

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, September 28, 2004 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Sandoval, Daly, McGoldrick

City and School District Select Committee

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

City Services Committee

Supervisors Dufty, Ma, Elsbernd

Finance and Audits Committee

Supervisors Daly, Peskin, Ammiano

Land Use Committee

Supervisors McGoldrick, Peskin, Maxwell

Rules Committee

Supervisors Maxwell, Alioto-Pier, Gonzalez

Meeting Days

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

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

Thursday
9:30 AM

Wednesday
1:00 PM

Monday
1:00 PM

Wednesday
9:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:35 p.m. On the call of the roll Supervisor Sandoval was noted absent.

Quorum present.

Supervisor Sandoval was present at 5:38 p.m.

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Services Committee

041162 [Improve pedestrian safety in San Francisco by coordinating citywide and targeted community-based safety campaigns]
Supervisors Dufty, Elsbernd, Ma

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$319,706 from the California Office of Traffic Safety (OTS) to improve pedestrian safety in San Francisco and to enter into an agreement for the use of these funds; for the period of October 1, 2004, to December 31, 2006. (Public Health Department)

Resolution No. 589-04
ADOPTED

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

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

Resolution No. 596-04
ADOPTED

- 041164** [Grant to provide SSI grant application assistance to the chronically homeless and mentally ill in San Francisco]
Supervisors Daly, Dufty

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

Resolution No. 610-04
ADOPTED

- 041205** [Grant to provide consultation to the Brazilian government regarding the "Brazil AIDS and STD Control Project"]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AO) to accept retroactively and expend a grant in the amount of \$15,800 from the World Bank (WB) to provide consultation to the Brazilian government regarding the "Brazil AIDS and STD Control Project" and to enter into an agreement, which contains an indemnification clause, for the use of these funds; for the period of April 1, 2004, to June 30, 2004. (Public Health Department)

Resolution No. 593-04
ADOPTED

Recommendations of the Finance and Audits Committee

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

Ordinance appropriating \$75,000 from the General Fund Reserve to implement the ranked-choice voting community education and ethnic media outreach plan for the Department of Elections for fiscal year 2004-05.

Ordinance No. 245-04
FINALLY PASSED

**031988 [Interdepartmental Transfer - Block 2870, Lot 48]
Supervisors Dufty, Elsbernd**

Ordinance transferring jurisdiction of the real property identified as Assessor's Block 2870, Lot 48, from the Department of Public Works to the Recreation and Park Department; adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code, and requesting official actions in connection with this Ordinance.

**Ordinance No. 239-04
FINALLY PASSED**

041126 [Setting San Francisco's fiscal year 2004-2005 property tax rate and establishing pass-through rate for residential tenants]

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2005. (Controller)

**Ordinance No. 235-04
FINALLY PASSED**

041127 [Setting S.F. Unified School District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2005. (Controller)

**Ordinance No. 236-04
FINALLY PASSED**

041128 [Setting S.F. Community College District's fiscal year 2004-2005 property tax rate to be included in the City's overall property tax rate]

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2005. (Controller)

**Ordinance No. 237-04
FINALLY PASSED**

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

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

(Fiscal impact.)

**Ordinance No. 246-04
FINALLY PASSED**

041204 [Contracting out Parking Meter Management System]

Resolution concurring with the Controller's certification that parking meter management services, including collection and coin counting can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

(Fiscal impact.)

Resolution No. 592-04

ADOPTED

041208 [Contracting out Convention Facilities management, operation and maintenance services at Bill Graham Civic Auditorium and the Moscone Center]

Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees. (Administrative Services Department)

(Fiscal impact.)

Resolution No. 594-04

ADOPTED

Recommendations of the Land Use Committee**040557 [Update of Traffic Code reference pertaining to taxicab stands]**

Ordinance amending Section 39 of the San Francisco Traffic Code, updating Section referenced in the San Francisco Police Code pertaining to taxicab stands. (Parking and Traffic Department)

Ordinance No. 240-04

FINALLY PASSED

040558 [Amending Police Code to extend commercial passenger-carrying vehicle restriction on Lyon Street north of Green Street]

Ordinance amending Section 1183.17 of the San Francisco Police Code, adding two blocks of Lyon Street to the existing passenger-carrying commercial vehicle restricted areas. (Parking and Traffic Department)

Ordinance No. 241-04

FINALLY PASSED

041035 [Amending San Francisco Traffic Code pertaining to speed limits on Market Street]

Ordinance amending Sections 176.14 and 175.32 of the San Francisco Traffic Code, modifying speed limits on portions of Market Street. (Parking and Traffic Department)

Ordinance No. 243-04

FINALLY PASSED

Recommendation of the Rules Committee

041113 [Settlement of Lawsuit - Constance Ong, et al.]

