

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, April 20, 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, TONY HALL, 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, Hall

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.

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll Supervisors Alioto-Pier, Dufty, Ma and Sandoval were noted absent.

Supervisors Dufty, Ma and Sandoval were noted present at 2:04 p.m. Supervisor Alioto-Pier was noted present at 2:08 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Hall, moved to approve March 23, 2004 and March 30, 2004 Meeting Minutes. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Finance and Audits Committee

**040099 [Dept. of Administrative Services to provide services to public entities]
Supervisors Dufty, Peskin**

Ordinance authorizing the Department of Administrative Services to enter into written agreements with other public entities to provide the public entities with publishing, copying, printing and/or mail services, and ratifying and approving any actions heretofore taken by the Department of Administrative Services to provide such services to public entities.

**Ordinance No. 73-04
FINALLY PASSED**

Recommendations of the Land Use Committee

**040147 [General Plan Amendment in connection with Downtown Housing Demonstration Special Use District]
Supervisor Peskin**

Ordinance amending the San Francisco General Plan to change the height and bulk classification in connection with approvals for the proposed Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) from 250-S to 285-S; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1.

**Ordinance No. 70-04
FINALLY PASSED**

**040184 [Zoning Map Amendment in connection with Downtown Housing Demonstration Special Use District]
Supervisor Peskin**

Ordinance amending Zoning Map Section 1H and 1SU of the City and County of San Francisco for the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) from 250-S to 285-S; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**Ordinance No. 71-04
FINALLY PASSED**

- 031791 [Special Use District to eliminate certain zoning requirements for residential uses in the Downtown consistent with a proposed ordinance to facilitate housing in the Downtown]
Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by adding Section 249.26 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006) and making findings. The proposed Special Use District would eliminate floor area restrictions and maximum dwelling unit density limits and would allow exceptions to open space requirements and dwelling unit exposure requirements for new residential uses be granted through the process outlined in Planning Code Section 309. The proposed Special Use District would also increase the maximum height and bulk allowed in the district from 250-S to 285-S, and would require that residential projects be subject to the 12 percent (on-site) and 17 percent (off-site) Inclusionary Affordable Housing Program Requirements found in Section 315.3(a)(2).

Ordinance No. 69-04
FINALLY PASSED

- 040366 [Conditionally Designate 690 Market, the Chronicle Building, as a Landmark Under Planning Code Article 10]
Supervisors Peskin, Hall

Ordinance conditionally designating 690 Market, the Chronicle Building, as Landmark No. 243 pursuant to Article 10, Sections 1004 And 1004.4 of the Planning Code.

Ordinance No. 72-04
FINALLY PASSED

Recommendation of the Rules Committee

- 040261 [Settlement of Lawsuit - Laura Bianchi]
Ordinance authorizing settlement of the lawsuit filed by Laura Bianchi against the City and County of San Francisco for \$70,000; the lawsuit was filed on August 14, 2003 in San Francisco Superior Court, Case No. 03-423459; entitled Laura Bianchi v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 74-04
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance and Audits Committee**021505 [Ordinance adding Section 21.25-3 to the Administrative Code]
Supervisors Ammiano, Daly**

Ordinance adding Section 21.25-3 to the San Francisco Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services on property owned by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a contract, lease, franchise, permit or other contractual arrangement is terminated.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Ordinance adding Section 21.25-3 to the San Francisco Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services for shows on property owned by the City and County of San Francisco be paid the prevailing rate of wage.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

**040100 [Process for Sale of Real Property]
Supervisors Peskin, Hall**

Ordinance authorizing the Public Utilities Commission to solicit proposals and bids for the sale of certain real properties with development potential that are not needed for utility purposes, subject to the review and approval by the Board of Supervisors, by resolution, of any final sale of such properties.

