

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.  
Goodlett Place  
San Francisco, CA 94102-4689*

## MEETING MINUTES

Tuesday, November 23, 2004 2:00 PM

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

Regular Meeting

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

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Sandoval, Daly, McGoldrick

##### **City and School District Select Committee**

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

##### **City Services Committee**

Supervisors Dufty, Ma, Elsbernd

##### **Finance and Audits Committee**

Supervisors Daly, Ammiano

##### **Land Use Committee**

Supervisors McGoldrick, Peskin, Maxwell

##### **Rules Committee**

Supervisors Maxwell, Alioto-Pier, Gonzalez

#### Meeting Days

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

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

Thursday  
9:30 AM

Wednesday  
1:00 PM

Monday  
1:00 PM

Wednesday  
10:00 AM

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

Volume 99 Number 34

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.*

*Quorum present.*

*Supervisor Alioto-Pier was noted present at 2:09 p.m.*

## APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve October 26, 2004 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Alioto-Pier

## AGENDA CHANGES

## CONSENT AGENDA

### Recommendations of the Finance and Audits Committee

**041452 [Airport Concession Lease - "F" Newsstand]**

Resolution approving the Boarding Area "F" Newsstand Lease between Soto & Sanchez Investments, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**Resolution No. 711-04**

**ADOPTED**

**041453 [Airport Concession Lease - Terminal 3 Newsstands]**

Resolution approving the Terminal 3 Newsstands Lease - A Disadvantaged Business Enterprise Set-Aside between Soto & Sanchez Investments, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

**Resolution No. 712-04**

**ADOPTED**

**041454 [Accept-Expend Federal Grant - SmartCatch Project]**

Resolution authorizing the Airport Commission to accept and expend a grant in the amount of \$518,266.00 from the Transportation Security Administration to develop, test, and apply real-time automated video surveillance technologies. (Airport Commission)

**Resolution No.** 713-04

**ADOPTED**

**Recommendations of the Rules Committee****041566 [Appointment - Child Care Planning and Advisory Council]**

Resolution appointing Margaret Jerene, term ending December 31, 2004, to the Child Care Planning Advisory Council.

Margaret Jerene, succeeding Gwendolyn Henry, resigned, seat 1, must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a two-year term ending December 31, 2004.

**Resolution No.** 718-04

**ADOPTED**

**041567 [Appointment - Child Care Planning and Advisory Council]**

Resolution appointing Margaret Jerene, term ending December 31, 2007, to the Child Care Planning Advisory Council.

Margaret Jerene, succeeding herself, term expiring December 31, 2004, seat 1, must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a three-year term ending December 31, 2007.

**Resolution No.** 719-04

**ADOPTED**

**041189 [Settlement of Bankruptcy Claims Dispute, In re METROMEDIA FIBER NETWORK, INC]  
Supervisor Maxwell**

Ordinance authorizing settlement at 75% of face value of disputed bankruptcy creditor claims filed by the City and County of San Francisco against Chapter 11 Debtors, In re METROMEDIA FIBER NETWORK, INC., et al., Chapter 11, Case Nos. 02-22736 (ASH) through 02-22742 (ASH), 02-22744 (ASH) through 02-22746 (ASH), 02-22749 (ASH), and 02-22751 (ASH) through 02-22754 (ASH) (Jointly Administered), (U. S. Bankruptcy Court, Southern District of New York), and directing attorney for Tax Collector to effectuate settlement.

**PASSED, ON FIRST READING**

**041388 [Settlement of Lawsuit - Turlock Irrigation District]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Turlock Irrigation District for Declaratory and Injunctive Relief to Validate Termination of Long-Term Power Sales Agreement; the City and County of San Francisco filed the lawsuit on August 13, 2001 in San Francisco Superior Court (San Francisco Superior Court Case No. 323717). (City Attorney)

**PASSED, ON FIRST READING**

**041427 [Settlement of Lawsuit - Armstrong, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of claims made by James Armstrong in a multi-party action against the City and County of San Francisco for \$50,000.00, placement in Step 3 of current 5173 classification, and payment of the difference between the Step 3 pay rate and the pay rate actually received by James Armstrong retroactive to April 26, 2003; the lawsuit was filed on July 9, 2001 in United States District Court, Northern District, Case No. C01-2611; entitled Armstrong, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**041437 [Partial Settlement of Lawsuit - Eugene Kalinin, et al.]**