Ordinance authorizing settlement of the lawsuit filed by Constance Ong against the City and County of San Francisco for \$500,000; the lawsuit was filed on May 16, 2003 in San Francisco Superior Court, Case No. 420-576; entitled Constance Ong, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 244-04

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Recess

The Board recessed at the hour of 5:41p.m.

Reconvening of the Board

The Board at the hour of 7:41p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

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

Quorum present.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use Committee

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

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

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved an amendment of the whole bearing new title.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, 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, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Ordinance amending Planning Code Section 312 to remove notice and review procedures for changes of use, add notice and review procedures for changes of use to a formula retail use, to require that changes of use to bars, liquor stores, walkup facilities, other large institutions, other small institutions, restaurants, massage establishments, outdoor activities, or adult or other entertainment uses be subject to the notification and review procedures of Section 312, receive review for compliance with Neighborhood Commercial Design Guidelines and on-site noticing for 15 days, and to require that the Planning Department update and make available its list of neighborhood organizations with interests in specific properties or areas, and to provide that if a neighborhood organization required to receive project notification is not sent notice the proposed project must be re-noticed.

Continued to October 5, 2004

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

Supervisor Ma, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:

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

Recommendation of the Rules Committee

**040685 [Establishing and administering a Supplemental Tax Deferred Plan]
Supervisor Sandoval**

Ordinance amending the San Francisco Administrative Code by adding Sections 16.62 through 16.62-3 requiring that certain lump sum payments be transferred to a Supplemental Tax Deferred Plan.

Ordinance No. 242-04

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the City Services Committee

041043 [Liquor License Transfer, Pier 39, Space J02]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 1255 22nd Street to Pier 39, Space J02 (District 3) to Monika D. Steiner for Wines of California will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 587-04

ADOPTED by the following vote:

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

041059 [Liquor License Transfer, 52-60 Sixth Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 60 Sixth Street to 52-60 Sixth Street (District 6) to Angel Cruz for Six Inc., dba Club Six, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 588-04

ADOPTED by the following vote:

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

041232 [Accept- Expend State Loan for \$1,622,940 for a Solar Power Plant at Southeast Water Pollution Control Plant]

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a loan in the amount of approximately \$1,622,940 from the California Energy Commission to support the installation of energy efficiency measures and a 229 kilowatt solar electric system at the Southeast Water Pollution Control Plant (SEWPCP) 750 Phelps. (Public Utilities Commission)

Resolution No. 595-04

ADOPTED by the following vote:

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

Recommendations of the Finance and Audits Committee**041175 [Open Space Fund Financing]
Supervisors McGoldrick, Dufty, Elsbernd**

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

(Fiscal impact.)

Supervisors Dufty and Elsbernd requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

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

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

(Fiscal impact.)

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

Resolution No. 591-04

ADOPTED by the following vote:

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

**041166 [Estate of Doris Campos]
Supervisor Daly**

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

Supervisor Daly requested to be added as sponsor.

Resolution No. 590-04

ADOPTED by the following vote:

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

040226 [Sale of Surplus Property at 107 24th Avenue]

Resolution authorizing the sale of surplus City-owned real property located at 107 24th Avenue (Block 1334, Lot 1); adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to proceed with its sale at public auction. (Real Estate Department)

Resolution No. 586-04

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

041080 [Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project]

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

Chris Peoples, on behalf of the State Legislature

President Bay Conservation

Tom Rudolvich, Member of the Bart Board

Michael McKay

Male Speaker

Female Speaker

Greg Harper; JTPA

Tim Tosta, requested documents submitted to Transportation Authority earlier to become a part of this record. (See Motion)

Emilio Cruz, submitted documents presented earlier to the Transportation Authority

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that the documents submitted to the Transportation Authority earlier be included as a part of this record. (File 041079)

Motion carried without objection.

