

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, January 11, 2005 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Sandoval, Daly, McGoldrick

City and School District Select Committee

Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, 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

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier, Daly and Maxwell were noted absent.

Quorum present.

*Supervisor Maxwell was noted present at 2:06 p.m.
Supervisor Alioto-Pier was noted present at 2:07 p.m.
Supervisor Daly was noted present at 2:09 p.m.*

COMMUNICATIONS

Gloria L. Young, Clerk of the Board, informed the Board that she had received a communication from his Honor, the Mayor, returning with his veto the following Ordinance. File No. 041492 deappropriating funds from Department of Human Services for a homeless drop-in center and reprograming these funds to the Department of Public Health.

This matter will be scheduled for consideration on January 25, 2005.

CONSENT AGENDA

Recommendations of the City Services Committee

040559 [Waiver of payment for additional police services]
Supervisors Maxwell, Dufty

Ordinance waiving payment of additional police services incurred by Black Diamond Dynasty for the production of the 2002 Juneteenth Festival pursuant to Article 10B.2 of the Administrative Code.

Ordinance No. 16-05

FINALLY PASSED by the following vote:

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

- 041554 [Amending Health Code Section 42.3 to authorize hearing officer to prohibit owner of a dog declared vicious and dangerous from owning dogs for three years]

Supervisor Dufty

Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of three years.

Ordinance No. 12-05

FINALLY PASSED by the following vote:

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

- 041555 [Creating requirement to exchange identification information when dog involved in bite of human or animal]

Supervisor Dufty

Ordinance amending San Francisco Health Code by adding Section 39 to create requirement of exchange of identification and rabies information after a dog bites a human or animal and by amending Section 41.11 by moving requirement of dog bite reporting to Section 39.

Ordinance No. 14-05

FINALLY PASSED by the following vote:

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

Recommendations of the Finance and Audits Committee

- 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 Supervisors, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Mayor)

Ordinance No. 18-05

FINALLY PASSED by the following vote:

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

**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.)

Ordinance No. 17-05

FINALLY PASSED by the following vote:

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

**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.

Ordinance No. 15-05

FINALLY PASSED by the following vote:

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

**041584 [Appropriate settlement funds to fund the development costs associated with the San Francisco Electrical Reliability Project]
Mayor**

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.)

Ordinance No. 19-05

FINALLY PASSED by the following vote:

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

**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)

Ordinance No. 9-05

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use Committee

**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.)

Resolution No. 35-05

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

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)

Ordinance No. 20-05

FINALLY PASSED by the following vote:

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

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)

Ordinance No. 10-05

FINALLY PASSED by the following vote:

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

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)

PASSED, ON FIRST READING by the following vote:

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

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)

PASSED, ON FIRST READING by the following vote:

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

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.

Resolution No. 36-05

ADOPTED by the following vote:

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

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.

Resolution No. 37-05

ADOPTED by the following vote:

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

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.

Resolution No. 38-05

ADOPTED by the following vote:

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

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.

Resolution No. 39-05

ADOPTED by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the City Services Committee

**041350 [Amending and Adding to Section 184.78 of the Public Works Code Regarding Banners]
Supervisors Ma, Dufty**

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.

Ordinance No. 11-05

FINALLY PASSED by the following vote:

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

**041494 [Humane Treatment of all Companion Dogs]
Supervisors Dufty, Mirkarimi**

Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.

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

Ordinance No. 13-05

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use Committee

- 041151 [Ellis Act amendments by California Legislature: expand residential tenant relocation payment eligibility where units are withdrawn from rental market under Ellis; prohibit owner withdrawal of specified residential hotel units from rental market]**
Supervisors Peskin, Ammiano, McGoldrick, Gonzalez, Daly, Mirkarimi

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)).

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

Ordinance No. 21-05

FINALLY PASSED by the following vote:

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

Recommendations of the Rules Committee

- 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.

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

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

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.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

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

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

CALLED FROM COMMITTEE

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.

