

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 21, 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.

Volume 99 Number 27

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:19 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Peskin, moved to approve August 17, 2004 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Finance and Audits Committee

041082 [Proposition J Contract - Security Guard Services: 1380 Howard Street]

Resolution concurring with Controller's certification that security guard services at the Department of Parking and Traffic Citation and Hearing Offices located at 1380 Howard Street can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)

Resolution No. 556-04

ADOPTED

041104 [Proposition J Contract – Parking Citation and Collection System Services]

Resolution concurring with Controller's certification that processing parking citations and collecting parking citation revenue for the City can be practically performed by a private contractor at a lower cost than by City and County employees. (Parking and Traffic Department)

Resolution No. 557-04

ADOPTED

Recommendations of the Land Use Committee**041090 [Conditionally Designate 938-942 Market, the Garfield Building, as a Landmark]
Supervisor Gonzalez**

Ordinance Conditionally Designating 938-942 Market, the Garfield Building, as Landmark No. 244 pursuant to Article 1, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

(Companion measure to File 041091.)

Ordinance No. 238-04

FINALLY PASSED

041037 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

34th and Lawton Streets, stopping Lawton Street at 34th Avenue, making this intersection an All-Way STOP;
Grant Avenue and Vallejo Street, stopping Grant Avenue at Vallejo Street, making this intersection an All-Way STOP;

Mateo Street at Arlington Street stopping northbound and southbound Mateo Street at Arlington Street, making this intersection minor street STOP-controlled;

Cayuga and San Juan Avenues, stopping San Juan Avenue at Cayuga Avenue, making this intersection an all-way STOP; and

Grant Avenue and Green Street, stopping Grant Avenue at Green Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(7/15/04: 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. 2849.)

Resolution No. 552-04

ADOPTED

041038 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

UNMETERED MOTORCYCLE PARKING - ESTABLISH

12th Street, east side, from 119 feet to 140 feet south of Kissling Street (between the driveways of the parking garage).

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH

Broadway, both sides, from Taylor Street to 250 feet westerly (legislates existing conditions);
Broadway, south side, from Taylor Street to Himmelman Place (legislates existing conditions);
Green Street, north side, From Taylor Street to Mason Street (legislates existing conditions); and
Jones Street, east side, from Green Street to Filbert Street (legislates existing conditions).

NO PARKING ANYTIME - RESCIND

Oak Street, north side, from Masonic Avenue to 200 feet westerly.

TOW-AWAY NO STOPPING, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH

Oak Street, north side, from Masonic Avenue to 300 feet westerly.

TOW-AWAY NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND

Oak Street, north side, from Ashbury Street to 100 feet easterly.

ANGLE (45-DEGREE) PARKING - ESTABLISH

25th Avenue, east side, from Noriega Street to 90 feet northerly; and
25th Avenue, east side, from Noriega Street to 72 feet southerly.

ANGLE (60-DEGREE) PARKING - ESTABLISH

Noriega Street, south side, between 24th and 25th Avenues (replacing 45-degree parking).

NO PARKING 9 AM - 5 PM, EXCEPT SUNDAYS - RESCIND**NO PARKING 8 AM - 4 PM, EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS - ESTABLISH**

Staples Street, north side, between Phelan and Hazelwood Avenues.

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Florida Street both sides, between 22nd and 23rd Streets (1000 block); and
23rd Street, both sides, between Bryant and Florida Streets (2800 block).

NO PARKING 7 AM - 6 PM - RESCIND

Rolph Street, south side, from Mission Street to 100 feet easterly.

TOW-AWAY, NO STOPPING FROM 7 AM - 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH**TOW-AWAY, LANE MUST TURN RIGHT - ESTABLISH**

Irving Street, south side, from 19th Avenue to 64 feet westerly. (Parking and Traffic Department)

(7/15/04: 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. 2849.)

Resolution No. 553-04

ADOPTED

041039 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY AFTER CANDLESTICK PARK EVENTS EXCEPT TAXIS - ESTABLISH
Hawes, Ingalls and Jennings Streets, southbound, onto westbound Ingerson Avenue.