Committee of the Whole Adjourn and Report Without Recommendation

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

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

(Fiscal impact.)

Resolution No. 612-04

ADOPTED by the following vote:

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

SPECIAL ORDER 4:00 P.M.

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

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

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

Continued to November 16, 2004

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

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

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

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

041200 [Affirming the categorical exemption issued for 2404 Broadway Street]

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

Continued to November 16, 2004

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

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

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

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

Continued to November 16, 2004

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

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

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

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

Continued to November 16, 2004

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

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

COMMITTEE REPORTS

041094 [Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2004 election]

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2004 election. (Elections Department)

Motion No. M03-107

APPROVED by the following vote:

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

041203 [Settlement of Lawsuit - CCSF v ARCO, et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against AGI, American Airlines, Avis, Budget, Continental, Delta, Dollar, Federal Express, Japan Airlines, U.S. Air, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

PASSED ON FIRST READING by the following vote:

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

**041190 [Reauthorization and Expansion of the First Source Hiring Program]
Supervisors Maxwell, Gonzalez, Dufty, Daly**

Ordinance amending the San Francisco Administrative Code by amending sections 83.3, 83.4, 83.5, 83.6, 83.7, 83.9, 83.11 and 83.18 to: (1) expand the scope of the ordinance to apply to any work performed in the City by City contractors; (2) expand the definition of contract to include sole source contracts and contracts, loans and grants awarded by the City in excess of \$50,000; (2) include residential projects, as defined herein, to be subject to first source hiring requirements; (4) expand the definition of "commercial activity," as defined herein; (5) increase the First Source Hiring Administration's reporting requirements to the Mayor and the Board of Supervisors regarding the progress of the first source hiring program; (6) delete the requirement that the Purchaser must determine the applicability of the First Source Hiring Ordinance to certain service contracts; (7) require developers to obtain a first source hiring agreement or an exemption before the Planning Commission may approve development projects or other City departments may issue permits subject to first source requirements; and (8) extend operative date to January 1, 2009.

Supervisors Dufty and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS**PUBLIC COMMENT**

Abduallah Megaheed; general issues

Vernon Jenkins; general issues

Male Speaker; support of no-smoking legislation

Joan Girardo, Chair Presidio Work Group; requested that Item 37 to be sent to committee

Emery Conman; requested that Item 37 be sent to committee

Marilyn Ammino; housing element issues, requested that this matter be called out of Land Use Committee

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.

**041321 [Approving hiring of displaced federal firefighters]
Supervisor Dufty**

Resolution approving the hiring of federal firefighters displaced by the closure of the Navy's fire station at Hunter's Point Shipyard, pursuant to the authority granted by California Government Code Section 53270.

**Resolution No. 597-04
ADOPTED**

**041322 [Commending Mildred Crear]
Supervisors Dufty, Maxwell**

Resolution commending Mildred Crear, the Director of Maternal and Child Health, for her 41 years of inspirational leadership at the Department of Public Health.

**Resolution No. 598-04
ADOPTED**

**041323 [Honoring the San Francisco Mime Troupe]
Supervisors Dufty, Ammiano**

Resolution honoring the San Francisco Mime Troupe for its 45 years of service.

**Resolution No. 599-04
ADOPTED**

**041325 [Honoring Denise M. Brady]
Supervisors Dufty, Elsbernd, Gonzalez**

Resolution honoring Denise M. Brady on the occasion of her retirement.

Supervisors Elsbernd and Gonzalez requested to be added as co-sponsors.

**Resolution No. 600-04
ADOPTED**

**041326 [Honoring Jim Tate]
Supervisor Dufty**

Resolution honoring Jim Tate for his years of service and his deep compassion for those in need.

**Resolution No. 601-04
ADOPTED**

**041327 [State funds for construction and renovation of branch libraries]
Supervisors Elsbernd, Ma, Maxwell, McGoldrick, Sandoval, Alioto-Pier, Ammiano**

Resolution urging the California Public Library Construction and Renovation Board to award five grants totaling over \$22 million from Proposition 14 funds for the construction of new Ingleside, Ortega, Portola, and Visitacion Valley branch libraries and the renovation of the Richmond branch library.