Supervisor Dufty, seconded by Supervisor Ma, moved to re-refer to committee.

Motion to re-refer failed by the following vote:

Ayes: 5 - Ammiano, Dufty, Elsbernd, Ma, Sandoval

Noes: 6 - Alioto-Pier, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Supervisor Sandoval, seconded by Elsbernd, moved to continue this matter.

Motion to continue this matter failed by the following vote:

Ayes: 4- Dufty, Elsbernd, Maxwell, Sandoval

Noes: 7 - Alioto-Pier, Ammiano, Daly, Ma, McGoldrick, Mirkarimi, Peskin,

NOT ADOPTED by the following vote:

Ayes: 2 - Elsbernd, Sandoval

Noes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

NEW BUSINESS

Recommendations of the Land Use Committee

Supervisor Dufty Excused From Voting

Supervisor Dufty, seconded by Supervisor Ammiano, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest. The motion carried by the following vote:

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

**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.

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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 I construction projects, excluding administrative overhead costs. (Municipal Transportation Agency)

Resolution No. 33-05

ADOPTED by the following vote:

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

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)

Resolution No. 34-05

ADOPTED by the following vote:

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

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

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

Motion No. M05-11

APPROVED by the following vote:

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

Recommendation of the Rules Committee

**041694 [Urging a new trial for Mumia Abu-Jamal]
Supervisor Gonzalez**

Resolution urging a new trial for Mumia Abu-Jamal.

Resolution No. 52-05

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M

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)

President inquired as to whether any member of the public wished to speak on this matter.

There were no speakers.

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

From the Land Use Committee Without Recommendation**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.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

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

Privilege of the Floor

Supervisor Daly, seconded by Supervisor Elsbernd, 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, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Linda Weiner, representative from Global Warming.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Jack Weinstein, Director of "Choosing to Participate in Facing History."

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

President inquired as to whether any member of the public wished to speak on this matter.

There were no speakers.

President declared the public hearing closed.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Hearing be FILED. The motion carried by the following vote:

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

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.)

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)

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

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

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)

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

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

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)

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

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

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)

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

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

SPECIAL ORDER 4:00 P.M**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)

*President inquired as to whether any member of the public wished to speak on this matter.
Harry Gulbengay, Department of Public Works.*

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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.)

Resolution No. 31-05

ADOPTED by the following vote:

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

COMMITTEE REPORTS

**041726 [Accept-Expend State Grant]
Supervisor Maxwell**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$150,000 from the California Department of Justice, Antitrust Law Section, for the purpose of launching a new certified farmers' market in Bayview Hunters Point and providing nutrition education to community residents. (Environment)

Resolution No. 30-05

ADOPTED by the following vote:

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

**041523 [Parking Regulations]
Supervisor Elsbernd**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

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

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

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

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

Supervisor Elsbernd requested to be added as sponsor.

Resolution No. 32-05

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; general issues
Richard Chaffee; Ethics Commission issues
Male Speaker; Tsunami issues
Beckie Lyman, Pro Choice Coalition; recognize January 22, 2005 as Stand Up Choice Day
Pam Rosen; Support of Item 48 "Roe V. Wade" 1/22/05
ANSWER; support of Item 48 "Roe V. Wade" 1/22/05
Amy Moy, Planned Parenthood; support of Item 48 "Roe V. Wade" 1/22/05
Gilbert Christoff, LGBT Seniors; commend Supervisor Dufty on holding a hearing
Elizabeth Creely; support of Item 48 "Roe V. Wade" 1/22/05
Female Speaker; anti-choice issues and women issues
Tom McDonagh; Laguna Hospital issues
Brian O'Flynn; general issues
Jackie Bryson; homeless issues

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.

**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.

**Resolution No. 40-05
ADOPTED**

**050005 [Commending Carol Knight]
Supervisor Dufty**

Resolution commending Carol Knight for her 34 years of service to the City and County of San Francisco.

**Resolution No. 41-05
ADOPTED**

**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.

Resolution No. 42-05
ADOPTED

**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.

Resolution No. 43-05
ADOPTED

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

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.