NO LEFT TURNS AFTER CANDLESTICK PARK EVENTS EXCEPT TAXIS - ESTABLISH
Griffith, Hawes, Redondo, Ingalls and Jennings Streets, northbound, onto westbound Ingerson Avenue.
(Parking and Traffic Department)

(7/15/04: 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. 2849.)

Resolution No. 554-04

ADOPTED

Recommendations 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)

PASSED, ON FIRST READING

041125 [Settlement of Claim - Gibson Group Trust]

Resolution approving settlement of the unlitigated claim of the Gibson Group Trust in an amount not to exceed \$67,000 for payment of past and future costs of responding to contamination at Gibson Environmental site; Bakersfield, California. (City Attorney)

Resolution No. 560-04

ADOPTED

041168 [Appointment - Childhood Nutrition and Physical Activity Task Force]

Resolution appointing Erik Rosegard, term ending December 12, 2004, to the Childhood Nutrition & Physical Nutrition Task Force.

Erik Rosegard, succeeding Manuel Jiminez, resigned, seat 5, must be a parent or guardian, for the unexpired portion of a one-year term ending December 12, 2004.

Resolution No. 564-04

ADOPTED

041218 [Appointment - Library Citizens Advisory Committee]

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

Douglas Ryan, new appointment, seat 14, must be a member from the community at large, representative of youth and children who shall be between the ages of thirteen and twenty-three at the time of appointment, for a two-year term ending July 18, 2006.

Resolution No. 567-04

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules and Audits Committee

041112 [Appointment - Assessment Appeals Board No. 2]

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

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

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

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

Resolution No. 559-04

ADOPTED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance and Audits Committee**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.

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

**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.

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

PASSED ON FIRST READING by the following vote:

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

041123 [Prevailing rate of wages for workers engaged in theatrical or technical services related to the presentation of a show on City-owned property]**Supervisor Daly**

Resolution fixing prevailing wage rates for workers engaged in theatrical or technical services (including but not limited to rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services) for shows on property owned by the City and County of San Francisco. (Civil Service Commission)

Supervisor Daly requested to be added as sponsor.

Resolution No. 559-04

ADOPTED by the following vote:

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

041134 [Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]**Supervisor Elsbernd**

Resolution authorizing the Director of Public Works to execute amendment to a design agreement for the Laguna Honda Hospital Replacement Program from \$31,533,540 to \$32,595,782.

Resolution No. 561-04

ADOPTED by the following vote:

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

041165 [Conveyance of Property in San Mateo County]

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

Resolution No. 563-04

ADOPTED by the following vote:

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

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.)

PASSED ON FIRST READING by the following vote:

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

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

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

(Fiscal impact.)

Resolution No. 565-04

ADOPTED by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

041076 [Approval of Port Lease Amendment and Restatement for Pier 23 Cafe, Inc.]
Supervisor Peskin

Resolution approving Lease Amendment and Restatement of Port Lease No. 12275 between the San Francisco Port Commission and Pier 23 Cafe, Inc., a California corporation, for the lease of real property commonly known as the Pier 23 Cafe.

Resolution No. 555-04

ADOPTED by the following vote:

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

041152 [Approval of Port Lease Amendment for Mama Franceschi's, L.P.]
Supervisor Peskin

Resolution approving Lease Amendment of Port Lease No. 8993 between the San Francisco Port Commission and Mama Franceschi's, L.P., for the lease of real property commonly known as Franceschi's Restaurant.

Resolution No. 562-04

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

041172 [Reenacting a Disadvantaged Business Enterprise Program]
Supervisors Ammiano, Ma, Dufty, Maxwell, Alioto-Pier

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

Supervisor Ammiano requested to be added as sponsor.

Supervisors Ma, Dufty, Maxwell and Alioto-Pier requested to be added as co-sponsors.

Continued to October 5, 2004

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

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

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

Ordinance adding Sections 16.62 through 16.62-3 to the San Francisco Administrative Code.

Supervisor Sandoval, seconded by Supervisor Ammiano, 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 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.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

041225 [Appointment, Human Services Commission]

Motion rejecting the Mayor's appointment of Michael DeNunzio to the Human Services Commission. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.