Ordinance authorizing partial settlement of the lawsuit filed by Tim Anderson, Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Edward Allen Ellstad, Eugene Kalinin, Daniel Manning, Sonia Mariona, William Moralez, Brian J. Perry and Jack Z. Wronski against the City and County of San Francisco for \$240,000; the lawsuit was filed on November 5, 2003, in the United States District Court, Northern District of California, Case No. C-03-4928 MHP; entitled Eugene Kalinin, et al., v. City and County of San Francisco, et al; the partial settlement resolves certain claims in the lawsuit brought by plaintiffs Alexandria Brunner-Jones, Rolando Canales, Davin Cole, Brian Devlin, Eugene Kalinin, Daniel Manning and Sonia Marion; all plaintiffs have additional claims remaining in the lawsuit. (City Attorney)

**PASSED, ON FIRST READING**

**041442 [Settlement of Lawsuit - Andrew King v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Andrew King against the City and County of San Francisco for \$60,000; the lawsuit was filed on 10/31/03 in United States District Court, Case No. C03-4879; entitled Andrew King v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**041443 [Settlement of Claim - Barbara Miller]**

Resolution approving the settlement of the unlitigated claim filed by Barbara Miller against San Francisco for \$90,000; claim was filed on April 19, 2004. (City Attorney)

**Resolution No. 710-04**

**ADOPTED**

**041444 [Settlement of Unlitigated Claim - Margaret Jhin-Walsh]**

Resolution approving the settlement of the unlitigated claim filed by Margaret Jhin-Walsh against San Francisco for \$120,000; claim was filed on February 17, 2004. (City Attorney)

**Resolution No. 709-04**

**ADOPTED**

- 041480 [Settlement of Unlitigated Claim - D. W. Nicholson Corporation]**  
Resolution approving the settlement of the unlitigated claim filed by D. W. Nicholson Corporation against the City and County of San Francisco. (City Attorney)  
**Resolution No. 715-04**  
**ADOPTED**
- 041525 [Settlement of Unlitigated Claim - Muzak LLC]**  
Resolution approving the settlement of the unlitigated claim filed by Muzak LLC against the City and County of San Francisco. (City Attorney)  
**Resolution No. 716-04**  
**ADOPTED**
- 041526 [Settlement of Unlitigated Claim - Intel Corporation]**  
Resolution approving the settlement of the unlitigated claim filed by Intel Corporation against the City and County of San Francisco. (City Attorney)  
**Resolution No. 717-04**  
**ADOPTED**

The foregoing items were acted upon by the following vote:

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

### **Severed From the Consent Agenda**

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

- 041551 [Settlement of Lawsuit - People v. Dynegy, et al.]**  
**Supervisor Maxwell**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Duke Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; the settlement provides \$500,000 to San Francisco to be used for energy efficiency, renewable energy or environmental justice projects in areas affected by electric generation in San Francisco and \$172 million in benefits to California electric ratepayers, among other provisions.

**PASSED ON FIRST READING** by the following vote:

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

## Recommendation of the City Services Committee

### 041308 [Regulating the Distribution of Handbills] Supervisor Ma

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

**PASSED ON FIRST READING** by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, McGoldrick, Peskin

Noes: 5 - Ammiano, Daly, Gonzalez, Maxwell, Sandoval

## Recommendations of the Land Use Committee

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

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

**Ordinance No.** 282-04

**FINALLY PASSED** by the following vote:

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

Noes: 3 - Alioto-Pier, Elsbernd, Ma

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

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

**Ordinance No.** 281-04

**FINALLY PASSED** by the following vote:

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

**041270 [Parking Regulations]  
Supervisor McGoldrick**

Resolution enacting and rescinding parking regulations at various locations.

**TOW AWAY NO STOPPING ANYTIME - ESTABLISH**

O'Farrell Street, north side, from Van Ness Avenue to Polk Street, eliminating 13 parking meters.

**TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH**

O'Farrell Street, north side, from Polk Street to Larkin Street.

**TOW AWAY NO STOPPING ANYTIME - ESTABLISH**

820 O'Farrell Street at Larkin Street, northwest corner, from Larkin Street to 94 feet westerly eliminating parking meter nos. 802, 804, 806 and 808, (to create a 94-foot left turn pocket during non-peak hours).

**TOW AWAY NO STOPPING ANYTIME - ESTABLISH**

895 O'Farrell Street at Polk Street, southeast corner, from 81 feet to 99 feet east of Polk Street, extending bus zone by 18 feet).

**TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH**

O'Farrell Street, north side, from Larkin Street to Hyde Street.

**GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH**

O'Farrell Street, north side, from Larkin Street to Hyde Street (establishing eleven parking meters).

**GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH**

O'Farrell Street, south side, from Larkin Street to Hyde Street (establishing ten parking meters).

**TOW AWAY NO STOPPING ANYTIME - ESTABLISH**

709 O'Farrell Street at Hyde Street, southwest corner, from Hyde Street to 90 feet westerly, (to create a 90-foot right-turn pocket).

**TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH**

O'Farrell Street, north side, from Hyde Street to Leavenworth Street.

**GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH**

O'Farrell Street, north side, from Hyde Street to Leavenworth Street (establishing seven parking meters).

**GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH**

O'Farrell Street, south side, from Hyde Street to Leavenworth Street (establishing six parking meters).

**TOW AWAY NO STOPPING ANYTIME - ESTABLISH**

608 O'Farrell Street at Leavenworth Street, northwest corner side, from Leavenworth Street to Harlem Alley, (to create a 76-foot left-turn pocket during non-peak hours).

**TOW AWAY NO STOPPING ANYTIME - ESTABLISH**

501 O'Farrell Street at Jones Street, southwest corner, from Jones Street to 96 feet westerly, (to create a 96-foot right-turn pocket).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH  
O'Farrell Street, north side, from Leavenworth Street to Jones Street.

GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH  
O'Farrell Street, north side, from Leavenworth Street to Jones Street (establishing nine parking meters).

GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH  
O'Farrell Street, south side, from Leavenworth Street to Jones Street (establishing nine parking meters).

NO STOPPING ANYTIME - REVOKE

METERED YELLOW ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH  
340 O'Farrell Street, north side, from 245 feet to 289 feet east of Taylor Street (44-foot zone establishing two meters).

NO STOPPING ANYTIME - REVOKE

GENERAL METERED PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH  
360 O'Farrell Street, north side, from 85 feet to 245 feet east of Taylor Street (160-foot zone establishing eight meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

451 O'Farrell Street, south side, from 107 feet to 251 feet east of Jones Street (eliminates meters nos. 429, 427, 425, 421 and 419 to establish a 110-foot bus zone bulb out with 17 foot tapers on each end).

TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH  
O'Farrell Street, north side, from Jones Street to Taylor Street.

TOW AWAY NO STOPPING ANYTIME - REVOKE

TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH  
O'Farrell Street, north side, from Taylor Street to Mason Street.

GENERAL METERED PARKING 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH  
Geary Street, north and south sides, from Larkin Street to Polk Street (establishing twelve meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

1064 Geary Street at Van Ness Avenue, northeast corner, from Van Ness Avenue to 88 feet easterly, (to create an 88-foot right-turn pocket).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

1020 -1054 Geary Street, north side, from 96 feet to 236 feet west of Polk Street (144-foot zone eliminates parking meters 1012, 1014, 1016, 1020, 1024, and 1028 to establish a bus bulb).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

990 Geary Street at Polk Street, northeast corner, from Polk Street to 100 feet easterly (to create a 100-foot right-turn pocket).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

999 Geary Street at Polk Street, southeast corner, from Polk Street to 92 feet easterly, (to create a 92-foot left-turn pocket during non-peak hours).

GENERAL METERED PARKING 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Geary Street, north and south sides, from Hyde Street to Larkin Street (establishing fifteen meters).



GENERAL METERED PARKING 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH Geary Street, north and south sides, from Leavenworth Street to Hyde Street (establishing sixteen meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

894 Geary Street at Larkin Street, northeast corner, from Larkin Street to 57 feet easterly, (to create a 57-foot right-turn pocket).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

700 Geary Street at Leavenworth Street, northwest corner, from Leavenworth Street to 134 feet westerly, (establishing a 120-foot bus zone bus bulb, with 12-foot taper at the west end).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

795 Geary Street at Hyde Street, southeast corner, from Hyde Street to 80 feet easterly (to create an 80-foot left-turn pocket, during non-peak hours).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

684 Geary Street at Leavenworth Street, northeast corner, from Leavenworth Street to 90 feet easterly, (to create a 90-foot right-turn pocket).

