

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, August 17, 2004 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Sandoval, Daly, McGoldrick

City and School District Select Committee

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

City Services Committee

Supervisors Dufty, Ma, Elsbernd

Finance and Audits Committee

Supervisors Daly, Peskin, Ammiano

Land Use Committee

Supervisors McGoldrick, Peskin, Maxwell

Rules Committee

Supervisors Maxwell, Alioto-Pier, Gonzalez

Meeting Days

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

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

Thursday
9:30 AM

Wednesday
1:00 PM

Monday
1:00 PM

Wednesday
10:00 AM

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

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.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:47 p.m. On the call of the roll Supervisors McGoldrick and Alioto-Pier were noted absent.

Quorum present.

*Supervisor McGoldrick was noted present at 2:50 p.m.
Supervisor Alioto-Pier was noted present at 3:04 p.m.*

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Meeting Minutes of July 13, 2004, July 20, 2004 and July 27, 2004. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the City Services Committee

040171 [Supplemental grant award for comprehensive drug court implementation services]
Supervisor Gonzalez

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$53,742 from the California Department of Alcohol and Drug Programs (CADP) to supplement comprehensive drug court implementation funding and to enter into an agreement for the use of these funds; for the period of December 29, 2003, to December 28, 2004. (Public Health Department)

Supervisor Gonzalez requested to be added as sponsor.

Resolution No. 500-04

ADOPTED

**040991 [Accept – Expend State Grant]
Mayor, Supervisor Duffy**

Resolution authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of \$386,423 from the State Board of Corrections for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

Resolution No. 511-04

ADOPTED

Recommendations of the Finance and Audits Committee

**040583 [Airport Concession Lease]
Mayor**

Resolution approving Amendment No. 1 to the Luggage Cart Lease and Operating Agreement between Smarte Carte, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

Resolution No. 504-04

ADOPTED

040983 [Contracting out Budget Analyst Services]

Resolution concurring with the controller's certification that the budget analyst services can be practically performed by private contractor for lower cost than similar work services performed by city and county employees. (Clerk of the Board)

Resolution No. 510-04

ADOPTED

041026 [Extension of Agreement with PRWT Services, Inc]

Resolution authorizing a two-year extension of the agreement between PRWT Services, Inc. and the City and County of San Francisco. (Parking and Traffic Department)

Resolution No. 515-04

ADOPTED

041042 [Contracting for security guard services for the Hallidie Plaza Elevator at Market and Powell Streets]

Resolution concurring retroactively with the Controller's determination that security guard services can practically be performed at the Hallidie Plaza by private contractor for a lower cost than if the services were performed by city and county employees. (Public Works Department)

Resolution No. 519-04

ADOPTED

041027 [Contracting out Paratransit Services]

Resolution concurring with the controller's determination that it is more economical for the Municipal Transportation Agency to contract for paratransit services than to provide the same service with city and county employees for the period of Fiscal Year 2004-05. (Municipal Transportation Agency)

Resolution No. 516-04

ADOPTED

Recommendations of the Land Use Committee

- 040322 [Mayor, or Mayor's designee, may waive payment of part of the cost of additional police services, subject to Board's power to reject the waiver]
Supervisors Peskin, Elsbernd

Ordinance permitting the Mayor, or Mayor's designee, to waive, in writing, part of the cost of additional police services, upon consideration of specified criteria and subject to rejection by the Board within thirty (30) days of issuance.

(Fiscal impact.)

Ordinance No. 211-04
FINALLY PASSED

- 040859 [Designating 165 10th Street, the James Lick Baths/People's Laundry building, as a Landmark]
Supervisor Peskin

Ordinance Designating 165 10th Street, The James Lick Baths/People's Laundry Building, As Landmark No. 246 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

Ordinance No. 216-04
FINALLY PASSED

- 040887 [Mission Bay - Park P1 Improvements]

Ordinance designating a portion of State Trust Parcel 2 and Parcel 7 adjacent to Channel for public open space and park purposes; naming the new park "Mission Creek Park"; designating sidewalk width; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,861 and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 218-04
FINALLY PASSED

- 040974 [Zoning Map Amendment in connection with Habitat For Humanity Project]
Supervisor Sandoval

Ordinance amending Zoning Map Sheet 12 of the City and County of San Francisco for property located at 101 Head Street, 105 Head Street, 110 Head Street, 310 DeLong Avenue, 479 DeLong Avenue, 495 DeLong Avenue, 491 DeLong Avenue, 487 DeLong Avenue, 409 DeLong Avenue, 36 Santa Cruz Avenue, 48 Santa Cruz Avenue, 50 Santa Cruz Avenue (Assessor's Block 7153 Lots 008, 008A, 009, 010, 011, 012, 013, 014; Block 7154, Lot 023; Block 7174 Lots 004, 007, 008, 009, 025, 026, 027, 028, 029, 030, 031, 047, 048, 052) to change the zone classification from P, Public Use, to RH-1, Residential House, One Family; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

Ordinance No. 221-04
FINALLY PASSED

**040976 [Designating 1201 Ortega Street, the Infant Shelter, as a Landmark]
Supervisors Peskin, Ma**

Ordinance designating 1201 Ortega Street, the Infant Shelter, as Landmark No. 242 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

**Ordinance No. 222-04
FINALLY PASSED**

040717 [Traffic Regulations - Portions of Middle Point Road and Innes Avenue]

Ordinance adding Sections 28.5.55 and 28.5.56 to the San Francisco Traffic Code restricting certain vehicles over 6,000 pounds on portions of Middle Point Road and Innes Avenue. (Parking and Traffic Department)

**Ordinance No. 214-04
FINALLY PASSED**

040483 [Grant of Regional Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$3,753,574 of Assembly Bill 664 funds for Municipal Railway Transit projects, excluding administrative overhead costs. (Municipal Transportation Agency)

**Resolution No. 502-04
ADOPTED**

041058 [Accept-Expend Corporate Grant]

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$20,000 from the Safe Tree Program for the development of a Comprehensive Urban Forest Plan for the City and County of San Francisco. (Environment)

**Resolution No. 520-04
ADOPTED**

**040832 [Traffic Regulations]
Supervisors Dufty, Ammiano**

Resolution enacting traffic regulations on various streets.

NO RIGHT TURN ON RED - ESTABLISH

San Jose Avenue at Randall Street; and Guerrero Street, southbound at 24th Street.