**Resolution No. 602-04
ADOPTED**

041328 [Walk to School Day]
Supervisors Ma, Elsbernd

Resolution declaring October 6, 2004 as "Walk Our Children to School Day" in the City and County of San Francisco.

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

Resolution No. 603-04

ADOPTED

041329 [Commending San Francisco Community Power]
Supervisor Maxwell

Resolution commending San Francisco Community Power for its dedication and commitment to promoting renewable energy, conservation, and demand-response programs in San Francisco's southeast neighborhoods and proclaiming October 5, 2004 as San Francisco Community Power Day.

Resolution No. 604-04

ADOPTED

041330 [Urging State Regulatory Action]
Supervisor Peskin

Resolution endorsing On-Bill Financing as a cost effective means for small business owners to finance energy efficiency upgrades, and urging the California Public Utilities Commission to take appropriate action to facilitate creation of an On-Bill Financing program in California.

Resolution No. 605-04

ADOPTED

041331 [Del Monte Square]
Supervisor Peskin

Resolution declaring September 28, 2004 Del Monte Square Day in San Francisco.

Resolution No. 606-04

ADOPTED

041332 [Commending SEIU 250 on its 70th anniversary and its growth to 100,000 members]
Supervisors Sandoval, Ma, Gonzalez

Resolution commending the Service Employees International Union Local 250 on its 70th anniversary and its growth to 100,000 members.

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

Resolution No. 607-04

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from Without Reference to Committee

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

041319 [Sewer Service Utility Contract]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission General Manager to execute the First Amendment to the Sewer Service Utility Contract (No. 1443CX061094018) with The Presidio Trust for the purpose of extending the existing contract term by twelve (12) months through September 30, 2005.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Finance and Audits Committee.

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

041320 [Expressing support for Bringing America Home Act (H.R. 2897)]
Supervisor Daly

Resolution urging the Congressional delegation representing San Francisco to support the passage of the Bringing America Home Act (H.R. 2897), a comprehensive bill to end homelessness that addresses issues of affordable housing, livable income, civil rights protections, and health care for all.

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED to the Rules 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.

[Purely Commendatory Finding]

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

Supervisor Dufty, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, 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 Dufty, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

**041357 [Commending Mani Bruce Mitchell]
Supervisors Dufty, Ammiano**

Resolution commending Mani Bruce Mitchell for her trailblazing efforts to promote equality for the intersex community.

Resolution No. 608-04

ADOPTED by the following vote:

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

**041358 [Honoring On Lok's 30th Street Senior Center]
Supervisor Dufty**

Resolution honoring On Lok's 30th Street Senior Center for its 25 years of service.

Resolution No. 609-04

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**041307 [Prohibiting smoking on unenclosed areas of City parks and recreational areas in San Francisco open to the public]
Supervisor Alioto-Pier**

Ordinance amending the San Francisco Health Code by adding Article 19 I, encompassing Sections 1009.80 et seq., to prohibit smoking on any unenclosed area of property in the City and County of San Francisco that is open to the public under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, playground, sport or playing field, pier, or other property used for recreational purposes.

(Fiscal impact.)

9/21/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 10/21/2004.

9/28/04, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

9/28/04, RECEIVED AND ASSIGNED to 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 prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial 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.

9/28/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 10/28/2004.

**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.)

9/28/04, RECEIVED AND ASSIGNED to City Services Committee.

**041352 [Lease of City Property for Fair Market Value]
Supervisors Daly, Gonzalez, Peskin, Ammiano**

Ordinance establishing a Board of Supervisors' policy that City-owned property be leased for fair market value, unless a finding of public policy supports a below-market rate, and requiring all below-market rate leases to be reported to the Board of Supervisors and posted on the City's website.

9/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

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

Ordinance amending the Subdivision Code by amending Section 1359 to delete the exception for certain two-unit buildings; and by amending Section 1399.6 to give preference in the condominium lottery to buildings where certain evictions have not taken place.

9/28/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 10/28/2004.

