Full Board Agendas

# Board of Supervisors City and County of San Francisco

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



#### **AGENDA**

Tuesday, February 1, 2005 2:00 PM

**Regular Meeting** 

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

Gloria L. Young, Clerk of the Board

#### ROLL CALL AND PLEDGE OF ALLEGIANCE

#### AGENDA CHANGES

#### **COMMUNICATIONS**

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

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

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

#### **CONSENT AGENDA**

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

#### **Items 1 through 7**

#### **Recommendation of the City Services Committee**

Present: Supervisors Dufty, Ma, Elsbernd

## 1. 041577 [Clarifications and Technical Corrections to Work Practices Program for Lead-Based Paint Disturbance and Removal]

Ordinance amending Section 3407 et seq. of the Building Code, to amend the definitions of Clearance Inspection, Containment and Barrier Systems, and Prohibited Practices; to clarify scope of prohibitions on the removal or disturbance of lead-based paint; to specify the type of covering required to prevent contamination by lead debris; to specify where signs noticing lead work must be posted, to make further minor technical corrections to the work practices program for lead-based paint disturbance and removal; and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

1/25/2005, PASSED ON FIRST READING. Supervisor Mirkarimi requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

#### Recommendation of the Finance and Audits Committee

Present: Supervisors Daly, Peskin, Ammiano

## 2. 041751 [Appropriate funds for the Human Services Agency's CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal Programs]

Mayor

Ordinance appropriating \$5,988,448 from current year federal and state revenue allocations for the CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal programs to fund various program requirements including staffing; breakdown of the amounts per program are \$1,539,670 to CalWORKS, \$2,306,369 to IHSS and \$2,142,409 to Medi-Cal programs for fiscal year 2004-05.

(Fiscal impact.)

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

#### Recommendation of the Land Use Committee

Present:: Supervisors McGoldrick, Peskin, Maxwell

#### 3. 041524 [Parking Regulations-Hall of Justice]

**Supervisor Mirkarimi** 

Ordinance amending San Francisco Traffic Code Section 32.6.7 to restrict parking on Bryant Street between Harriet Street and 7th Street to only SFPD vehicles or displaying a permit issued by the Chief of Police. (Parking and Traffic Department)

1/25/2005, PASSED ON FIRST READING. Supervisor Mirkarimi requested to be added as sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

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

Present: Supervisors Alioto-Pier, Mirkarimi

#### 4. 041624 [Settlement of Lawsuit - John R. Ulrich, Jr., M.D.]

Ordinance authorizing settlement of the lawsuit filed by John R. Ulrich, Jr., M.D. against the City and County of San Francisco for violation of civil rights in the amount of \$1,537,500; Plaintiff Ulrich filed the lawsuit on October 27, 1999 in San Francisco Superior Court and the City removed it to United States District Court (U.S. District Court Action C99-05003TEH).

1/25/2005, PASSED, ON FIRST READING.

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

#### 5. 041730 [Settlement of Lawsuit - Jenny McGrorey]

Ordinance authorizing settlement of the lawsuit filed by against the City and County of San Francisco for \$38,000; the lawsuit was filed on October 5, 2001 in San Francisco Superior Court, Case No. 325-198; entitled Jenny McGrorey, et al., v. City and County of San Francisco, et al. (City Attorney)

1/25/2005, PASSED, ON FIRST READING.

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

#### 6. 041731 [Settlement of Lawsuit - Altec Industries, Inc.]

Ordinance authorizing settlement of the lawsuit filed by Altec Industries, Inc. against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 30, 2003 in San Francisco Superior Court, Case No. 425-937; entitled Altec Industries, Inc. v. City and County of San Francisco. (City Attorney)

1/25/2005, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 7. 041724 [Payment of Reward to two Jane Does]

Mayor

Ordinance authorizing payment of a \$10,000.00 reward to be split amongst two Jane Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Rihibi Hussein. (Mayor)

1/25/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated:\_\_\_\_\_

#### REGULAR AGENDA

#### UNFINISHED BUSINESS

#### **Recommendation of the Finance and Audits Committee**

Present: Supervisors Daly, Peskin, Ammiano

## 8. 041307 [Prohibiting smoking on unenclosed areas of City parks and recreational areas in San Francisco open to the public]

**Supervisors Alioto-Pier, Dufty** 

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 and under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, sport or playing field other than a golf course, recreational pier, or other property used for recreational purposes.