Supervisors Ma and Mirkarimi requested to be added as co-sponsors.

Resolution No. 44-05
ADOPTED

**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.

Resolution No. 45-05
ADOPTED

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

Resolution proclaiming January 15, 2005 as Paul Boden Day.

Resolution No. 46-05
ADOPTED

**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.

**Resolution No. 51-05
ADOPTED**

**050030 [Lee Mallory Day]
Supervisor Peskin**

Resolution proclaiming January 10, 2005 as Lee Mallory Day in San Francisco.

**Resolution No. 48-05
ADOPTED**

The foregoing items were acted upon by the following vote:

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

Severed From Without Reference to Committee

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

**050028 [Urging creation of Charles Campbell Day in San Francisco]
Supervisor Mirkarimi**

Resolution urging the commemoration of Charles Campbell on his 90th Birthday.

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

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

Resolution No. 47-05

ADOPTED AS AMENDED by the following vote:

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

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

**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.

REFERRED to the City Services Committee.

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.

[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.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved **ADOPTION** of the Commendatory Finding. The motion carried by the following vote:

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

[Brown Act Finding]

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

Supervisor Elsbernd, seconded by Supervisor Dufty, moved **ADOPTION** of the Brown Act Finding. The motion carried by the following vote:

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

**050048 [Commending Raymond Zahnd]
Supervisor Dufty**

Resolution commending Raymond D. Zahnd upon his retirement.

Resolution No. 49-05

ADOPTED by the following vote:

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

**050049 [Commending Sally Kipper]
Supervisor Dufty**

Resolution honoring and congratulating Sally Kipper for her distinguished public service career.

Resolution No. 50-05

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Ordinances

**050054 [Subdivision Code – Two-unit buildings that won the 2001 condominium conversion lottery]
Supervisor Peskin**

Ordinance amending the Subdivision Code by amending Section 1359 with clarifying language and providing a grandfather provision for specified two-unit buildings where the owner won in the 2001 condominium conversion lottery but failed to convert at that time.

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/14/05-Referred to Building Inspection Commission.

**050056 [Appropriate funding for MTA towards the purchase and modification of 45 AC Transit motor coaches in compliance with Proposition I]
Mayor**

Ordinance appropriating \$4,100,000 of unallocated capital project funds to the Gillig motor vehicle purchase project, from MTA Breda Lease Lease-back funds, for the purchase and modification of 45 motor vehicle coaches from AC Transit in compliance with Proposition I (approved by voters in year 2004), for fiscal year 2004-05.

(Fiscal impact.)

1/11/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**050059 [Appropriate funds from the General Reserve to General City Responsibility as charitable contribution for the Tsunami Relief Effort]
Supervisors Daly, Mirkarimi, Ammiano**

Ordinance appropriating up to \$1,000,000 from the General Fund Reserve to General City Responsibility for a charitable contribution made to the Tsunami Relief Effort for fiscal year 2004-2005.

(Fiscal impact.)

(Supervisor Elsbernd dissenting in Committee.)

1/11/05, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**050061 [Real Property Reporting and Planning]
Supervisor Elsbernd**

Ordinance adding Section 23.8 to the San Francisco Administrative Code to establish a City policy that all City departments report annually to the Real Estate Division certain real property information, that relevant property information be recorded and geographically displayed in the Real Estate Information System (REIS), and the Director of Property prepare an annual report to the Board of Supervisors with real property asset management recommendations.

1/11/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/10/2005.

**050071 [Shopping Cart Signage and Security Requirements]
Supervisor Ma**

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1413, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

1/11/05, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 2/10/2005.

**050010 [Amending Administrative Code Section 71.2 definition of qualified historic property]
Supervisor Peskin**

Ordinance amending Administrative Code Section 71.2 to provide that where the interior of a property has or will be altered such that a majority of the interior is substantially equivalent to a new structure, the property is not a "qualified historic property" for the purpose of applying for an historical property contract and providing that non-historic additions to qualified historical properties are not eligible for Mills Act tax benefits from the City.

