

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, March 16, 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, TONY HALL, FIONA MA, SOPHIE MAXWELL,
JAKE MCGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvrs

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

City Services Committee

Supervisors Duffy, Ma

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Duffy, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 PM

Wednesday
9:30 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Ammiano was noted absent.

Quorum present.

Supervisor Ammiano was noted present at 2:05 p.m.

CONSENT AGENDA

Recommendation of the City Services Committee

040216 [Accept and Expend Grant]
Supervisors Dufty, Daly

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$30,000 from the Zellerbach Family Foundation for providing a family literacy program for women prisoners in the county jail. (Sheriff)

Resolution No. 166-04
ADOPTED

Recommendation of the Finance and Audits Committee

031826 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Amendment No. 3 to the Travelex America Inc. Lease Agreement for Foreign Currency Exchange in the New International Terminal Building and Existing Terminal Buildings at San Francisco International Airport Lease No. 99-0449 between Travelex America, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 159-04
ADOPTED

Recommendation of the Rules Committee

040163 [Settlement of Lawsuits and Assessment Appeals]

Ordinance authorizing settlement of lawsuits and assessment appeals filed by Mission Housing Development Co., Thomas Paine, Ltd., Vista del Monte, Ltd., Buchanan Park, Ltd., Prince Hall Ltd., Laurel Gardens, St. Francis Square Apartments, Friendship Village Inc., Casa de La Raza, Third Baptist Gardens/F. D. Haynes Apartments, and Glenridge Apartments versus the City and County of San Francisco by payment of a total amount not to exceed \$1,800,000.00; the cases and appeals are Mission Housing I (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A075003), Mission Housing II (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A085462), Mission Housing III (San Francisco Co. Super Ct No. 300781), Mission Housing IV (those assessment appeals for which a decision was rendered by the Assessment Appeals Board on September 9, 2003), and Mission Housing V (San Francisco Co. Superior Ct. No. 502335, Court of Appeal No. A104180); the settlement includes any claims for reduced assessment for the 2002-2003 tax year and Plaintiffs/Claimants shall not file any claims for refund based on Sections 1604 or 2635 of the Revenue and Taxation Code. (A copy of proposed Settlement Agreement placed in Board File No. 040163.) (City Attorney)

Ordinance No. 46-04
FINALLY PASSED

Recommendations of the Land Use Committee**031151 [Creating the Divisadero Street Alcohol Restricted Use District]
Supervisor Gonzalez**

Ordinance adding Section 783 to the Planning Code to create a Divisadero Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheets 2SU and 7SU of the City and County of San Francisco to indicate the boundaries of the Divisadero Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

[No fiscal impact.]

Ordinance No. 41-04
FINALLY PASSED

040031 [Modification of parking regulations on portions of Mission Street]

Ordinance repealing Section 32.6.4 of the San Francisco Traffic Code, pertaining to part-time tow-away parking restrictions on portions of Mission Street (between 22nd and Cesar Chavez Streets). (Parking and Traffic Department)

Ordinance No. 42-04
FINALLY PASSED

040032 [Modification of traffic regulations on portions of Mission Street]

Ordinance repealing Section 35.1 of the San Francisco Traffic Code, pertaining to part-time left turn restrictions on portions of Mission Street (between 22nd and Cesar Chavez Streets). (Parking and Traffic Department)

Ordinance No. 43-04
FINALLY PASSED

040074 [Speed Limit - Portion of Octavia Boulevard]

Ordinance adding Section 175.35 to the San Francisco Traffic Code establishing a 30-MPH speed limit along a portion of Octavia Boulevard (central lanes only, between Fell and Market Streets). (Parking and Traffic Department)

Ordinance No. 44-04

FINALLY PASSED

040075 [Speed Limit - Portion of Octavia Frontage Road]

Ordinance adding San Francisco Traffic Code Section 174.8 to establish a 15-MPH speed limit along a portion of Octavia Frontage Road (between Hayes and Market Streets). (Parking and Traffic Department)

Ordinance No. 45-04

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****From the Redevelopment Agency****040187 [Ground Lease of Redevelopment Agency Land for Mariposa Gardens Apartments]**

Mayor

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 4014, Lot 1, commonly known as 2445 Mariposa Street, to Mariposa Gardens II, L.P., for 55 years for the purpose of preserving a housing development for very low and low income households.