(Fiscal impact.)

(Supervisor Peskin dissenting in Committee.)

9/28/2004, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

1/25/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### **NEW BUSINESS**

#### **Recommendation of the Finance and Audits Committee**

#### 9. 041733 [Tattooing and piercing license fees]

**Supervisor Daly** 

Ordinance amending Section 258 of the San Francisco Health Code to increase the license fee for permission to engage in the practice of tattooing and piercing from \$105 per year to \$129 per year.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

Present: Supervisors McGoldrick, Peskin, Maxwell

#### 10. 041725 [Parking Violation Penalties]

Ordinance amending San Francisco Traffic Code Sections 32, 32.1, 32.1.1 through 32.1.7, 32.1.9, 32.1.10, 32.1.11, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.5, 32.6.1, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.10, 32.6.11, 32.6.12, 32.6.13, 32.6.14, 32.6.16 through 32.6.29, 32.20, 210, and 412 regarding penalties for parking violations and authorizing the setting of specific penalties for parking violations through a schedule of fines approved by ordinance of the Board of Supervisors. (Municipal Transportation Agency)

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

#### 11. 041759 [Amending conditions for Maiden Lane alley closure]

**Supervisor Peskin** 

Resolution amending conditions for Maiden Lane alley closure by eliminating requirements for fourteen foot access lane and for posting a guard at entry gates; amending signage requirements at entry gates and hours of table service; and replacing references to the Maiden Lane Association with the Union Square Association.

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

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

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

#### APPEAL PROCEDURES

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

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

### 12. 050087 [Public Hearing - Conditional Use Appeal for 606-624 Divisadero Street and 1278 Hayes Street,]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. No.16921 dated December 9, 2004, approving Conditional Use Application No. 2003.0807CEK, subject to certain conditions, allowing the development of a lot greater than 9,999 square feet and the creation of parking in amounts greater than accessory on a lot in an NC-2 (Small Scale Neighborhood Commercial) District and a 65-A Height and Bulk District, on property located at 606-624 Divisadero Street and 1278 Hayes Street, northeast corner of Divisadero and Hayes Streets; Lot 002J, Assessor's Block 1202.

The appellants are opposing the proposed demolition of an assembly building (currently a Baptist Church and before that the Harding Theater) in this neighborhood. (Appellant: David Tornheim, representing the Central City Progressives.)

(Filed 1/10/05; companion measure to Files 050087, 050088, 050089, 050090, 050091; District 5.)

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

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

### 13. 050088 [Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]

Motion approving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

### 14. 050089 [Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

#### 15. 050090 [Findings -606-624 Divisadero Street and 1278 Hayes

#### Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, for action by the Board at its next meeting. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

### 16. 050091 [Environmental Review - 606-624 Divisadero Street and 1278 Hayes Street]

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

#### **COMMITTEE REPORTS**

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

The following items were considered by the Rules Committee at a Rescheduled Meeting on Wednesday, January 26, 2005 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as committee reports on Tuesday, February 1, 2005.

### 17. 050007 [Dissolving Lead Poisoning Prevention Citizens Advisory Committee]

**Supervisor Maxwell** 

Ordinance repealing section 1607 of the Municipal Health Code, which established the Lead Poisoning Prevention Citizens Advisory Committee, and thereby dissolving the Lead Poisoning Prevention Citizens Advisory Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### 18. 050020 [Withdrawing the City from the North Coastal Counties Supervisors Association]

Resolution authorizing the City to withdraw from the "North Coastal Counties Supervisors Association."

Question: Shall this Resolution be ADOPTED?

### 19. 050021 [Withdrawing from the San Mateo County-City and County of San Francisco Task Force]

Resolution repealing Resolution No. 876-82, to dissolve the "San Mateo County-City and County of San Francisco Task Force."