Transmittal date - (August 30, 2004.)

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

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

Motion rejecting the Mayor's appointment of Michael DeNunzio to the Human Services Commission, for the term ending January 15, 2005. (Mayor)

Motion No. M04-102

APPROVED AS AMENDED by the following vote:

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

041226 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 041227, 041228.

Transmittal date - (August 30, 2004.)

Motion No. M04-103

APPROVED by the following vote:

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

041229 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2008. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 041230, 041231.

Transmittal date - (August 30, 2004.)

Motion No. M04-104

APPROVED 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.

Continued to September 28, 2004

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

Ayes: 8 - Alioto-Pier, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Ammiano, Daly, Dufty

Committee of the Whole Adjourn and Report Without Recommendation

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

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

(Fiscal impact.)

Continued to September 28, 2004

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

Ayes: 8 - Alioto-Pier, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Ammiano, Daly, Dufty

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

SPECIAL ORDER 4:00 P.M.

041209 [Public Hearing - Appeal of Final Mitigated Negative Declaration - 3150 18th Street]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on June 30, 2004, approving a Final Mitigated Negative Declaration (Case No. 2003.1028E), adopted and issued on June 30, 2004, for the proposed demolition of a set of approximately 26,500-gross-square foot (gsf), two-story light industrial office and warehouse buildings with six off-street parking spaces and construction of a five-story building consisting of approximately 260 units of rental workshops for arts activities, light manufacturing, repair and small business services uses located at 3150 18th Street, on Assessor's Block 3573, Lots 2 and 12. (Appellant: Kellie Seringer.)

(Appeal filed August 24, 2004 by Kellie Seringer; companion measure to Files 041210, 041211, 041212; District 9.)

Kellie Seringer, appellant

Male speaker; support of appellant

Joe Butler, architect; support of appellant

Richard Pennington; support of appellant

Mike Sagailovich; support of appellant

Male Speaker; support of appellant

Joan Kugler, Planning Department reviewed with the Board the Planning Department's recommendation.

Attorney from Morrison & Foerster, LLP, attorney for Project Sponsor

Ruby Harris; support of project sponsor

Ms. Kathleen; support of project sponsor

Joe Butler, Rebuttal for appellant

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration 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.)

041210 [Affirming adoption of the negative declaration for 3150 18th Street]

Motion affirming Planning Commission adoption of the final negative declaration for 3150 18th Street. (Clerk of the Board)

Motion No. M04-101

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

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

041211 [Reversing adoption of the negative declaration for 3150 18th Street]

Motion reversing the Planning Commission adoption of the final negative declaration for 3150 18th 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, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

041212 [Preparation of findings to reverse adoption of the negative declaration for 3150 18th Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 3150 18th 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, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

*Abdullah Megaheed; recent homicide of individual after Giant's game
Michael DeNunzio; issues regarding notification of Committee hearings
Ernestine Weiss; process of Mayoral appointments to allow the public to have input
Mahred; African people issues occurring in San Francisco
Steven Dreyfus, street performing committee; SF Police issues regarding street performers
Francisco Di Costa; toxic issues at Pier 98*

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

Supervisors Alioto-Pier and Dufty were noted absent at 3:25 p.m.

Supervisor Alioto-Pier was noted present at 3:31 p.m.

**041268 [Legislative Analyst Request - Speed limits, Construction of bulb-outs on State Highways]
Supervisors Elsbernd, Alioto-Pier**

Motion requesting the Legislative Analyst to investigate to what extent California law allows localities to determine speed limits, construct bulb-outs, etc. on state highways. Also compare California's policies with those of Oregon, where, for example, localities are given the authority to set speed limits on state highways.

APPROVED by the following vote:

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

**041274 [Legislative Analyst Request - Process for hiring workers]
Supervisor Ammiano**

Motion requesting in-depth report of other municipalities' process for hiring workers.