(Fiscal impact.)

Resolution No. 164-04

ADOPTED by the following vote:

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

Recommendations of the City Services Committee

032029 [Extended Hours Permits]
Supervisors Duffy, Daly, Ammiano, Gonzalez

Ordinance amending Section 1070.19 of the Police Code to permit bona fide public eating places or places of entertainment that have no liquor license to apply for and receive an extended hours permit from the Entertainment Commission.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Duffy, Gonzalez, Ma, McGoldrick, Peskin, Sandoval

Noes: 2 - Hall, Maxwell

040182 [Improve working conditions for day laborers in the San Francisco Mission District]
Supervisor Gonzalez

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health (SFDPH), to accept and expend retroactively a grant in the amount of \$212,584 from the Centers for Disease Control and Prevention (CDC), to improve working conditions for day laborers in the San Francisco Mission District and to enter into an agreement for the use of these funds; for the period of September 30, 2003, to September 29, 2004. (Public Health Department)

Resolution No. 163-04

ADOPTED by the following vote:

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

NEW BUSINESS

Recommendations of the City Services Committee

040027 [Liquor License, 25 Van Ness Avenue]

Resolution determining that the issuance of a Type 64 Special On-Sale General Theater liquor license to Ed Decker for the New Conservatory Theatre Center located at 25 Van Ness Avenue (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Resolution No. 162-04

ADOPTED by the following vote:

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

040215 [Liquor License, 1500 Sutter Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises license to TRI Restaurant Corporation dba The Majestic Hotel located at 1500 Sutter Street (District 2), in exchange for its current Type 47 on-sale general eating place license, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 165-04

ADOPTED by the following vote:

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

Recommendations of Finance and Audits Committee**040093 [Appropriate funding for program management services for the S.F. Public Utilities Commission Capital Improvement Program]
Mayor**

Ordinance appropriating \$5,460,000 of fund balance from the Water Department and \$1,540,000 of fund balance from Hetch Hetchy, for a total of \$7,000,000 for program management services for the San Francisco Public Utilities Commission's (SFPUC) Capital Improvements Program for fiscal year 2003-04. Appropriated funds will facilitate the fourth year of the WIP contract in the amount of \$6,000,000 for the Program Management Organization (PMO) and \$1,000,000 for SFPUC staff and other support services; placing \$2,500,000 on reserve.

(Fiscal impact.)

Amended to delete release of reserved funds in the amount of \$2,500,000 from legislation in title and on page 5, lines 11-13; new title.

Supervisor Peskin, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion carried by the following vote:

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

Ordinance appropriating \$5,460,000 of fund balance from the Water Department and \$1,540,000 of fund balance from Hetch Hetchy, for a total of \$7,000,000 for program management services for the San Francisco Public Utilities Commission's (SFPUC) Capital Improvements Program for fiscal year 2003-04. Appropriated funds will facilitate the fourth year of the WIP contract in the amount of \$6,000,000 for the Program Management Organization (PMO) and \$1,000,000 for SFPUC staff and other support services.

(Fiscal impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

031975 [Year 4 Renewal of SFPUC Program Management Services Contract]

Resolution retroactively approving the Public Utilities Commission's approval of the fourth year renewal of Agreement No. CS-524, Program Management Services, with the Water Infrastructure Partners (WIP) to provide program management services for the SFPUC Capital Improvement Program, for an amount not to exceed \$11 million; approving the Contract Year 3 performance fee for an amount not to exceed \$497,000; requiring that the PUC report to the Finance and Audits Committee as part of the PUC's annual budget review process. (Public Utilities Commission)

(Fiscal impact; No Public Benefit Recipient.)

Amended to place contract budget authority of \$2,500,000 on reserve in title and on page 2, line 9, insert FURTHER RESOLVED clause doing same; new title.