1/11/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/10/2005.

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

Ordinance amending the Health Code to add Section 31 authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

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

12/15/04, REFERRED TO DEPARTMENT. Referred to City Attorney for review and approval as to form.

1/11/05, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing new title.

1/11/05, ASSIGNED to City Services Committee.

Resolutions

**041283 [Street Renaming - Jasper Place in North Beach to "Dante Benedetti Alley"]
Supervisor Peskin**

Resolution changing the name of Jasper Place, between Union and Green Streets, in North Beach to "Dante Benedetti Alley", in recognition of Dante Benedetti's many contributions to the community of North Beach and the City of San Francisco.

9/14/04, RECEIVED AND ASSIGNED to Land Use Committee.

1/11/05, SUBSTITUTED. Supervisor Peskin submitted a substitute resolution bearing new title.

1/11/05, ASSIGNED to Land Use Committee.

**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.

1/4/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

1/11/05, REFERRED to City Services Committee.

**050057 [Grant to enable the San Francisco Department of Public Health to prepare to respond to a potential
bioterrorism attack]
Mayor, Supervisors Dufty, Elsbernd**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend Cities Readiness Initiative grant funds in the amount of \$910,514 from the Centers for Disease Control (CDC) to prepare to respond to a potential bioterrorism attack and to enter into an agreement for the use of these funds; for the period of August 31, 2004, to August 30, 2005.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

**050058 [Reintegrate clients at Laguna Honda Hospital into independent living in the community]
Supervisor Elsbernd**

Resolution authorizing the San Francisco Department of Public Health/ Laguna Honda Hospital and Rehabilitation Center (SFDPH/LHH) to accept and expend retroactively a grant in the amount of \$50,000 from the California HealthCare Foundation (CHCF), to reintegrate clients into independent living within the community and to enter into an agreement for the use of these funds; for the period of January 1, 2005 through December 31, 2005.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

**050060 [Clean Air Plan for Muni: Zero Emissions 2020]
Supervisor Ammiano**

Resolution supporting the Clean Air Plan for Muni entitled "Zero Emissions 2020" released jointly by the San Francisco Department of the Environment and the Municipal Transportation Agency detailing specific timing for the adoption of hybrid electric buses, and requiring that 100% of the interim diesel fleet must be equipped with clean air devices to minimize particulate matter (PM) and NOx (oxides of nitrogen) emissions.

(Fiscal impact.)

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee.

050062 [Instructing the Department of Environment to complete a nexus study on a local fee for supermarket checkout bags]

Mayor, Supervisor Mirkarimi

Resolution instructing the Department of Environment to complete a nexus study in order to identify the relationship between the use of disposable supermarket checkout bags and various costs to the City, and to determine the legality and appropriateness of a local fee on these bags.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

050070 [STOP Intersections]

Supervisor Dufty

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS – ESTABLISH

Arlington Street at Roanoke Street, making this intersection an All-Way STOP; and
Arlington Street at Mateo Street, making this intersection an All-Way STOP.

(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.)

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/14/05 - Referred to Parking and Traffic.

050072 [Supporting Gay Adoption]

Supervisors Ammiano, Mirkarimi

Resolution urging the Supreme Court of the United States to rescind their refusal and to accept the hearing of a legal challenge to Florida's prohibition of adoption of children by gays and lesbians.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050073 [Homeless Death Count]

Supervisors Daly, Dufty, Elsbernd, Mirkarimi

Resolution urging the City Attorney to explore feasible means to access death records.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050074 [Reinstatement of Homeless Death Count by SFDPH]

Supervisors Daly, Ammiano, Sandoval, Mirkarimi, McGoldrick, Elsbernd

Resolution urging Department of Health to reinstate Homeless Death Count.