**Resolution No. 506-04
ADOPTED**

Recommendations of the Rules Committee

**040856 [Department of Elections Conflict of Interest Code]
Supervisor Gonzalez**

Ordinance amending Campaign and Governmental Conduct Code section 3.1-215 to update the Department of Elections and Elections Commission conflict of interest code and financial disclosure rules. (Elections Department)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 215-04

FINALLY PASSED

040980 [Deadlines for correction and review of ballot arguments]

Ordinance amending sections 535 and 590 of the Municipal Elections Code to: change the deadline for correction of errors in rebuttal ballot arguments from noon on the seventy-sixth day before the election to noon on the seventy-fifth day before the election, to be consistent with the deadline for correction of errors in paid ballot arguments; and change the public inspection periods for ballot arguments so that the periods for public review of proponent, opponent, rebuttal and paid arguments, and related materials, all end on the same date, sixty-four days before the election. (Elections Department)

Ordinance No. 223-04

FINALLY PASSED

040712 [Settlement of Lawsuit - Ray Mizyed and Gary Thompson]

Ordinance authorizing settlement of Ray Mizyed's claims in the lawsuit filed by Ray Mizyed and Gary Thompson against the City and County of San Francisco for \$135,000; the lawsuit was filed on May 14, 2003, in the United States District Court for the Northern District of California, Case No. CV 03-02243 WDB, entitled Ray Mizyed, Gary Thompson v. City and County of San Francisco, Johnny Miller, Jesse Williams, Donald Sanders, Mercedes Hernandez, Gwendolyn Tucker. (City Attorney)

Ordinance No. 212-04

FINALLY PASSED

040713 [Settlement of Lawsuit [Partial Settlement] - Ki-Man Song, et al.]

Ordinance authorizing partial settlement of the lawsuit filed by Ki-Man Song, Young Soo Lee, Leobardo Trejo, Suk In Yi, Chae Hun Yi, and James Nam against the City and County of San Francisco for \$280,540; the lawsuit was filed on June 3, 2003 in United States District Court, Northern District of California, Case No. C03 2580; entitled Ki-Man Song, et al. v. Jin Construction & Electric Co., et al.; other material terms of said settlement are material terms. (City Attorney)

Ordinance No. 213-04

FINALLY PASSED

040860 [Settlement of Lawsuit - Sixta Santiago]

Ordinance authorizing settlement of the lawsuit filed by Sixta Santiago against the City and County of San Francisco for \$115,000; the lawsuit was filed on December 12, 2003 in San Francisco Superior Court, Case No. CGC 03-426-777; entitled Sixta Santiago v. City and County of San Francisco, et al; other material terms of said settlement are that Plaintiff has agreed to retire from her position with the City. (City Attorney)

Ordinance No. 217-04

FINALLY PASSED

040895 [Settlement of Lawsuit - Darius Hinton]

Ordinance authorizing settlement of the lawsuit filed by Darius Hinton against the City and County of San Francisco for \$33,000; the lawsuit was filed on October 16, 2001 in San Francisco Superior Court, Case No. 400-292; entitled Darius Hinton, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 219-04

FINALLY PASSED

040897 [Settlement of Lawsuit - William Salazar and Amy Salazar]

Ordinance authorizing settlement of the lawsuit filed by William Salazar and Amy Salazar against the City and County of San Francisco for \$28,290 to William Salazar and \$6,210 to Amy Salazar; the lawsuit was filed on January 12, 2001 in San Francisco Superior Court, Case No. 318-098; entitled William Salazar and Amy Salazar v. City and County of San Francisco. (City Attorney)

Ordinance No. 220-04

FINALLY PASSED

PASS THE CONSENT AGENDA by the following vote:

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

Severed from Consent Agenda

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

040653 [Urging DPT to install 4-way STOP signs at the intersection of Castro and 23rd Streets]

Supervisor Dufty

Resolution urging the Department of Parking and Traffic to install 4-way STOP signs at the intersection of Castro and 23rd Streets.

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

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendations of the Land Use Committee**

**021825 [RCN Proposed OVS Franchise]
Supervisors McGoldrick, Elsbernd, Gonzalez**

Ordinance granting a four year franchise to RCN Telecom Services, Inc. with an opportunity for two extensions of three years each, for use of the public rights-of way within the City and County of San Francisco to provide open video system services and cable internet services upon compliance with the terms of this franchise.

(Pursuant to Section 11.11 of the San Francisco Administrative Code, the Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)

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

Ordinance No. 210-04

FINALLY PASSED by the following vote:

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

**041072 [Amending the Administrative Code to Require Preparation and Consideration of Healthcare Impact Report in Event of Certain Hospital Construction Resulting in Replacement or Addition of Over Two Hundred Licensed Hospital Beds]
Supervisors Ma, Daly, Maxwell, Gonzalez, Ammiano, Peskin**

Ordinance adding Section 97 to the Administrative Code to require Health Department to draft and distribute Healthcare Impact Report for consideration in evaluating permit application or amendment to Redevelopment Plan regarding private hospital construction resulting in replacement or addition of over two hundred licensed hospital beds.

Ordinance No. 224-04

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the City Services Committee

040574 [Liquor License, 3954 Geary Boulevard]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license in exchange for a Type 47 license to Sun Hui Kim for Fizzee's Sports Bar LLC, located at 3954 Geary Boulevard (District 1), will serve the convenience 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. 503-04

ADOPTED by the following vote:

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

**040947 [Traffic Regulation - Steiner Street between Lombard and Chestnut Streets]
Supervisor Alioto-Pier**

Resolution enacting temporary "Street Closed to Vehicular Traffic" regulation on Steiner Street between Lombard and Chestnut Streets from 1:30 P.M. to 7:00 P.M. on every Tuesday between August 24, 2004 through September 28, 2004.

Resolution No. 495-04

ADOPTED by the following vote:

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

041040 [Accept-Expend California State Coastal Conservancy, San Francisco Bay Conservancy Program Grant Funds]

Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a grant in the amount of \$125,000 from the California State Coastal Conservancy (CSCC) for the purchase and installation of restroom facilities for the Fifield-Cahill Ridge Trail project on the peninsula watershed in San Mateo County. (Public Utilities Commission)

Resolution No. 518-04

ADOPTED by the following vote:

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

Recommendations of the Finance and Audits Committee

**040505 [Fees for notary services]
Supervisors Dufty, Ammiano**

Ordinance amending San Francisco Administrative Code Sections 8.33.1, 833.2, and 834.1 to authorize the County Clerk, the Assessor-Recorder, and the Tax Collector to charge fees for providing notary services to the public in the amount of \$10 for an Acknowledgment and \$10 for a Jurat; and ratifying that requests for marriage certificate index records are subject to the same charges as are fictitious business name index records.