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

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

Resolution retroactively approving the Public Utilities Commission's approval of the fourth year renewal of Agreement No. CS-524, Program Management Services, with the Water Infrastructure Partners (WIP) to provide program management services for the SFPUC Capital Improvement Program, for an amount not to exceed \$11 million; placing contract budget authority of \$2,500,000 on reserve; approving the Contract Year 3 performance fee for an amount not to exceed \$497,000; requiring that the PUC report to the Finance and Audits Committee as part of the PUC's annual budget review process. (Public Utilities Commission)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 160-04

ADOPTED AS AMENDED by the following vote:

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

**040181 [MOU - Amendment No. 1 and Amendment No. 2, Local 21]
Mayor, Supervisor Sandoval**

Ordinance adopting and implementing Amendment No. 1 and Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, to be effective July 1, 2004 through June 30, 2005 setting forth: (a) an addendum of terms and conditions of employment for specified covered classes working on capital projects; (b) modifications to existing MOU language addressing eligibility for assignment pay.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

**031977 [Amendment to Agreement for the PGA Tour to Host Tournament to be held at Harding Park Golf Course]
Supervisor Hall**

Resolution approving and authorizing an amendment to the Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

(Fiscal impact.)

Resolution No. 161-04

ADOPTED by the following vote:

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

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

Privilege of the Floor

Supervisor Ammiano, seconded by Supervisor Peskin, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Ammiano introduced, welcomed and presented a resolution commending Jenetta Lee, Principal of Star King Elementary School for her 34 years of service to the SFUSD.

Supervisor Ammiano introduced, welcomed and presented a resolution commending George R. Moscone Elementary School for their academic achievement in scoring 802 and ranking 8 on a scale of 10.

Supervisor Peskin, on behalf of the entire Board, introduced, welcomed and presented a resolution commending George Tsongas for his great poetry.

Supervisor Dufty introduced, welcomed and presented a resolution commending Martha Knutsen for her 8 years of service on the Human Rights Commission.

Supervisor Dufty introduced, welcomed and presented a resolution commending Chris Cunnie for his many years as President of the Police Officers' Association.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Ernestine Weiss, concerns regarding demolition of recreation area at her residence.

Rich Rogers, same sex marriage issues

Jim M., being evicted from house he built for homeless

Ms. Thomas, stop gun violence

Steven, article on street performers

Francisco DeCosta, various issues regarding Bayview

Female speaker, EAP Programs need support to continue

Female speaker, high schools need the City to provide grief counseling

Roger, S.F. Rescue Mission, oppose opening of strip club next to school

Ms. Turner, oppose strip club opening next to school

Mr. Rogers, neighborhoods need some control over establishments opening near schools

Christian Wong, Inner City Youth Program, concerns regarding Tenderloin youth

Clinton, Program Manager Rescue Mission, oppose strip club

Male speaker, save Trinity Plaza

Male speaker, oppose strip club

Mr. Jenkins, various issues

Robert Pender, Tenants Network, concerns Lake Merced

Abdullah Megaheed, various issues

Liam Sham, Youth Commission, thanking Supervisors for passing extended hours legislation

Edmond, support medical marijuana

Male speaker, thanking Department of Parking and Traffic staff for assisting with anti-cruising signs

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.

**040279 [Extension of Planning Commission Review Period - 690 Market Street]
Supervisor Peskin**

Resolution extending for an additional 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by adding Section 249.25 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-0) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006).

**Resolution No. 167-04
ADOPTED**

**040284 [Contract funds to evaluate the impact of a resource center for drug users]
Supervisors Peskin, Dufty, Gonzalez**

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH,CBHS), to enter retroactively into an agreement with the University of California San Francisco (UCSF), the primary contractor, and expend funds in the amount of \$4,697 to provide research evaluation services; for the period of July 1, 2003 to June 30, 2004.

**Resolution No. 168-04
ADOPTED**

**040286 [Arts Education Month]
Supervisors Ammiano, Dufty**

Resolution declaring March 2004 as Arts Education Month in San Francisco.

