

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, May 9, 2006 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

*MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL*

Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Daly, Dufty, Peskin, Mirkarimi, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Ammiano, Alioto-Pier, Peskin

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Mirkarimi, Elsbernd, Ammiano

Select Committee on Ending Gun and Gang Violence

Supervisors Maxwell, Mirkarimi, Ammiano

Meeting Days

Wednesday
1:00 PM

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Thursday
10:00 AM

1st and 3rd Monday
10:00 AM

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

Volume 101 Number

Members Present: Michela Alloto-Pier, Tom Ammiano, Chris Daly, Bevan Duffy, 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 2:06 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

060256 [Sale of real property located at Broadway and Sansome Streets (235-295 Broadway) (Assessor's Block 165 Lot 21) to Redevelopment Agency for \$1,500,000.00 and appropriating the sales proceeds for roadway maintenance of the Embarcadero.]

Supervisor Peskin

Ordinance approving the sale of real property located at Broadway and Sansome Streets (235-295 Broadway) (Assessor's Block 165 Lot 21) to the Redevelopment Agency of the City and County of San Francisco (the "Agency") for \$1,500,000.00; authorizing the Director of Property to enter into an Agreement for the Sale of Real Property with the Agency for the sale of such real property for the development of affordable housing and appropriating \$1,500,000.00 of the sales proceeds to the Department of Public Works for roadway maintenance of the Embarcadero.

(Fiscal impact.)

Ordinance No. 93-06

FINALLY PASSED

060473 [Appropriating \$148,713,421 of bond proceeds to fund the Water System Improvement Program at San Francisco Public Utilities Commission]

Mayor

Ordinance appropriating \$148,713,421 of bond proceeds to support the Water System Improvement Program (WSIP) in the San Francisco Public Utilities Commission (SFPUC) for Fiscal Year 2005-06.

(Fiscal impact.)

Ordinance No. 89-06

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee**060291 [Liquor License Transfer, 86 Second Street]**

Resolution determining that the transfer of a Type 47 on-sale general for bona fide public eating place license from 1695 Market Street to 86 Second Street, and the exchange of said license for a Type 48 on-sale general public premises license for M & M Group Assets, Inc. dba DaDa SF Studio, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

Resolution No. 289-06

ADOPTED

060496 [Accept-Expend a grant from the Friends of the San Francisco Public Library]

Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to retroactively accept and expend a grant in the amount of \$23,400 from the Friends of the San Francisco Public Library for a part-time, as-needed, editor for the publication, At the San Francisco Public Library.

Resolution No. 295-06

ADOPTED

060498 [Grant to provide direct access to housing for chronic alcoholics]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept and expend a new grant in the amount of \$982,033 from the US Department of Housing and Urban Development (HUD) for direct access to housing for chronic alcoholics, to enter into an agreement for the use of these funds, and to add one (1.0) new position funded through this agreement; for the period of April 1, 2006, to March 31, 2008.

Resolution No. 296-06

ADOPTED

Recommendation of the Government Audit and Oversight Committee**060368 [Fixing Compensation - Unrepresented Employees]**

Mayor

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, 2006.

(Fiscal impact.)

Ordinance No. 100-06

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

051065 [Zoning Map Amendment for 425 Mason Street]

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 425 Mason Street, and identified as Assessor's Block No. 0306, Lot No. 002, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

Ordinance No. 96-06

FINALLY PASSED

Recommendations of the Rules Committee**051837 [Exceptions to the Ban on Compensated Advocacy]**

Supervisors Mirkarimi, Ammiano

Ordinance amending Section 3.224 of the Campaign and Governmental Conduct Code to clarify that the exception to the ban on compensated advocacy for City officers who are licensed attorneys applies to City officers who are licensed attorneys engaged in the practice of law, which includes representing clients in communications with the City Attorney's Office, District Attorney's Office, the Public Defender's Office, attorneys in the Tax Collector's Office or Sheriff's Department, outside legal counsel hired by the City, and City officers and employees who are named in a pending litigation matter or are witnesses or potential witnesses in a pending litigation matter. (Ethics Commission)

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

Ordinance No. 97-06

FINALLY PASSED

051876 [Statements of Economic Interests for Candidates for City Elective Office]

Supervisors Mirkarimi, Ammiano

Ordinance amending section 3.1-102 of the Campaign and Governmental Conduct Code to require all candidates for City elective office to file statements of economic interests with the Department of Elections no later than the final filing date for a declaration of candidacy. (Ethics Commission)

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

Ordinance No. 98-06

FINALLY PASSED

060463 [Settlement of Lawsuits - Pacific Gas and Electric Company and Television Signal Corp.]

Ordinance authorizing settlement of three lawsuits filed by Pacific Gas and Electric Company and Television Signal Corp. against the City and County of San Francisco for a total of \$1,156,164.00. Pacific Gas and Electric Co v. City and County of San Francisco was filed April 30, 1999, in the United States District Court, Case No. C99-2071 VRW. Television Signal Corp. v. City and County of San Francisco was filed June 29, 2000, in United States District Court, Case No. C00-2311 VRW. Pacific Gas and Electric Co. v. City and County of San Francisco was filed July 21, 2005 in San Francisco Superior Court, Case No. 443-277. The lawsuit entitled Television Signal Corp v. City and County, Case No. C00-2311 VRW, is settled without any payment. (City Attorney)

Ordinance No. 101-06

FINALLY PASSED

060529 [Appointment - Sunshine Ordinance Task Force]

Resolution appointing Nicholas Mueller, term ending April 27, 2008, to the Sunshine Ordinance Task Force.

Nicholas Mueller, succeeding himself, term expired, seat 10, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2008.