PASSED ON FIRST READING by the following vote:

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

**040955 [Fee Adjustments - Planning Department Services]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to adjust fees for Planning Department services; and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

041060 [MOU - San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]**Mayor**

Ordinance adopting and implementing Amendment #1, the negotiated agreement that amends the 2003-2005 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by extending the term of the parties' agreement through June 30, 2007 and by implementing specified terms and conditions of employment for fiscal years 2004-2005, 2005-2006 and 2006-2007 in accordance with the MOU's reopener provision.

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - Alioto-Pier

041061 [MOU - San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2)]**Mayor**

Ordinance adopting and implementing Amendment #1, the negotiated agreement that amends the 2003-2005 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by extending the term of the parties' agreement through June 30, 2007 and by implementing specified terms and conditions of employment for fiscal years 2004-2005, 2005-2006 and 2006-2007 in accordance with the MOU's reopener provision.

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - Alioto-Pier

040953 [Amended and Restated Property Exchange Agreement]**Supervisors Dufty, Gonzalez, Elsbernd**

Resolution approving an amended and restated property exchange agreement substituting City property at the corner of Portola Drive and Burnett Avenue for property located at the corner of Gough and Grove Streets; adopting findings that the amended and restated exchange agreement is categorically exempt from environmental review and 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, make certain modifications and take certain actions in furtherance of this resolution.

(Fiscal impact.)

Resolution No. 509-04**ADOPTED by the following vote:**

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

040992 [Hunters Point Shipyard Cooperative Agreement for Fire Services]

Resolution authorizing the San Francisco Fire Department to accept and enter into a grant agreement with the United States Navy reimbursing the San Francisco Fire Department for the costs of providing fire services to portions of the Hunters Point Shipyard remaining under federal ownership. (Mayor)

ADOPTED by the following vote:

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

From the Finance and Audits Committee "Without Recommendation"

- 040973 [Official Advertising - Type 2 non-consecutive day official advertising]**
Resolution designating the San Francisco Chronicle to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

Continued to September 14, 2004

Supervisor Peskin, seconded by Supervisor Elsbernd, 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

Recommendations of the Land Use Committee

- 020188 [Designating 300 Bartlett Street, The Carnegie Mission Branch Library as Landmark No. 234]**
Supervisors Ammiano, Peskin, Maxwell, Gonzalez

Ordinance designating 300 Bartlett Street, the Carnegie Mission Branch Library, as Landmark No. 234 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

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

PASSED ON FIRST READING by the following vote:

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

- 030142 [Designate the Laguna Honda Station, also known as the Forest Hill Station, At 390 Laguna Honda Boulevard As a Landmark]**
Supervisors Elsbernd, Peskin, Maxwell

Ordinance Designating the Laguna Honda Station, At 390 Laguna Honda Boulevard, as Landmark No. 231 Pursuant to Article 10, Sections 1004 And 1004.4 of the Planning Code.

PASSED ON FIRST READING by the following vote:

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

- 041003 [Parking Control - Dr. Carlton B. Goodlett Place]**
Supervisor Maxwell

Ordinance amending Article 3, Section 32.6.21 of the San Francisco Traffic Code to extend the boundary of the existing permit area, remove the official city-owned vehicle requirement and to replace references to Polk Street with Dr. Carlton B. Goodlett Place to reflect official name change.

PASSED ON FIRST READING by the following vote:

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

- 040365 [Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use and add notice and review procedures for changes of use to a formula retail use]
Supervisors Gonzalez, Peskin, Maxwell, Dufty, Sandoval**

Ordinance amending Planning Code Section 312 to delete the requirement that changes of use per the use categories of Article 7, and changes in use to a retail coffee stores, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries uses, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312; to add the requirement that changes of use to a formula retail use be subject to the notification and review procedures of Section 312; to add the requirement that building permit applications for a change of use to a bar, liquor store, walkup facility, full-service restaurant, large fast food restaurant, small self-service restaurant, massage establishment, outdoor activity, or adult or other entertainment use be subject to the notification and review procedures of Section 312; to add the requirement that the Planning Department make available and update every six months its list of neighborhood organizations with interests in specific properties or areas; to provide that where a neighborhood organization that is required to receive project notification is not sent such notice the proposed project must be re-noticed; and to make findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Continued to September 28, 2004

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

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

- 040720 [Authorizing the Vacation and Transfer to the Redevelopment Agency of a Portion of Stevenson Street between 3rd and 4th Streets]**

Ordinance ordering the summary vacation of an unused and unneeded portion of Stevenson Street between 3rd and 4th Streets; making findings pursuant to the California Streets and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the conveyance of the vacated portion of Stevenson Street to the San Francisco Redevelopment Agency; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

PASSED ON FIRST READING by the following vote:

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

- 040912 [Prohibiting eastbound vehicles on Market Street from making a right turn onto the entrance to the Central Freeway at Octavia Street]
Supervisors Gonzalez, Maxwell, Dufty**

Resolution enacting traffic regulation on Market Street at entrance to the Central Freeway at Octavia Street.

Amendment of the whole bearing the same title.

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

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

Resolution No. 508-04

ADOPTED AS AMENDED by the following vote:

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

**041077 [Union Pacific Railroad track lease for Third St. and Cargo Way for the Third Street LRT Project]
Mayor**

Resolution authorizing the Director of Transportation to execute a track lease with the Union Pacific (UP) and Burlington Northern Santa Fe (BNSF) Railroads that leases approximately three hundred ten (310) feet of UP's spur track at the intersection of Third Street and Cargo Way for a term of 25 years, rent of \$10 per year, and a one-time administrative fee of \$500 for a total cost of \$750, and requires the City to repair and maintain the track and construct and maintain a railroad crossing signal system.

Resolution No. 521-04

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Recess

The Board recessed at the hour of 3:49 p.m.

Reconvening of the Board

The Board at the hour of 4:08 p.m. reconvened.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Alioto-Pier, Ammiano, Daly, Elsbernd, Gonzalez,
Peskin - 6*

Quorum present.

*Supervisors Dufty, Maxwell, McGoldrick, Sandoval were noted present at
4:10 p.m.*

041020 [Public Hearing]

Hearing of persons interested in or objecting to report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Clerk of the Board)

HEARD AT PUBLIC HEARING.

- 041021 [Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]**
Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)
Resolution No. 512-04
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ma
- 041022 [Public Hearing]**
Hearing of persons interested in or objecting to report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Clerk of the Board)
HEARD AT PUBLIC HEARING.
- 041023 [Unpaid DPH Delinquent Refuse Service Payment Liens to become special assessments to the property taxes]**
Resolution confirming report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Public Health Department)
Resolution No. 513-04
ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ma

SPECIAL ORDER 3:30 P.M.

