

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 5, 2005 10:00 AM

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

Rescheduled Meeting

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Ammiano, Daly, Elsbernd, Ma, McGoldrick

Budget and Finance Subcommittee

Supervisors Ammiano, Daly, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Mirkarimi

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:00 PM

Thursday
11:00 AM

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

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

Volume 100 Number 13

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisors Alioto-Pier, Daly, McGoldrick and Sandoval were noted absent.

Quorum present.

*Supervisors McGoldrick and Sandoval were noted present at 10:06 a.m.
Supervisor Daly was noted present at 10:08 a.m.
Supervisor Alioto-Pier was noted at 10:09 a.m.*

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to approve March 1, 2005 Meeting Minutes. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Land Use Committee

041748 [Development Agreements]
Supervisor Daly

Ordinance amending the San Francisco Administrative Code by amending Sections 56.2 and 56.3 to allow a housing project to enter into a Development Agreement with the City if the project has a minimum of 1,000 units, includes two or more buildings, will be built on a site exceeding two and one-half acres, and provides public benefits beyond those achievable through existing ordinances and regulations; adopting findings under the California Environmental Quality Act.

Ordinance No. 67-05
FINALLY PASSED

**041688 [Residential Rent Ordinance, Additional Keys]
Supervisor Daly**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.13 "Keys" to provide that: the landlord must provide additional keys/key-sets within fourteen (14) days of a tenant's written request unless the landlord denies the request in writing within that time period (the current ordinance does not set a deadline for providing the additional keys/key-sets), and failure to respond within the fourteen days constitutes a substantial decrease in housing services; the landlord may charge only for documented replication costs and may not require other charges or deposits or terms or conditions of any kind, and imposing such other terms or conditions constitutes a substantial decrease in housing services; a tenant's petition to the Rent Board to decide a disputed request may include a failure to respond within fourteen days, or a disagreement regarding terms or conditions for the additional keys/key-sets; and, unreasonable denial of additional keys/key-sets also constitutes a "substantial" decrease in housing services (the word "substantial" is new in this provision).

**Ordinance No. 66-05
FINALLY PASSED**

Recommendation of the City Operations and Neighborhood Services Committee

**050178 [Regulations for Junk Dealers]
Supervisor Maxwell**

Ordinance amending San Francisco Municipal (Police) Code Part II, Chapter VII Sections 974.1, 974.4, 974.11, 974.12, 974.14, 974.15, 974.21 and 974.22, and by renumbering and amending 974.10-1, to align definitions to those of the California Business and Professions Code and to define "buy book", require that a permit applicant include additional information in the permit application, including a requirement that a permit holder inform the Police Department if the business will engage in welding, use of a propane tank, or cutting torches operated by compressed gasses and provide copies of permits for those activities; expand the types of information that the Chief of Police may consider in determining whether to grant the permit including convictions for fraud and crimes related to the environment, permit revocations from other government agencies, and civil penalties imposed related to the operation of a junk dealer or hazardous material or the environment; provide examples of types of "cause" that would justify a revocation of the permit and clarify that the standard of proof is a preponderance of the evidence; clarify the prohibition of operating at another location not listed on the permit; set forth the rules under which the permit holder operates, including a requirement that the permit holder keep all items purchased in the same condition for five days, allow non-peace officer who have the authority to enforce rules and regulations on the premises to inspect, maintain a record of all purchases that includes requiring the seller to produce a valid form of identification for each transaction, maintain the "buy book" in serial-number order for a period of three years and to allow inspection of the book, maintain the sidewalk and other areas adjacent to the premises clear of obstacles, trash and debris, and prevent loitering; clarify that a violation of these provisions is a misdemeanor; and grant the Chief of Police authority to temporarily suspend operation of the business if it presents an immediate threat to the public health and safety; adding Sections 974.10-2 and 974.14-2 to require the permit holder to provide current information to the Chief on an annual basis and to require the Chief to make a determination of whether to move to revoke the permit; and to prohibit the junk dealer from making purchases (1) from anyone who does not have a valid identification, (2) of parts that contain hazardous materials; and (3) of goods that may be stolen; repealing Sections 974.18, 974.19 and 974.24 to repeal the holding period exemption for purchases from other junk dealers; repeal the prior requirements for buy books, and repeal the provision regarding pre-existing permits.