**041356 [Back Streets Business Advisory Board]
Supervisors Maxwell, Dufty**

Ordinance adding Sections 5.260 through 5.264 of the Administrative Code, to create a Back Streets Business Advisory Board, comprised of seven voting members appointed by the Board of Supervisors, and non-voting members representing various organs of government; to require the advisory board within nine months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to Back Streets businesses; to require the Board of Supervisors or a Board committee to hold a hearing on the report; and to authorize the advisory board to submit other reports to the Board of Supervisors and to communicate with the Board of Supervisors, other governmental entities, the business community, and the public on matters pertaining to Back Streets businesses.

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

**041319 [Sewer Service Utility Contract]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Public Utilities Commission General Manager to execute the First Amendment to the Sewer Service Utility Contract (No. 1443CX061094018) with The Presidio Trust for the purpose of extending the existing contract term by twelve (12) months through September 30, 2005.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/28/04, REFERRED to Finance and Audits Committee. Supervisor Daly requested that this matter be referred to Committee.

**041320 [Expressing support for Bringing America Home Act (H.R. 2897)]
Supervisor Daly**

Resolution urging the Congressional delegation representing San Francisco to support the passage of the Bringing America Home Act (H.R. 2897), a comprehensive bill to end homelessness that addresses issues of affordable housing, livable income, civil rights protections, and health care for all.

9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/28/04, REFERRED to Rules Committee. Supervisor Elsbernd requested that this matter be referred to Committee.

**040563 [San Jose Avenue, Guerrero Street Pedestrian Safety Improvements]
Supervisors Dufty, Ammiano, Peskin, Maxwell**

Resolution establishing various traffic and parking changes on portions of San Jose Avenue, Cesar Chavez Street, and Dolores Street.

7/20/04, RECEIVED AND ASSIGNED to Land Use Committee.

9/28/04, SUBSTITUTED. Supervisor Dufty submitted a substitute resolution bearing new title.

9/28/04, ASSIGNED to Land Use Committee. Sponsor requests this item be scheduled for consideration at the 10/18/04 meeting.

09/28/04 - Parking and Traffic informed of October 18, 2004 meeting date for posting purposes and to request an environmental review. Advertisement placed in the October 2, 2004 SF Independent newspaper.

10/6/04 - Categorically exempt from Environmental Review Class 1(c)(9) received from Parking and Traffic.

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

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

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

**041359 [Western SoMa Citizens Planning Task Force]
Supervisor Daly**

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

9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

**041371 [San Francisco Night Ministries]
Supervisors Ammiano, Dufty**

Resolution congratulating the San Francisco Night Ministry upon the occasion of its 40th anniversary and further the Night Ministry for its exemplary record of compassionate care and effective service to the citizens of the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041372 [San Francisco Weekly Article]
Supervisors Ammiano, Sandoval, Dufty**

Resolution urging the publisher of the San Francisco Weekly to publicly respond to community concerns regarding caricatures of the Mission District residents depicted in Dan Siegler's piece entitled "Help Take Back The Mission District" published in the September 15, 2004 edition of the San Francisco Weekly.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041373 [Public hearing approval for issuance and sale of multifamily housing revenue bonds by CSCDA for Martin Luther Tower, L.P.]**
Supervisor Daly

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$10,000,000 for the Project (as defined herein).

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041374 [Commending Barbara Marino]**
Supervisors Maxwell, Dufty

Resolution commending Barbara Marino for her years of contribution to the City and County of San Francisco.
9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041375 [Urging SFSU to continue its Russian Program]**
Supervisors McGoldrick, Dufty

Resolution urging San Francisco State University to continue its Russian Program.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041376 [Lead Poisoning Prevention Program]**
Supervisor Peskin

Resolution urging specified City departments to implement recommendations of the Department of Public Health set forth in the Director of Health's Report on the Comprehensive Environmental Lead Poisoning Prevention Program for The City and County of San Francisco dated December 2, 2003.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041377 [Commending Nancy Bang]**
Supervisor Peskin

Resolution commending Nancy Bang on the occasion of her retirement.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041378 [Commending Sparky's Diner]**
Supervisor Dufty

Resolution commending Sparky's Diner for winning a CORY, Commercial Recycler of the Year Award, for the third year in a row.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041379 [Commemorative Plaque Designation - Haight Street Walk of Fame]
Supervisor Gonzalez**

Resolution designating the public right of way from Central Avenue to Stanyan Street along Haight Street as eligible for the installation and maintenance of commemorative plaques, pursuant to Public Works Code Sections 789.2(a). In order to honor the musicians, artists, writers and other individuals that have contributed to the musical, artistic, and cultural heritage of the Haight District and the greater San Francisco Bay Area, identifying this area as the "Haight Street Walk of Fame."

