

# Board of Supervisors

## City and County of San Francisco

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



### **AGENDA**

**Tuesday, January 11, 2005  
2:00 PM**

#### **Regular Meeting**

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

**Gloria L. Young, Clerk of the Board**

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **AGENDA CHANGES**

## **COMMUNICATIONS**

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*



4.           **040731**           **[Conduct a Nexus Study On Imposition of the Park Fee on Uses Other Than Office On Geographic Areas of the City Other than C-3 Use Districts]**           **Supervisor Peskin**
- Ordinance amending Planning Code Section 139 to provide that \$100,000 of Downtown Special Park Fund monies shall be used to fund a nexus study, under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fee should be imposed on uses other than office and on geographic areas of the City other than C-3 use districts, prohibiting use of Downtown Park Fee monies on improvements for Ferry Park until that nexus study is completed unless use of such monies is approved by a financial committee of the Board of Supervisor, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Mayor)
- 1/4/2005, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
5.           **041351**           **[Contract for Electric Services]**           **Supervisor Ma**
- Ordinance approving two contracts between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for electric services required to ensure reliable delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco administrative code that every contract contain a statement regarding guaranteed maximum costs.
- (Fiscal impact.)
- 1/4/2005, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
6.           **041467**           **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt for Affordable Housing Development]**           **Supervisor Daly**
- Ordinance approving, for the redevelopment plans listed below, the extension of existing time limits in each plan for establishment of loans, advances and indebtedness and for repayment of indebtedness for the exclusive purpose of financing Low and Moderate Income Housing Fund activities: (1) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan, (2) the Hunters Point Redevelopment Plan, (3) the India Basin Industrial Park Redevelopment Plan.
- 1/4/2005, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
7.           **041584**           **[Appropriate settlement funds to fund the**           **Mayor**

**development costs associated with the San Francisco Electrical Reliability Project]**

Ordinance appropriating \$2,666,667 of fund balance from the Hetch Hetchy estimated revenues from the litigation settlement against The Williams Companies, Inc. and Williams Marketing Energy Marketing & Trading Company to the San Francisco Electrical Reliability Project for fiscal year 2004-05. Appropriated funds will facilitate the development costs related to the City power plants.

(Fiscal impact.)

1/4/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**8. 041630 [Eliminating the Office of Emergency Services Revolving Fund] Supervisor Ma**

Ordinance amending the San Francisco Administrative Code by repealing Section 10.142, to eliminate the Office of Emergency Services Revolving Fund. (Emergency Communications Department)

1/4/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendation of the Land Use Committee**

*Present: Supervisors McGoldrick, Peskin, Maxwell*

**9. 041749 [Parking Regulations - Fell Street] Supervisor Gonzalez**

Resolution enacting parking regulations on a portion of Fell Street.

TOW-AWAY, NO STOPPING AT ANYTIME - ESTABLISH  
Fell Street, south side, from 10 east of Masonic Avenue to 60 feet east of Masonic Avenue (50 foot zone).

(12/13/04: 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.)

**Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

**10. 041606 [Settlement of Lawsuit - Eugene Duffy]**

Ordinance authorizing settlement of the lawsuit filed by Eugene Duffy against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 13, 2003, in San Francisco Superior Court, Case No. 421395; entitled Eugene Duffy, et al., v. City and County of San Francisco, et al. (City Attorney)

1/4/2005, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**11. 041648 [Settlement of Lawsuit - Steve Potter]**

Ordinance authorizing settlement of the lawsuit filed by Steve Potter against the City and County of San Francisco for \$50,000 paid to the City and County of San Francisco by Cross-Defendant OneBeacon; the lawsuit was filed on March 20, 2003 in the United States District Court, Case No. C03-1217 MEJ; entitled Steve Potter, et al., v. City and County of San Francisco, et al; other material terms of said settlement are Cross-Defendant OneBeacon will pay \$195,000 to plaintiff and plaintiff's counsel and \$100,000 to co-defendant Palace of Fine Arts Theater League. (City Attorney)