**Ordinance No. 69-05
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

050071 [Shopping Cart Signage and Security Requirements]
Supervisor Ma

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1414, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

Ordinance No. 68-05

FINALLY PASSED by the following vote:

Ayes: 7 - Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Ammiano, Mirkarimi
Absent: 2 - Alioto-Pier, Daly

Recommendations of the Land Use Committee

Supervisor Daly noted present at 10:06 a.m.

Supervisor Alioto-Pier noted present at 10:09 a.m.

050181 [General Plan amendments in connection with the Transbay Redevelopment Plan]
Mayor, Supervisor Daly

Ordinance amending the San Francisco General Plan in connection with the Transbay Redevelopment Plan and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

(Companion measure to Files 050181, 050182, 050183, and 050184.)

Continued to May 10, 2005

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

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

**050182 [Zoning – Planning Code amendments in connection with the Transbay Redevelopment Plan]
Mayor, Supervisor Daly**

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Continued to May 10, 2005

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

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

**050183 [Zoning Map amendments in connection with the Transbay Redevelopment Plan]
Mayor, Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H, and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

Continued to May 10, 2005

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

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

From the Budget and Finance Subcommittee and Committee of the Whole

**050184 [Adopting the Redevelopment Plan for the Transbay Redevelopment Project]
Mayor, Supervisor Daly**

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

(Fiscal impact.)

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved to refer this matter to the Redevelopment Agency with pending amendments.

Continued to May 10, 2005

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

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

NEW BUSINESS

Recommendation of the Budget and Finance Subcommittee

**050435 [Rejecting the Mayor's Offer of a Conditional Waiver]
Supervisor Daly**

Resolution rejecting the Mayor's offer of a conditional waiver to San Francisco Cycling, LLC for the cost of police services.

(Fiscal impact.)

(Supervisor Elsbernd dissenting in Committee.)

NOT ADOPTED by the following vote:

Ayes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin

From the Land Use Committee Without Recommendation

Supervisor Mirkarimi Excused from Voting

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Mirkarimi at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

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

**050177 [100% owner-occupied TICs]
Supervisors Alioto-Pier, Dufty, Elsbernd**

Ordinance allowing owners of 2-6 unit buildings to convert the building into a condominium where the building was owned as a tenancy-in-common on January 20, 2005 and was 100% owner-occupied on January 20, 2005 and making environmental findings.

(Primary sponsors: Supervisors Alioto-Pier and Dufty.)

NOT PASSED ON FIRST READING by the following vote:

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

Noes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval

Excused: 1 - Mirkarimi

Recommendations of the Rules Committee

**041489 [Regulation of Electioneering Communications]
Supervisors Maxwell, Peskin, McGoldrick, Sandoval, Mirkarimi, Ammiano**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications and by amending Section 1.134 to include electioneering communications within the type of communications that could cause the Ethics Commission to lift the City's expenditure ceilings.

(Supervisor Alioto-Pier dissenting in Committee.)

Supervisor Daly moved to divide the file.

See File No. 050624

DIVIDED by the following vote:

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

Noes: 2 - Alioto-Pier, Elsbernd

PASSED ON FIRST READING by the following vote:

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

Noes: 2 - Alioto-Pier, Elsbernd

050624 [Regulation of Electioneering Communications]

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding Section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications and by amending Section 1.134 to include electioneering communications within the type of communications that could cause the Ethics Commission to lift the City's expenditure ceilings.

4/5/05 - Board To Sit As A Committee of the Whole

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 2 - Alioto-Pier, Elsbernd

- 050348 [Authorizing the Mayor to add additional terms and conditions to the memorandum of agreement between the City and participants in the City's Annual Joint Fundraising Drive]**
Mayor, Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 16.93-5, to authorize the Mayor to add additional terms and conditions to the memorandum of agreement between the City and participants in the City's Annual Joint Fundraising Drive.

PASSED ON FIRST READING by the following vote:

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

Supervisor Mirkarimi Excused from Voting

Supervisor Daly, seconded by Supervisor Ammiano, moved to excuse Supervisor Mirkarimi from voting on this matter. The motion carried by the following vote:

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

- 050531 [Appointment - Association of Bay Area Governments Executive Board]**

Resolution appointing Supervisor Ross Mirkarimi, term ending June 30, 2005, to the Association of Bay Area Governments Executive Board.

Supervisor Ross Mirkarimi, succeeding Supervisor Matt Gonzalez, resigned, seat 2, must be a member of the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2005.