**Resolution No. 169-04
ADOPTED**

**040287 [Greenhouse Gases]
Supervisors Daly, McGoldrick, Gonzalez**

Resolution urging the California Air Resources Board to adopt the strongest possible regulations to reduce greenhouse gases emitted by passenger vehicles pursuant to AB 1493 (Pavley), and recommends that the California Legislature endorse such regulations to protect the health of the state's economy and its people.

**Resolution No. 170-04
ADOPTED**

**040288 [Urging United States Senate to restore Earned Income Tax Credit funding]
Supervisors Daly, Dufty, McGoldrick, Gonzalez**

Resolution urging the United States Senate to restore funding for the Earned Income Tax Credit program; directing the Clerk of the Board to send the request to Senators Dianne Feinstein and Barbara Boxer.

**Resolution No. 171-04
ADOPTED**

040289 [Rename Geary Street between Taylor and Mason Streets "Saroyan Way"]
Supervisors Daly, Peskin, Gonzalez

Resolution renaming Geary Street between Taylor and Mason Streets "Saroyan Way" for the period between March 24 and April 30, 2004 and urging the San Francisco Department of Public Works to work with American Conservatory Theater to place appropriate signage.

Resolution No. 172-04

ADOPTED

040290 [Continuation of higher cap on gate fees charged taxi drivers]
Supervisor Hall

Resolution extending the date for enacting ordinances to prevent expiration of higher cap on gate fees charged taxi drivers.

(Companion measure to File 020678.)

Resolution No. 173-04

ADOPTED

040291 [Unidentified Victims]
Supervisor Hall

Resolution urging the San Francisco Medical Examiner's Office to provide sketches and profiles on their website of deceased individuals who have not been identified since 1975; and to provide the available information on request.

Resolution No. 174-04

ADOPTED

040292 [Commemorating the One Year Anniversary of the Asian Art Museum]
Supervisors Ma, Dufty, McGoldrick, Sandoval, Hall

Resolution commemorating the one year anniversary of the Asian Art Museum at its new Civic Center home.

Resolution No. 175-04

ADOPTED

040293 [Commemorating Brown v. Board of Education]
Supervisors Maxwell, Dufty, McGoldrick, Sandoval, Peskin

Resolution commemorating Brown v. Board of Education statewide celebration May 3rd and 4th 2004.

Resolution No. 176-04

ADOPTED

040294 [Regulate the use of remote control locomotives]
Supervisor Maxwell

Resolution urging the California Public Utilities Commission and the Federal Railroad Administration to adopt regulations to ensure that the safety of the citizens of the City and County of San Francisco is not at risk due to the use of remote control locomotives.

Resolution No. 177-04
ADOPTED

040295 [Housing for Foster Youth]
Supervisors Maxwell, Duffy, McGoldrick

Resolution supporting the Transitional Housing for Foster Youth Fund to provide safe, affordable housing and supportive services to emancipated foster youth.

Resolution No. 178-04
ADOPTED

040297 [Robert Anino Estate]
Supervisors Peskin, Hall, Gonzalez

Resolution accepting a \$100,000 bequest from the Estate of Robert Anino for the design, construction, placement and maintenance of a monument to composer Johann Strauss, Jr. and urging the Fine Arts Museums Board of Trustees to accept and administer such bequest in accordance with the gift restrictions.

Resolution No. 180-04
ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from Adoption Without Reference to Committee

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

040296 [Armenian Genocide Commemoration Day]
Supervisors Peskin, Hall, Daly, Maxwell, Sandoval, Gonzalez, Alioto-Pier, McGoldrick

Resolution declaring April 24, 2004 Armenian Genocide Commemoration Day in San Francisco.

Amended on page 1, line 24 to change "88th" to "89th"; same title.

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

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

Resolution No. 179-04

ADOPTED AS AMENDED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**040318 [Amending Domestic Partnership requirements]
Supervisors Ammiano, Duffy**

Ordinance amending Chapter 62 of the Administrative Code by amending the statement of purpose in Section 62.1; amending Sections 62.2(d), 62.3(b) and 62.5(b) to remove a waiting period for certain domestic partnerships; amending Sections 62.3(a)(2) and 62.10(a) relating to Retirement System requirements; repealing Section 62.3(c) to eliminate a residency requirement; amending Section 62.6(a) to expand the rights and duties of domestic partners; adding Section 62.11 to clarify the Board of Supervisors' authority to amend domestic partnership legislation; adding Section 62.12 to add a severability provision; and adding Section 62.13 to ratify and approve domestic partnerships between certain non-residents.