- 041024 [Public Hearing - 1053-1055 Clayton Street]**
Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Clerk of the Board)
Continued to September 14, 2004
CONTINUED.
- 041025 [Special Assessment Liens for Assessment Costs]**
Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Building Inspection Department)
Property located at 1053 Clayton Street divided and continued to September 14, 2004.
Resolution No. 514-04
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041222 [Assessment of Costs Special Assessment Lien for 1053-1055 Clayton Street]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

Continued to September 14, 2004

CONTINUED AS DIVIDED.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

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

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

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to former Supervisor Tony Hall.

Supervisors Alioto-Pier, Dufty, Ammiano, McGoldrick, Peskin, Ma, Maxwell, Sandoval, Gonzalez congratulated former Supervisor Hall on his recent appointment as Executive Director of Treasure Island.

SPECIAL ORDER 4:00 P.M.**041055 [Public Hearing - Minor Sidewalk Encroachment Appeal - 2833 26th Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works by its letter dated July 8, 2004, approving a Minor Sidewalk Encroachment Permit No. 04MSE-125 to legalize the construction of a warped driveway ramp and two (2) planter boxes encroaching 3'-0" public sidewalk right-of-way to provide access to a garage below grade, fronting the property at 2833 26th Street, Lot 020 in Assessor's Block 4334. (Appellant: Jason Lin.)

(Filed 7/22/04; companion measure to Files 041056, 041057; District 9.)

Nick Elsner, Department of Public Works

HEARD AT PUBLIC HEARING.

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

- 041056 [Minor Sidewalk Encroachment Permit Appeal - 2833 26th Street]**
Motion approving the decision of the Director of Public Works' approval of a minor sidewalk encroachment permit at 2833 26th Street and denying the appeal. (Clerk of the Board)

Motion No. M04-98

APPROVED by the following vote:

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

- 041057 [Minor Sidewalk Encroachment Permit Appeal - 2833 26th Street]**
Motion disapproving the decision of the Director of Public Works' approval of a minor sidewalk encroachment permit at 2833 26th Street and denying the encroachment permit. (Clerk of the Board)

TABLED by the following vote:

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

SPECIAL ORDER 4:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

- 041080 [Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project]**
Hearing to consider (1) adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; (2) adopting findings under the General Plan and City Planning Code Section 101.1; and (3) adopting a resolution of necessity for the City's proposed acquisition by eminent domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 (80 Natoma), in San Francisco.

Continued to September 21, 2004

Supervisor Peskin, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report Without Recommendation

- 041079 [Eminent Domain - Resolution of Necessity (80 Natoma)]**
Supervisors Daly, Ammiano, Dufty

Resolution authorizing acquisition of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 in San Francisco by Eminent Domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project; adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

Continued to September 21, 2004

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

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

COMMITTEE REPORTS

**040904 [Appointment - San Francisco Bay Conservation and Development Commission]
Supervisor Peskin**

Resolution appointing David Owen, indefinite term, as an alternate member of the San Francisco Bay Conservation and Development Commission.

Resolution No. 494-04

ADOPTED by the following vote:

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

040771 [Appointment - Bicycle Advisory Committee]

Resolution appointing Francisco Hernandez to the Bicycle Advisory Committee for a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration, term ending November 19, 2004.

Francisco Hernandez, succeeding Cynthia Powell, resignation, seat 9, must be a nominee of District 9 Supervisor, for a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration, term ending November 19, 2004.

Resolution No. 505-04

ADOPTED by the following vote:

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

041105 [Appointment - SRO Hotel Safety and Stabilization Task Force]

Resolution appointing Henry Karnilowicz to the SRO Hotel Safety and Stabilization Task Force for the unexpired portion of a term ending December 31, 2004.

Henry Karnilowicz, succeeding Kiran Patel, resigned, seat 2, must be an owner or manager of SRO Hotel, for the unexpired portion of a term ending December 31, 2004.

Resolution No. 522-04

ADOPTED by the following vote:

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

041106 [Appointment - Library Citizens Advisory Committee]

Resolution appointing Gayle Leyton to the Library Citizens Advisory Committee for a two-year term ending July 18, 2006.

Gayle Leyton, new appointment, seat 12, must be a member from the community at large, representative of senior citizens, for a two-year term ending July 18, 2006.

Resolution No. 523-04

ADOPTED by the following vote:

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

041107 [Appointment - Sunshine Ordinance Task Force]

Resolution appointing Erica Craven to the Sunshine Ordinance Task Force for the unexpired portion of a two-year term ending April 27, 2006.

Erica Craven, succeeding Nicole Dogwill, resigned, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an attorney, for the unexpired portion of a two-year term ending April 27, 2006.

Resolution No. 524-04

ADOPTED by the following vote:

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

041108 [Appointment - Power Plant Task Force]

Resolution appointing John Kosinski to the Power Plant Task Force for the unexpired portion of a two-year term ending November 1, 2005.

John Kosinski, new appointment, seat 8, must be the head of the San Francisco Labor Council or his/her designee, for the unexpired portion of a two-year term ending November 1, 2005.

Resolution No. 525-04

ADOPTED by the following vote:

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

041109 [Appointment - Asthma Task Force]

Resolution appointing Neil Gendel to the Asthma Task Force for the unexpired portion of a two-year term ending June 30, 2005.

Neil Gendel, succeeding Ann Melamed, resigned, seat 7, must be a representative of an environmental health/justice organization and is a voting member, for the unexpired portion of a two-year term ending June 30, 2005.

Resolution No. 526-04

ADOPTED by the following vote:

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

041110 [Appointment - Childhood Nutrition and Physical Activity Task Force]

Resolution appointing Marilyn Wann to the Childhood Nutrition and Physical Activity Task Force for the unexpired portion of a one-year term ending December 12, 2004.

Marilyn Wann, succeeding Esther Rothblum, resigned, seat 8, must be a member of a civil rights organization addressing weight size discrimination, for the unexpired portion of a one-year term ending December 12, 2004.

Resolution No. 527-04

ADOPTED by the following vote:

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

041111 [Appointment - Assessment Appeals Board No. 1]

Resolution appointing Peter Fatooh and Carol Ruth Silver to the Assessment Appeals Board No. 1 for a three-year term ending September 3, 2007.

Peter Fatooh, succeeding himself, term expiring September 6, 2004, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007.

Carol Ruth Silver, succeeding Thomas Ramm, term expiring September 6, 2004, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board for a three-year term ending September 3, 2007.

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

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

Supervisor Elsbernd, seconded by Supervisor Peskin, moved to rescind the previous vote.