Resolution No. 297-06

ADOPTED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

060610 [Adopting findings related to disapproving the categorical exemption issued for the 869 North Point Street Project]

Motion adopting findings related to disapproving the determination by the Planning Department that the 869 North Point Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

Motion No. M06-45

APPROVED by the following vote:

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

Recommendation of the Budget and Finance Committee

**060393 [Prohibiting Smoking on Golf Courses]
Supervisors McGoldrick, Ammiano**

Ordinance amending Section 1009.81 of the Health Code to prohibit smoking on golf courses.

(Fiscal impact.)

(Supervisors Peskin and Elsbernd dissented in Committee.)

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

PASSED ON FIRST READING by the following vote:

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

From the City Operations and Neighborhood Services Committee Without Recommendation**060013 [Amending the Police Code to allow pawnbrokers to operate on Mondays following a holiday]
Supervisor Ma**

Ordinance amending Section 2809 of the San Francisco Police Code to allow pawnbrokers to operate on Mondays following a holiday, and to make clerical corrections.

Question allowing pawnbrokers to operate on Sundays was divided and considered separately under File No. 060672.

PASSED ON FIRST READING by the following vote:

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

060672 [Amending the Police Code to allow pawnbrokers to operate on Sundays]

Ordinance amending Section 2809 of the San Francisco Police Code to allow pawnbrokers to operate on Sundays and to make clerical corrections.

PASSED ON FIRST READING by the following vote:

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

From the Clerk**060347 [Transbay Redevelopment Project -Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement]
Supervisor Daly**

Ordinance approving a Tax Increment Allocation and Sales Proceeds Pledge Agreement and an Option Agreement for the Transbay Redevelopment Project Area between the City and County of San Francisco, the Transbay Joint Powers Authority and the Redevelopment Agency of the City and County of San Francisco; making environmental findings and findings of consistency with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1; authorizing other steps to implement the Transbay Redevelopment Plan; and adopting other findings pursuant to the California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33679.

(Fiscal impact.)

Ordinance No. 99-06

FINALLY PASSED by the following vote:

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

Called from the Land Use and Economic Development Committee

**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.

Ordinance No. 94-06

FINALLY PASSED 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 Maps 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 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.

Ordinance No. 95-06

FINALLY PASSED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

- 060250 [Closing specified streets in Golden Gate Park on Saturdays on a trial basis for six months beginning approximately on Memorial Day Weekend 2006]**
Supervisors McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit, on a trial basis for six months, motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Kezar Drive and Transverse Drive; Arguello Boulevard; Conservatory Drive East and Conservatory Drive West; 8th Avenue; Bowling Green Drive between John F. Kennedy Drive and Middle Drive East; and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive; to require reports from the Recreation and Park Department and Department of Parking and Traffic pertaining to the Saturday road closures; to require the Golden Gate Park Concourse Authority to share its own data and reports that are relevant to the Saturday road closures with the aforementioned departments; to require a hearing on the Saturday road closures before the Board of Supervisors or a Board committee; and making environmental findings.

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 May 15, 2006. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before June 14, 2006.

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
 Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

- 060443 [Prohibition on condominium conversion for buildings where specified evictions occurred]**
Supervisors Peskin, Ammiano, Daly, Maxwell

Ordinance amending the Subdivision Code to add Section 1396.2 to prohibit condominium conversion for a building where specified evictions occurred and making findings, including environmental findings.

Supervisor Mirkarimi was previously excused from voting on this matter.

Supervisors Ammiano, Daly and Maxwell requested to be added as co-sponsors.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
 Noes: 3 - Alioto-Pier, Elsbernd, Ma
 Excused: 1 - Mirkarimi

NEW BUSINESS**Recommendations of the Budget and Finance Committee****060476 [Cash Revolving Funds - Commission on the Environment]
Mayor**

Ordinance amending the Administrative Code by deleting Section 10.169-12.

PASSED ON FIRST READING by the following vote:

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

060333 [IHSS Provider Benefits and Administration Contract Approval – San Francisco IHSS Public Authority]
Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of Administration, health and dental benefits to IHSS Independent Providers for the period of July 1, 2006 to June 30, 2012, in the amount of \$201,786,117.00 (Human Services Department)

(Fiscal impact.)

Resolution No. 291-06

ADOPTED by the following vote:

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

060336 [Contract between the Department of Public Health and Toyon Associates, Inc. to provide regulatory reporting and reimbursement and revenue optimization services]

Resolution retroactively authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to contract between the City and County of San Francisco and Toyon Associates, Inc. to provide regulatory reporting and reimbursement and revenue optimization services for the period of April 1, 2006 through March 31, 2010. (Public Health Department)

(Fiscal impact.)

Resolution No. 292-06

ADOPTED by the following vote:

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

060337 [Contract between the Department of Public Health and Health Advocates, LLC to provide uncompensated care recovery services]

Resolution retroactively authorizing the Director of Public Health and the Purchaser to execute a contract between the City and County of San Francisco and Health Advocates, LLC to provide uncompensated care reimbursement recovery services. (Public Health Department)

Resolution No. 293-06

ADOPTED by the following vote:

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

Recommendations of the City Operations and Neighborhood Services Committee**060203 [Tunnel Avenue Weight Restrictions]**

Ordinance amending Section 28.2 of the San Francisco Traffic Code to extend restrictions on certain vehicles over 18,000 pounds for two blocks of Tunnel Avenue south of Blanken Avenue. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

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

**060162 [Amending the Traffic Code to establish a single consolidated list of weight-restricted streets]
Supervisor Maxwell**

Ordinance amending the Traffic Code by repealing Sections 28.4 and 28.5, amending Sections 28.1 and 28.1.19, renumbering Sections 28.5.1 through 28.5.59 as 28.1.110 through 28.1.165, and adding new Sections 28.1.166 through 28.1.170 to: correct obsolete references to Army Street; establish a consolidated list of weight-restricted streets on which vehicles with a gross vehicle weight of 6000 pounds or more are, with specified exceptions, prohibited; add Ledyard Street between Silver Avenue and Thornton Avenue, Vesta Street between Thornton Avenue and Williams Avenue, Scotia Avenue between Silver Avenue and Thornton Avenue and Thornton Avenue between Bayshore Boulevard and 3rd Street to the list of restricted streets; and clarify the exceptions applicable to weight restricted-street requirements. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

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

**060441 [Parking Regulations - Glen Park]
Supervisor Duffy**

Resolution enacting parking regulations at various locations.