Continued to April 27, 2004

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

From the Finance and Audits Committee Without Recommendation

**040272 [Public Employment]
Mayor**

Ordinance amending Ordinance No. 195-03 (Annual Salary Ordinance 2003/04) reflecting the deletion of 187.4 positions in the following departments: Administrative Services, Adult Probation, Adult and Aging Services, Airport, Assessor, Convention Facilities, Emergency Communications, Environment, Human Resources, Juvenile Probation, Municipal Transportation Agency, Police, Public Health, Recreation and Park, Sheriff and Telecommunication and Information Services. (Municipal Transportation Agency)

Ordinance No. 75-04

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance and Audits Committee

**040318 [Amending Domestic Partnership requirements]
Supervisors Ammiano, Dufty, Daly**

Ordinance amending Chapter 62 of the Administrative Code by amending the statement of purpose in Section 62.1; amending Sections 62.2(d), 62.3(b) and 62.5(b) to remove a waiting period for certain domestic partnerships; amending Sections 62.3(a)(2) and 62.10(a) relating to Retirement System requirements; repealing Section 62.3(c) to eliminate a residency requirement; amending Section 62.6(a) to expand the rights and duties of domestic partners; adding Section 62.11 to clarify the Board of Supervisors' authority to amend domestic partnership legislation; adding Section 62.12 to add a severability provision; and adding Section 62.13 to ratify and approve domestic partnerships between certain non-residents.

(Fiscal impact.)

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040389 [Unrepresented Employees]

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2004. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

- 031640 [Airport - Amendment to Concession Agreement and Lease Agreement for Rental Car Operations]**
Resolution approving (a) Amendment No. 1 to the Concession Agreements and Lease Agreements for Rental Car Operations between Alamo Rent-A-Car, LLC, Avis Rent-A-Car System, Inc., Budget Rent-A-Car Systems, Inc., Dollar Rent-A-Car System, Inc., Enterprise Rent-A-Car Company of San Francisco, The Hertz Corporation, and Thrifty Rent-A-Car System, Inc., and the City and County of San Francisco, acting by and through its Airport Commission; and (b) Amendment No. 1 to the Lease Agreement for Rental Car Operations between National Car Rental Systems, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 236-04

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Peskin
Noes: 3 - Gonzalez, McGoldrick, Sandoval

- 040034 [Modification #6 to Lease and Use Agreement No. L-82-0115 with Delta Air Lines, Inc. at Terminal 1 of S.F. International Airport.]**
Resolution approving and authorizing the execution of Modification # 6 to Lease and Use Agreement No. L-82-0115 with Delta Air Lines, Inc., to reduce terminal space in Terminal 1 of San Francisco International Airport. (Airport Commission)

Resolution No. 237-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

- 040035 [Modification #7 to Lease and Use Agreement No. L-82-0119 with Northwest Airlines, Inc. at Terminal 1 of S.F. International Airport]**
Resolution approving and authorizing the execution of Modification # 7 to Lease and Use Agreement No. L-82-0119 with Northwest Airlines, Inc., to reduce terminal space in Terminal 1 of San Francisco International Airport. (Airport Commission)

Resolution No. 238-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

- 040077 [2004 Annual Fundraising Drive]**
Resolution designating those agencies qualified to participate in the 2004 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

Resolution No. 239-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

- 040186 [Reimbursement Resolution]**
Supervisor McGoldrick

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future indebtedness; and approving and ratifying previous actions in connection therewith

Resolution No. 240-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040319 [MTA Workers' Compensation Administration Contract Award]
Mayor

Resolution authorizing retroactive to March 27, 2004, the Director of Transportation to award a contract to Sedgwick Claims Management Services for Workers' Compensation Third Party Claims Administration, not to exceed \$3.183 million in the first year and adjusted annually by formula for four subsequent years, with the option of three one-year extensions to be exercised at the sole discretion of the MTA.

(Fiscal impact.)

Resolution No. 241-04

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Recommendation of the Land Use Committee

031930 [Planning Code Amendments - The Old Mint]
Supervisors Peskin, Daly, Hall

Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings.

Supervisors Daly and Hall requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

From the Land Use Committee Without Recommendation

**040375 [Parking Regulations at Various Locations on California Street]
Supervisor McGoldrick**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY NO PARKING (6AM - 6 PM EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS) - ESTABLISH

California Street, north side, from 182 feet to 222 feet west of 32nd Avenue (40 foot zone).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND

California Street, north side, from 100 feet to 182 feet west of 32nd Avenue.

ANGLE (45-DEGREE ANGLE) PARKING - ESTABLISH

California Street, north side, from 100 feet to 182 feet west of 32nd Avenue (6 spaces).

COMPACT ONLY PARKING - ESTABLISH

California Street, north side, from 75 feet to 182 feet west of 32nd Avenue (7 spaces).