Motion to rescind the previous vote failed by the following vote:

Ayes: 3 - Alioto-Pier, Dufty, Elsbernd

Noes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1- Ma

041112 [Appointment - Assessment Appeals Board No. 2]

Resolution appointing Margaret Ruxton, Mervin Conlan and Richard Lee for a three-year term ending September 3, 2007 as members to the Assessment Appeals Board No. 2.

Margaret Ruxton, succeeding Lawrence Lee, term expiring September 6, 2004, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007.

Mervin Conlan, succeeding himself, term expiring September 6, 2004, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007.

Richard Lee, succeeding Donald Schmidt, term expiring September 6, 2004, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for a three-year term ending September 3, 2007.

Continued to September 21, 2004

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

Ayes: 8 - Ammiano, Daly, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin

Noes: 3 - Alioto-Pier, Dufty, Sandoval

040857 [Settlement of Claim - Cambridge Integrated Services, Inc.]

Resolution approving settlement of claim by City and County of San Francisco against Cambridge Integrated Services, Inc., for claimed errors and omissions by Cambridge in administering the workers' compensation claim of City employee Fanny Tang. (City Attorney)

Resolution No. 507-04

ADOPTED by the following vote:

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

Absent: 1 - Ma

040931 [Settlement of Lawsuit - Applied Remedial Technologies, Inc.]

Ordinance authorizing settlement of the lawsuit filed by Applied Remedial Technologies, Inc. against the City and County of San Francisco for eighty thousand dollars (\$80,000); the lawsuit was filed on in the Superior Court of the City and County of San Francisco, Case No. CGC-03-419941; entitled Applied Remedial Technologies, Inc. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - Ma

040938 [Settlement of Administrative Civil Liability Complaint]

Resolution approving the settlement of the unlitigated administrative civil liability complaint filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$118,000; approving use of said amount for an environmental mitigation project, subject to approval of the Regional Board Water Quality Control Board, in an amount not to exceed \$110,000, plus payment of an \$8,000 penalty. (City Attorney)

Resolution No. 499-04

ADOPTED by the following vote:

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

040975 [Settlement of Lawsuit - Jean B. Applebaum]

Ordinance authorizing settlement of the lawsuit filed by Jean B. Applebaum against the City and County of San Francisco for \$240,000; the lawsuit was filed on July 31, 2002 in San Francisco Superior Court, Case No. 410-962; entitled Jean B. Applebaum, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

041036 [Accept and Expend Grant - Sheriff's Department program providing employment and education services for young offenders in the county jail and after their release]

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$93,666 from the Private Industry Council of San Francisco for providing employment and education services to young offenders in the county jail and after their release. (Sheriff)

Resolution No. 517-04

ADOPTED by the following vote:

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

040392 [Liquor License Transfer, 1528 Fillmore Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 601 Baker Street to 1528 Fillmore Street (District 5), to Sung W. Lee, dba Woori Food Market, will serve the convenience 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.

ADOPTED by the following vote:

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

041114 [Grant of Regional Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$35,710,000 of Regional Measure 2 funds for Municipal Railway capital projects. (Municipal Transportation Agency)

Resolution No. 528-04

ADOPTED by the following vote:

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

Appointment of President Pro Tempore

At the request of the President, Supervisor Elsbernd assumed the Chair.

ROLL CALL FOR INTRODUCTIONS**PUBLIC COMMENT**

*Abdullah Megaheed; general issues
Richard Roberts
Wayne Lewis
Vernon Jenkins
Robert Pender; Vice President of the Lake Merced Association
Ray Martin*

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.

**041130 [Accept-Expend State and Regional Grants]
Supervisor Dufty**

Resolution authorizing the Director of Transportation or his designee to apply for, accept, and expend \$559,600 in Bicycle Transportation Account, Bay Area Air Quality Management District, and Transportation Development Act grant funds to implement various projects and programs recommended in the San Francisco Bicycle Plan and to execute any and all associated documents.

**Resolution No. 529-04
ADOPTED**

**041131 [75% Waste Diversion Goal for City Departments]
Supervisors Dufty, Gonzalez**

Resolution adopting a goal of 75% landfill diversion by the year 2010 for each City department.
Supervisor Gonzalez requested to be added as a co-sponsor.

**Resolution No. 530-04
ADOPTED**

**041132 [STOP Intersection - 23rd and Castro Streets]
Supervisor Dufty**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH

Castro Street and 23rd Street, making this intersection an all-way STOP.

(8/10/04: 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 results in more than a negligible increase in the use of the street.)

Resolution No. 531-04

ADOPTED

**041136 [Initiate the Designation of 900 Innes Avenue, the Hunter's Point School, as a City Landmark]
Supervisor Maxwell**

Resolution initiating the designation of 900 Innes Avenue, the Hunter's Point School, Block 4646, Lot 03, as a City landmark pursuant to Planning Code Section 1004.1.

Resolution No. 533-04

ADOPTED

**041146 [Accept-Expend Federal Pass Through Grant]
Supervisor Elsbernd**

Resolution authorizing the Office of Emergency Services to accept and expend a Federal pass through grant in the amount of \$26,325,036 from the State of California Office of Homeland Security for the purposes of providing financial assistance directly to selected jurisdictions through the Fiscal Year 2004 Urban Areas Security Initiative (UASI) to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism.

Resolution No. 497-04

ADOPTED

**041147 [Accept-Expend Federal Pass Through Grant]
Supervisor Elsbernd**

Resolution authorizing the Office of Emergency Services to accept and expend a Federal pass through grant in the amount of \$2,896,198 from the State of California Office of Homeland Security for the purpose of providing financial assistance directly to selected jurisdictions for emergency prevention, preparedness, and response personnel to prevent, deter, respond to, and recover from threats and incidents of terrorism.

Resolution No. 498-04

ADOPTED

- 041156 [Calling upon the President to acknowledge and condemn the genocide in the Darfur region of Western Sudan]
Supervisors Dufty, Maxwell

Resolution calling upon the President to acknowledge and condemn the genocide in the Darfur region of Western Sudan.

Resolution No. 537-04

ADOPTED

- 041157 [Commendation of 11th Annual Pistahan Parade and Festival 2004]
Supervisors Ma, Elsbernd

Resolution commending 11th Annual Pistahan Parade and Festival 2004.

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

Resolution No. 534-04

ADOPTED

- 041158 [Commendation of 84th Anniversary of the 19th Amendment]
Supervisors Ma, Elsbernd

Resolution commending the 84th anniversary of the 19th Amendment to the United States Constitution, extending the right of suffrage to women.