PARKING METER AREA 3, 2-HOUR, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Bosworth Street, north side, from Diamond Street to Lippard Street.

2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Bosworth Street, north side, from Lippard Street to Elk Street.

(3/31/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Resolution No. 294-06

ADOPTED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

**060354 [Approving General Plan amendments to South Bayshore Area Plan]
Supervisor Maxwell**

Ordinance approving General Plan amendments to the South Bayshore Area Plan; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

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

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

060559 [Public Hearing - May 9, 2006 Amendments Redevelopment Plan - Bayview Hunters Point Redevelopment Project]

Hearing to consider amendments to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project area presented by the Redevelopment Agency at the May 9, 2006 Board of Supervisors meeting.

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

Marcia Rosen, Executive Director, Redevelopment Agency, and Tom Evans, Project Manger for Redevelopment Agency and John Lau, Planning Department reviewed the Bayview Hunters Point Redevelopment Plan with the Board members.

Leuren Moret; opposed to the Bayview Hunters Point Redevelopment Plan Member, Bayview Hunters Point Project Area Committee (PAC); requested an amendment to include an election process in the committee membership

Roland Sheppard; Retired, Local 4 Painters Union; opposed to the Bayview Hunters Point Redevelopment Plan

Laura Travelling; support of the Bayview Hunters Point Redevelopment Plan

Charlie Walker; opposed to the Bayview Hunters Point Redevelopment Plan

Terri Baum; opposed to the Bayview Hunters Point Redevelopment Plan

Hope Young; support of the Bayview Hunters Point Redevelopment Plan

Mr. Campbell; opposed to the Bayview Hunters Point Redevelopment Plan

Terri; opposed to the Bayview Hunters Point Redevelopment Plan

Ellouise Patton; support of the Bayview Hunters Point Redevelopment Plan

Dr. Ashimia Porter Sumchai, M.D.; opposed to the Bayview Hunters Point Redevelopment Plan

Michael Lydon; opposed to the Bayview Hunters Point Redevelopment Plan

Doris Vincent; support of the Bayview Hunters Point Redevelopment Plan

Rondell Clayton; ensure to have low-include affordable housing and employment opportunities

Regina Davis; support of the Bayview Hunters Point Redevelopment Plan

Ed Donaldson; support of the Bayview Hunters Point Redevelopment Plan

Angelo King; support of the Bayview Hunters Point Redevelopment Plan

Oscar James; support of the Bayview Hunters Point Redevelopment Plan

K. Letman; expressed concern with issues relating to the Bayview Hunters Point Redevelopment Plan

Jessica; opposed to the Bayview Hunters Point Redevelopment Plan

Espanala Jackson; opposed to the Bayview Hunters Point Redevelopment Plan

Mike Garza; opposed to the Bayview Hunters Point Redevelopment Plan

Mark Soloman; opposed to the Bayview Hunters Point Redevelopment Plan

Michael Strauss; expressed concern with issues relating to the Redevelopment Agency

Al Norman; support of the Bayview Hunters Point Redevelopment Plan

Dan Dowd; support of the Bayview Hunters Point Redevelopment Plan

Al Williams; support of the Bayview Hunters Point Redevelopment Plan

PAC Member; support of the Bayview Hunters Point Redevelopment Plan

Christina; support for an election process for PAC

Carol Harvey; expressed concern with issues relating to the Bayview Hunters Point Redevelopment Plan

Male speaker; support of the Bayview Hunters Point Redevelopment Plan with certain amendments

James Salinas; support of the Bayview Hunters Point Redevelopment Plan

Ollie Burgess; support of the Bayview Hunters Point Redevelopment Plan

Anne Garrison; opposed to the Bayview Hunters Point Redevelopment Plan

Male speaker; support of the Bayview Hunters Point Redevelopment Plan

Ace Washington; opposed to the Bayview Hunters Point Redevelopment Plan

and need for accountability from the Redevelopment Agency

Editor, Bayview Black Newspaper; opposed to the Bayview Hunters Point Redevelopment Plan

Male speaker; opposed to the Bayview Hunters Point Redevelopment Plan

Willie Ratcliff; opposed to the Bayview Hunters Point Redevelopment Plan

Gera Brown; opposed to the Bayview Hunters Point Redevelopment Plan

Gloria L. Young, Clerk of the Board informed the President that communications were received objecting to the proposed Bayview Hunters Point Redevelopment Plan.

The public hearing was continued to May 16, 2006 for the purpose of hearing public testimony on the proposed five amendments only.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

060343 [Adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project] Supervisor Maxwell

Ordinance approving and adopting the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is 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.

(Fiscal impact.)

(4/26/06 - Recommended subject to the following issues being resolved: periodic audit, timing of funding, historic resource survey issue, delegation agreement, longevity of the project area committee, appealing decisions from the Commission related to land use entitlement to the Board of Supervisors.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

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

Continued as amended to May 16, 2006

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be **CONTINUED AS AMENDED**. The motion carried by the following vote:

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

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

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 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, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell welcomed and introduced Vice Governor of Abijan, Samul Mobio.

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to Michele Byrnes, Director "HAY" in recognition of Foster Care Day.