(3/19/04: 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.)

Amended by replacing "6am to 6pm" with "7am to 5pm".

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution No. 242-04

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

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

Privilege of the Floor

Supervisor Hall, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Hall welcomed, introduced and presented a Certificate of Honor to Bob Begley, Hotel Council.

Supervisor Maxwell welcomed, introduced and presented Commendations to members of BayCat.

Supervisor Alioto-Pier introduced a commendation to members of the San Francisco Fire Department Battalions 4, 5, and 6 in recognition of their heroic efforts in fire fighting.

COMMITTEE REPORTS

From the Budget Committee

040411 [Waiving, for 2004, the May 1 deadline for enterprise department budget submittal]
Supervisor Sandoval

Ordinance amending Section 3.3 of the San Francisco Administrative Code to waive, for 2004, the May 1 deadline for the Mayor to submit to the Board of Supervisors the proposed budgets for the enterprise departments of the City and County of San Francisco.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Daly, Gonzalez

From the Rules Committee

040223 [Appointment to Police Commission - Douglas Chan]
Mayor

Motion confirming the Mayor's nomination of, and appointing, Douglas Chan to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.

4/14/04 Supervisor Ammiano dissented in Committee.

Motion No. M04-47

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Daly

Supervisor Alioto-Pier Excused From Voting

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to excuse Supervisor Alioto-Pier, at her request from voting on this matter. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

040224 [Appointment to Police Commission - Joseph Veronese]
Mayor

Motion confirming the Mayor's nomination of, and appointing, Joseph Veronese to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.

4/14/04 Supervisor Ammiano dissented in Committee.

Motion No. M04-48

APPROVED by the following vote:

Ayes: 8 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Ammiano, Daly

Excused: 1 - Alioto-Pier

**040225 [Appointment to Police Commission - Dr. Joe Marshall]
Mayor**

Motion confirming the Mayor's nomination of, and appointing, Dr. Joe Marshall to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with the term ending to be determined by lot.

Transmittal Date: 3/2/04.

4/14/04 Supervisor Ammiano dissented in Committee.

Motion No. M04-49

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

031919 [Appointment - Police Commission]

Motion confirming the Rules Committee's nominations of, and appointing, Theresa Sparks, Peter Keane and Gayle Orr-Smith to the San Francisco Police Commission for a term of office commencing on April 30, 2004 at noon, with terms ending to be determined by lot. (Rules Committee)

4/14/04 Supervisor Ammiano dissented in Committee on the recommendation to appoint Peter Keane and Gayle Orr-Smith.

Theresa Sparks, seat 1, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for either an initial one year, two year or three year term (determined by lot) ending date to be determined.

Peter Keane, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for either an initial one year, two year or three year term (determined by lot) ending date to be determined.

Gayle Orr-Smith, seat 3, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for either an initial one year, two year or three year term (determined by lot) ending date to be determined.

Supervisor Daly, seconded by Supervisor Ammiano, moved to rerefer this matter to Committee.

Motion failed by the following vote:

Ayes: 3- Ammiano, Daly, Sandoval

Noes: 8- Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Supervisor Daly moved to amend by substituting "John Trasvino, Kim Shree Maufas, and Victor Hwang" for the appointments of Theresa Sparks, Peter Keane and Gayle Orr Smith" to the Police Commission.

Motion failed for lack of second.

Nomination and Appointment of Theresa Sparks (Seat 1) to the Police Commission:

Supervisor Sandoval, seconded by Supervisor Daly, moved to amend by substituting "John Trasvino" for the appointment of "Theresa Sparks".

Motion failed by the following vote:

Ayes: 2- Daly, Sandoval

Noes: 9- Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Supervisor Daly moved to amend by substituting "Kim Shree Maufas" for the appointment of "Theresa Sparks".

Motion failed for lack of a second.

Supervisor Daly moved to amend by substituting "Victor Hwang" for the appointment of "Theresa Sparks".

Motion failed for lack of a second.

Nomination and appointment of Peter Keane (Seat 2) to the Police Commission:

Supervisor Daly, seconded by Supervisor Ammiano, moved to amend by substituting "John Trasvino" for the appointment of "Peter Keane."