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041380 [James A. Johnston Month]
Supervisor Ma**

Resolution declaring September 2004 as "James A. Johnston Month" in the City and County of San Francisco. 9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041381 [Declaring October 2004 to be "Domestic Violence Awareness Month"]
Supervisors Ma, Dufty**

Resolution declaring October 2004 to be "Domestic Violence Awareness Month" in the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041383 [Accept and Expend State Grant]
Supervisors Ma, Dufty**

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling \$630,000 for FY 2004-05 for various pedestrian and bicycle projects in the City and County of San Francisco.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**041360 [Sewer Service Utility Contract]
Supervisor Alioto-Pier**

Hearing on the Sewer Service Utility Contract negotiations between PUC and the Presidio Trust regarding determination of capacity fees.

9/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041361 [June 2007 Housing Element of the General Plan]
Supervisors Alioto-Pier, Elsbernd**

Hearing to consider ways to structure the format and timeline of the public outreach and advisory process for the next update of the Housing Element of the General Plan that is due to be adopted in June 2007.
9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041362 [Audit of the Public Utilities Commission]
Supervisor Daly**

Hearing to consider the Management Audit of the Public Utilities Commission - Clean Water Enterprise Fund.
9/28/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041363 [Juvenile Probation Department's reduction of services to Asian Youth]
Supervisor Daly**

Hearing to regarding the Juvenile Probation Department's reduction of services to Asian Youth.
9/28/04, RECEIVED AND ASSIGNED to Budget Committee.

**041364 [MUNI's Biodiesel Pilot Project]
Supervisor Gonzalez**

Hearing on the implementation of MUNI's Biodiesel Pilot Project.
9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041365 [Balboa Park Better Neighborhoods Plan]
Supervisor Sandoval**

Hearing to discuss the EIR and proposed work schedule for the implementation of the Balboa Park Better Neighborhoods plan as submitted by the Planning Department.
9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041366 [SFPUC Capital Improvement Program]
Supervisor Ma**

Hearing to discuss the status of the SFPUC Capital Improvement Program and to identify potential opportunities and obstacles for moving this program forward.
9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041367 [Kezar Stadium]
Supervisor Ma**

Hearing to discuss and consider the potential future uses of Kezar Stadium.
9/28/04, RECEIVED AND ASSIGNED to Land Use Committee.

041368 [Board Chamber Accessibility Retrofitting]

Hearing to review the recommendations of the Review Committee regarding retrofitting the Board Chamber to provide accessibility to the dais of the President of the Board of Supervisors. (Clerk of the Board)
9/28/04, RECEIVED AND ASSIGNED to Rules Committee.

Motion**041349 [Needle Exchange Emergency]**

Supervisors Ammlano, Daly, Peskin, McGoldrick, Maxwell, Dufty

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

7/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

041382 [Supporting San Francisco Board of Supervisors/Clerk of the Board's Telecommute Pilot Project]

Supervisors Ma, Gonzalez, Maxwell

Motion supporting the San Francisco Board of Supervisors/Clerk of the Board's Telecommute Pilot Project.

9/28/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES**041244 [Settlement of Lawsuit - Alema Hoskins, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Alema Hoskins, a minor, by and through her guardian, Susie McAllister and Jeanell Harris, a minor, by and through her guardian, Inell Manuel against the City and County of San Francisco for \$108,000; the lawsuit was filed on January 17, 2003 in San Francisco Superior Court, Case No 416-515; entitled Alema Hoskins, et al., v. City and County of San Francisco, et al. (City Attorney)

9/20/04, RECEIVED AND ASSIGNED to Rules Committee.

041250 [Settlement of Lawsuit - Mehran Esmaili, et al.]