SPECIAL ORDER 4:00 P.M.**060240 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 229 32nd Avenue (aka 7070 California), Katherine Delmar Burke School Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site is rectangular in shape, consisting of approximately 7,200 sq.ft. or 0.165 acre in size. The project site, within the Katherine Delmar Burke School campus, is set back from El Camino del Mar to the north and is also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: Lincoln Park Homeowners Association, represented by Diane K. Hanna, Attorney, Ellman Burke Hoffman & Johnson, a Professional Corporation.)

(Filed February 15, 2006; companion measure to Files 060241, 060242, 060243; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board members. There were none.

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 categorical exemption from environmental review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)**060241 [Affirming the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**

Motion affirming the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, 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

060242 [Disapproving the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]

Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, 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

060243 [Preparation of findings related to the 229 32nd Avenue (Katherine Delmar Burke School) project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 229 32nd Avenue (Katherine Delmar Burke School) is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, 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

COMMITTEE REPORTS

060593 [Waiving fees for banners to be placed by the Mayor's Memorial Day Citizens Committee to publicize an event or events to commemorate Memorial Day 2006 in San Francisco]

Supervisor Peskin

Ordinance waiving banner fees under San Francisco Public Works Code Section 184.78 for up to 60 banners to be placed by the Mayor's Memorial Day Citizens Committee to publicize an event or events commemorating Memorial Day 2006 in San Francisco.

PASSED ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to homelessness

John di Donna; expressed concern with issues relating to the Muni

James Chaffee; expressed concern with issues relating to the Friends of the Library Foundation

Eugene Gordon, Jr. expressed concern with issues relating to human rights

Jim Adams; showed interest in a peace activist connection

Randall Evans; expressed concern with issues relating to the Redevelopment Agency, loss of wages and claims relating to the Sheeba Sheeba project

Ace Washington; expressed concern with issues relating to the Redevelopment Agency and prevailing wages

Richard McRee; expressed concern with issues relating to the possible framing of the Sigmond Stern Grove Stage

Deborah Doyle; expressed gratitude for supporting Proposition 81

MaryAnne Chadwell Taylor; expressed gratitude for supporting Proposition 81

Ms. Johnson; expressed concern with general issues

William Pender; expressed concern for new officers for PRO

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

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

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

060555 [Closed Session - Existing Litigation]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant, and the following regulatory matters in which the City and County of San Francisco is an active participant:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits listed below.

Pacific Gas and Electric Company v. City and County of San Francisco; U.S. Bankruptcy Court, Northern District of California, Case No. 01-30923-DM; Adv. Proc. No. 04-3071, filed April 30, 2004;

City and County of San Francisco v. Pacific Gas and Electric Company, Federal Energy Regulatory Commission, Docket No. EL05-133-000, filed June 29, 2005;

Pacific Gas & Electric Company, Docket No. ER05-1190-000, Federal Energy Regulatory Commission, filed July 1, 2005. (City Attorney)

CLOSED SESSION

The Board recessed at the hour of 6:23 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 6:28 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 10

Persons in attendance: Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Dufty was noted absent at 6:23 p.m.

- Cheryl Adams, Deputy City Attorney
- Ken Bruce, Budget Analyst's Office
- Monique Zmuda, Controller's Office
- Susan Leal, SFPUC
- Barbara Hale, SFPUC
- Theresa Mueller, Deputy City Attorney
- Scott McDonald, SFPUC
- Laura Spanjian, SFPUC
- Gloria L. Young, Clerk of the Board
- Kay Gulbengay, Deputy Clerk

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved. The motion carried by the following vote:

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

Absent: 1 - Dufty

From the Budget and Finance Committee Without Recommendation

**060474 [Appropriating \$3,187,130 of Hetch Hetchy Unappropriated Fund Balance to defend the City and County of San Francisco's rights for services it receives from PG&E]
Mayor**

Ordinance appropriating \$4,100,000 of Unappropriated Fund Balance to support Legal Services in Hetch Hetchy Water & Power Department for Fiscal Year 2005-06.

(Fiscal impact.)

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

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

Absent: 1 - Dufty

Ordinance appropriating \$3,187,130 of Unappropriated Fund Balance to support Legal Services in Hetch Hetchy Water & Power Department for Fiscal Year 2005-06.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Absent: 1 - Dufty

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.

- 060605 [Supporting Proposition 81, the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006]**
Supervisors Ma, Peskin

Resolution supporting Proposition 81, the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006.

Resolution No. 298-06

ADOPTED

- 060606 [Commending Northern California Public Broadcasting]**
Supervisor Ma

Resolution commending Northern California Public Broadcasting for its contributions to strengthen public broadcasting in the region.

Resolution No. 299-06

ADOPTED

- 060607 [Skin Cancer Screening]**
Supervisor Mirkarimi

Resolution commending University of California San Francisco Department of Dermatology and the American Academy of Dermatology for sponsoring May 6, 2006 free skin cancer screening at the U.C.S.F. Mount Zion campus.

Resolution No. 300-06

ADOPTED

- 060608 [Supporting H.R. 5161, the "Commission on Mexican-American Removal during 1929-1941 Act"]**
Supervisor Sandoval

Resolution supporting H.R. 5161, the "Commission on Mexican-American Removal during 1929-1941 Act."

Resolution No. 290-06

ADOPTED

- 060580 [Final Map for a 17 Unit Residential Condominium Project]**

Motion approving Final Map of 1277 Howard Street and 776 Tehama Street, A Residential Condominium Project, being a subdivision of Lot 76 in Assessor's Block No. 3729, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,951; District 6.)

Motion No. M06-44

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

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

**060609 [Preserve Civic Center Hotel]
Supervisor Daly**

Resolution urging the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry Local 38 Pension Trust Fund to seismically retrofit and preserve the Civic Center Hotel.

Supervisor Alioto-Pier requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION**Introduced by Supervisors or Mayor****Ordinances****060637 [Reenacting a Disadvantaged Business Enterprise Program]
Supervisor Ma**

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.