Resolution No. 249-05

ADOPTED by the following vote:

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

- 050532 [Appointment - Association of Bay Area Governments Finance Authority]**

Resolution appointing Supervisor Ross Mirkarimi, term indefinite, to the Association of Bay Area Governments Finance Authority.

Supervisor Ross Mirkarimi, succeeding Supervisor Barbara Kaufman, resigned, seat 1, must be a member of the Board of Supervisors who in turn can appoint up to two alternates to act in his place in all matters authorized, for an indefinite term.

Continued to April 12, 2005

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

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

Supervisors McGoldrick and Sandoval Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisors McGoldrick and Sandoval from voting on this matter. The motion carried by the following vote:

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

050533 [Appointment - California State Association of Counties]

Resolution appointing Supervisor Jake McGoldrick and Supervisor Gerardo Sandoval, terms ending November 28, 2005, to the California State Association of Counties Board of Directors.

Supervisor Jake McGoldrick, succeeding himself, term expired, seat 1, must be a member of the Board of Supervisors, for the unexpired portion of a one-year term ending November 28, 2005.

Supervisor Gerardo Sandoval, succeeding himself, term expired, seat 2, must be a member of the Board of Supervisors, for the unexpired portion of a one-year term ending November 28, 2005.

Resolution No. 250-05

ADOPTED by the following vote:

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

Supervisor Maxwell Excused From Voting

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

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

050536 [Appointment - Peninsula Corridor Study Joint Powers Board]

Resolution appointing Supervisor Sophie Maxwell, term ending June 30, 2006, to the Peninsula Corridor Study Joint Powers Board.

Supervisor Sophie Maxwell; succeeding herself, term expired, seat 1, must be appointed by the Board of Supervisors, for the unexpired portion of a two-year term ending June 30, 2006.

Resolution No. 251-05

ADOPTED by the following vote:

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

050436 [Clerk of the Board to file inactive Charter Amendments]

Supervisor Alioto-Pier

Motion amending Rule 5.37 of the Rules of Order of the Board to require the Clerk of the Board to file proposed Charter Amendments that have not been submitted to the voters by the Board for the next election.

Motion No. M05-51

APPROVED by the following vote:

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

SPECIAL ORDER 10:45 A.M. - Recognition of Commendations**SPECIAL ORDER 11:00 A.M.**

050374 [Public Hearing - Appeal of Tentative Subdivision Map for 4005 Mission Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated February 16, 2005, approving Tentative/Parcel Map to legalize the proposed construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street, San Francisco. (Appellant: Otto Wiegand)

(Companion Measure to Files 050375, 050376, 040377; District 11.)

Jay Ock, President of St. Mary's Park Improvement Club; representing the appellant, Otto Wiegand

Jenny Olsen; support of appellant

Julia; support of appellant

Female Speaker; support of appellant

Cassandra Man Kelly; support of appellant

Sue Hestor, Attorney for St. Mary's Park Neighborhood; support of appellant

John Malamut, Deputy City Attorney reviewed with the Board the CEQA issues.

Barabara Moy, Department of Public Works, reviewed with the Board the Department's recommendations.

Jim Reuben, Reuben & Junius; attorney for project sponsor, James O'Donovan

Joe O'Donoghue, Residential Builders Association; support of project sponsor

Rebuttal Period; Sue Hestor, Attorney for St. Mary's Neighborhood

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

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Subdivision Map 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.)

050486 [Affirming the categorical exemption issued for 4005 Mission Street]

Motion affirming the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M05-50

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

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

050487 [Disapproving the categorical exemption issued for 4005 Mission Street]

Motion disapproving the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

050488 [Preparation of findings related to the categorical exemption issued for 4005 Mission Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

(Only one of the following two motions should be adopted.)**050375 [Tentative Subdivision Map for 4005 Mission Street]**

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street. (Clerk of the Board)

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

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

050376 [Tentative Subdivision Map for 4005 Mission Street]

Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street. (Clerk of the Board)

Amended to include placement and maintenance of trees that would grow to 30 feet.

Motion No. M05-49

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

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

050377 [Findings - 4005 Mission Street]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75 at 4005 Mission Street. (Clerk of the Board)

Motion No. M05-48

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

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

ROLL CALL FOR INTRODUCTIONS

Supervisor Ammiano noted absent at 2:15 p.m.