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

Resolution No. 535-04

ADOPTED

- 041159 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

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

Motion No. M04-99

APPROVED

The foregoing items were acted upon by the following vote:

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

Absent: 2 - Daly, Ma

Severed From Without Reference to Committee Agenda

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

041135 [Commending Tony Hall]
Supervisors Elsbernd, Dufty, Ma, Alioto-Pier, Gonzalez

Resolution commending Tony Hall for his distinguished service as Supervisor of the City and County of San Francisco.

Amended on page 1, line 5, by replacing "November 2000" to "December 2000".

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

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

Resolution No. 532-04

ADOPTED AS AMENDED by the following vote:

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

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

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

[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 Dufty, seconded by President Gonzalez, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

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

041181 [Commending Mila A. Palarca]
Supervisor Daly

Resolution commending Mila A. Palarca for her twenty-seven years as Health Service System employee of the City and County of San Francisco.

Resolution No. 536-04

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

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 Sections 37.3 and 37.9: to prohibit rent increases in existing tenancies due to the addition of one or more occupants (including but not limited to a domestic partner or a newborn child or other family member of an integrated household as defined), even where a pre-existing rental agreement or lease specifically permits a rent increase for additional occupants, except that the landlord may petition the Rent Board for a rent increase under Section 37.8(e)(4) based on the increased cost for an additional occupant [Section 37.3(a)(11)]; and to prohibit evictions based solely on the addition of occupants even where a pre-existing rental agreement or lease prohibits additional occupants, 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 and eight per four-bedroom unit, except where this total would exceed the number of occupants permitted under state law and/or other local codes or otherwise fail to comply with such state law and/or local codes (e.g., Planning, Housing 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.

4/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

9/23/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

9/23/03, ASSIGNED to Land Use Committee.

8/17/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

8/17/04, ASSIGNED to Land Use Committee.

- 041171 [Appropriate funding to the ranked-choice voting community education and ethnic media outreach program for radio and print ads]**
Supervisor Gonzalez

Ordinance appropriating \$75,000 from the General Fund Reserve to implement the ranked-choice voting community education and ethnic media outreach plan for the Department of Elections for fiscal year 2004-05. 8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 041172 [Reenacting a Disadvantaged Business Enterprise Program]**

Emergency ordinance amending the San Francisco Administrative Code by adding Section 14A.03 to Chapter 14A to reenact a Disadvantaged Business Enterprise Program and suspend Chapter 12D.A, make applicable certain emergency contracting procedures, and provide for data collection to ensure nondiscrimination in City contracting; adopting declaration of emergency. (Clerk of the Board)
8/17/04, RECEIVED AND ASSIGNED to Rules Committee.

- 041173 [Funding from bond proceed sales of General Obligation and Lease Revenue bonds for improvement and construction of open space/ neighborhood park projects and to re-appropriate prior year Open Space project funding to active current fiscal year projects]**
Supervisor McGoldrick

Ordinance appropriating \$68,800,000 of bond sale proceeds from General Obligation Bonds to fund the improvement and construction of parks and open space (as part of Proposition A) and placing \$200,000 on reserve for issuance costs; appropriating \$23,470,000 of bond sales proceeds from Lease Revenue Bonds to fund 10 neighborhood park improvement projects; and re-appropriating \$2,783,973 of prior year Open Space project funding to various active capital improvement projects in current fiscal year 2004-05 for a total amount of \$95,053,973.

(Fiscal impact.)

8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled at the September 15, 2004 meeting.
Companion Files 041174, 041175, 041176 and 041177

- 041174 [Appropriate bond proceeds for the demolition and other pre-construction activities for renovation and replacement of California Academy of Sciences facilities]**
Supervisor McGoldrick

Ordinance appropriating \$8,075,000 of 2000 Academy of Sciences bond proceeds for capital improvement projects on CAS facilities in Golden Gate Park for Department of Recreation and Parks and the Department of Public Works for fiscal year 2004-05, placing \$8,075,000 on reserve.

(Fiscal impact.)

8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled at the September 15, 2004 meeting.
Companion Files 041173, 041175, 041176 and 041177

**041175 [Open Space Fund Financing]
Supervisor McGoldrick**

Ordinance approving the issuance and sale of lease revenue bonds payable from the Park, Recreation and Open Space Fund to finance various park projects as further described herein; approving the form of a Site Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain City-owned properties located in the City (as further described herein); approving the form of a Master Lease by and between the Corporation and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an official notice of sale and a notice of intention to sell the lease revenue bonds; directing the publication of the notice of intention to sell the lease revenue bonds; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the payment of cost of issuance; authorizing reimbursement of certain expenditures; adopting findings under the California Environmental Quality Act and findings pursuant to City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal impact.)

8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled at the September 15, 2004 meeting.
Companion Files 041173, 041174, 041176, and 041177

**041178 [Declaring blighted vacant lots to be a nuisance and authorizing DPW to abate such nuisances at the owners' expense following notice and opportunity for hearing]
Supervisor Elsbernd**

Ordinance amending Article 15 of the Public Works Code by adding Sections 735 through 735.4 to declare blighted vacant lots a public nuisance, require owners to abate such nuisances and authorize DPW to abate such nuisances at the owners' expense following written notice from DPW and the opportunity for a hearing.
8/17/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 9/16/2004.

**041185 [Planning Department fees for code enforcement]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Sections 351 and 355 to add fees related to code enforcement; and making environmental findings
8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**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.

8/17/04, RECEIVED AND ASSIGNED to Rules Committee.

**041190 [Reauthorization and Expansion of the First Source Hiring Program]
Supervisor Maxwell**

Ordinance amending the San Francisco Administrative Code by amending sections 83.4, 83.5, 83.6, 83.7, 83.9, 83.11, and by adding section 83.12A to: (1) expand the definition of contract to include sole source contracts and contracts, loans and grants awarded by the City in excess of \$50,000; (2) include residential projects, as defined herein, to be subject to first source hiring requirements; (3) increase the First Source Hiring Administration's reporting requirements to the Mayor and the Board of Supervisors regarding the progress of the first source hiring program; (4) delete the requirement that the Purchaser shall determine the applicability of the first source hiring requirements to certain service contracts; (5) delete the ten-day limit on the first source interviewing requirement; (6) require developers to obtain a first source hiring agreement or an exemption before the Planning Commission may approve development projects or other City departments may issue permits subject to first source requirements; (6) impose a fee schedule on covered entities; and (7) extend the operative date to January 1, 2009.

8/17/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/16/2004.