Motion failed by the following vote:

Ayes: 3- Ammiano, Daly, Sandoval

Noes: 8- Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Supervisor Daly moved to amend by substituting "Kim Shree Maufas" for the appointment of "Peter Keane"

Motion failed for lack of a second.

Supervisor Daly moved to amend by substituting "Victor Hwang" for the appointment of "Peter Keane"

Motion failed for lack of a second.

*Nomination and appointment of Gayle Orr-Smith (Seat 3) to the Police Commission:
Supervisor Daly, seconded by Supervisor Ammiano, moved to amend by substituting "Kim Shree Maufus" for
the appointment of "Gayle Orr-Smith".*

Motion failed by the following vote:

Ayes: 2- Ammiano, Daly

Noes: 9- Alioto-Pier, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

*Confirming the Rules Committee's nominations of and appointing of Theresa Sparks, Peter Keane and Gayle
Orr-Smith to the Police Commission were approved by the following vote:*

Motion No. M04-50

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; help for poor people and homeless

Male Speaker

Rubin David Goodman; behavior of public safety officers

*Elissa Eckman, Commission on Animal Care and Welfare; health and welfare of elephants at San Francisco
Zoo*

Denise Gobel; health and welfare of elephants at San Francisco Zoo

Dr. Elliott Katz; health of elephants at San Francisco Zoo

T. Hall; rights of family member care givers

Mike Mitrellis; conduct of UCSF and Police Department

John DiDonna; asked series of questions

Dan Rausch; problems in the Tenderloin

Anna Maria Loya, Executive Director, La Raza Centro Legal; appointments to the Police Commission

Male Speaker; appointments to the Police Commission

Earl Rogers, Chaplain, San Francisco Rescue Mission; Pastor Wong's hunger strike

Mr. Murphy; poor people in Mission District

Female Speaker; behavior of police

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.*

040452

[Week of the Young Child]

Supervisors Ma, Dufty, Alioto-Pier

Resolution recognizing the importance of children's earliest years and the need to support early child-care
programs and services, and declaring April 17, 2004 through April 24, 2004 as "Week of the Young Child" in
the City and County of San Francisco.

Resolution No. 244-04

ADOPTED

040453 [Safety Seat Checkup Week]
Supervisors Ma, Dufty, Alioto-Pier, Hall

Resolution declaring April 18, 2004 through April 24, 2004 as "Safety Seat Checkup Week" in the City and County of San Francisco.

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

Resolution No. 245-04

ADOPTED

040456 [Commending Hannah Paarlberg]
Supervisor Sandoval

Resolution commending Hannah Paarlberg of Balboa High School on her accomplishments in the sport of wrestling.

Resolution No. 246-04

ADOPTED

040457 [Commending House Minority Leader Nancy Pelosi]
Supervisors Sandoval, Dufty, Ma

Resolution commending House Minority Leader Nancy Pelosi for receiving the 2004 "Distinguished Community Health Champion" award from the National Association of Community Health Centers.

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

Resolution No. 247-04

ADOPTED

040460 [Urging the Legislature to amend Public Utilities Code to allow local regulation of charter party carriers]
Supervisors Daly, Maxwell

Resolution urging the California State Legislature to support an amendment to the California Public Utilities Code that would allow a city and/or county to impose a business license fee, and adopt reasonable rules and regulations pertaining to charter party carriers operating within city and/or county jurisdictions.

Resolution No. 248-04

ADOPTED

040461 [Commending Michael C. Healy]
Supervisor Daly

Resolution commending Michael C. Healy on his service to the Bay Area Rapid Transit District (BART) and to public transportation.

Resolution No. 249-04

ADOPTED

**040471 [Supporting AB 2863]
Supervisors Maxwell, Dufty, Ma**

Resolution supporting AB 2863 and urging the California legislature to pass AB 2863 allowing for the improvement of indoor air quality in our schools.

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

Resolution No. 250-04

ADOPTED

**040474 [Proposed Changes to Section 8 Housing Policy]
Supervisors Maxwell, Peskin, Daly**

Resolution urging United States Senators Dianne Feinstein and Barbara Boxer and United States Congresswoman Nancy Pelosi to oppose changes to Federal Section 8 Housing Policy.

Supervisors Peskin and Daly requested to be added as co-sponsors.

Resolution No. 252-04

ADOPTED

**040478 [Strictly Bluegrass]
Supervisors Peskin, Ammiano, Hall**

Resolution urging that Warren Hellman bring Strictly Bluegrass back to Golden Gate Park.