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050075 [Commending Ray Wong]
Supervisors Dufty, Elsbernd**

Resolution commending Ray Wong for his career in civil service.
1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050076 [Volunteer Blood Donor Month]
Supervisor Ma**

Resolution declaring January 2005 to be "Volunteer Blood Donor Month" in the City and County of San Francisco.
1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050077 [SFMOMA Building Anniversary]
Supervisors Ma, Elsbernd**

Resolution congratulating the San Francisco Museum of Modern Art on the Tenth Anniversary of the Opening of their Mario Botta – designed building.
1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050078 [Extending the term of the Biosciences Task Force to March 15, 2005]
Supervisor Maxwell**

Resolution extending the term of the Biosciences Task Force to March 15, 2005.
1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050079 [Urging the California Legislature to standardize levels of aid payments for Kin-GAP Program]
Supervisor McGoldrick**

Resolution urging the California Legislature to standardize levels of aid payments for relative and non-relative legal guardianship in its Kinship Guardianship Assistance Program in order to encourage and support relative caretakers in taking guardianship of dependent and "at-risk" children.
1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 1/20/05 - Response received from the Youth Commission.

**050035 [Contract funds to detect and eradicate infestations of P. ramorum, the causal agent of sudden oak death, in host plants in nursery stock in San Francisco]
Supervisors Alioto-Pier, Dufty**

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health Services (SFDPH/OEHS) to enter retroactively into a performance agreement with the California Department of Food and Agriculture (CDFA), and expend funds in the amount of \$3,296 to assist in the implementation in San Francisco of the CDFA Sudden Oak Death (SOD) Program; for the period of March 1, 2004 to February 28, 2005.
1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

Requests for Hearing**050063 [SFUSD Nutrition Policy]
Supervisor Maxwell**

Hearing at the Joint City and School District Committee to discuss the SFUSD nutrition policy and how the City can help to improve nutrition standards throughout our schools.

1/11/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

**050064 [Water and General Plan]
Supervisor Maxwell**

Hearing on how water is addressed in the City's General Plan.

1/11/05, RECEIVED AND ASSIGNED to City Services Committee.

**040065 [Commending Martha Knutzen]
Supervisors Dufty, Ammiano, Ma, Maxwell**

Resolution commending Martha Knutzen for distinguished public service on the San Francisco Human Rights Commission.

1/13/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

1/27/04, ADOPTED.

1/29/04, APPROVED.

**050066 [Public Utilities Commission]
Supervisor Mirkarimi**

Hearing on the status and implementation of the Public Utilities Commission community aggregation process before the Local Agency Formation Commission.

1/11/05, RECEIVED AND ASSIGNED to Board of Supervisors. Sponsor requests this item be referred to LAFCO.

**050068 [Children's exposure to diesel fumes]
Supervisor Maxwell**

Hearing to discuss the SFUSD how we can work together to reduce children's exposure to diesel fumes.

In particular, the school district's contract for bus services expired on December 4, 2004, what steps have they taken to ensure that the new contract prioritizes the use of low-emission buses and/or require older buses be retrofitted with air particulate filters and to operate on ultra low diesel fuel.

1/11/05, RECEIVED AND ASSIGNED to City and School District Select Committee.

**050069 [Film and Entertainment]
Supervisor Alioto-Pier**

Hearing on the status of the San Francisco film and television industry and production incentives.

1/11/05, RECEIVED AND ASSIGNED to Land Use Committee. 01/14/05-Referred to Entertainment Commission.

**050067 [Closed Session - Pending Litigation and Potential Claims]
Supervisor Peskin**

Requests for closed session hearing before the Board of Supervisors at the meeting of January 25, 2005 on the following matters:

1. Pending litigation and potential claims involving business tax litigation (Macy's v. CCSF - San Francisco Superior Court #306-723, et al.)

2. Pending litigation and potential litigation (CCSF v. Flying Dutchman Park, Inc. - San Francisco Superior Court #321376.)

1/11/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration January 25, 2005 meeting.