1/4/2005, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Maxwell, Alioto-Pier,*

**12. 041659 [Settlement of Lawsuit - Linda Vaccarezza]**

Ordinance authorizing settlement of the lawsuit filed by Linda Vaccarezza against the City and County of San Francisco for \$835,000; the lawsuit was filed on 3/12/04 in United States District Court, Case No. C04-1021; entitled Linda Vaccarezza v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**13. 041663 [Settlement of Lawsuit - Quynh Le, et al., v. CCSF, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Quynh Le, Weston Ngo, Candance Phan and Candance Phan as Guardian Ad Litem of Geoffrey Ngo, a minor and Brittany Ngo, a minor against the City and County of San Francisco for a total payment of \$28,000.00; the lawsuit was filed on May 30, 2003 in San Francisco Superior Court, Case No. 420-933; entitled Quynh Le, et al., v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Maxwell, Alioto-Pier, Sandoval*

**14. 041772 [Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution retaining Janet Reilly, Sabrina Hernandez, Leah Shaum and Maryanne Harrison, for terms subject to review and affirmation by January 31, 2007, on the Board of Directors, Golden Gate Bridge, Highway and Transportation District.

Janet Reilly, succeeding Janet Reilly, term expiring January 31, 2005, seat 1, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007.

Sabrina Hernandez, succeeding Sabrina Hernandez, term expiring January 31, 2005, seat 2,

represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007.  
Leah Shahum, succeeding Leah Shahum, term expiring January 31, 2005, seat 3, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007.  
Maryanne Harrison, succeeding Maryanne Harrison, term expiring January 31, 2005, seat 4, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for a new two-year term ending January 31, 2007.

**Question: Shall this Resolution be ADOPTED?**

**15. 041774 [Appointment - Child Care Planning and Advisory Council]**

Resolution appointing Juanita Santana, term ending December 31, 2005, to the Child Care Planning and Advisory Council.

Juanita Santana, new appointment, seat 7, must be a nominee of District 7 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 three-year term ending December 31, 2005.

**Question: Shall this Resolution be ADOPTED?**

**16. 041776 [Appointment - Developmental Disabilities Area Board V]**

Resolution appointing Levi Nnaemeka, term ending December 31, 2007, to the Developmental Disabilities Area Board V.

Levi Nnaemeka, succeeding Levi Nnaemeka, term expired, seat 1, must represent general public, for a new three-year term ending December 31, 2007.

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Maxwell, Alioto-Pier*

**17. 041777 [Appointment - Bicycle Advisory Committee]**

Resolution appointing Gernado (Jerry) Ervin, term ending November 19, 2006, to the Bicycle Advisory Committee.

Gernado (Jerry) Ervin, succeeding Jerry Ervin, term expired, seat 8, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

**Question: Shall this Resolution be ADOPTED?**



20. 041151 [Ellis Act amendments by California Legislature: **Supervisors Peskin, Ammiano, expand residential tenant relocation payment eligibility where units are withdrawn from rental market under Ellis; prohibit owner** McGoldrick, Gonzalez, Daly

Ordinance implementing recent California State Legislature amendments of the Ellis Act (California Government Code §§7060 et seq., see §§7060 and 7060.1), by amending the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) at Sections 37.9(a)(13) and 37.9A(e) to provide that: when residential units are withdrawn from the rental market pursuant to the Ellis Act, each tenant who is relocated is entitled to a payment of \$4,500 up to a maximum total per unit of \$13,500 (37.9A(e)), for tenants who reside in their units on or after August 10, 2004, with these payment amounts to increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for the preceding 12 months; and, owners may not withdraw defined residential hotel units from the rental market pursuant to the Ellis Act if the hotel's occupancy permit was issued prior to January 1, 1990, and if the hotel did not file a notice of intent prior to January 1, 2004 to withdraw the units from the rental market (Section 37.9(a)(13)). Also amending Section 37.9A(e) to provide that the existing additional relocation payment of \$3,000 to each senior (62 or older) or disabled tenant displaced when residential units are withdrawn from the rental market pursuant to the Ellis Act will likewise increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the CPI for the preceding calendar year (see Section 37.9A(e)(3)(D)).