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

Resolution No. 253-04

ADOPTED

**040479 [Bhopal Remembrance Day]
Supervisor Peskin**

Resolution Declaring December 3, 2004 as Bhopal Remembrance Day.

Resolution No. 254-04

ADOPTED

**040480 [Less Costly Pharmaceuticals]
Supervisors Peskin, Sandoval, Daly**

Resolution authorizing the Department of Public Health to participate in the State Department of General Services pharmaceutical purchasing program to explore the cost benefits of participation, and further approving its participation in State Department of General Services pharmaceutical purchasing contracts that provide favorable cost benefits for the Department.

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

Resolution No. 255-04

ADOPTED

**040482 [Accept-Expend State Grant]
Supervisors Maxwell, Dufty, Hall**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of \$2,218,010 from the State Board of Corrections, from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA), for programs and approaches that have been demonstrated to be effective in reducing delinquency.

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

Resolution No. 257-04

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Severed from Without Reference to Committee Agenda

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

040444 [Older Americans Month]
Supervisors Hall, Dufty, Ma

Resolution recognizing the month of May 2004 as Older Americans Month in San Francisco and encouraging all San Franciscans to promote and participate in activities and services that contribute to the health, welfare, and independence of older citizens.

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

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution No. 243-04

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

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

Supervisor Ammiano noted absent at 5:25 p.m.

040472 [Supporting AB 2367, AB 2132]
Supervisors Maxwell, Dufty, Ma

Resolution supporting AB 2367 (Chan) and AB 2132 (Reyes/Chan) and urging the California legislature to pass the two legislation allowing children in schools with Asthma easier access to their medication.

Amended by inserting the words "pieces of" after the word "two". New Title.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Resolution supporting AB 2367 (Chan) and AB 2132 (Reyes/Chan) and urging the California legislature to pass the two pieces of legislation allowing children in schools with Asthma easier access to their medication.

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

Resolution No. 251-04

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

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

**040473 [Annual Bayview Juneteenth Festival in 2002]
Supervisors Maxwell, Dufty**

Resolution urging DPT, DPW, Police, and Fire Department to waive fees incurred by Black Diamond Dynasty for the installation of the 1st Annual Bayview Juneteenth Festival in 2002.

Continued to April 27, 2004

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

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

**040481 [Public Health Comprehensive Child Crisis Services]
Supervisors Maxwell, Dufty**

Resolution authorizing the San Francisco Public Health, Community Behavioral Health, Comprehensive Child Crisis Services (SFDPH, CBH, CCCS) (Provider) to enter retroactively into an agreement which includes a mutual indemnification clause and a binding arbitration clause, with Managed Health Network, Inc. (MHN) (Primary Contractor) to provide comprehensive child crisis services at a capitated rate to MHN enrollees for a total estimated revenues of \$100,000 for the 16 month period of March 1, 2004 through June 30, 2005.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

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

Amended on page 1. lines 10 & 16 by replacing "16 month period" with "22 month period beginning September 1, 2003."

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

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

Resolution authorizing the San Francisco Public Health, Community Behavioral Health, Comprehensive Child Crisis Services (SFDPH, CBH, CCCS) (Provider) to enter retroactively into an agreement which includes a mutual indemnification clause and a binding arbitration clause, with Managed Health Network, Inc. (MHN) (Primary Contractor) to provide comprehensive child crisis services at a capitated rate to MHN enrollees for a total estimated revenues of \$100,000 for the 22 month period beginning September 1, 2003 through June 30, 2005.

Resolution No. 256-04

ADOPTED AS AMENDED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances**040493 [Real Property Transfer Tax]
Supervisors Dufty, Ammiano**

Ordinance amending Article 12-C of the San Francisco Business and Tax Regulations Code Real Property Transfer Tax Ordinance) to conform and clarify exemptions for transfers of real property between spouses and domestic partners, and to divide assets upon dissolution of marriage or domestic partnership.
4/20/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/20/2004.

**040505 [County Clerk--fees for notary services]
Supervisors Dufty, Ammiano**

Ordinance amending San Francisco Administrative Code Section 8.33.1 to authorize the County Clerk to charge fees for providing notary services to the public in the amount of \$10 for an Acknowledgment and \$10 for a Jurat; and ratifying that requests for marriage certificate index records are subject to the same charges as are fictitious business name index records.
4/20/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/20/2004.