#### 20. 050023 [Dissolving the United Nations Plaza Working Group]

Resolution repealing Resolution No. 1401-140, to dissolve the "United Nations Plaza Working Group."

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

#### 21. 041775 [Appointment - Ethics Commission]

Resolution appointing Eileen Hansen, term expiring February 1, 2011, to the Ethics Commission.

Eileen Hansen, succeeding Michael Garcia, term expiring February 1, 2005, seat 1, must be broadly representative of the general public, for a six-year term ending February 1, 2011.

(Supervisor Alioto-Pier dissenting in Committee)

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

#### 22. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

#### 23. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to

## 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.

### 24. 050129 [Legislative Analyst Request - Overweight and Overlength Sport Utility Vehicles]

**Supervisor Mirkarimi** 

Motion requesting the Office of the Legislative Analyst to: (1) report on damages caused by

overweight and overlength sport utility vehicles on the City's roadways; (2) report on programs and systems employed by other cities, specifically Washington DC and Seattle, to recoup these costs; and, (3) report on the feasibility and effectiveness of creating a free structure whereby large and luxury sport vehicle owners would pay an increased residential parking permit fee.

Question: Shall this Motion be ADOPTED?

### 25. 050130 [Legislative Analyst Request - Community Policing Practices]

**Supervisor Mirkarimi** 

Motion requesting the Office of the Legislative Analyst to prepare an analysis of community policing practiced in cities of comparable size to San Francisco, nationally and internationally, to include factors of a standardized operating procedure and/or formalized factors. Please inform the requester if and how community policing practices may be legislated by the Board in the City and County of San Francisco.

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

#### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

#### Items 26 through 45

#### 26. 050122 [Apply for, Accept and Expend State Grant]

**Supervisor Mirkarimi** 

Resolution authorizing the Department of Public Works to apply for, accept and expend a grant in the amount of \$298,010 in Waste Tire Enforcement Grant funds from the California Integrated Waste Management Board for enforcing proper disposal of waste tires and authorizing the Department of Public Works to apply for future Waste Tire Enforcement Grants.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 27. 050123 [Accept-Expend Federal and State Grants]

**Supervisor Elsbernd** 

Resolution authorizing the Director of Transportation or his designee to accept and expend a Federal Transportation Enhancement Activities grant in the amount of \$325,945, and a State Transportation Improvement Program grant in the amount of \$42,230 from the Metropolitan Transportation Commission for a Shared Lane Pavement Marking TEA Project.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 28. 050138 [Encouraging the California Institute for Regenerative Supervisors Alioto-Pier, Dufty Medicine to locate its Headquarters in San Francisco]

Resolution encouraging the California Institute for Regenerative Medicine to locate its Headquarters in San Francisco.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

### 29. 050139 [Grant to improve pregnancy outcomes through implementing a smoke free pregnancy project] Supervisors Alioto-Pier, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a new grant in the amount of \$25,000 from the March of Dimes Foundation (MODF) for the Smoke Free Pregnancy Project, to enter into an agreement for the use of these funds, and to add one new position funded through this grant; for the period of January 1, 2005, to December 31, 2005.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 30. 050140 [Supporting Self-Anchored Suspension Design]

**Supervisor Ammiano** 

Resolution endorsing the principle that the most expeditious path to seismic safety for this critical component of the region's transportation infrastructure is to retain the Self-Anchored Suspension design that is 100 percent complete, fully permitted and ready to construct.