1/4/2005, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

21. 040989 [Granting a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America] **Supervisors McGoldrick, Alioto-Pier, Daly, Ammiano**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12I to grant a bid preference of twenty percent to each contractor who will perform all services to be required by a contract in the United States of America.

10/19/2004, CONTINUED. Continued to November 2, 2004

11/2/2004, CONTINUED. Continued to December 7, 2004 Supervisor Ammiano requested to be added as a co-sponsor.

12/7/2004, CONTINUED. Continued to January 11, 2005

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

22. 041579 [Charter Amendment Deadlines] **Supervisor Elsbernd**

Ordinance amending Section 305 of the Elections Code to require introduction of proposed Charter Amendments not less than 210 days prior to an election and to require an informational committee hearing regarding the proposed Charter Amendment no earlier than 30 days nor later than 60 days after introduction of the proposed Charter Amendment.

Supervisor Gonzalez dissented in Committee.



12/14/2004, CONTINUED. Continued to January 11, 2004

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

## **CALLED FROM COMMITTEE**

**23. 040329 [Conditional approval of an historical property contract for the Chronicle Building Market Street - The Chronicle Building]**

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of the existing Chronicle Building, a structure with an eleven story tower and adjoining sixteen story tower located at 690 Market Street, also known as conditional Landmark No. 243 and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute an historical property contract at such time as the Chronicle Building becomes Landmark 243, the Board of Supervisors determines that the rehabilitation plan for the Chronicle Building has been completed, and the City is fully compensated for its time and material costs in processing and administering the application for an historical property contract for the Chronicle Building.

12/14/2004, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Peskin called this measure from the Finance and Audits Committee for Board consideration on January 4, 2005.

1/4/2005, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

1/4/2005, CONTINUED AS AMENDED. Continued to January 11, 2005

**Question: Shall this Resolution be ADOPTED?**

## **NEW BUSINESS**

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Peskin, Maxwell*

**24. 041247 [Zoning Map Amendment for 418-420 Jessie Street] Supervisor Daly**  
Ordinance amending the San Francisco Planning Code by amending Sectional Map 1 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 418-420 Jessie Street, situated on the north side of Jessie Street, 150 feet west of Fifth Street, and identified as Assessor's Block No. 3704, Lot No. 006, from a zoning designation of P (Public) to C-3-G (Downtown General Commercial); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**25. 041629 [Changing the Official Sidewalk Width along Portions**

**of Illinois Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1563 to change the official sidewalk widths from the intersection of Illinois and 25th Streets to the intersection of Illinois and Cesar Chavez Streets; 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. (Public Works Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**26. 041657 [Grant of Federal Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$3,976,400 of Section 115 funds from the Federal Transit Administration for the Municipal Railway's Radio System Replacement and Third Street Phase 1 construction projects, excluding administrative overhead costs. (Municipal Transportation Agency)

**Question: Shall this Resolution be ADOPTED?**

**27. 041660 [Accept-Expend Federal Grant]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$30,000 from the Environmental Protection Agency to develop the San Francisco Green Healthcare Working Group consisting of local healthcare professionals and to facilitate ongoing meetings to conduct hands-on training to its members on a broad range of pollution prevention and resource conservation strategies. (Environment)

**Question: Shall this Resolution be ADOPTED?**

**28. 041613 [Extends the due dates for a Community Choice Aggregation draft implementation plan and Request for Proposal to the Board of Supervisor 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.

**Question: Shall this Motion be ADOPTED?**

**Recommendation of the Rules Committee**

*Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

**29. 041694 [Urging a new trial for Mumia Abu-Jamal]**

**Supervisor Gonzalez**

Resolution urging a new trial for Mumia Abu-Jamal.