5/9/06, ASSIGNED to Board of Supervisors.

**060640 [Zoning Map Amendment]
Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the use designation of Lot 11C in Assessor's Block 6954 from RH-1 (One-Family) to NC-3 (Moderate-Scale Neighborhood Commercial District); adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

5/9/06, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/8/2006.

**060641 [Zoning -Three-Month Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]
Supervisor Ammiano**

Urgency Ordinance approving a three-month extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

5/9/06, ASSIGNED to Board of Supervisors. To be considered on May 23, 2006 at 3:30 PM by the Board of Supervisors' convening as a Committee of the Whole.

**060643 [Removing Arguello Boulevard and a portion of Conservatory Drive West in Golden Gate Park from the trial Saturday closure]
Supervisor McGoldrick**

Ordinance amending the Park Code by amending Section 6.12 to remove Arguello Boulevard and a portion of Conservatory Drive West in Golden Gate Park from the Saturday motor vehicle traffic closure and making environmental findings.

5/9/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**060644 [Clarification Regarding Filing of a Declaration of Intention to Become a Candidate]
Supervisor Peskin**

Ordinance amending section 1.122 of the Campaign and Governmental Conduct Code to clarify that the prohibition on filing a declaration of intention to become a candidate for more than one City elective office applies only to offices being voted on at the same election.

5/9/06, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/8/2006.

**060653 [Emergency contracts and appropriation to relocate the utility lines at San Francisco Crime Lab and prepare building program to relocate the forensic lab to a new location]
Mayor**

Ordinance approving award of emergency contracts and appropriating \$820,000 for various consultant and construction services on an as-needed basis to relocate the sewer system at the San Francisco Crime Lab and prepare a building program to relocate the forensic lab to a new location.

(Fiscal impact.)

5/9/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060654 [Payroll Expense Tax Exclusion for Persons Who Hire the Disabled and the Indigent]
Supervisor Alioto-Pier**

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion retroactive to January 1, 2006 for persons who hire the disabled and the indigent, as specified.

(Fiscal impact.)

5/9/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 05/15/06 - Referred to Small Business Commission for Review.

**041005 [Pedestrian Protections]
Supervisor Ma**

Ordinance adding Sections 73, 73.1, 75, and 79 to the San Francisco Traffic Code to require the Director of Parking and Traffic to: (1) install countdown pedestrian signals, (2) designate specific crosswalk signal crossing times, and (3) upon the recommendation of the Pedestrian Safety Advisory Committee, install one hundred signs a year for three years informing the public regarding prohibited sidewalk activities; adding Sections 703.3, 703.4, and 703.5 to the San Francisco Public Works Code to require the Director of Public Works to install: (1) corner curb bulb-outs at the intersections of Dr. Carlton B. Goodlett Place with McAllister and Grove Streets, as permitted by state and local law, by June 30, 2007, and (2) ADA compliant curb-cut ramps on every sidewalk corner in the City by June 30, 2014; and providing that the requirements and schedules for installation of certain devices and improvements shall be considered for inclusion in the San Francisco Pedestrian Master Plan and that funding may be sought through the Proposition K Expenditure Plan.

(03/21/06 in Board: Supervisor Ma submitted a substitute ordinance bearing new title. Fiscal impact.)

7/13/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/12/2004.

8/11/04, REFERRED TO DEPARTMENT. Referred to Department of Parking and Traffic for environmental review.

12/7/04, SUBSTITUTED. Supervisor Ma submitted a substitute ordinance bearing new title.

12/7/04, ASSIGNED to Land Use Committee.

12/9/04, REFERRED TO DEPARTMENT. Referred to Department of Parking and Traffic for environmental review.

12/10/04, REFERRED TO DEPARTMENT. Referred to Department of Parking and Traffic as a courtesy.

12/15/04, REFERRED TO DEPARTMENT. Referred to Planning Department (Interim Director of Planning) for environmental review.

12/17/04, REFERRED TO DEPARTMENT. Referred to Planning Department (Environmental Review Officer) for environmental review.

12/20/04, TRANSFERRED to Finance and Audits Committee.

12/20/04, RESPONSE RECEIVED. DPT responding that item is not under their purview.

12/22/04, RESPONSE RECEIVED. Planning Department environmental review; categorically exempt.

1/31/05, TRANSFERRED to Budget and Finance Committee. New committee structure effective 2/7/05.

2/1/05, TRANSFERRED to Land Use Committee.

2/1/05, SUBSTITUTED. Supervisor Ma submitted a substitute ordinance bearing new title.

2/1/05, ASSIGNED to Land Use Committee.

3/9/05, TRANSFERRED to Budget and Finance Committee.

12/29/05, FILED PURSUANT TO RULE 5.37.

3/7/06, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Ma requested this matter be reactivated.

3/8/06 - Supervisor Mirkarimi requested to be added as co-sponsor.

3/7/06, ASSIGNED to Land Use and Economic Development Committee.

3/21/06, SUBSTITUTED. Supervisor Ma submitted a substitute ordinance bearing new title.

3/21/06, ASSIGNED to Land Use and Economic Development Committee.

3/28/06, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

04/13/06 - Categorically Exempt from CEQA.

4/14/06, TRANSFERRED to Budget and Finance Committee.

5/9/06, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Ma requested this matter be reactivated.

5/9/06, ASSIGNED to Budget and Finance Committee.

**060107 [Child product safety]
Supervisors Ma, Maxwell, Alioto-Pier**

Ordinance amending the San Francisco Health Code by adding Chapter 34, Sections 34.1 through 34.3, to prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that is intended for use by a child under three years of age if it contains bisphenol-A or other specified chemicals, and to require manufacturers to use the least toxic alternative to those substances, and setting an operative date.