 $1/25/2005, {\sf REFERRED}$  FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 31. 050141 [Commemor

[Commemorating 60th Anniversary of Liberation of Supervisors Ammiano, Peskin, Auschwitz]

Supervisors Ammiano, Peskin, Dufty

Resolution commemorating the 60th anniversary of the liberation of Auschwitz death camps, expressing solidarity with similar commemorative ceremonies at the United Nations and across the world, reaffirming the commitment to the securing of human rights and dignity, acknowledging the human suffering of victims and survivors of the Holocaust, and imploring all nations to employ all preventive and diplomatic efforts to prevent current and future wars of genocide.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 32. 050142 [Commending Dr. Boyd Stephens]

**Supervisor Dufty** 

Resolution commending Dr. Boyd Stephens on his career in civil service.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

#### 33. 050143 [Commending Tom Hayes]

Supervisors Elsbernd, Dufty, Ma

Resolution commending Tom Hayes on the celebration of his 80th Birthday.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 34. 050144 [Accept-Expend Federal and State Grants]

**Supervisor Elsbernd** 

Resolution authorizing the Director of Transportation or his designee to accept and expend a Federal grant in the amount of \$268,576 and a state grant in the amount of \$34,797 from the Metropolitan Transportation Commission for a Pedestrian Safety and Access Education TEA Project.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

### 35. 050145 [Parent Teacher Association (PTA) Day in San Francisco]

Supervisors Ma, Dufty

Resolution declaring February 4, 2005 as "San Francisco Parent Teacher Association (PTA) Day" in the City and County of San Francisco.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

### 36. 050146 [Commending the Experimental Middle School of Beijing]

Supervisor Ma

Resolution commending the Experimental Middle School of Beijing Normal University for its leadership in international education and for its extensive contributions to our children's intellectual and cultural growth.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### **37. 050147**

### [Potrero Power Plant Unit 3 to comply with water quality standards]

**Supervisor Maxwell** 

Resolution urging the San Francisco Bay Regional Water Quality Control Board to require Mirant's Potrero Power Plant Unit 3 to come into compliance with all water quality standards and to terminate the wastewater discharge permit when the power plant is no longer needed for electric reliability.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 38. 050148 [Urging full funding of Community and Home Injury Supervisor Mirkarimi Prevention Project for Seniors (CHIPPS)]

Resolution urging full funding and implementation of the Community and Home Injury Prevention Project for Seniors (CHIPPS) by the San Francisco Department of Public Health.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

### 39. 050149 [Opposing further gas and electric rate increases by PG&E]

Supervisors Mirkarimi, Ammiano, Daly

Resolution urging the California Public Utilities Commission to require PG&E to provide accurate and timely electric bills and reliable service, and opposing further rate increases, and urging the California Public Utilities Commission to reverse the constant gas and electric rate increases of the last decade and reduce rates to a just and reasonable level.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 40. 050150 [Oppose Privatization of Social Security]

Supervisor Mirkarimi

Resolution urging members of San Francisco's Congressional delegation to oppose, reject, and vote against any legislation that would partially or fully privatize Social Security.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 41. 050157

### [Commending Deputy City Attorney Andrew W. Schwartz]

**Supervisors Peskin, Dufty** 

Resolution commending Andrew W. Schwartz for twenty-two years of exemplary public service to San Francisco as a Deputy City Attorney, and wishing him well in his future endeavors at Shute, Mihaly & Weinberger.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 42. 050158

#### [Commending Tripta Gupta]

**Supervisors Peskin, Dufty** 

Resolution commending Tripta Gupta for a successful career with City and County of San Francisco, and wishing her a happy retirement.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

#### 43. 050159

#### [Mary Ellen Pleasant Day]

**Supervisors Peskin, Maxwell** 

Resolution declaring February 10, 2005, "Mary Ellen Pleasant Day" in San Francisco.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT

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

#### 44. 050160 [Wild Parrot Day]

**Supervisor Peskin** 

Resolution declaring February 9, 2005 Wild Parrot Day.

1/25/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

### 45. 050152 [Final Map for a 23 Unit Mixed-Use Condominium Project]

Motion approving Final Map of 6900 Geary Boulevard, A Mixed-Use Condominium Project, being a subdivision of Lot 7 in Assessor's Block No. 1465, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,169; District 1)

1/21/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Questions	on the For	Adoption	Without	Committee	Reference
Agenda:_					

#### 46. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

#### OFF-AGENDA LEGISLATION

#### PROPOSED ORDINANCES

Proposed ordinances received from January 14, 2005 to January 24, 2005, for reference by President to appropriate committee on February 1, 2005.