(Fiscal impact.)

3/16/04, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/15/2004.

**040321 [Settlement of Lawsuit - United Air Lines, Inc., et al.]
Supervisor Daly**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission against United Air Lines, Inc., for the payment to the Airport of environmental clean-up costs and agreement of a percentage allocation for future clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal.); and for the settlement of an unlitigated claim between the Airport, on the one hand, and United Air Lines, Inc. and United Cogen, Inc., on the other hand regarding an early assumption by United of its Airport leases and other agreements with regard to re UAL Corporation, et al., Debtors, Case No. 02-4819, United States Bankruptcy Court for the Northern District of Illinois, Eastern Division.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the March 24, 2004 meeting.

**040322 [Mayor's Budget Director may waive payment of part of the cost of additional police services, including the administrative overhead charge.]
Supervisor Peskin**

Ordinance permitting the Mayor's Budget Director to waive, in writing, part of the cost of additional police services, including the administrative overhead charge.

(Fiscal impact.)

3/16/04, RECEIVED AND ASSIGNED to Budget Committee.

**040324 [Require that adult entertainment uses are no less than 1000 feet from schools, child care facilities and playgrounds]
Supervisor Hall**

Ordinance amending sections 221, 790.36 and 890.36 of the Planning Code to provide that, where permitted, adult entertainment uses must be no less than 1000 feet from public and private schools, child care facilities and Recreation and Parks department children's playgrounds, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

3/16/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 4/15/2004.

**040343 [Taxi Legislation]
Supervisors Daly, Ma**

Ordinance amending Sections 1076, 1081, 1121, and 1148.1 of the Police Code to state a test, measured in cumulative hours per year, for satisfying the driving requirement imposed on taxicab and ramped taxi permit holders; to authorize modification of that cumulative hours test to accommodate disabled permit holders; to increase the number of years of driving required of permit applicants to qualify for a taxicab or ramped taxi permit; to require that the City provide notice to permit applicants and taxi drivers of the driving required to qualify for a taxicab or ramped taxi permit; and to require color scheme permit holders to post a similar notice and maintain records of the driving performed by drivers affiliated with the color scheme.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

**040319 [MTA Workers' Compensation Administration Contract Award]
Mayor**

Resolution authorizing the Director of Transportation to award a contract to Sedgwick Claims Management Services for Workers' Compensation Third Party Claims Administration, not to exceed \$3.183 million in the first year and adjusted annually by formula for four subsequent years, with the option of three one-year extensions to be exercised at the sole discretion of the MTA.

(Fiscal impact.)

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040320 [Interdepartmental jurisdictional transfer of the Geneva Office Building and Powerhouse]
Supervisors Sandoval, Hall**

Resolution transferring jurisdiction over the Geneva Office Building and Powerhouse, located at the corner of Geneva Avenue and San Jose Avenue, from the Municipal Transportation Agency to the Recreation and Park Commission for recreational uses; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the transfer of jurisdiction is consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040323 [Develop, implement, and evaluate selected training programs for clinical and related professionals]
Supervisor Hall**

Resolution authorizing the San Francisco Department of Public Health, Community Health Network of San Francisco, Laguna Honda Hospital (CHN, LHH) to enter retroactively into an agreement which includes an indemnification clause, with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, and expend funds in the amount of \$7,500 for research services, for the period of July 1, 2003 to June 30, 2004.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040329 [Conditional approval of an historical property contract for 690 Market Street - The Chronicle Building]
Supervisor Peskin**

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of conditional landmark No. 243 at 690 Market Street and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute the historical property contract.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040330 [California Stem Cell Research and Cures Initiative]
Supervisors Alioto-Pier, Maxwell, Dufty**

Resolution endorsing The California Stem Cell Research and Cures Initiative, a measure for the November 2004 statewide ballot, which will both support important scientific research and create jobs in California.