**Question: Shall this Resolution be ADOPTED?**

**SPECIAL ORDER 3:00 P.M**

**30. 041768 [Public Hearing - Hunters Point Shipyard Street Vacation]**

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record, and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

**Action:** \_\_\_\_\_

**From the Land Use Committee Without Recommendation**

*Present: Supervisors McGoldrick, Peskin, Maxwell*

**31. 041543 [Hunters Point Shipyard - Street Vacation Order] Mayor, Supervisor Maxwell**

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance.

12/7/2004, CONTINUED. Continued to January 11, 2005 at 3:00 PM

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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

**SPECIAL ORDER 4:00 P.M.**

*APPEAL PROCEDURES*

*Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:*

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
- 2.

**32. 041652 [Public Hearing - Appeal, Conditional Use - 829 Folsom Street]**

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 16872 dated October 21, 2004, approving a conditional use authorization, Case No. 2003.0304C to: (1) Allow an 85-foot tall structure above the 40-foot base height under Planning Code Sections 263.11(b) and (e); (2) Allow dwelling units at a density greater than one unit per 200 square feet of lot area under Section 207.5; (3) Allow exceptions to the bulk limits of the 85-B Bulk District above 50 feet in height as stated in Planning Code Section 270 and pursuant to the Planning Code Section 271(a); (b) and (c); and (4) Provide off-street parking in excess of accessory amounts as defined in Planning Code Section 204.5 pursuant to Planning Code Section 157(a), (b), and (d). The site is within the RSD (Residential Service District), and is within a 40-X/85-B Height and Bulk District, and is subject to interim policies of the South of Market Housing/Mixed Use Overlay District per Resolution No. 16727, located at 829 Folsom Street, south side, between 4th and 5th Streets; Lot 091 in Assessor's Block 3752. (Appellant: Hope Whitney, Farella Braun + Martel LLP, representing Yerba Buena Lofts Homeowners' Association.)

(Filed 11/22/04; companion measure to Files 141653, 141654, 041655, 041656; District 6.)

12/14/2004, CONTINUED. Continued to January 11, 2005 at 4:00 p.m.

**Action:** \_\_\_\_\_

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

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

**33. 041653 [Appeal, Conditional Use - 829 Folsom Street]**

Motion approving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

12/14/2004, CONTINUED. Continued to January 11, 2005 at 4:00 p.m.

**Question: Shall this Motion be ADOPTED?**

**34. 041654 [Appeal, Conditional Use - 829 Folsom Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street. (Clerk of the Board)

12/14/2004, CONTINUED. Continued to January 11, 2005 at 4:00 p.m.

**Question: Shall this Motion be ADOPTED?**

35.           **041655**    **[Findings - 829 Folsom Street]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, for action by the Board at its next meeting. (Clerk of the Board)

12/14/2004, CONTINUED. Continued to January 11, 2005 at 4:00 p.m.

**Question: Shall this Motion be ADOPTED?**

36.           **041656**    **[Environmental Review - 829 Folsom Street]**  
Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

12/14/2004, CONTINUED. Continued to January 11, 2005 at 4:00 p.m.

**Question: Shall this Motion be ADOPTED?**

## **SPECIAL ORDER 4:00 P.M**

37.           **041433**    **[Public Hearing]**  
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

**Action:** \_\_\_\_\_

38.           **041434**    **[Report of assessment costs for sidewalk and curb repairs]**  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(DPW Order No. 175,026; Locations: 1990 California Street; 1306 Clayton Street.)

**Question: Shall this Resolution be ADOPTED?**

## **COMMITTEE REPORTS**

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following item was considered by the City Services Committee at a Regular Meeting on Thursday, January 6, 2005 at 9:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, January 11, 2005.*



# 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.*

## Items 43 through 53

- 43. 050002 [Grant Application - Department of the Environment] Supervisor Alioto-Pier**  
Resolution authorizing the Department of the Environment to apply for a grant in the amount of \$350,000.00 from the Bay Area Air Quality Management District for the purpose of reducing emissions from solid waste collection vehicles.  
  