**040506 [Making Environmental Findings and Establishing the San Francisco Dispute Resolution Program,
Administrative Fees and Community Funds]
Supervisor Dufty**

Ordinance making required environmental findings; adding Article XVI section 2A.250 to Chapter 2A to designate the Mayor's Office of Criminal Justice as the agency administering the Dispute Resolution Programs Act in San Francisco, authorize the Mayor's Office of Criminal Justice to establish and manage a San Francisco Dispute Resolution Program and establish a sliding-scale administrative fee for use of dispute resolution programs; amending section 10.100-95 to provide that all penalties and fines collected from participants in the Dispute Resolution Program be deposited in the Mayor's Community Support Fund and make other technical amendments; repealing section 10.100-295 and replacing it with a new section 10.100-295 to establish a San Francisco Dispute Resolution Program Administrative Fund for the collection of filing fees and administrative fees authorized under the Dispute Resolution Programs Act.
4/20/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 5/20/2004.

Resolutions**040495 [AB 2702 Secondary Unit]
Supervisors Hall, McGoldrick**

Resolution urging the California State Legislature to not approve Assembly Bill 2702, allowing secondary units without local government input.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040498 [Accept-Expend Federal Grant]
Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a federal grant in the amount of \$10,349,000 from the U.S. Department of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2003 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040503 [Authorizing the resale of Redevelopment Agency-assisted ownership units]
Supervisor Maxwell**

Resolution authorizing the resale of single-family homes acquired by the Redevelopment Agency with tax increment funds without further approval of the Board of Supervisors pursuant to the small housing project exception under Health and Safety Code Section 33433(c)(1).

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040504 [Prohibition on Cruise Ship Pollution in San Francisco Bay]
Supervisors Alioto-Pier, Daly**

Resolution supporting Assembly Bills 2093 and 2672 to prohibit cruise ship pollution in California.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040518 [Honoring Ellen Haller, M.D.]
Supervisors Ammiano, Dufty**

Resolution Honoring Ellen Haller, M.D. at the San Francisco LGBTQ Pride Celebration Mental Health Conference June 25, 2004 for her distinguished work in the field of Mental Health.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040519 [Single Room Occupancy Hotel Safety and Stabilization Task Force]
Supervisors Ammiano, Dufty, Daly**

Resolution supporting the Single Room Occupancy Hotel Safety and Stabilization Task Force recommendations.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040520 [Selection of Independent City Auditors]
Supervisor Peskin**

Resolution selecting independent auditors for the Controller's Office and the separately audited departments of the City and authorizing a three-year contract with the selected audit firms.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040521 [Supporting AB 2600]
Supervisor Peskin**

Resolution expressing support for Assembly Bill 2600, introduced by Assemblyman John Laird, creating a Sierra Nevada Conservancy.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040522 [SFSU Gerontology Program]
Supervisors Dufty, Hall, Sandoval, Ma**

Resolution urging San Francisco State University to continue its Gerontology Program.
4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**040496 [SFStat Implementation]
Supervisor Dufty**

Hearing to consider the City's efforts to initiate SFStat, a performance management and technology initiative and a #311 Call Center.
4/20/04, RECEIVED AND ASSIGNED to City Services Committee.

**040497 [Proposed sewer increases by the S.F. Public Utilities Commission]
Supervisor Hall**

Hearing in regards to proposed sewer increases by the San Francisco Public Utilities Commission.
4/20/04, RECEIVED AND ASSIGNED to City Services Committee.

**040499 [Accept-Expend Federal Pass Through Grant]
Supervisor Alioto-Pier**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a Federal pass through grant in the amount of \$18,587,312 from the State of California Office of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2003 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism. Further, authorizing the Director of the Mayor's Office of Criminal Justice or the Deputy Director of the Mayor's Office of Criminal Justice to execute for and on behalf of the named core city, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining Federal financial assistance under Catalog of Federal Domestic Assistance number 16.011.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040500 [Mayor's proposals for increased revenue in the 2004-05 CCSF budget]
Supervisor McGoldrick**

Hearing to consider the Mayor's proposals for increased revenue in the 2004-05 CCSF budget.