**041192 [Amending Domestic Partnership requirements for marriages between persons of the same sex]
Supervisors Ammiano, Dufty**

Ordinance amending Chapter 62 of the San Francisco Administrative Code by amending Section 62.4 to clarify that domestic partners who entered into a marriage nullified by the Courts retain their status as domestic partners; adding a new Section 62.14 to allow persons of the same sex who were not domestic partners when they married an opportunity to establish a domestic partnership effective as of the date of their marriage license; and adding a new Section 62.15 directing the County Clerk to send notices and forms to all persons who entered into marriages in San Francisco between February 12, 2004 and March 11, 2004 to enable them to exercise their right to establish a retroactively effective domestic partnership.

8/17/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/16/2004.

Resolutions

**041176 [Bond Sale of California Academy of Sciences Improvement Bonds]
Supervisors McGoldrick, Elsbernd**

Resolution authorizing and directing the sale of not to exceed \$8,075,000 General Obligation Bonds (California Academy of Sciences Improvement Bonds, 2000), Series 2004B; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled at the September 15, 2004 meeting.

Companion Files 041173, 041174, 041175, and 041177

**041177 [Bond Sale of Neighborhood Recreation and Park Facilities Improvement Bonds]
Supervisors McGoldrick, Elsbernd**

Resolution authorizing and directing the sale of not to exceed \$68,800,000 General Obligation Bonds (Neighborhood Recreation and Park Facilities Improvement Bonds, 2000), Series 2004A; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

8/14/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled at the September 15, 2004 meeting.

Companion Files 041173, 041174, 041175, and 041176

**041179 [Commending Bill Johnson]
Supervisors Elsbernd, Sandoval, Gonzalez**

Resolution commending Bill Johnson on being the recipient of the OMRA's (Outer Mission Resident Association) "Claire Shea Person of the Year Award.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041180 [Commending the Stern Grove Festival Association and the Recreation and Park Department]
Supervisors Elsbernd, Ammiano, Ma, Gonzalez**

Resolution commending the Stern Grove Festival Association and the Recreation and Park Department for a successful season of high quality performances, and extending best wishes to the Association's efforts with the Stern Grove Festival's Legacy Campaign.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041181 [Commending Mila A. Palarca]
Supervisor Daly**

Resolution commending Mila A. Palarca for her twenty-seven years as Health Service System employee of the City and County of San Francisco.

8/17/04, ADOPTED.

- 041184 [Urging various City departments to investigate the costs, benefits, and technical issues associated with installing City-owned broadband facilities in conjunction with the City's planned rebuild of its sewer system]**

Supervisor Ammiano

Resolution urging the Department of Telecommunications and Information Services, the Public Utilities Commission, the Department of Public Works, and the Mayor's Office of Public Finance to evaluate the costs, benefits, and technical issues associated with installing broadband facilities when the City and County of San Francisco conducts its planned rebuild of its sewer system, to enable the City and County of San Francisco to increase the availability of bandwidth for telecommunications, cable, and information services.

8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 041186 [Urging the PUC to fund a wave-generation power study at Ocean Beach]**

Supervisor Gonzalez

Resolution urging the PUC to fund the Electricity Production Research Institute (EPRI) to complete a study on Ocean Beach necessary for planned implementation of wave-generated power in San Francisco.

8/17/04, RECEIVED AND ASSIGNED to Land Use Committee.

- 041187 [Bike Plan Update and the Transportation Authority]**

Resolution urging the Transportation Authority to facilitate the completion and adoption of the San Francisco Bike Plan Update by procuring consulting services necessary to develop required traffic and environmental analysis in a timely fashion and urging the Planning Department to provide to the Board of Supervisors and the Transportation Authority by July 1st, 2004 the specific criteria against which the environmental analysis will be evaluated.

8/17/04, RECEIVED AND ASSIGNED to Land Use Committee.

- 041193 [Urging the Governor of California, California Senate and State Assembly to reject Assembly Bill 2006]**

Supervisors Ammiano, Daly

Resolution urging the Governor of California, California Senate and State Assembly to reject Assembly Bill 2006, and further urging the California Public Utilities Commission to accelerate its Community Choice proceedings and continue its coordination of electric utility procurement and Community Choice Aggregation efforts in order to protect the rights of California ratepayers.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041194 [Maung Maung Day]**

Supervisor Ammiano

Resolution declaring August 10th, 2004 to be Maung Maung Day.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041195** [Supporting the United Farm Workers, and urging Gallo of Sonoma to extend health benefits to the remaining 75% of its workforce hired through farm labor contractors]
Supervisors Ammiano, Gonzalez, Daly

Resolution supporting the rights of working people to organize and furthermore urging Gallo of Sonoma and all employers to value the contribution of their workers and therefore project a positive image by meeting basic standards of fairness in all operations including fair wages, healthcare and benefits.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041196** [Harvey Milk Memorial Funds Transfer]
Supervisor Gonzalez

Resolution requesting the office of the Controller of the City and County of San Francisco to transfer funds in the account for the Harvey Milk Memorial to the Harvey Milk City Hall Memorial Committee.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041197** [Supporting card check neutrality agreements specifically between the Department of Human Services and contracts which have been competitively bid]
Supervisors Sandoval, Gonzalez

Resolution supporting card check neutrality agreements for contracts with the Department of Human Services, the City and County of San Francisco.

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

- 041182** [Employee Re-classification and Layoff Process]
Supervisor Ammiano

Hearing to review the current practice of employee re-classification, the process by which City employees are being laid off, and to ensure that such processes are consistent with the City's legal and contractual obligations.

8/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 041183** [Sources of revenue for outpatient medical services provided by DPH]
Supervisor Ammiano

Hearing to consider sources of revenue for outpatient medical services provided by the San Francisco Department of Public Health.

8/17/04, RECEIVED AND ASSIGNED to City Services Committee.

- 041188** [African American Children in Foster Care]
Supervisor Maxwell

Hearing to review nine recommendations from a report on the overrepresentation of African American children in foster care, to be issued by the San Francisco Disproportionality Project on September 17, 2004.

8/17/04, RECEIVED AND ASSIGNED to City Services Committee.

Motion

- 041198 [Needle Exchange Emergency]**
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty

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

8/17/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

- 041118 [Public Employment]**
Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the creation of five positions at the Department of Public Health. (Human Resources Department)
- (Fiscal impact; Companion measure to File 041065).
8/4/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.
- 041126 [Setting San Francisco's fiscal year 2004-2005 property tax rate and establishing pass-through rate for residential tenants]**
Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2005. (Controller)
8/9/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 15, 2004 meeting.
- 041127 [Setting S.F. Unified School District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]**
Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2005. (Controller)
8/9/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 15, 2004 meeting.
- 041128 [Setting S.F. Community College District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]**
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2005. (Controller)
8/9/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 15, 2004 meeting.