1/24/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

2/6/06, REFERRED TO DEPARTMENT. Referred to Youth Commission for review and recommendation.

3/7/06, RESPONSE RECEIVED. Voted unanimously to support draft ordinance.

5/2/06, SUBSTITUTED. Supervisor Ma submitted a substitute ordinance bearing new title, and approved as to form.

5/2/06, ASSIGNED to City Operations and Neighborhood Services Committee.

5/9/06, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and recommendation.

5/9/06, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Ma called this measure from City Operations & Neighborhood Services Committee.

**060266 [Japantown Special Use District]
Supervisor Mirkarimi**

Ordinance adding Planning Code Section 249.31 to establish the Japantown Special Use District for property generally bounded by Bush Street, Geary Boulevard, Laguna Street, and Fillmore Street, as defined herein, to require conditional use authorization and additional Planning Commission findings for specified uses, and to require specified posted and mailed notice; amending Planning Code Section 703.3 to require conditional use authorization for the establishment of formula retail uses in this District; amending the City's Zoning Map Sectional Map 2SU to reflect the boundaries of this District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

2/28/06, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2006.

3/3/06, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

3/10/06, RESPONSE RECEIVED. Exempt from CEQA, non-physical exemption.

5/9/06, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

5/9/06, ASSIGNED to Land Use and Economic Development Committee.

5/10/06, RESPONSE RECEIVED. Substitute legislation is exempt from CEQA.

Resolutions

**060609 [Preserve Civic Center Hotel]
Supervisor Daly**

Resolution urging the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry Local 38 Pension Trust Fund to seismically retrofit and preserve the Civic Center Hotel.

5/2/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/9/06, REFERRED to Land Use and Economic Development Committee. Supervisor Alioto-Pier requested that this matter be referred to Committee.

**060639 [Grant of Local Funds - Municipal Transportation Agency]
Mayor**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$199,992 of Carl Moyer grant funds from the Bay Area Air Quality Management District to purchase and install new engines on 12 articulated motor coaches.

5/9/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Mayor requests this matter be heard as soon as possible.

**060642 [Traffic Regulation – Closure of Jack Kerouac Alley to vehicular traffic]
Supervisor Peskin**

Resolution closing Jack Kerouac Alley (formerly known as Adler Street) between Grant Avenue and Columbus Avenue to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; accepting offers of quitclaim deeds for abutters' rights vehicular access to Jack Kerouac Alley; and authorizing official acts in connection with the street closure.

5/9/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**060650 [Amendment to Lease for Space at 11 Grove Street]
Mayor**

Resolution authorizing the Department of the Environment to enter into a third lease amendment for space at 11 Grove Street.

5/9/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060585 [Ten Year Capital Expenditure Plan]
Supervisors Elsbernd, Peskin**

Resolution adopting the City's initial ten year capital expenditure plan.

5/9/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060656 [Urging the San Francisco Unified School District Board meetings be televised on SFGTV Channel 26]
Supervisors Ammiano, Alioto-Pier, Mirkarimi**

Resolution urging the San Francisco Unified School District (SFUSD), the San Francisco Board of Supervisors, DTIS and the Mayor's Office collaborate to finalize a plan and the funding necessary to televise the SFUSD Board Meetings on SFGTV Channel 26.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060657 [Reauthorization of the Ryan White Care Act]
Supervisors Ammiano, Dufty, Mirkarimi**

Resolution affirming that the San Francisco Board of Supervisors endorses "The Consolidated Statement on Key Principles for Reauthorization of the Ryan White CARE Act as proposed by Health and Human Services (HHS)."

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060658 [Authorizing Application for BEGIN Funds]
Supervisors Daly, Maxwell**

Resolution authorizing the submittal of applications to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of one or more standard agreements if selected for such funding and any amendments thereto; the execution of one or more designation agreements if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060659 [Commending Marty Pulvers]
Supervisor Elsbernd**

Resolution commending Marty Pulvers on his contribution to the small business community of the City and County of San Francisco.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060662 [Declaring May 2006 Foster Care Month]
Supervisor Maxwell**

Resolution declaring May 2006 Foster Care Month and urges all community members to volunteer their talents and energies to honor children and youth in foster care and foster care alumni during this month and throughout the year.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060663 [Commending Seamus Heaney]
Supervisors McGoldrick, Elsbernd**

Resolution commending Seamus Heaney and declaring May 15, 2006 "Seamus Heaney Day" in San Francisco.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060664 [Urging the FDA to document their press release stating marijuana has no medical use]
Supervisor Mirkarimi**

Resolution urging the Food and Drug Administration to fully explain and support with scientific facts the agency's April 20, 2006 press release, which stated "no sound scientific studies supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medical use."

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060665 [Designating Japantown as a Preserve America Neighborhood]
Supervisor Mirkarimi**

Resolution supporting the application for the designation of San Francisco's Japantown as a Preserve America Neighborhood.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**060666 [Urging the U.S. Attorney General and the California Attorney General to consider the antitrust implications of the proposed acquisition of Knight Ridder Inc. by the McClatchy Company]
Supervisor Mirkarimi**

Resolution urging the U.S. Attorney General and the California Attorney General to consider the antitrust implications of the proposed acquisition of Knight Ridder Inc. by the McClatchy Company.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

060638 [Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]

Hearing to consider 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. (Clerk of the Board)

5/9/06, ASSIGNED. Board to sit as a Committee of the whole May 16, 2006 at 4 p.m.

**060645 [Department of Building Inspection's Code Enforcement Outreach Program]
Supervisor McGoldrick**

Hearing on the Department of Building Inspection's Code Enforcement Outreach Program.