4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040501 [Recreation & Parks Dept. proposed 2004-05 work plan, efficiency plan, and budget]
Supervisor McGoldrick**

Hearing to consider the proposed 2004-05 work plan, efficiency plan, and budget of the Recreation & Parks Department.

4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040502 [Dept. of Public Works proposed work plan, efficiency plan, and budget]
Supervisor McGoldrick**

Hearing to consider the proposed 2004-05 work plan, efficiency plan, and budget of the Department of Public Works.

4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040508 [Wellness Initiative Steering Committee]
Supervisor Ammiano**

Hearing of the Joint City/School District Committee to consider an update from the Wellness Initiative Steering Committee.

4/20/04, RECEIVED AND ASSIGNED to City and School District Select Committee.

**040509 [City-District collaboration on Arts Education]
Supervisor Ammiano**

Hearing of the Joint City/School District Committee to consider City-District collaboration on Arts Education.

4/20/04, RECEIVED AND ASSIGNED to City and School District Select Committee.

**040510 [Status of Elephants at the San Francisco Zoo]
Supervisor Gonzalez**

Hearing to discuss the findings of the Commission of Animal Control and Welfare on the status of Elephants at the San Francisco Zoo as well as the Zoo's response to these findings.
4/20/04, RECEIVED AND ASSIGNED to City Services Committee.

**040511 [Budget Analyst's audit of the Planning Department]
Supervisor Peskin**

Hearing to review the Budget Analyst's audit of the Planning Department.
4/20/04, RECEIVED AND ASSIGNED to City Planning Audit Select Committee.

**040512 [DPW Control Officer Status Report]
Supervisor Peskin**

Hearing to review the Department of Public Works' Environmental Control Officer (ECO) Status Report for the first two quarters of Fiscal Year 2004-05.
4/20/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040513 [Revenue Enhancement Working Group]
Supervisor Sandoval**

Hearing to review the suggestions that resulted from the Revenue Enhancement Working Group.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040514 [Department of Children, Youth and Families proposed budget cuts]
Supervisor Sandoval**

Hearing to review proposed cuts in the budget of the Department of Children, Youth and Families.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

**040515 [Effect of proposed budget cuts on the health/welfare of the children in CCSF]
Supervisor Sandoval**

Hearing to review what effect proposed budget cuts will have on the health and welfare of the children in the City and County of San Francisco.
4/20/04, RECEIVED AND ASSIGNED to Budget Committee.

040517 [Hearing - Care Not Cash/Real Housing Real Care]

Hearing to discuss the City's implementation of plan for Care Not Cash/Real Housing Real Care. (Clerk of the Board)
4/20/04, ASSIGNED to Board of Supervisors. Pursuant to File 040516, Board to sit as a Committee of the Whole on May 11, 2004, at 4:00 p.m.

Motions

040492 [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.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

040516 [Committee of the Whole - Implementation plan for Care Not Cash/Real Housing Real Care]
Supervisor Daly

Motion scheduling a Committee of the Whole on May 11, 2004 at 4:00 PM to hold a hearing on the City's implementation plan for Care Not Cash/Real Housing Real Care.

4/20/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

040393 [Settlement of Lawsuit - 555 California Street Partners, et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., for \$34,200; the lawsuit was filed on August 20, 2003 in the Superior Court of the County of San Francisco, Case No. 423627; entitled City and County of San Francisco v. 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., et al. (City Attorney)

4/9/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

040391 [Modification of Easement Deed]

Resolution approving a modification to an existing Easement Deed between Pacific Gas & Electric Company, a California public utility, and the City and County of San Francisco, acting by and through its Public Utilities Commission ("SFPUC") for the realignment of an existing gas line on City land under the jurisdiction of the SFPUC located in Sunol, California. (Real Estate Department)

4/8/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

In Memoriams

Anne Shirley Outin (Supervisor Sandoval)

Randy Hendricks (Supervisor Dufty)

ADJOURNMENT

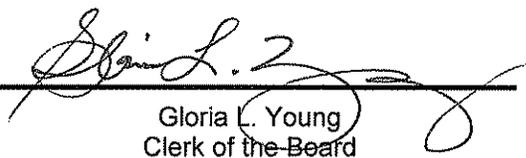
There being no further business, the Board at the hour of 5:32 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 25, 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