APPROVED by the following vote:

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

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to convene in Closed Session. The motion carried by the following vote:

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

041248 [Closed Session - Existing Litigation, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following claim and/or litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of San Francisco Administrative Code Chapter 12D.a., which sets forth the City's public contracting policies and practices and includes a grant of preferences to minority-owned business enterprises and women-owned enterprises, on the grounds that Chapter 12D.a of the Administrative Code violates Article 1, section 31, of the California Constitution.

CORAL CONSTRUCTION, INC. V. CITY AND COUNTY OF SAN FRANCISCO
San Francisco Superior Court No. 421-249; California Court of Appeal
No. A101027

The Closed Session is permitted by California Government Code Section 54956.9 (b) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending claim and/or litigation. (City Attorney)

Recess

The Board recessed at the hour of 2:20 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 2:40 p.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.

Report on the Closed Session

Deputy City Attorney Cheryl Adams reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in Attendance:

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

*Cheryl Adams, Deputy City Attorney
Sherri Sokeland-Kaiser, Deputy City Attorney,
Molly Stump, Deputy City Attorney,
Scott Emblidge, Outside Counsel
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk*

Meeting was informational only and no action was taken.

HEARD IN CLOSED SESSION.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved not to disclose it's Closed Session deliberations. The motion carried by the following vote:

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

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.

Supervisor Dufty was noted present at 3:36 p.m.

**041285 [Flu vaccine]
Supervisor Alioto-Pier**

Resolution urging the Department of Public Health to post information on its website and to provide information to pediatric clinics to pass along to parents regarding the flu vaccine, including, but not limited to, the importance of immunization against the flu and the lack of scientifically conclusive evidence of harm resulting from exposure to thimerosal in flu vaccines and to urge Governor Arnold Schwarzenegger to sign AB2943, the Mercury-Free Vaccine Act of 2004.

**Resolution No. 568-04
ADOPTED**

**041286 [Honoring Volunteers in Medicine]
Supervisor Alioto-Pier**

Resolution honoring Volunteers in Medicine for establishing free medical clinics for the working uninsured.

**Resolution No. 569-04
ADOPTED**

**041287 [Supporting the Bay Area Addiction Research and Treatment Clinic in San Francisco]
Supervisor Ammiano**

Resolution encouraging Senator Dianne Feinstein to support the Bay Area Addiction Research and Treatment Clinic in San Francisco.

**Resolution No. 570-04
ADOPTED**

**041288 [Urging the Recreation and Park Department to extend the operating season at Mission Pool]
Supervisors Dufty, Ammiano, Maxwell, Ma**

Resolution urging the Recreation and Park Department to extend the operating season at Mission Pool.

**Resolution No. 571-04
ADOPTED**

- 041289** [Supporting the Homeless Veterans March in Washington for Housing Justice September 10 through November 2, 2004]
Supervisor Daly

Resolution supporting and endorsing the Homeless Veterans March in Washington D.C. for Housing Justice, September 10 through November 2, 2004.

Resolution No. 584-04
ADOPTED

- 041290** [Approving request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2003-2004 Budget unexpended annual budget appropriations in the amount of approximately \$436,820]
Supervisor Daly

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2003-2004 Budget unexpended annual budget appropriations in the amount of approximately \$436,820 to provide funds for the first phase of costs associated with the legislative tracking system replacement.

(Fiscal impact.)

Motion No. M04-106
APPROVED

- 041304** [Urging the California Public Utilities Commission to conduct a public investigation into PG&E's estimating of customer bills]
Supervisor Sandoval

Resolution urging the California Public Utilities Commission to open a public investigation into Pacific Gas & Electric Company's practice of estimating electric usage rather than reading the electric meter of each customer on a monthly basis to ensure that individual customers are not harmed by this practice.

Resolution No. 585-04
ADOPTED

- 041291** [Commending Geoff Rothman]
Supervisors Elsbernd, Dufty

Resolution commending Geoff Rothman for his outstanding accomplishments and dedicated public service throughout his thirty-five years of service with the City and County of San Francisco.

Resolution No. 572-04
ADOPTED

**041292 [San Francisco Unified School District General Obligation Bonds]
Supervisors Elsbernd, Dufty, Ma**

Resolution authorizing the San Francisco Unified School District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2003 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Unified School District; and providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.