GENERAL METERED PARKING, 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH Geary Street, north and south sides, between Jones Street and Leavenworth Street (establishing ten general parking meters).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

520 Geary Street at Taylor Street, north side, from 75 feet to 100 feet west of Taylor Street (eliminates yellow zone meter no. 508 extending existing bus zone by 25 feet).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

585 Geary Street at Jones Street, southeast corner, from Jones Street to 84 feet easterly, (to create an 84-foot left-turn pocket during non-peak hours, eliminates parking meter nos. 593, 595, 597 and 599).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

391 Geary Street at Mason Street, southeast corner, from Mason Street to 82 feet easterly, (to create an 82-foot left turn pocket, during non-peak hours, eliminates yellow zone meter nos. 337, 339 and 341).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

10 Geary Street, north side, from 90 feet to 130 feet west of Kearny Street (eliminates yellow zone meter nos. 14 and 16 to extend existing bus zone bus bulb).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

100 Geary Street at Grant Avenue northeast corner, from Grant Avenue to 72 feet easterly, (to create a 72-foot right turn pocket, eliminating yellow zone parking meter no. 38).

TOW AWAY NO STOPPING ANYTIME - ESTABLISH

310 Geary Street, north side, from 95 feet to 135 feet west of Powell Street (eliminates yellow zone meters 18 and 22 to extend existing bus zone).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

*Continued to December 14, 2004*

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

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

**041271 [Traffic Regulations]  
Supervisor McGoldrick**

Resolution enacting and rescinding traffic regulations on various streets.

TRANSIT (CURB) LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE

RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH  
O'Farrell Street, south side, between Hyde and Leavenworth Streets.

TOW AWAY NO STOPPING, BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE

RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH  
O'Farrell Street, south side, between Leavenworth and Jones Streets.

TOW AWAY LANE (NORTH SIDE) - BUSES, TAXIS AND RIGHT TURNS ONLY, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - REVOKE

RIGHT LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH  
300 block of Geary Street (transit lane).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

*Continued to December 14, 2004*

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

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

**Recommendation of the Rules Committee**

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

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

**Ordinance No.** 283-04

**FINALLY PASSED** by the following vote:

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

**NEW BUSINESS**

**Recommendations of the Finance and Audits Committee**

- 041391 [Approving plan for universal access to preschool]**  
**Supervisors Ammiano, Daly, Sandoval, Gonzalez, Ma, McGoldrick**

Resolution approving the interim plan of the San Francisco Children and Families First Commission for providing all four-year-old children in San Francisco the opportunity to attend preschool by September 2009.

*Supervisors Sandoval, Gonzalez, Ma and McGoldrick requested to be added as co-sponsors.*

**Resolution No. 727-04**

**ADOPTED by the following vote:**

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

- 041428 [Agreement to sell real property related to the former Central Freeway parcels located on Elm Street near Gough Street]**

Resolution approving and authorizing agreement for the sale by the City, at fair market value, of certain real property known generally as a portion of Lot 23, Assessor's Block 761 to the San Francisco Federal Credit Union; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

**Resolution No. 707-04**

**ADOPTED by the following vote:**

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

- 041430 [Emergency Repairs]**

Resolution authorizing expenditure of funds for emergency repairs of Early Intake at an estimated cost of \$4,498,000. (Public Utilities Commission)

(Fiscal impact.)

**Resolution No. 708-04**

**ADOPTED by the following vote:**

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

- 041457 [Accept and Expend Federal Funds - Fiscal Year 2004 Lead Hazard Control Grant Program]**  
**Supervisor Ammiano**

Resolution authorizing retroactively, the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$3,000,000.

**Resolution No. 714-04**

**ADOPTED by the following vote:**

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

**Recommendations of the Rules Committee****041316 [Surplus City Property]  
Supervisors Daly, Ammiano**

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.9, 23A.10 and 23A.11 to specify terms for appointed members of the Surplus Property Citizens' Advisory Committee, to clarify the requirements under Administrative Code Section 23.3 applicable to dispositions of surplus and underutilized property, and to clarify policy and procedures for dispositions of City-owned surplus and underutilized real property that is not listed on the annual Surplus Property Report.

**PASSED ON FIRST READING by the following vote:**

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

**041335 [Designation of County Surveyor]  
Supervisors Ma, Gonzalez**

Ordinance amending Administrative Code Section 2A.190 and Subdivision Code Section 1307 to designate and distinguish the official titles and duties of City Engineer and County Surveyor and amending Subdivision Code Sections 1310, 1311, 1320, 1324 through 1329, 1340, 1355, 1360 through 1364, and 1397 to reassign responsibilities from the City Engineer to the County Surveyor. (Public Works Department)

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

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

**041359 [Western SoMa Citizens Planning Task Force]  
Supervisors Daly, Gonzalez**

Resolution establishing a 22 member Western SoMa Citizens Planning Task Force.