PUBLIC COMMENT

*Eugene Gordon, Jr.; expressed concern over general issues
Walter; expressed concern over more street cleaning*

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.

**050522 [Urging the Mayor to release funds to the Department of Public Health]
Supervisor McGoldrick**

Resolution urging the Mayor to release funding for the Department of Public Health to fund Public Health Nurses, Senior Medical Social Workers, and a Health Care Billing Clerk in FY 04-05.

**Resolution No. 272-05
ADOPTED**

**050558 [Supporting Day of Silence]
Supervisors Ammiano, Dufty, Elsbernd**

Resolution declaring April 13, 2005 as National Day of Silence in the City and County of San Francisco.
Supervisor Elsbernd requested to be added as a co-sponsor.

**Resolution No. 252-05
ADOPTED**

**050559 [Working Families Credit Day]
Supervisors Ammiano, Dufty**

Resolution declaring April 15, 2005 as Working Families Credit Day in the City and County of San Francisco and encouraging all working families in San Francisco that qualify to take advantage of the federal Earned Income Tax Credit.

**Resolution No. 253-05
ADOPTED**

**050560 [Week of the Young Child]
Supervisors Ma, Dufty**

Resolution recognizing and declaring April 2-10, 2005 as the "Week of the Young Child" in the City and County of San Francisco.

**Resolution No. 254-05
ADOPTED**

**050561 [Commending Martha Villazon]
Supervisors Maxwell, Dufty**

Resolution commending Martha Villazon for her service to the City and County of San Francisco.

Resolution No. 255-05

ADOPTED

**050563 [Exploring instituting voter preregistration system for high school students]
Supervisors Mirkarimi, Ma, Elsbernd**

Resolution calling for the City and County of San Francisco, in conjunction with the San Francisco Unified School District, to investigate the logistics, both administrative and legal, of establishing for the preregistration of high school students to vote in an effort to create universal voter registration.

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

Resolution No. 271-05

ADOPTED

**050546 [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. M05-47

APPROVED

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Ammiano

Severed from Without Reference to Committee Agenda

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

**050562 [Senate Bill 1020 - Transportation Development Act Funds]
Supervisor McGoldrick**

Resolution urging the California State Legislature to support Senate Bill 1020 (Migden) authorizing local jurisdictions to double the current quarter percent sales tax dedicated to local transit and to maintain local streets and roads in rural counties.

REFERRED to the City Operations and Neighborhood Services Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**050591 [Inclusion of transit, pedestrian, and bicycle improvements as part of street improvement projects]
Supervisor Mirkarimi**

Ordinance amending the Public Works Code to add Section 2.4.13 to require the integration of transit, pedestrian, and bicycle improvements as part of the construction, reconstruction, or repaving of public right-of-ways.

4/5/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/5/2005. 04/15/05 - Referred to the Small Business Commission for review and comment.

**050595 [Environmentally Preferable Purchasing for Commodities]
Supervisors Maxwell, Daly**

Ordinance repealing Chapter 2 of the Environment Code which established an environmentally preferable purchasing pilot program and sections 507, 508 and 512 of Chapter 5 and Chapter 9 of the Environment Code which pertain to purchasing certain environmentally preferable commodities and enacting a new Chapter 2 of the Environment Code to establish a comprehensive City-wide Environmentally Preferable Purchasing Program for purchases of commodities; and making conforming changes in Environment Code sections 501, 506 and 511 and Administrative Code sections 21.16 and 21.30.

4/5/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/5/2005. 04/11/05 - Referred to the Dept. of the Environment for review and comment.

05/26/05 - Response received from the Small Business Commission supporting legislation and recommending additional language.

**050601 [Better Neighborhoods Planning and Implementation Process]
Supervisors McGoldrick, Maxwell, Mirkarimi**

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

4/5/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 5/5/2005.

**050602 [Recreation and Park - S.F. Small Craft Harbor Fees]
Supervisor Alioto-Pier**

Ordinance making environmental findings and amending the San Francisco Park Code by repealing Section 12.11 and adopting a new Section 12.11 to increase current fees and add additional rental and services fees at the San Francisco Small Craft Harbor.

4/5/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/5/2005.

Resolutions

**050562 [Senate Bill 1020 - Transportation Development Act Funds]
Supervisor McGoldrick**

Resolution urging the California State Legislature to support Senate Bill 1020 (Migden) authorizing local jurisdictions to double the current quarter percent sales tax dedicated to local transit and to maintain local streets and roads in rural counties.

