024 [Reinstatement of Homeless Death Count by SFDPH]
Supervisor Daly**

Resolution urging the Department of Health to reinstate Homeless Death Count.

1/4/05, RECEIVED AND ASSIGNED to City Services Committee.

**050026 [Honoring 31st Anniversary of the Synergy School]
Supervisor Ammiano**

Resolution recognizing the 31st Anniversary of the Synergy School and declaring February 12, 2005 as "Synergy School Day" in City and County of San Francisco.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050027 [Proclaiming January 15, 2005, Paul Boden Day in San Francisco]
Supervisor Daly**

Resolution proclaiming January 15, 2005 as Paul Boden Day.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050028 [Urging creation of Charles Campbell Day in San Francisco]
Supervisor Mirkarimi**

Resolution urging the commemoration of Charles Campbell on his 90th Birthday.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050029 [Urging independent review of Professor Ignacio Chapela's tenure hearing]
Supervisor Gonzalez**

Resolution urging review of University of California at Berkeley's procedures in denying the tenure of Professor Ignacio Chapela in light of his exposure of illegal dumping of GMO crops in Mexico by Monsanto Corporation.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050030 [Lee Mallory Day]
Supervisor Peskin**

Resolution proclaiming January 10, 2005 as Lee Mallory Day in San Francisco.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**050003 [Affordable Educator Housing Plan]
Supervisor Ammiano**

Hearing to discuss the development of an Affordable Educator Housing Plan.

1/4/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

**050011 ["Old Emporium Building"]
Supervisor Peskin**

Hearing to update the Board of Supervisors about ongoing discussions between the City and County of San Francisco (by and through the Redevelopment Agency) and various private entities regarding the demolition of the first 65 feet of the "Old Emporium Building".

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050012 [Potential adoption of Redevelopment Agency Survey Area for the Visitacion Valley Plan Area]
Supervisor Maxwell**

Hearing on the potential adoption of a Redevelopment Agency Survey Area for the Planning Department's Visitacion Valley Plan Area.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050013 [Eastern Neighborhoods EIR process]
Supervisor Maxwell**

Hearing on the Eastern Neighborhoods EIR process.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050014 [Capital Plan]
Supervisor Elsbernd**

Hearing to discuss a long-range capital plan for San Francisco.

1/4/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**050015 [Sidewalk use at the 4th and Geary Farmer's Market]
Supervisor McGoldrick**

Hearing to inquire about the problem surrounding the sidewalk use at the 4th and Geary Farmer's Market, to examine the legality of the Market's current sidewalk use, to explore potential health hazards and to learn whether there are any current health and safety violations.

1/4/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050025 [Healthcare for Medically Uninsured San Franciscans]
Supervisor Ammiano**

Hearing to inquire into the feasibility of the City and County initiating efforts to provide healthcare for medically uninsured San Franciscans.

1/4/05, RECEIVED AND ASSIGNED to City Services Committee.

PROPOSED ORDINANCES

**041724 [Payment of Reward to two Jane Does]
Mayor**

Ordinance authorizing payment of a \$10,000.00 reward to be split amongst two Jane Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Rihibi Hussein. (Mayor)
12/8/04, RECEIVED AND ASSIGNED to Rules Committee.

041725 [Parking Violation Penalties]

Ordinance amending San Francisco Traffic Code Sections 32, 32.1, 32.1.1 through 32.1.7, 32.1.9, 32.1.10, 32.1.11, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.5, 32.6.1, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.10, 32.6.11, 32.6.12, 32.6.13, 32.6.14, 32.6.16 through 32.6.29, 32.20, 210, and 412 regarding penalties for parking violations and authorizing the setting of specific penalties for parking violations through a schedule of fines approved by ordinance of the Board of Supervisors. (Municipal Transportation Agency)
12/13/04, RECEIVED AND ASSIGNED to Land Use Committee.

041730 [Settlement of Lawsuit - Jenny McGrorey]

Ordinance authorizing settlement of the lawsuit filed by against the City and County of San Francisco for \$38,000; the lawsuit was filed on October 5, 2001 in San Francisco Superior Court, Case No. 325-198; entitled Jenny McGrorey, et al., v. City and County of San Francisco, et al. (City Attorney)
12/22/04, RECEIVED AND ASSIGNED to Rules Committee.

041731 [Settlement of Lawsuit - Altec Industries, Inc.]