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**Resolution No. 731-04**

**ADOPTED by the following vote:**

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

**041354 [Utility Undergrounding Task Force]  
Supervisors Dufty, Maxwell, Ma, Alioto-Pier, Gonzalez, Peskin**

Resolution creating a Utility Undergrounding Task Force to advise the City and County of San Francisco concerning the future of utility undergrounding in San Francisco and to complete its work by September 1, 2005.

*Supervisor Peskin requested to be added as a co-sponsor.*

**Resolution No. 706-04**

**ADOPTED by the following vote:**

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

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

## SPECIAL ORDER 4:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### 041548 [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)

*The President inquired if any member of the public wished to address the Board.*

*There were no speakers.*

*The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

### Committee of the Whole Adjourn and Report Without Recommendation

#### 041545 [Reenacting a Disadvantaged Business Enterprise Program]

Supervisors Ammiano, 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.

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

**Ordinance No.** 280-04

**FINALLY PASSED** by the following vote:

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

## SPECIAL ORDER 4:00 P.M.

*Supervisor Dufty noted absent at 3:05 p.m.*

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

**041199 [Public Hearing - Appeal of Categorical Exemption - 2404 Broadway Street]**

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

(Filed August 18, 2004; companion measure to Files 041200, 041201, 0411202; District 3.)

*Supervisors reviewed with representatives of the Planning Department the process used in issuing a new Categorical Exemption for this property.*

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

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

**(Only one of the following two motions should be adopted.)****041200 [Affirming the categorical exemption issued for 2404 Broadway Street]**

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

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

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

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

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

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

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

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

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

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

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

**ROLL CALL FOR INTRODUCTIONS**

**PUBLIC COMMENT**

*Abdullah Megaheed; homeless issues*  
*Richard Stetman; homeless issues*  
*Male Speaker; urging not to support the motion to censure Supervisor Daly*  
*John Adonna; general issues*  
*Francisco di Costa; general issues and censure issues*  
*Davey Jones, Housing Rights Association; supporting motion to censure Supervisor Daly*  
*James Collins, resident of District 6; urging not to support the motion to censure Supervisor Daly*  
*Kathleen Harrington; civility issues*  
*Joe Madera; urging not to support the motion to censure Supervisor Daly*  
*Tom Etsel; urging not to support the motion to censure Supervisor Daly*  
*Jim Eisnersen; urging not to support the motion to censure Supervisor Daly*  
*Clayton Mansfield; urging not to support the motion to censure Supervisor Daly*  
*Aurora; urging not to support the motion to censure Supervisor Daly*  
*Albert Scott; urging not to support the motion to censure Supervisor Daly*  
*Jim Hancock; urging not to support the motion to censure Supervisor Daly*  
*Mike McNulty; urging not to support the motion to censure Supervisor Daly*  
*John Rizzo; informing that Sierra Club urges not to support the motion to censure Supervisor Daly; also read a correspondence from Supervisor Elect Mirkarimi*  
*Ross Wolf; reviewed issues relating to Board Rules of Order*  
*Male Speaker; issues regarding Board's Policy for decorum for Board members and the public*  
*Ellen Pound; urging not to support the motion to censure Supervisor Daly*  
*Daine Burke; urging not to support the motion to censure Supervisor Daly*  
*Ms. Chan; urging not to support the motion to censure Supervisor Daly*  
*Male Speaker; urging not to support the motion to censure Supervisor Daly*  
*Female Speaker; urging not to support the motion to censure Supervisor Daly*  
*Male Speaker; urging not to support the motion to censure Supervisor Daly*  
*Bob Darren; urging not to support the motion to censure Supervisor Daly*  
*Dickey Lietner; urging not to support the motion to censure Supervisor Daly*  
*Randy Shaw, Tenderloin Housing; urging not to support the motion to censure Supervisor Daly*  
*Joe O'Donoghue; urging not to support the motion to censure Supervisor Daly*  
*Burt Balucchi; urging to support the motion to censure Supervisor Daly*  
*Patrick Waterman; urging not to support the motion to censure Supervisor Daly*  
*District 6 resident; urging not to support the motion to censure Supervisor Daly*  
*Shorty; urging not to support the motion to censure Supervisor Daly*  
*Sarah North; urging not to support the motion to censure Supervisor Daly*  
*Mary Walters; urging not to support the motion to censure Supervisor Daly*  
*Howard Wallace; urging not to support the motion to censure Supervisor Daly*  
*Female Speaker; urging not to support the motion to censure Supervisor Daly*  
*Richard Marquis; urging not to support the motion to censure Supervisor Daly*  
*Mr. McDonald; urging not to support the motion to censure Supervisor Daly*  
*Sy Hopkin, Canon Kip Seniors; urging not to support the motion to censure Supervisor Daly*  
*April, SOMA Community Action Network; urging not to support the motion to censure Supervisor Daly*  
*Rudy Corvis; urging not to support the motion to censure Supervisor Daly*  
*Female Speaker; urging not to support the motion to censure Supervisor Daly*  
*Female Speaker; urging not to support the motion to censure Supervisor Daly*  
*Female Speaker; urging not to support the motion to censure Supervisor Daly*  
*Female Speaker; urging not to support the motion to censure Supervisor Daly*  
*Mary Kate Connor; urging not to support the motion to censure Supervisor Daly*  
*Ms. Orchid; urging not to support the motion to censure Supervisor Daly*  
*Frank Di Campo; urging not to support the motion to censure Supervisor Daly*  
*James Tracy; urging not to support the motion to censure Supervisor Daly*