#### 050092 [Designating 351-9th Avenue, the Carnegie Richmond Branch Library, as a Landmark under Planning Code Article 10]

Ordinance designating 351-9th Avenue, the Carnegie Richmond Branch Library, as Landmark No. 247 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

1/19/2005, RECEIVED AND ASSIGNED to Land Use Committee.

#### 050094 [Settlement of Lawsuit - Rebeccah Sturtz v. CCSF]

Ordinance authorizing settlement in the matter of Rebeccah Sturtz v. City and County of San Francisco for \$65,000. The lawsuit was filed on June 3, 2003 in San Francisco Superior Court, Case No. 415-227; entitled Rebeccah Sturtz v. City and County of San Francisco; Raymond E. Batz Jr., Gary D. Curto, Albert J. Fernandez, Charles Krieger, Timothy J. Miles, Harry Paretchan, William Shore, and Does I through XX, inclusive. (City Attorney)

1/21/2005, RECEIVED AND ASSIGNED to Rules Committee.

#### PROPOSED RESOLUTIONS

Proposed resolutions received from January 14, 2005 to January 24, 2005, for reference by President to appropriate committee on February 1, 2005.

#### 050095 [Sale of Lot 5 in Block 4357]

Resolution authorizing a sale of land under the jurisdiction of the San Francisco Public Utilities Commission to Gaehwiler; adopting findings that the conveyance is in conformity with the City's General Plan and is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this resolution; and authorizing the

Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

1/21/2005, RECEIVED AND ASSIGNED to Finance and Audits Committee.

#### 050096 [Accept-Expend Federal/State Pass Through Grant]

Resolution authorizing the Department of Public Library to accept and expend an augmentation grant in the amount of \$5,405 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

1/21/2005, RECEIVED AND ASSIGNED to City Services Committee.

#### 050097 [Extending Provisional Appointments]

Resolution approving extension to June 30, 2005 of provisional appointments of employees in classifications H-30 Captain (Fire Department), 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI, 0943 Manager VIII, 1952 Purchaser, 5212 Principal Engineer, 7328 Operating Engineer, Universal, and 8216 Senior Parking Control Officer. (Human Resources Department)

1/19/2005, RECEIVED AND ASSIGNED to Finance and Audits Committee.

#### 050151 [Accept-Expend State Grant]

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the State Office of Emergency Services for a project entitled "Law Enforcement Specialized Unit (LESU) - Violence Against Women Program," and agreeing to accept an in-kind match from La Casa De Las Madres for a Victim Advocate position, and waiving indirect costs due to funding constraints. (Police Department)

1/21/2005, RECEIVED AND ASSIGNED to City Services Committee.

#### **O50161** [Petitions and Communications]

Petitions and Communications received from January 14, 2005 through January 24, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 1, 2005.

From City Attorney, submitting notice that appeal filed for property located at 3775 21st Street was filed in a timely manner and therefore should be calendared before the Board of Supervisors for a public hearing.(1)

From the Controller, submitting an audit report for the Southeast Asian Community Center including its compliance with the City and County of San Francisco ordinance prohibiting the use of city funds for political activity.(2)

From Fire Department, submitting notice that the annual holding cell fire/life inspection for Central Police Station at 766 Vallejo Street was conducted on December 2, 2004.(3)

From Department of Elections, submitting copy of letter sent to Kevin Shelley, Secretary of State, certifying election results from the November 2, 2004 election.(4)

From City Attorney, submitting notice that the Categorical Exemption prohibiting tour buses on Mason Street between Bay Street and Columbus Avenue has been rescinded and therefore the appeal is moot.(5)

From Department of Parking and Traffic, submitting list of all the Traffic Calming Applications received to date from District 7 residents.(6)