5/9/06, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**060646 [High School Exit Exam]
Supervisor Ma**

Hearing to consider the performance of the San Francisco's students in the high school exit exam in light of a recent court ruling on the exam. The hearing will review the impacts of the exam on limited English learners and persons with learning disabilities, the issuance of diplomas to high school seniors who have yet to pass the exam, efforts at the state level to provide alternatives to the exam, funding implications of the exam and additional issues related to the exam.

5/9/06, RECEIVED AND ASSIGNED to City and School District Select Committee. Sponsor requests this matter be referred to City and School District Select Committee.

**060647 [San Francisco Unified School District]
Supervisor Ma**

Hearing to consider the budget of the San Francisco Unified School District and the contributions made by the City and County of San Francisco through Proposition H funds, in-kind support, General Fund, grants, and contracts. Specifically, this hearing is designed to determine the most appropriate and responsible ways for the City and County of San Francisco to provide support to the SFUSD. This hearing is also designed to review revenue projections to the school district over time.

5/9/06, RECEIVED AND ASSIGNED to City and School District Select Committee. Sponsor requests this matter be referred to City and School District Select Committee.

**060648 [JUSTIS - Justice Tracking System]
Supervisor Ma**

Hearing to review the implementation of JUSTIS, the Justice Tracking System, which is designed to make sharing information within the criminal justice community easier, more efficient and accurate, and will improve reporting capability for all departments. The hearing will consist of presentations from affected City departments and members of the JUSTIS Governance Council.

5/9/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

060651 [Hearing - Interim zoning moratorium for three months on new check cashing and payday lender uses]

Hearing to consider the possible adoption of an urgency ordinance extending the interim zoning moratorium for three months on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings. (Clerk of the Board)

5/9/06, ASSIGNED to Board of Supervisors. Pursuant to File 060641, Board to sit as a Committee of the Whole on May 23, 2006 at 3:30 p.m.

060652 [Hearing - Child Product Safety]

Hearing to consider the possible adoption of an Ordinance amending the San Francisco Health Code by adding Chapter 34, Sections 34.1 through 34.3, to prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that is intended for use by a child under three years of age if it contains bisphenol-A or other specified chemicals, and to require manufacturers to use the least toxic alternative to those substances, and setting an operative date. (Clerk of the Board)

5/9/06, ASSIGNED to Board of Supervisors. Pursuant to File 060107, called from the City Operations and Neighborhood Service Committee, Board to sit as a Committee of the Whole on May 23, 2006 at 4 p.m.

Motions

**060649 [Motion setting special off site meeting of the Select Committee on Ending Gun & Gang Violence]
Supervisors Maxwell, Mirkarimi**

Motion scheduling an off-site meeting of the Select Committee on Ending Gun & Gang Violence on Wednesday, June 7, 2006, 6:00 p.m., at the Ella Hill Hutch Community Center, 1050 McAllister Street, for the purpose of conducting a joint meeting session with San Francisco Police Commission in receiving community input regarding gun & gang violence in the City of San Francisco.

5/9/06, RECEIVED AND ASSIGNED to Rules Committee.

- 060655 [Committee of the Whole-May 23, 2006 - 3:30 p.m. Interim Zoning Moratorium on New Check Cashing and Payday Lender Uses]**
Supervisor Ammiano

Motion for the Board of Supervisors to convene as a committee of the whole on May 23, 2006, at 3:30 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending the interim zoning moratorium for three months on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060660 [Call from Committee-Child Product Safety, File Number 060107]**

Motion to Call File Number 060107, Child Product Safety, from the City Operations and Neighborhood Services Committee and setting a Committee of the Whole for May 23, 2006 at 4:00 PM.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060661 [Emergency Disadvantaged Business Enterprise Program - May 16, 2006, Committee of the Whole]**
Supervisor Ma

Motion for the Board of Supervisors to convene as a committee of the whole on May 16, 2006, 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.

5/9/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

- 060557 [Settlement of Lawsuit - Linda Nussbaum]**

Ordinance authorizing settlement of the lawsuit filed by Linda Nussbaum against the City and County of San Francisco for \$170,000; the lawsuit was filed on January 7, 2004 in San Francisco Superior Court, Case No. 427-870; entitled Linda Nussbaum v. City and County of San Francisco, et al. (City Attorney)

4/26/06, RECEIVED AND ASSIGNED to Rules Committee.

- 060583 [Annual Appropriation Ordinance for Selected Departments, as of May 1, 2006, Fiscal Year ending June 30, 2007]**

Ordinance appropriating all estimated receipts and all estimated expenditures for Selected Departments of the City and County of San Francisco as of May 1, 2006 for the fiscal year ending June 30, 2007. (Mayor)

(Fiscal impact.)

5/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060584 [Proposed Annual Salary Ordinance for Selected Departments, Fiscal Year ending June 30, 2007]
Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for Selected Departments of the City and County of San Francisco: Airport, Board of Appeals, Health Service System, MTA, PORT, PUC, Rent and Retirement Board printed April 24, 2006, for the Fiscal Year ending June 30, 2007. (Mayor)

(Fiscal impact.)

5/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

060628 [Board of Appeals Surcharges]