Johnny Begoni; urging not to support the motion to censure Supervisor Daly  
 Female Speaker; reading a correspondence from tenants from Trinity Plaza; urging not to support the motion to censure Supervisor Daly  
 Kevin Westly, SF Restaurant Association; public officials public behavior  
 Oliver Dufty; urging not to support the motion to censure Supervisor Daly  
 Antoinetta; urging not to support the motion to censure Supervisor Daly  
 Ana B.; urging not to support the motion to censure Supervisor Daly  
 Female Speaker, on behalf of Ken Warner; urging not to support the motion to censure Supervisor Daly  
 Male Speaker; urging not to support the motion to censure Supervisor Daly  
 Jen Yu; urging not to support the motion to censure Supervisor Daly  
 Mark Andrew; urging not to support the motion to censure Supervisor Daly  
 Patricia Breslin, Hotel Council; urging codes of conduct for the Board members  
 Norman Rolf; urging not to support the motion to censure Supervisor Daly  
 Bob Casselman; urging not to support the motion to censure Supervisor Daly  
 Female Speaker; urging not to support the motion to censure Supervisor Daly  
 Male Speaker; urging not to support the motion to censure Supervisor Daly  
 Mike Matrales; HIV issues  
 Female Speaker; urging not to support the motion to censure Supervisor Daly  
 Susan Marsh; urging not to support the motion to censure Supervisor Daly  
 Female Speaker; urging not to support the motion to censure Supervisor Daly  
 Anthony Favor; urging not to support the motion to censure Supervisor Daly  
 Chris Ross; urging not to support the motion to censure Supervisor Daly  
 Jose Morales; urging not to support the motion to censure Supervisor Daly  
 Male Speaker; urging not to support the motion to censure Supervisor Daly  
 Female Speaker, Youth Commissioner; urging not to support the motion to censure Supervisor Daly

## 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.*

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

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

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

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, 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.*



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

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

**Resolution No. 704-04**

**ADOPTED**

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

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

**Resolution No. 720-04**

**ADOPTED**

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

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

**Resolution No. 705-04**

**ADOPTED**

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

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

**Resolution No. 721-04**

**ADOPTED**

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

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

**Resolution No. 722-04**

**ADOPTED**

**041598 [Landfill Liabilities]  
Supervisor Ammiano**

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

**Resolution No. 728-04  
ADOPTED**

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

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

**Resolution No. 723-04  
ADOPTED**

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

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

**Resolution No. 729-04  
ADOPTED**

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

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

**Resolution No. 724-04  
ADOPTED**

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

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

**Resolution No. 730-04  
ADOPTED**

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

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

**Motion No.** M04-132

**APPROVED**

**041520 [Final Map, Planned Development, Mission Bay]**

Motion approving Final Map, Planned Development, Mission Bay (BLOCK N4A), a 4 lot subdivision, being phase 2 of a subdivision of Assessor's Blocks 8704, 8705, 8707 and 8708 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order No. 174,994; District 6.)

**Motion No.** M04-128

**APPROVED**

**041521 [Final Map for a 50 Unit Mixed Use Condominium Project - 1600 Webster Street]**

Motion approving Final Map of 1600 Webster Street, A Mixed Use Condominium Project, being a subdivision of Lot 51 in Assessor's Block No. 685, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,056; District 5.)