3/29/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

4/5/05, REFERRED to City Operations and Neighborhood Services Committee.

**050589 [Confirming appointment of Francee Covington to the San Francisco Redevelopment Agency]
Mayor**

Resolution confirming the appointment of Francee Covington by the Mayor to the San Francisco Redevelopment Agency.

4/5/05, RECEIVED AND ASSIGNED to Rules Committee. 4/6/05 - Mailed notice to applicant.

**050590 [Confirming the appointment of London Breed to the San Francisco Redevelopment Agency]
Mayor**

Resolution confirming the appointment of London Breed by the Mayor to the San Francisco Redevelopment Agency.

4/5/05, RECEIVED AND ASSIGNED to Rules Committee. 4/6/05 - Mailed notice to applicant.

**050592 [Supporting non-discrimination in health care services for Transgender people]
Supervisors Dufty, Ammiano**

Resolution supporting non-discrimination in health care services for Transgender people, and endorsing AB 1586.

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050593 [Safety Seat Checkup Week]
Supervisors Ma, Dufty**

Resolution declaring April 10, 2005 through April 16, 2005 as "Safety Seat Checkup Week" in the City and County of San Francisco.

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050594 [Public Safety Telecommunications Week]
Supervisors Ma, Dufty**

Resolution recognizing the hard work and dedication of our public safety professionals and declaring April 10, 2005 through April 16, 2005 as "Public Safety Telecommunications Week" in the City and County of San Francisco.

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050596 [Traffic Regulation - Galvez Street between Newhall Street and Bayview Plaza Shopping Center]
Supervisor Maxwell**

Resolution enacting temporary "Street Closed to Vehicular Traffic" regulation on Galvez Street between Newhall Street and Bayview Plaza Shopping Center from 7:30 A.M. to 3:30 P.M. on every Saturday between May 21, 2005 through December 10, 2005.

4/5/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 04/15/05 - Referred to Parking and Traffic for review and determination of environmental impact.

04/18/05 - Response received from Parking and Traffic, categorically exempt from environmental review.

04/26/05 - Parking and Traffic notified of hearing for posting requirements and advertisement placed in the 05/03/05 edition of the SF Chronicle.

**050597 [Urging the Redevelopment Agency to establish a policy to use 50% of Redevelopment Tax Increment proceeds for affordable housing]
Supervisors Maxwell, Daly**

Resolution urging the Redevelopment Agency of the City and County of San Francisco to establish a housing policy setting a clear intent to use over 50% of total tax increment funds for low and moderate income housing and to include a statement of such intent in all future redevelopment plans submitted to the Board of Supervisors for its approval.

4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050598 [Accept-Expend Federal Funding - Community Development Block Grant]
Mayor**

Resolution approving the 2005 Community Development Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's 2005 Community Development Block Grant (CDBG) entitlement from the U.S. Department of Housing and Urban Development, and Program Income of \$31,336,306 which include indirect costs of \$120,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs.

4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050599 [Accept-Expend Federal Funding - HOME Program]
Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend the City's 2005 HOME Program entitlement grant from the U.S. Department of Housing and Urban Development (HUD) and Program Income of \$10,804,442 for the HOME Program authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the HOME Program description as described in the 2005 Action Plan for San Francisco's Consolidated Plan.

4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050600 [Federal Funding - Emergency Shelter Grants Program]
Mayor**

Resolution approving the 2005 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept and expend a \$923,756 entitlement grant under the Emergency Shelter Grants Program from the U.S. Department of Housing and Urban Development.

4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050603 [Declaring April 13, 2005 Healthcare for All Children Day]
Supervisor Dufty**

Resolution declaring April 13, 2005 Healthcare for All Children Day.
4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050607 [Approving San Francisco Local Hazard Mitigation Plan]
Supervisor Alioto-Pier**

Resolution approving the Association of Bay Area Governments Report "Taming Natural Disasters" as the City and County of San Francisco's Local Hazard Mitigation Plan.
4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050608 [Dance Week in San Francisco]
Supervisor Dufty**

Resolution supporting Bay Area Celebrates National Dance Week, and declaring April 22 through May 1, 2005 as Dance Week in San Francisco.
4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050609 [Rejecting Sewer Rate Increase]
Supervisors McGoldrick, Mirkarimi**

Resolution rejecting the Public Utilities Commission's most recent sewer rate increase.