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

Resolution No. 573-04

ADOPTED

**041293 [Implementation of Safety Improvements along the 19th Avenue Corridor]
Supervisors Elsbernd, Ma**

Resolution urging Caltrans to expedite the procurement of the construction contracts to ensure the implementation is completed by 2005.

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

Resolution No. 574-04

ADOPTED

**041294 [Accept - Expend Federal Grant]
Supervisor Elsbernd**

Resolution authorizing the Mayor of the City and County of San Francisco to accept retroactively and expend a grant in the amount of \$472,763 from the U.S. Department of Justice, Bureau of Justice Assistance to reduce crime and increase public safety, under the FY 2004 Local Law Enforcement Block Grants Program.

Resolution No. 575-04

ADOPTED

**041295 [Commending the 12th Annual Korean Day Festival 2004]
Supervisors Ma, Dufty, Maxwell**

Resolution commending the 12th Annual Korean Day Festival 2004.

Resolution No. 576-04

ADOPTED

**041303 [CalHome Application]
Supervisor Peskin**

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

Resolution No. 538-04

ADOPTED

**041296 [Commending the 150th Anniversary of the Arrival of the Sisters of Mercy]
Supervisors Ma, Alioto-Pier, Dufty, Elsbernd**

Resolution commending the 150th Anniversary of the Arrival of the Sisters of Mercy in San Francisco.

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

Resolution No. 577-04

ADOPTED

**041297 [Coastal Cleanup Day]
Supervisor Ma**

Resolution declaring September 18, 2004 as "Coastal Cleanup Day" in the City and County of San Francisco.

Resolution No. 578-04

ADOPTED

**041298 [Commending the 25th Anniversary of The Women's Building]
Supervisors Ma, Dufty, Maxwell**

Resolution commending the 25th Anniversary of The Women's Building.

Resolution No. 579-04

ADOPTED

**041299 [Commending the Committee for the Confucius Memorial Ceremony]
Supervisor Ma**

Resolution commending the Committee for the Confucius Memorial Ceremony for their dedication to recognizing the teachings of Confucius.

Resolution No. 580-04

ADOPTED

**041300 [Urging the California Attorney General Bill Lockyer to join several states in a lawsuit against HUD
over pesticide use in public housing]
Supervisor Maxwell**

Resolution urging the California Attorney General Bill Lockyer to join New York, Illinois, New Mexico, Wisconsin, and the US Virgin Islands in a lawsuit against HUD over pesticide use in public housing.

Resolution No. 581-04

ADOPTED

**041301 [Commending Reverend William Swing]
Supervisor Peskin**

Resolution commending Reverend William Swing for his 25 years of extraordinary service in the City and County of San Francisco.

Resolution No. 582-04

ADOPTED

**041241 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty**

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

Motion No. M04-105

APPROVED

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 Agenda

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

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

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

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

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

Resolution supporting card check neutrality agreements for competitively bid security services contracts with the Department of Human Services.

Resolution No. 566-04

ADOPTED AS AMENDED by the following vote:

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

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

**041302 [Endorsing Old Mint Grant Application]
Supervisors Peskin, Dufty**

Resolution endorsing the application to the California Cultural and Historical Endowment (CCHE) by the San Francisco Museum and Historical Society for CCHE Grant Funds for the project to preserve the historical Old Mint and create therein a San Francisco History Museum.

Continued to September 28, 2004

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

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

*Supervisor Peskin, seconded by Supervisor Daly, moved to rescind the previous vote.
Motion carried without objection.*

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

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

ADOPTED AS AMENDED by the following vote:

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

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 Maxwell, seconded by Supervisor Ma, moved ADOPTION of the commendatory finding 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

[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 Maxwell, seconded by Supervisor Ma, 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

**041312 [Commending Gwendolyn B. Tucker]
Supervisors Maxwell, Dufty, Ma, Gonzalez**

Resolution commending Gwendolyn B. Tucker on the occasion of her retirement for her years of service and dedication to the City and County of San Francisco.