**Motion No.** M04-129

**APPROVED**

**041568 [Needle Exchange Emergency]  
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Duffy**

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

**Motion No.** M04-130

**APPROVED**

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

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

**Motion No.** M04-131

**APPROVED**

**The foregoing items were acted upon by the following vote:**

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

## Severed From Without Reference Committee Agenda

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

## Appointment of President Pro Tempore

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

*The President resumed the Chair shortly thereafter.*

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

Motion censuring Supervisor Daly for violations of Board Rules.

**NOT APPROVED** by the following vote:

Ayes: 2 - Alioto-Pier, Elsbernd

Noes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Dufty

## **IMPERATIVE AGENDA**

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

*[Purely Commendatory Finding]*

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

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

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

Absent: 1 - Dufty

*[Brown Act Finding]*

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

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

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

Absent: 1 - Dufty

**041616 [Proclaiming Trilla Jentzsch Day in the City and County of San Francisco]  
Supervisor Maxwell**

Resolution proclaiming November 30, 2004 as Trilla Jentzsch Day in the City and County of San Francisco.

**Resolution No.** 726-04

**ADOPTED** by the following vote:

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

**041615 [Commending Rev. Arthur James Eberhardt Sr.]  
Supervisors Maxwell, Dufty**

Resolution commending Rev. Arthur James Eberhardt Sr. for his legacy of service to his congregation and the community.

**Resolution No.** 725-04

**ADOPTED** by the following vote:

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

## **OFF-AGENDA LEGISLATION**

### **Introduced by Supervisors or Mayor**

#### **Ordinances**

**041611 [Authorization for a Local Disease Prevention Demonstration Project]  
Supervisors Dufty, Ammiano**

Draft Ordinance authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

**041619 [Visitor and Convention Hotel Impact Fee]  
Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 39: (i) imposing a Visitor and Convention Hotel Impact Fee of \$6.00 per room night upon hotel guests attending or participating in conventions and other events at the Moscone Center or Bill Graham Civic Auditorium to reduce the operating shortfall for such facilities, (ii) requiring hotels to collect the fee and report upon and remit all fees collected to the City, (iii) requiring the Controller to recommend annual adjustments to the fee, as specified, (iv) exempting guests staying in hotels of fewer than 50 rooms, and (v) providing for penalties.

11/23/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 12/23/2004.

**041620 [Adding an affordability requirement to the definition of Single Room Occupancy Unit in Planning Code Article 8]  
Supervisor Ammiano**

Ordinance amending Planning Code Section 890.88 to define a single room occupancy unit as a unit that is affordable to very low income or extremely low income households; making findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1; making environmental findings.

11/23/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee.

**041624 [Settlement of Lawsuit - John R. Ulrich, Jr., M.D.]**

Ordinance authorizing settlement of the lawsuit filed by John R. Ulrich, Jr., M.D. against the City and County of San Francisco for violation of civil rights in the amount of \$1,537,500; Plaintiff Ulrich filed the lawsuit on October 27, 1999 in San Francisco Superior Court and the City removed it to United States District Court (U.S. District Court Action C99-05003TEH).

## Resolutions

**041612 [Creating a Community Choice Aggregation Citizens Advisory Task Force]  
Supervisor Ammiano**

Resolution creating a citizens advisory task force to advise the City and County of San Francisco regarding the design and implementation of a Community Choice Aggregation program in accordance with ordinance 86-04.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

**041614 [Children and Youth Stakeholders]  
Supervisors Ma, Ammiano**

Resolution urging the Mayor and the Department of Public Health to create a Proposition 63 Children and Youth Stakeholder Sub-Committee, dedicate a portion of Proposition 63 funding to fund children and youth services, and dedicate funding to Wellness Center Expansion.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041617 [Exclusive Negotiating Agreement for Development of the Old Mint]  
Supervisors Peskin, Ammiano**

Resolution extending the expiration date of the Exclusive Negotiating Agreement between the City and the San Francisco Museum and Historical Society for the development of the Old Mint.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041618 [Emperor Norton Bridge]  
Supervisors Peskin, Ammiano, Daly**

Resolution urging the California Department of Transportation and members of the California Assembly and Senate to name the new additions to the San Francisco Bay Bridge in honor of Emperor Norton I, Emperor of the United States and Protector of Mexico.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041621 [Establishing an Arts Task Force to Advise Board of Supervisors and Mayor]  
Supervisor Ammiano**

Resolution establishing an Arts Task Force to Make Recommendations to the Board of Supervisors and Mayor and Setting Forth the Membership and Duties of the Task Force.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

**041622 [Music Concourse Dedicated Access Route]  
Supervisor Ammiano**

Resolution requesting the Golden Gate Park Concourse Authority to work collaboratively with the San Francisco Municipal Transportation Agency (MTA) and the San Francisco Recreation and Park Department to refine the design of the dedicated access route from the Music Concourse parking facility to 9th Avenue and Lincoln Way that would equally satisfy the needs of MTA, bicycles, and pedestrians.