From Clerk of the Board, submitting list of individuals who have submitted Form 700 Statement of Economic Interests: Rebecca Prozan, Legislative Assistant to Supervisor Dufty; Boris Delepine, Legislative Assistant to Supervisor Mirkarimi; Rebekah Krell, Legislative Assistant to Supervisor Elsbernd; James Dorenkott, Legislative Assistant to Supervisor Gonzalez; David Grenell, Legislative Assistant to Supervisor Gonzalez; John Gavin, Legislative Assistant to Supervisor Elsbernd; John Avalos, Legislative Assistant to Supervisor Daly; Lena Gomes, Legislative Assistant to Supervisor Daly; Hilary Pedigo, Legislative Assistant to Supervisor Sandoval(7)

From James Chaffee, regarding standards of civility at public meetings before the Board of Supervisors. Copy: Each Supervisor (8)

From Ethics Commission, submitting the Permit Processing Code of Conduct adopted by the Ethics Commission on January 10, 2005.(9)

From Office of the Sheriff, submitting 2nd quarter budget report for the Office of the Sheriff.(10)

From Fire Department, submitting notice that the annual holding cell fire/life safety inspection for SF General Hospital at 1001 Potrero Avenue was conducted on December 13, 2004. (11)

From concerned citizens, submitting support for a ballot measure for Civil Service Reform at the next election.(12)

From Supervisor Daly, submitting appointment of John Melone to the Local Homeless Coordinating Board.(13)

From SFO, submitting waiver for San Francisco International Airport (SFO) Travelers Aid Recognition Luncheon.(14)

From concerned citizens, submitting opposition to proposal to donate \$1 million dollars from the General Fund to Tsuami relief. File 050059, Copy: Each Supervisor(15)

From concerned citizens, submitting opposition to a handgun ban in San Francisco. Copy: Each Supervisor(16)

From Supervisor Daly, commenting on Mayor Newsom's veto regarding legislation to appropriate funding from the Department of Human Services to increase available funding in the Department of Public Health for self services for the homeless. File 041492, Copy: Each Supervisor(17)

From S.F. Bicycle Advisory Committee, regarding adding bicycle lanes to San Jose Avenue, governing bicycle and pedestrian use of Broadway Tunnel walkways and the City's

refurbished Union Square garage. (18)

From concerned citizens, submitting opposition to any cuts in funding for the senior escort program. Copy: Supervisor Peskin(19)

From Sarah Caine, submitting opposition to proposal to prohibit tour buses and vans on Mason Street between Bay Street and Columbus Avenue. File 041462(20)

From Mike Pafford, submitting support for a ban on handguns in San Francisco.(21)

From Everett & Linda Johnson, regarding the "red light traffic ticket" they received on a recent visit to San Francisco. (22)

From Supervisor Daly, submitting press release regarding sending money from the General Fund to Southeast Asia for Tsunami relief. File 050059, Copy: Each Supervisor(23)

From concerned citizens, urging the Board not to cut funding to the Department of Public Health Nurse's staff. Copy: Each Supervisor (24)

From Comcast Cable Communications, submitting two checks (to the Controller) in the amount of \$517,500.00 and \$25,000.00, in accordance with Section 27.2(f) and Section 24.3 of the Cable Television Franchise Ordinance.(25)

From Stephen Naghdi, urging the Board of Supervisors to help set up and fund a mental health or crisis telephone for supportive talking in the evening and on weekends. Copy: Supervisor McGoldrick(26)

From Sue Vaughan, submitting opposition to providing free parking at meters and a discount at public garages to people who drive hybrid vehicles in San Francisco. File 041679, Copy: Each Supervisor(27)

From State Senator Jackie Speier, submitting copy of letter sent to the Independent Citizen's Oversight Committee supporting the effort to locate the headquarters of the California Institute for Regenerative Medicine in San Francisco.(28)

From Todd Korab, regarding his disappointment in the recent delays in processing of Condo Conversion applications. Copy: Each Supervisor(29)

From Ted Milikin, concerning the safety of bike riders on the one way section of Polk Street and through the intersection at Market Street. Copy: Supervisor Daly(30)

#### **ADJOURNMENT**

#### **Meeting Procedures**

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

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

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

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

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

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

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

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

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



#### **Disability access**

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

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

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

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

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

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

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

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

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