(Fiscal impact.)
(Supervisors Ma and McGoldrick dissenting in Committee.)
4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050614 [Rejecting Water Rate Increase]
Supervisor McGoldrick**

Resolution rejecting the Public Utilities Commission's most recent Water Rate increase.

(Fiscal impact.)
4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050610 [Foster Care Month]
Supervisors Maxwell, Dufty**

Resolution recognizing May 2005 as Foster Care Month.
4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050611 [Issuance and sale of multifamily housing revenue bonds by CSCDA for Jackie Robinson Apartments]
Supervisor Maxwell**

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$17,000,000 for the Jackie Robinson Apartments (as described herein).

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050612 [Supporting AB799 - Local vehicle license fee for San Francisco]
Supervisors Mirkarimi, Peskin, Ammiano, McGoldrick, Maxwell, Dufty**

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 799 (AB799), introduced by Assemblymember Mark Leno, the "Local vehicle license fee for San Francisco"

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050613 [Armenian Genocide Commemoration Day]
Supervisors Peskin, Dufty, Elsbernd**

Resolution declaring April 24, 2005 as Armenian Genocide Commemoration Day in San Francisco.

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

**050615 [Transbay Redevelopment Plan - May 10, 2005 Committee of the Whole 2005, at 4:00 p.m.]
Supervisor Peskin**

Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of the Transbay Redevelopment Plan, and related documents and agreements.

4/5/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**050604 [Public Education Fund Allocation Plan]
Supervisor Ammiano**

Hearing on the Public Education Fund Allocation Plan.

4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee. Sponsor requests this item be scheduled for consideration at the April 14, 2005 meeting.

**050605 [Hotel/Labor Dispute Hearing]
Supervisor Alioto-Pier**

Hearing to discuss the current status of the ongoing hotel/labor dispute and calling for the CEOs of the corporate entities that operate the 14 Multi-Employer Group hotels as well as national leadership of UNITE/HERE to come before the Board of Supervisors to discuss the present situation.
4/5/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050606 [Graffiti Issues in Schools]
Supervisor Ma**

Hearing to review and discuss graffiti issues in schools, including, but not limited to the possibility of installing cameras or the use of graffiti proof paint to prevent graffiti vandalism.
4/5/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

PROPOSED ORDINANCES

050581 [Settlement of Claims - Pacific Gas & Electric Company]

Ordinance approving the partial settlement of claims asserted by the City and County of San Francisco in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM, and by Pacific Gas & Electric Company against the City and County of San Francisco in that same proceeding. (City Attorney)
3/28/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the feasibility of installing stop signs at the intersections of Foote Avenue and Huron Street and Foote Avenue and Alemany Boulevard.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of repair of the sidewalk square at 814 Hayes Street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of repair for the trench that is a sinkhole running east and west on Arguello between Carl and Irving.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To research options to require the San Francisco Unified School District to cooperate and comply with City and County Sunshine laws in light of the expanded fiduciary relationship (example, Proposition H, 2003) between both entities.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft legislation regarding Electioneering Communications, specifically:

· Amending the Campaign and Governmental Conduct Code's limits on contributions be extended to those entities making electioneering communications.

· Requiring that after the filing of the first electioneering communication report, subsequent expenditures and contributions be reported within 48 hours of their reaching \$1,000.

· Exempting websites and web blogs as electioneering communications and recognizing websites and web blogs as bona-fide news medium unless that website is owned or controlled by any political party, political committee or candidate.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to establish a task force to explore solutions to the disproportionate or over representation of African American children in the foster care system.

In Memoriams

Boyd Stephens (Entire Board)

Fred Korematsu (Entire Board)

Shirley Baer (Supervisor Elsbernd)

Bonnie Laurie (Guinee) Buijen (Supervisor Ma)

Michael Page (Supervisor Mirkarimi)

Lee Mallory (Supervisor Peskin)

ADJOURNMENT

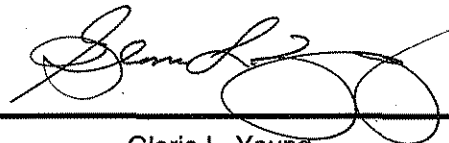
There being no further business the Board adjourned at the hour of 2:20 p.m.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on May 3, 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