11/23/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041623 [Mayor's Office of Housing to assign staff to the Advisory Committee on Educator Housing]  
Supervisor Ma**

Resolution urging the Mayor to direct the Mayor's Office of Housing to assign an appropriate staff member to provide guidance, counseling and assistance to the Advisory Committee on Educator Housing being formed by the San Francisco Unified School District and the United Educators of San Francisco.

11/23/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041625 [Confirming appointment of Rich Peterson to the San Francisco Redevelopment Agency]  
Mayor**

Resolution confirming the appointment of Rich Peterson by the Mayor to the San Francisco Redevelopment Agency.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

**Requests for Hearing****041626 [Non-Profit Contracting Task Force]  
Supervisor Maxwell**

Hearing on the status and implementation of the recommendations of the Board of Supervisors Non-Profit Contracting Task Force.

11/23/04, RECEIVED AND ASSIGNED to Rules Committee.

**041627 [West Nile Virus]  
Supervisor Dufty**

Hearing to consider efforts to increase vector control and reduce the threat of West Nile Virus.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

**041628 [Planning and implementation of Proposition 63 - Mental health services.]  
Supervisor Dufty**

Hearing on the planning and implementation of Proposition 63 to improve mental health services.

11/23/04, RECEIVED AND ASSIGNED to City Services Committee.

**Motions****041613 [Extends the due dates for a Community Choice Aggregation draft implementation plan and Request for Proposal to the Board of Supervisors by four months each]  
Supervisor Ammiano**

Motion approving the extension of the due dates for a Community Choice Aggregation draft implementation plan and a Request for Proposal to the Board of Supervisors as required under Ordinance No. 86-04 by four months each.

11/23/04, RECEIVED AND ASSIGNED to Land Use Committee.

**PROPOSED ORDINANCES****PROPOSED RESOLUTIONS****041522 [Amendment to Paratransit Broker Agreement]**

Resolution approving Amendment No. 4 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to extend the current five-year contract for three years, through March 31, 2008, and to increase the contract amount by \$65,379,606, for a total contract amount not to exceed \$158,021,539. (Municipal Transportation Agency)

11/10/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.



041523 [Parking Regulations]  
Supervisor Elsbernd

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

John Muir Drive, south side, from 50 feet east of the east property line of the Lakewood Apartments (end of angled parking) to Lake Merced Boulevard.

TOW-AWAY, NO PARKING, 10 PM to 6 AM EVERYDAY - ESTABLISH

John Muir Drive, north side, from 50 feet east of the east property line of the Lakewood Apartments (end of angled parking) to Lake Merced Boulevard. (Parking and Traffic Department)

(11/05/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2904.)

11/10/04, RECEIVED AND ASSIGNED to Land Use Committee.

### Requests Granted

*From: Supervisor Sandoval*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation prohibiting retaliation by management against employees of the City and County of San Francisco who communicate with or offer testimony to members of the Board of Supervisors about City business.*

*From: Supervisors Maxwell, Peskin*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation to amend the Campaign and Governmental Conduct Code to create disclosure requirements for lobbyists that receive contributions for the purpose of lobbying.*

### In Memoriams

*Elios Anderlini (Supervisor Peskin)*

*Manuel Quintanilla (Supervisor Ammiano)*

*Dolores Guerrero (Supervisor Maxwell)*

## ADJOURNMENT

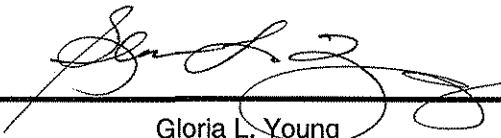
*There being no further business, the Board at the hour of 5:37 p.m. adjourned.*

*Gloria L. Young, Clerk of the Board*

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

*Approved by the Board of Supervisors on January 4, 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.*



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Gloria L. Young  
Clerk of the Board