Motions

**050046 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

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

1/11/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050050 [Limiting Single Supervisor's Ability to Call Matters from Committee]
Supervisor Peskin**

Motion amending the Rules Order of the Board of Supervisors to repeal Rule 5.23 Reactivating Tabled or Filed Items, and to amend Rule 5.31 Failure of a Committee to Act within 30 Days, thereby limiting the ability of a single Supervisor to call matters from Committee.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

**050051 [Changes to Board Committees]
Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors by amending Rules 5.1 - 5.6 to create a standing Government Audit and Oversight Committee and a Standing Budget and Finance Committee; to Repeal the Rules Related to the Finance and Audits Committee and Budget Committee; to change the name of the City Services Committee to the City Operations and Neighborhood Services Committee; and to Define the Responsibilities and Jurisdiction of the Budget and Finance Committee, the Government Audit and Oversight Committee, the Rules Committee, the City Operations and Neighborhood Services Committee and the Land Use Committee.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

**050052 [Schedule for Regular Board Meetings]
Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors by amending Rule 6.2 to provide that the Board shall meet every Tuesday, unless that Tuesday is a holiday, and shall not meet during the week after Thanksgiving or the week between December 24 and December 31.

1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

**050053 [Rule Amendment related to Supervisors voting at Board meetings]
Supervisor Peskin**

Motion amending Rule 4.14 of the Rules of Order of the Board of Supervisors to provide procedures to encourage Supervisors to vote in a timely manner during roll calls at meetings of the Board of Supervisors. 1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

**050055 [Board Rule Change: Withdrawal of Sponsorship, Withdrawal of Legislation]
Supervisor Peskin**

Motion adding Rule 2.12.1 to the Board of Supervisors Rules of Order to allow the withdrawal of sponsorship of legislation and providing for the withdrawal from consideration by the Board any legislation where, after the withdrawal of sponsorship, there remains no sponsoring supervisor. 1/11/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

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)

12/29/04, 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)

12/29/04, 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)

12/28/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 2/10/2005. Submitted by the Planning Department. CEQA waiver and Planning Commission recommendation in the file.

PROPOSED RESOLUTIONS

- 041720 [Establishing Monthly Contribution Amount]**
Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

(Fiscal impact.)
12/28/04, 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)
12/28/04, RECEIVED AND ASSIGNED to City Services Committee.
- 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)

(Fiscal impact.)
12/30/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report on the feasibility of creating pedestrian safety improvements for the new senior housing development at 5199 Mission Street that is currently in the final stages of construction. Specifically, respond to community and developer requests to:

- 1) Establish a white zone in front of the site for loading and unloading seniors from paratransit vehicles.*
- 2) Create an enhanced crosswalk, possibly with a traffic island, to help seniors cross Mission Street.*

Please send copy of this letter to: Linda Harte, 98 Newton Street, SF, 94112 and

Amy Beinart, Bernal Heights Neighborhood Center, 515 Cortland Avenue, SF, 94110

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney respond to the following questions regarding the UC Berkeley Extension Campus located at 55 Laguna:

- 1) Can the UC Extension property be rezoned from "public" to "non-public" without any state and local approvals?*
- 2) What recourse, if any, does the public have in the matter, and does the public have any role in the changing of use from public to non-public?*
- 3) Is there a state body that has to approve a change of use? (other than the UC Board of Regents) If it is the UC Regents that possess sole state authority, does this supercede local authority?*
- 4) Would proceeds of the sale of the UC Extension site (if it was sold) go to UC or to the State coffers?*
- 5) Is there any tax benefit or loss to San Francisco if a public property under state domain is sold to a private developer?*

From: Supervisor Mirkarimi

To: Director, Planning Department

Requesting/Inquiring: Requesting the Planning Director respond to the following questions regarding the UC Berkeley Extension Campus located at 55 Laguna:

- 1) Can the Planning Department make the Market-Octavia Better Neighborhood Plan a top priority? (It appears that currently it is not a priority)*
- 2) What exactly is the Better Neighborhood's EIR now? What are some issues slowing it down? Do you expect any obstacles?*
- 3) Can Supervisor Mirkarimi appoint a representative to attend the monthly EIR meetings that Planning staff conducts?*
- 4) What is occurring with the transportation element of the EIR?*
 - Is there adequate staffing? Has attrition of Planning staff resulted in a backlog of EIR's to be processed? When will the two new positions made available in the EIR Department in the latest budget be filled? Will the positions be filled with experienced or entry-level planners? Will the two new staff work on the MO-BNP EIR?*
 - Is the data adequate? Does the data in the EIR match that of the data collected by the San Francisco Transportation Authority?*
 - What is planned for the Haight Street bus line to accommodate increased traffic anticipated by the proposed 500 units at the UC site in addition to freeway parcels to be developed? Will there be a significant transit impact?*
- 5) Is the Planning Department's policy regarding the UC Extension site going to be incorporated into the Market-Octavia BNP EIR?*

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To report on San Francisco's CEQA practices:

1) What is the Board of Supervisors' authority to create policies, guidelines, and standards regarding San Francisco's CEQA practices?

As a CEQA guideline and standard, a finding of LOS E, F will not be considered to be a significant impact if the change is caused by creation of, or improvement to, pedestrian, bicycle and transit facilities. Specifically the term facilities includes all projects that create dedicated right-of-way or re-allot signal timing to improve pedestrian, bicycle and transit safety and efficiency.

2) What obstacles, if any might exist to the adoption of the policy stated above?

3) Do voter-approved policies regarding transportation priorities have any standing under CEQA?

4) Are there any documented cases of air quality "hot spots" (i.e. ground level ozone exceeding allowable levels) happening in San Francisco in the last decade as the result of road intersections reaching LOS E or F?

5) Is the LOS E, F + EIR approach contrary to the City's established street design values?

6) Should the LOS E, F = impact equations apply to all street design changes? Even if the change improves ped/bike/transit safety?

7) What are the City's legal responsibilities to remediate dangerous conditions for pedestrians, bicyclists, and transit riders on City streets?

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of establishing stop signs on Haight Street at the intersection of Shrader Street.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of establishing a four way stop at the intersection of Fillmore and Scott Streets.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of establishing a four way stop at the intersection of Fillmore and Grove Streets.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of repairing 2 pothole ditches on Alma Street near Cole Street. Supervisor Mirkarimi also requests a copy of the response be sent to Ms. Latasha Booker, 1224 Cole Street, San Francisco, 94117.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of repairing potholes on Divisadero between Golden Gate Avenue and McAllister Street.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: Director, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of the creation of a bike lane and the elimination of the tow away zone between 4 and 6 pm on Oak Street between Scott and Octavia Streets.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the history and repair of the sinkhole on Hayes Street between Clayton and Cole Streets.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft an ordinance amending the Planing Code to designate formula retail uses as a conditional use in the Divisadero Street Neighborhood Commercial District.

In Memoriams

Shirley Chisholm (Entire Board)

Robert Matsui (Entire Board)

Edna Woods (Supervisors Dufty, Ammiano)

Diane Rose (Supervisor Dufty)

Patrick & Barbel Lenz (Supervisor Dufty)

Phyllis Mintzer (Supervisor Dufty)

Ann Harrington (Supervisor Dufty)

Metropolitan Anthony Gergiannakis (Supervisor Dufty)

Adam Ojakian (Supervisor Gonzalez)

Larry Viglizzo (Supervisor Elsbernd)

Sue Ling Ma (Supervisors Dufty, Ma)

Richard Palma (Supervisor Ma)

Gene Wright (Supervisor Peskin)

John Alexander Michaelson (Supervisor Ammiano)

ADJOURNMENT

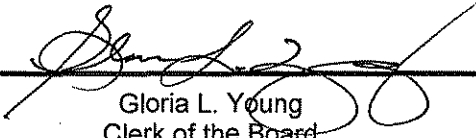
There being no further business, the Board at the hour of 4:15 p.m. adjourned.

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 February 15, 2005.

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



Gloria L. Young
Clerk of the Board