1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 44. 050004 [Implementation of the State's Pierce's Disease Control Program] Mayor**  
Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into an agreement with the State Department of Food and Agriculture (SDFA), and expend funds in the amount of \$63,887.65 to implement in San Francisco the SDFA Pierce's Disease Control Program; for the period of July 1, 2004 to June 30, 2005.  
  
1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 45. 050005 [Commending Carol Knight] Supervisor Dufty**  
Resolution commending Carol Knight for her 34 years of service to the City and County of San Francisco.  
  
1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 46. 050006 [Commending United California Practitioners of Chinese Medicine] Supervisor Ma**  
Resolution commending United California Practitioners of Chinese Medicine on the occasion of their Tenth Board Installation Ceremony.  
  
1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 47. 050009 [Accept-Expend Federal and State Grants] Supervisor Peskin**  
Resolution authorizing the Department of Public Works to accept and expend a federal grant

in the amount of \$780,675 and a state grant in the amount of \$101,145 from the Metropolitan Transportation Commission for the Stockton Street Tunnel Lighting and Pedestrian Improvements Project.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 48. 050019 [Honoring 32nd Anniversary of Roe v. Wade] Supervisors Ammiano, Dufty, Peskin, Alioto-Pier, Maxwell, Daly**

Resolution recognizing January 22, 2005 as "Stand Up For Choice Day" in honor of the 32nd anniversary of the landmark 1973 United States Supreme Court decision of Roe v. Wade establishing a woman's constitutional right to decide when and if to have a child; and further supporting the local Pro-Choice community demonstrating in San Francisco to defend a woman's right to choose safe and legal abortion and birth control and further urging all legal authorities to fully facilitate the protection of the right of women to control their reproductive health, lives and futures in an ever-increasingly hostile anti-choice climate on the federal level and in state legislatures and courts throughout the country.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 49. 050026 [Honoring 31st Anniversary of the Synergy School] Supervisor Ammiano**

Resolution recognizing the 31st Anniversary of the Synergy School and declaring February 12, 2005 as "Synergy School Day" in City and County of San Francisco.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 50. 050027 [Proclaiming January 15, 2005, Paul Boden Day in San Francisco] Supervisor Daly**

Resolution proclaiming January 15, 2005 as Paul Boden Day.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 51. 050028 [Urging creation of Charles Campbell Day in San Francisco] Supervisor Gonzalez**

Resolution urging creation of Charles Campbell Day in San Francisco.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 52. 050029 [Urging independent review of Professor Ignacio Chapela's tenure hearing] Supervisor Gonzalez**



Resolution urging review of University of California at Berkeley's procedures in denying the tenure of Professor Ignacio Chapela in light of his exposure of illegal dumping of GMO crops in Mexico by Monsanto Corporation.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**53. 050030 [Lee Mallory Day] Supervisor Peskin**  
Resolution proclaiming January 10, 2005 as Lee Mallory Day in San Francisco.

1/4/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## **54. 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).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

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

*[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.*

# OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from December 28, 2004 to January 3, 2005, for reference by President to appropriate committee on January 11, 2005.*

### **041763 [Settlement of Lawsuit - Israel Flores]**

Ordinance authorizing settlement of the lawsuit filed by Israel Flores against the City and County of San Francisco for \$85,000.00; the lawsuit was filed on September 18, 2003 in the United States District Court, Northern District, Case No. C03-4262 SBA; entitled Israel Flores v. City and County of San Francisco, et al; other material terms of said settlement are the City shall waive its lien in the amount of \$33,740.60, representing the value of medical services provided to Israel Flores for injuries sustained in the relevant incident. (City Attorney)

12/29/2004, RECEIVED AND ASSIGNED to Rules Committee.