PROPOSED RESOLUTIONS

- 041036 [Accept and Expend Grant - Sheriff's Department program providing employment and education services for young offenders in the county jail and after their release]**
Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$93,666 from the Private Industry Council of San Francisco for providing employment and education services to young offenders in the county jail and after their release. (Sheriff)
8/3/04, RECEIVED AND ASSIGNED to City Services Committee. Sheriff's Dept. notified of August 12, 2004 City Services Committee meeting.
8/4/04, REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.
8/17/04, ADOPTED.
- 041115 [Changing Official Width of Sidewalk - West side of Lyon Street at Chestnut Street]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1564 to change the official sidewalk width on the west side of Lyon Street at Chestnut Street; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes.
8/3/04, RECEIVED AND ASSIGNED to Land Use Committee.
- 041123 [Prevailing rate of wages for workers engaged in theatrical or technical services related to the presentation of a show on City-owned property]**
Supervisor Daly

Resolution fixing prevailing wage rates for workers engaged in theatrical or technical services (including but not limited to rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services) for shows on property owned by the City and County of San Francisco. (Civil Service Commission)
8/6/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.
- 041125 [Settlement of Claim - Gibson Group Trust]**
Resolution approving settlement of the unlitigated claim of the Gibson Group Trust in an amount not to exceed \$67,000 for payment of past and future costs of responding to contamination at Gibson Environmental site; Bakersfield, California. (City Attorney)
8/9/04, RECEIVED AND ASSIGNED to Rules Committee.
- 041162 [Improve pedestrian safety in San Francisco by coordinating citywide and targeted community-based safety campaigns]**
Supervisors Duffy, Elsbernd, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$319,706 from the California Office of Traffic Safety (OTS) to improve pedestrian safety in San Francisco and to enter into an agreement for the use of these funds; for the period of October 1, 2004, to December 31, 2006. (Public Health Department)
8/6/04, RECEIVED AND ASSIGNED to City Services Committee.
Supervisor Duffy requested to be added as sponsor.

041163 [Provide assertive case management to people with HIV and substance abuse and mental disorders, Year 2]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept retroactively and expend second year grant funds in the amount of \$487,805 from the Substance Abuse and Mental Health Services Administration (SAMHSA) for assertive case management for triply-diagnosed people and to enter into an agreement for the use of these funds; for the period of June 1, 2004, to May 30, 2005. (Public Health Department)

8/6/04, RECEIVED AND ASSIGNED to City Services Committee.

Supervisor Dufty requested to be added as sponsor.

041164 [Provide SSI application assistance to the chronically homeless and mentally ill in San Francisco]
Supervisors Daly, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$195,320 from the Social Security Administration (SSA) to provide SSI application assistance to the chronically homeless and mentally ill in San Francisco and to enter into an agreement for the use of these funds; for the period of May 1, 2004, to April 30, 2005. (Public Health Department)

8/6/04, RECEIVED AND ASSIGNED to City Services Committee.

041165 [Conveyance of Property in San Mateo County]

Resolution authorizing a conveyance of property in the County of San Mateo; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act and ratifying acts and authorizing actions in furtherance of this resolution. (Real Estate Department)

8/6/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041166 [Estate of Doris Campos]

Resolution accepting the bequest of Doris Campos on behalf of needy senior residents of San Francisco and designating the Department of Aging and Adult Services as the department to manage the distribution of the estate. (Adult and Aging Services)

8/6/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: To draft an ordinance mandating that within two fiscal years, all signage installed by the Department of Parking and Traffic must have graffiti-coating that has been approved by the Department of Public Works.

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: To draft an ordinance that establishes a Task Force on the future of utility undergrounding in the City and County of San Francisco. The task force will be comprised of 19 members as follows:

- Each member of the Board of Supervisors shall nominate a member who resides in their Supervisorial District;*
- Four members to be named by the Mayor;*
- Two members representing San Francisco's Department of Public Works and Public Utilities Commission, nominated by the head of each Department; and*
- Two members representing Pacific Gas and Electric and SBC to be designated by the respective Company Director.*

The Task Force will consider the future of utility undergrounding beyond the current 42-mile undergrounding program established pursuant to the settlement of litigation between the City and County of San Francisco and PG&E. Given increasing costs in the current program, there is uncertainty as to the prospects to maintain the pace of undergrounding in the next phase.

From: Supervisor Ammiano and Supervisor Dufty

To: City Attorney

Requesting/Inquiring: To draft legislation that would provide gay and lesbian couples whose marriages were recently voided by the California State Supreme Court the option to have Domestic Partnership status retroactively instated from the date they were married in the City & County of San Francisco; and furthermore establish a Category 8 Marriage Equality Fund into which couples will be afforded the option to allocate their marriage license fee refund and any certified copy fee or related recording fee refunds to cover legal costs associated with the City and County's constitutional challenge being waged to allow gays and lesbians the right to marry.

From: Supervisor Ammiano

To: Director, Department of Human Resources

Requesting/Inquiring: To notify the Director of Human Resources that committee hearing has been called to review the current practice of employee re-classification, the process by which City employees are being laid off, and to ensure that such processes are consistent with the City's legal and contractual obligations and will be scheduled for a Finance and Audits Committee hearing in the near future. File 041182

From: Supervisor Peskin and Supervisor Ammiano

To: Director, Department of Building Inspection

To: Director, Department of Planning

To: Director, Redevelopment Agency

Requesting/Inquiring: Inquiring what the status of the historically significant features, as enumerated in the FEIR for the Redevelopment Plan, of the Emporium Building?

What is the current status of the preservation effort for the project site and what is the Department/Agency doing to monitor preservation efforts as the project moves forward?

Were findings necessary, pursuant to Article 11 of the Planning Code, to make a determination that public safety requires demolition or substantial alteration of historical features for this project? If so, what process was followed?

Was a preservation architect consulted in the construction process? If so, what role did they play?

In Memoriams

*Jacqueline Anne Clark (Supervisor Daly)
Blanche O'Brien Absalon-Rios (Supervisor Dufty)
Lawrence "Larry" Lucero (Supervisor Dufty)
Czeslaw Milosz (Supervisor Gonzalez)
Steven Thompson (Supervisor Gonzalez)
Rita Baratta (Supervisor Ma)*

ADJOURNMENT

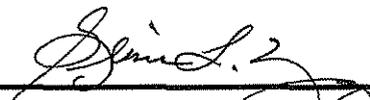
There being no further business, the Board at the hour of 6:04 p.m. adjourned.

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 September 21, 2004.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.



Gloria L. Young
Clerk of the Board