Ordinance (1) amending Section 10G.1 of the San Francisco Administrative Code to: (a) adjust the surcharges on permits that may be appealed to the Board of Appeals by: (i) reducing the surcharge on tobacco retailer's permits issued by the Department of Public Health pursuant to San Francisco Health Code Section 1009.53 from \$56 to \$26, (ii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by the Police Department from \$17 to \$10, (iii) reducing the surcharge on permits specified in Police Code Section 2.26 issued by the Entertainment Commission from \$10 to \$3, (iv) reducing the surcharge on permits specified in Police Code Section 2.26.1 issued by the Taxi Commission from \$9 to \$3, (v) increasing the surcharge on permits issued by the Department of Building Inspection pursuant to Building Code Section 110, Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5, from \$11 to \$13 and (vi) increasing the surcharge on permits issued by the Department of City Planning pursuant to Planning Code Sections 351(h), 352(a), (except for fees imposed for hearings on Conditional Uses under Section 303 or Planned Unit Developments under Section 304), 353(a), 353(b), 353(c), or 355, from \$11 to \$13; (b) adjust the surcharges on annual renewals of permits or licenses associated with permits that may be appealed to the Board of Appeals by: (i) reducing the surcharge on renewal of annual licenses specified in Police Code Section 2.27 issued by the Police Department from \$17 to \$10, (ii) reducing the surcharge on annual licenses specified in Police Code Section 2.27 issued by the Entertainment Commission from \$10 to \$3, and (iii) reducing the surcharge on renewal of annual licenses specified in Police Code Section 2.27.1 issued by the Taxi Commission from \$9 to \$3; (c) imposing a Board of Appeals surcharge of \$26 on renewal of annual licenses for tobacco retailers under San Francisco Health Code Section 1009.54 and Business and Tax Regulations Code Section 249.16; and (d) imposing a Board of Appeals surcharge of \$109.00 for medical cannabis dispensary permits issued by the Department of Public Health pursuant to Health Code Section 3007, and for annual license renewals associated with such permits pursuant to Health Code Section 3318 and Business and Tax Regulations Code Section 249.20; and (2) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the surcharges imposed by this ordinance and the adjustments to existing surcharges made by this ordinance are not "projects" and that all such surcharges are imposed for the purpose of meeting operating expenses of the Board of Appeals, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to administrative appeals to the Board of Appeals relating to the aforementioned permits and licenses pursuant to Charter Section 4.106 and other applicable laws. (Mayor)

5/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. 5/1/06 - Referred to Planning for environmental review.

Fee ad placed for the meeting of May 24, 2006

05/12/06 - Response received from Planning - CEQA Exempt.

PROPOSED RESOLUTIONS

060564 [Proposition J Contract/Certification of Specified Contracted-Out Services for Enterprise Departments Previously Approved]

Resolution concurring with the Controller's certification previously approved under Proposition J that services can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee parking management, information booth, public parking management and shuttle bus services (Airport); paratransit and security services (MTA); citation information, janitorial and landscaping, coin counting and collection, security, and towing services (MTA Parking & Traffic); janitorial and security services (Port). (Mayor)

(Fiscal impact.)

5/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Mayor requests this item be calendared at the May 24, 2006 meeting.

060565 [Jurisdictional Transfer of Property]

Resolution authorizing the jurisdictional transfer of City-owned property at 525 Golden Gate Avenue to the Public Utilities Commission in consideration of Nine Million Nine Hundred Thousand Dollars. (Mayor)

(Fiscal impact.)

5/1/06, RECEIVED AND ASSIGNED to Budget and Finance Committee. Mayor requests this item be calendared at the May 24, 2006 meeting.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

To: Director, City Planning

To: Director, Public Utilities Commission

To: Director, Department of the Environment

To: Director, Mayor's Office of Economic Development and Workforce Housing

Requesting/Inquiring: Requesting the above departments to report on:

- 1. Annual expenditures and volumed consumes of electricity, natural gas, and transportation fuels including gasoline, diesel, and bio-diesel.*
- 2. Annual expenditures on road asphalt, and volumes used.*
- 3. Sources of energy purchased, i.e. retail, bulk contract delivery, long term supply contract, utilities.*
- 4. Energy expenditures percentage of total expenditures.*
- 5. Current FY energy price escalator forecast by energy type and planning assumptions for out-years and sources for forecasted escalators.*
- 6. Departmental contingency plans for energy supply interruptions.*
- 7. Departmental vulnerability to unexpected energy price spikes.*

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing the Do Not Cross pedestrian signs, installing crosswalks, and removing Green Arrow Phases at the following intersections: Hayes & Gough, Gough & Fell, Franklin & Fell, and Oak & Franklin.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the safety status of the crosswalks at Fell and Masonic. We have had numerous complaints that pedestrians and cyclists experience "near misses" from traffic turning left onto Masonic from Fell. Please report on possible added signage or signal phasing to make the crosswalk safer.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of repairing bent poles at the following locations: 1408 - 8th Ave. and 1314 - 8th Ave.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from property at the following locations: 1238 - 2nd Ave., Central & Grove, and 1269 McAllister.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations: SW 9th & Judah (emergency box), 9th & Judah (Chronicle newsstands), and SW 7th & Kirkham (emergency box).

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from mail boxes at the following locations: NE Central & McAllister, SE McAllister & Baker, SW McAllister & Broderick, and SW McAllister & Broderick (greenbox).

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from property at the following locations: 2104 Hayes, 2000 McAllister, and 1798 McAllister.*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing graffiti from stop signs at the following locations: SW Irving & 4th and NE Hayes & Ashbury.*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing graffiti from all DPT parking signs at the following locations: 1477 - 7th Ave., 1383 - 6th Ave., 1358 - 6th Ave., 1344 6th Ave. (across from 2145 Hayes).*

*From: Supervisor Mirkarimi
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing graffiti from the parking signs at the following locations: 428 Kirkham, 1461 - 9th Ave., 1490 - 8th Ave., 1452 - 8th Ave., 1491 - 8th Ave., 1367 - 7th Ave., 1382 - 7th Ave., 1389 - 7th Ave., 1437 - 7th Ave., 1480 - 7th Ave.*

*From: Supervisor Elsbernd
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Inquiring into alternatives for safe speed control on Lunado Way.*

In Memoriams


*Ernest H. Dewson - Supervisor Mirkarimi
Nancy Colette - Supervisor Peskin
Karl Bartolome - Supervisor Sandoval
Rose Ann Reilly Hughes - Supervisors Ma, Elsbernd, Dufty, and Peskin*

ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:28 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 June 6, 2006.



Gloria L. Young
Clerk of the Board