Resolution No. 583-04

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

- 031932** [Restricting the sale or transfer of 50 caliber firearms and ammunition, requiring reporting of firearm thefts, and deleting obsolete provisions regulating firearms]
Supervisors Gonzalez, Dufty

Ordinance amending the Police Code by deleting Sections 552, 556 and 557, relating to possession of firearms by minors and possession of facsimile firearms in order to conform to state law, amending Section 602 to delete redundant provisions and provisions relating to air guns in order to conform to state law; amending Sections 613.1, 613.10 and 613.10-1 to delete requirements relating to "Saturday Night Specials," restrictions on the sale of large capacity magazines and various other requirements relating to firearms dealers in order to conform to state law and add new requirements in Section 613.10-1 to restrict the sale or transfer of 50 caliber firearms and ammunition; amending Sections 613.2 and 613.3 to require the Chief of Police to conduct a background check on applicants for a firearms dealer license and such applicants' employees; amending Sections 613, 613.10-3, 613.12, 613.16, 613.19, 617 and 618 to make technical and conforming corrections; amending Section 613.10-2, restricting the sale of ultracompact firearms to update findings and exceptions to restrictions on sales, deleting Sections 614 through 616, relating to reporting of firearms sales by dealers in order to conform to state law, renumbering existing Sections 617 and 618 as Sections 614 and 615; and adding a new Section 616, requiring owners of firearms to report the loss or theft of a firearm to the Police Department. 11/25/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 12/25/2003.

7/13/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

7/13/04, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 8/12/2004.

7/27/04, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

9/21/04, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

9/21/04, ASSIGNED to City Services Committee.

- 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 property 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.

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

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

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

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

**041309 [Public Employment - DPH, OES, Fire, Police, Sheriff, and Port]
Supervisor Ma**

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) administrative provisions and reflecting the creation of forty-one positions and the deletion of five positions in the following departments: Public Health, Office of Emergency Services, Fire, Police, Sheriff, and Port.

(Fiscal impact.)

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041310 [Four buses prohibited on Stockton Street between Union and Greenwich Streets]
Supervisor Peskin**

Ordinance adding Police Code Section 1183.32 to prohibit the driving of tour buses on Stockton Street between Union Street and Greenwich Street.

9/21/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041313 [Payment of Reward - Jane Doe]
Mayor**

Ordinance authorizing payment of a \$12,500.00 reward to Jane Doe for supplying information leading to the arrest and conviction of the perpetrators who murdered Shayne Worcester.

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. The Mayor requests this item be scheduled for consideration at the September 29, 2004 meeting.

**041314 [Payment of Reward to three John Does]
Mayor**

Ordinance authorizing payment of a \$10,000.00 reward to be split amongst three John Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Parrish Wingard.

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. The Mayor requests this item be scheduled for consideration at the September 29, 2004 meeting.

**041316 [Surplus City Property]
Supervisor Daly**

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

9/21/04, RECEIVED AND ASSIGNED to Rules Committee.

**041317 [Public Works Code Short-Term Occupancy of Right-of-Way]
Supervisor Dufty**

Ordinance amending Public Works Code Section 724 concerning temporary occupancy of the public right-of-way to adopt special conditions for occupation of seven days or less.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

Resolutions

**041312 [Commending Gwendolyn B. Tucker]
Supervisors Maxwell, Dufty, Ma, Gonzalez**

Resolution commending Gwendolyn B. Tucker on the occasion of her retirement for her years of service and dedication to the City and County of San Francisco.

9/21/04, ADOPTED.

**041315 [Head Start Workers]
Supervisors Ammiano, Maxwell, Sandoval, Daly**

Resolution urging all employers of Head Start workers to respect workers' rights and to honor their workers' decision to join the union of their choice.

9/21/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**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.

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.

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.

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

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.

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

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

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

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

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

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

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

041326 [Honoring Jim Tate]
Supervisor Dufty

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

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

- 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.
9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 9/23/04 - Supervisor Ammiano requested to be added as co-sponsor.
- 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.
9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 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.
9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 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.
9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 041331 [Del Monte Square]**
Supervisor Peskin
- Resolution declaring September 28, 2004 Del Monte Square Day in San Francisco.
9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 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.
9/21/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**041311 [Volunteers in Medicine Health Clinics]
Supervisor Alioto-Pier**

Hearing on establishing free medical clinics in San Francisco for the working uninsured through Volunteers in Medicine, a nonprofit organization that provides medical care to the working uninsured using volunteer retired physicians, nurses, dentists and other healthcare professionals.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

**041318 [Relationship between the Mayor's Office and the DBI]
Supervisor Gonzalez**

Hearing on the relationship between the Mayor's Office and the Department of Building Inspection.