### **041764 [Settlement of Lawsuit - American Motorists Insurance Company]**

Ordinance authorizing settlement of the lawsuit filed by American Motorists Insurance Company against the City and County of San Francisco for \$85,000; the lawsuit was filed on November 14, 2001 in San Francisco Superior Court, Case No. 401-290; entitled American Motorists Insurance Co., et al., v. City and County of San Francisco, et al. (City Attorney)

12/29/2004, RECEIVED AND ASSIGNED to Rules Committee.

### **041767 [Zoning Map Amendment for 2350-19th Avenue]**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 6 of the Zoning Map of the City and County of San Francisco and changing the use classification of the property located at 2350-19th Avenue, and identified as Assessor's Block No. 2347, Lot No. 004G, from a zoning designation of P (Public) to RH-2 (Residential, House, Two-Family); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

12/28/2004, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/10/2005.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from December 28, 2004 to January 3, 2005, for reference by President to appropriate committee on January 11, 2005.*

### **041720 [Establishing Monthly Contribution Amount]**

Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

12/28/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041765 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2004-05]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2004-2005 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2004-2005. (Public Health Department)

**041766 [Airport Concession Lease]**

Resolution approving Amendment No. 5 to the Post-Security Master Retail/Duty Free Concession in the New International Terminal Building Lease No. 99-0035 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

12/30/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**050042 [Petitions and Communications]**

Petitions and Communications received from December 28, 2004 through January 3, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 11, 2005.

From Department of Public Works, regarding the placement of metal barriers in the Tenderloin District.(Reference No. 20041214-003) Copy: Supervisor Daly(1)

From Controller, Financial Audits Division, submitting report concerning the Statement of Cash and Investments of the Office of the Treasurer and Tax Collector as of September 30, 2004.(2)

From Building Inspection Commission, submitting support for proposed legislation regarding clarifications and technical corrections to work practices with lead-based disturbance and removal.File 041577, Copy: City Services Committee(3)

From James Chaffee, regarding the library administrations attempt to implement the "Collection Recovery Program" to use an outside collection agency to collect library fines, etc.(4)

From Controller, Financial Audits Division, submitting audit report of the Veterans of Foreign Wars 15th District, a charitable organization that registered with the Police Department to solicit funds for charitable purposes within the City and County of San Francisco.(5)

From Marvis Sutton, submitting opposition to raising fares on Muni for adults; and suggesting fares for students in high school and senior citizens that take Muni during

commute hours be increased.(6)

From concerned citizens, submitting opposition to proposed ban on handguns in San Francisco. Copy: Each Supervisor(7)

From various signators, submitting Form 700 Statement of Economic Interests: James Dorenkott, Legislative Assistant to Supervisor Gonzalez(8)

From Municipal Transportation Agency, submitting overtime justification in accordance with Administrative Code Section 18.13-1.(9)

From SFO Enterprises, Inc. submitting a brief history of the City's formation of SFO Enterprises, Inc., the operation of SFO Enterprises, and the status of the winding up of the affairs of SFO Enterprises.(10)

From Office of the Mayor, designating Supervisor Elsbernd as Acting Mayor from 11:40 am, January 1 until 12:00 am January 5, 2005 and Supervisor Alioto-Pier as Acting Mayor from 12:00 am January 5 until 8:49 p.m., January 7, 2005. Copy: Each Supervisor(11)

From Department of Human Resources, submitting quarterly report of the classification audit process for the Management Classification and Compensation Plan. File 020404, Copy: Each Supervisor(12)

From Comcast Cable, submitting notice that the new franchise fee rate effective January 2005 will be 5.97%.(13)

From Raymond Zimmy, commenting on newspaper article entitled "Lofty plan for state capital skyline" in Sacramento, California.(14)

## **ADJOURNMENT**

### **Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

**THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.**

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting.

Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **Disability access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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