Ordinance authorizing settlement of the lawsuit filed by Mehran Esmaili, et al., against the City and County of San Francisco for \$49,500; the lawsuit was filed on September 23, 1999, in Santa Clara County Superior Court, Case No. 1-02-CV805070; entitled Mehran Esmaili, et al. v. City of Millbrae, et al.; other material terms of said settlement are: (1) Each party shall mutually release the other from all claims arising from the February/March 2000 landslide that forms the basis of the action; (2) Each party shall dismiss with prejudice all complaints and cross-complaints filed in the action; and (3) Each party shall bear its own legal costs and fees;

9/20/04, RECEIVED AND ASSIGNED to Rules Committee.

**041342 [Settlement of Lawsuit - Apartment Investment and Management Company, aka AIMCO, et al.]
Supervisor Daly**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against AIMCO and seven of its corporate affiliates, filed on January 30, 2002 in San Francisco Superior Court, Case No. GCG 02-404-010, entitled City and County of San Francisco, et al., v. Apartment Investment and Management Company, aka AIMCO, et al., relating to code violations at four apartment buildings in Bayview/Hunters Point, and a cross-complaint against the City and certain individual employees filed on January 28, 2003; the settlement provides for payment to the City of a total of \$3,000,000 plus an additional contingent payment of \$500,000; \$1,000,000 of the \$3,000,000 payment from AIMCO will be dedicated to improving public safety in the area through helping establish a new Hunters Point/Bayview S.F. Boys and Girls Club with an associated Police Department Office; the settlement also provides that AIMCO has abated or will abate all notices of violation issued by the Department of Building Inspection that were the subject of the lawsuit; and approving satisfaction of DBI fees for AIMCO's proposed renovation of the Properties, through AIMCO's payment of settlement funds to the City. (City Attorney)

9/20/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

**041098 [Accept-Expend Federal Grant]
Supervisors Ma, Dufty**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of \$339,964 from the United States Department of Justice, Violence Against Women Office for Safe Havens. (Department of Children, Youth & Their Families)

9/14/04, RECEIVED AND ASSIGNED to City Services Committee.

9/20/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

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

041099 [Street Artist Winter Holiday Spaces]

Resolution approving temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2004, beginning on November 15, 2004 and ending on January 15, 2005. (Arts Commission)

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

041169 [Municipal Railway Professional Services Contract CS-123, Amendment No. 7]

Resolution authorizing the Director of Transportation to execute Amendment No. 7 to San Francisco Municipal Railway Contract No. CS-123, Professional Design and Construction Support Services for Muni Metro Third Street Light Rail Project, with WPK Third Street Consultants, for extra design work and additional construction support services, for an amount not to exceed \$1,500,000, and a total contract amount not to exceed \$11,481,206, and to extend the contract for one year. (Municipal Transportation Agency)

(Fiscal impact.)

9/17/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to restore parallel parking to the 1200 Block of Fitzgerald Avenue.

From: Supervisors Alioto-Pier and Elsbernd

To: Planning Department

Requesting/Inquiring: Inquiring about the department's plan for a public input process for the 2007 Housing Element Work Program and the status of any necessary additional staff to implement the proposed work program.

From: Supervisor Ma

To: City Attorney

Requesting/Inquiring: To prepare appropriate legislation(s) to address an emergency plan for the Board of Supervisors, including off-site emergency Board Meetings, which is consistent with the city's overall Disaster Plan.

In Memoriams

Timothy R. Griffith (Entire Board)

Ed Blankenheim (Supervisor Dufty)

Jack P. Smith (Supervisor Dufty)

John Coyne (Supervisor Elsbernd)

Leonard Joseph Oliver (Supervisor Elsbernd)

Mitzi Begley (Supervisors Peskin, Elsbernd)

Edward Zelinsky (Supervisors Peskin, Elsbernd)

ADJOURNMENT

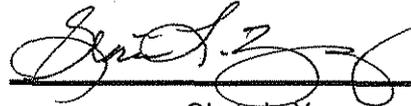
There being no further business, the Board at the hour of 4:02 p.m. adjourned.

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 October 19, 2004.

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



Gloria L. Young
Clerk of the Board