9/21/04, RECEIVED AND ASSIGNED to Rules Committee.

**041324 [Status of the City's Efforts to Reduce Homelessness]
Supervisor Alioto-Pier**

Hearing for the Department of Human Services to report on the ongoing implementation of Care Not Cash, the Mayor's homeless outreach teams, the availability of needed services, as well as give the community the opportunity to comment on the department's progress.

9/21/04, RECEIVED AND ASSIGNED to City Services Committee.

PROPOSED ORDINANCES**PROPOSED RESOLUTIONS****041093 [Transferring Unclaimed Trust Deposits from Parking Citations to the General Fund]**

Resolution accepting outstanding and unclaimed trust deposits from parking citations as revenue to be transferred to the General Fund. (Parking and Traffic Department)

9/7/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

041095 [County Refugee Plan]

Resolution approving the Federal Fiscal Year 2004 San Francisco County Refugee Plan. (Private Industry Council)

9/10/04, RECEIVED AND ASSIGNED to City Services Committee.

041096 [Gift - Private]

Resolution authorizing the Department of Public Health, San Francisco General Hospital to accept a gift of a mobile mammography facility vehicle and associated equipment, valued at \$432,716, donated by the University of California, San Francisco for mobile mammography services to indigent and under-served women in San Francisco. (Public Health Department)

9/10/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Ammiano

To: Director, Housing Authority

Requesting/Inquiring: To clarify whether or not the department intends to file for bankruptcy.

Explain how bankruptcy might affect current tenants and further, whether such changes will be explained through a public notification process as letters to individual tenants, public hearings or other public outreach efforts.

Explain how bankruptcy might jeopardize federal assistance and continue public housing assistance for San Francisco tenants.

From: Supervisor Daly

To: Mayor's Office

To: Director, Planning Department

Requesting/Inquiring: Inquiring about the current staffing and workload of the Major Environmental Analysis (MEA) division of the Planning Department. Please detail the number of FTEs in the department for the last five years as well as the number of Environmental Evaluation applications submitted. Categorical Exemptions completed, EIR's completed, EIR's appealed and CEQA's submitted; and the average time for getting a planner assigned to a new case in that same time period.

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: To draft legislation authorizing implementation of SB 1159 the Disease Prevention Demonstration Project removing the requirement for a prescription to purchase sterile syringes.

From: Supervisor Elsbernd

To: City Attorney

Requesting/Inquiring: To draft legislation to include the following:

Increase the number of condominium conversions permitted each year from 200 to 1,200.

Only buildings of 12 units or fewer may be converted.

A majority of tenants must agree to purchase their units before conversion can take place.

Each tenant will receive a 20% discount off the market price for his or her unit.

Tenants who are unwilling or unable to purchase their units will be granted lifetime leases.

Proposal is a three year pilot program to be evaluated by Mayor's Office of Housing for efficacy in allowing tenants to become homeowners and for any deteriorating effects on the City's rental stock.

From: Supervisor Ma

To: Director, Department of Building Inspection

Requesting/Inquiring: Requesting status of work on Community Action Plan for the Seismic Safety Report - a study that will include cost effective mitigation strategies and economic incentives to help avoid future disasters.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To prepare a report that compares the law governing Housing vs. Single Room Occupancy classifications for development.

Among other issues, please provide an analysis that compare (i) under which zoning categories the two classifications are permitted, conditional, or not permitted uses and (ii) the requirements (open space, parking, inclusionary, etc.) that govern each use.

Due: October 12, 2004

In Memoriams

Winston Franklin (Supervisors Elsbernd, Dufty)

ADJOURNMENT


There being no further business, the Board at the hour of 5:18 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