Ordinance authorizing settlement of the lawsuit filed by Altec Industries, Inc. against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 30, 2003 in San Francisco Superior Court, Case No. 425-937; entitled Altec Industries, Inc. v. City and County of San Francisco. (City Attorney)
12/22/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

041640 [Prop J Certification, Status Offender Shelter and Intake Services]

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)
12/7/04, RECEIVED AND ASSIGNED to City Services Committee.
12/27/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

**041726 [Accept-Expend State Grant]
Supervisor Maxwell**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$150,000 from the California Department of Justice, Antitrust Law Section, for the purpose of launching a new certified farmers' market in Bayview Hunters Point and providing nutrition education to community residents. (Environment)
12/10/04, RECEIVED AND ASSIGNED to City Services Committee.

- 041727 [Accept and Expend Grant - Sheriff's Department program providing family literacy services for incarcerated mothers and their children in the county jail and after their release]
Supervisors Dufty, Mirkarimi

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$30,000 from the Zellerbach Family Foundation for providing family literacy services to mothers incarcerated in the county jail and their children. (Sheriff)

12/15/04, RECEIVED AND ASSIGNED to City Services Committee.

12/17/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

Supervisor Dufty requested to be added as sponsor.

- 041728 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

18th and Tennessee Streets, stopping 18th Street at Tennessee Street, making this intersection an All-Way STOP; and

Colin P. Kelly, Jr. Street and Brannan Street, stopping Colin P. Kelly, Jr. Street at Brannan Street, the stem of this T-intersection.

(12/15/04: 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. 2921.)

12/16/04, RECEIVED AND ASSIGNED to Land Use Committee.

- 041732 [Settlement of Grievance - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

Resolution approving the settlement of the grievance (ERD No. 40-03-1142) filed by United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 ("Union") on behalf of Grievants, as identified in Exhibit A attached hereto, against the City and County of San Francisco for \$109,270.76. Other material term of said settlement is that Grievants and Union shall release all claims relating to the aforementioned grievance (ERD No. 40-03-1142). (City Attorney)

12/22/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041737 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND
NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - ESTABLISH
Southbound Hawes, Ingalls, and Jennings Streets at Ingerson Avenue

NO LEFT TURN, TAXIS EXEMPT, EXCEPT 4 PM TO 7 PM, MONDAY THROUGH FRIDAY –
RESCIND

NO LEFT TURN, EXCEPT BUSES AND TAXIS – ESTABLISH

Mission Street, westbound, at 1st, 4th and 10th Streets; and

Mission Street, eastbound, at Fremont, 2nd, 3rd, 5th, 6th and 7th Streets. (Parking and Traffic Department)

(12/15/04: 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. 2921.)

12/16/04, RECEIVED AND ASSIGNED to Land Use Committee.

041719 [BART Payment for MUNI Transfer Trips]

Resolution approving an Agreement between the City and County of San Francisco (the "City") and the Bay Area Rapid Transit District ("BART") authorizing payment to the Municipal Transportation Agency ("MTA") for transfer trips provided by the Municipal Railway in FY 2004-2005. (Municipal Transportation Agency)
12/23/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Inquiring of the Traffic Engineering Divisions placement of a loading zone at 4700 Mission Street. The absence of a yellow-zone has resulted in the repeated issuance of parking citations to the owners of Global Pilipino, as they load and unload goods in the course of their business operations.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to dedicate 33% of San Francisco's Proposition 63 Mental Health Funds for violence counseling and violence prevention activities.

The legislation would identify (1) counseling to children, youth and families who have been traumatized by violence and (2) violence prevention outreach to students in the San Francisco Unified School District as top priorities for the expenditure of these funds. In addition, it would ensure that the services provided through the legislation would be culturally sensitive, including outreach in multiple languages and by workers who reflect the communities in which they work.

In Memoriams

- Shirley Chisholm (Entire Board)*
- Robert Matsui (Entire Board)*
- Edna Woods (Supervisors Dufty, Ammiano)*
- Diane Rose (Supervisor Dufty)*
- Patrick & Barbel Lenz (Supervisor Dufty)*
- Phyllis Mintzer (Supervisor Dufty)*
- Ann Harrington (Supervisor Dufty)*
- Metropolitan Anthony Gergiannakis (Supervisor Dufty)*
- Adam Ojakian (Supervisor Gonzalez)*
- Larry Viglizzo (Supervisor Elsbernd)*
- Sue Ling Ma (Supervisors Dufty, Ma)*
- Richard Palma (Supervisor Ma)*
- Gene Wright (Supervisor Peskin)*
- John Alexander Michaelson (Supervisor Ammiano)*

ADJOURNMENT


There being no further business, the Board at the hour of 7:24 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 January 25, 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