3/16/04, RECEIVED AND ASSIGNED to City Services Committee.

**040334 [Local Vehicle License Fee Restoration]
Supervisors Peskin, Dufty, Ammiano, Maxwell, McGoldrick, Alioto-Pier**

Resolution urging the California State Legislature to pass legislation to allow local governments to obtain voter approval to restore the Vehicle License Fee.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040338 [Recognizing the memory of the legendary San Francisco Entertainer Sylvester]
Supervisors Ammiano, Dufty**

Resolution recognizing the historic performance by Sylvester at the San Francisco Opera House on March 11, 1979 and commend those who will use their political, spiritual and performing arts gifts on March 22, 2004 at the Herbst Theatre in the San Francisco War Memorial Performing Arts Center to donate funds and raise the consciousness of the community in the fight against the AIDS pandemic in Africa by proclaiming March 22, 2004 as SYLVESTER Day in the City and County of San Francisco.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040339 [Accept-Expend State Grant]
Supervisors Alioto-Pier, Hall**

Resolution authorizing the Office of Emergency Services to accept and expend a grant in the amount of \$23,322 from the California Governor's Office on Service and Volunteerism for the Neighborhood Emergency Response Team Program.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040340 [Opposing Section 484(r) of the Higher Education Act]
Supervisors Gonzalez, Maxwell, Dufty**

Resolution opposing Section 484(r) of the Higher Education Act.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040342 [Commending the California High Speed Rail Authority]
Mayor, Supervisors Peskin, Dufty, Daly, Hall**

Resolution commending the California High Speed Rail Authority as they begin their statewide public hearing process to finalize the EIR/EIS process.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**040345 [Possible Removal and Replacement of the Vaillancourt Fountain in Justin Herman Plaza]
Supervisor Peskin**

Resolution urging the Recreation and Park Department and the Arts Commission, in consultation with the City Attorney's Office, the Port Commission and the Department of Public Works, to consider the possible removal and replacement of the Vaillancourt Fountain from Justin Herman Plaza with alternative works of art or public areas and to explore possible funding sources for such removal and replacement.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

**040325 [Mayor's Policy Instructions]
Supervisor Sandoval**

Requesting a hearing to take testimony on the directions given to City departments in the document produced by the Mayor's Budget Office entitled "Mayor's Policy Instructions."

3/16/04, RECEIVED AND ASSIGNED to Budget Committee.

**040326 [Controller's Three Year General Fund Budget Projection]
Supervisor Sandoval**

Requesting a hearing to receive information on the Controller's Three-Year General Fund Budget Projection, from Fiscal Year 2004-05 through Fiscal Year 2006-07.

3/16/04, RECEIVED AND ASSIGNED to Budget Committee.

**040327 [Closing the Budget Deficit]
Supervisor Sandoval**

Requesting a hearing to receive an update from the Mayor's Budget Office about ongoing efforts to close the projected budget deficit for Fiscal Year 2004-05.

3/16/04, RECEIVED AND ASSIGNED to Budget Committee.

**040328 [Proposition C Implementation - City Services Auditor]
Supervisor McGoldrick**

Hearing on the Controller's plans for implementation of the provisions of Proposition C, establishing a City Services Auditor, passed by the voters in November 2003.

3/16/04, RECEIVED AND ASSIGNED to Rules Committee.

**040335 [Office of the Clerk of the Board's Succession, Knowledge, Management and Workforce Plan]
Supervisor Duffy**

Hearing on the Office of the Clerk of the Board's Succession, Knowledge, Management and Workforce Plan.

3/16/04, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the 3/25/04 meeting.

**040336 [Proposition H Implementation]
Supervisor Ammiano**

Hearing of the Joint City/School Board Committee to consider Proposition H implementation planning efforts of the Board of Education and the First Five Commission.

3/16/04, RECEIVED AND ASSIGNED to City and School District Select Committee.

**040344 [Ryan White CARE Act Funding FY 2004-2005]
Supervisor Daly**

Hearing to consider the impacts of Ryan White CARE Act funding reductions in the Fiscal Year 2004-2005, and discuss the development of a supplemental appropriation. The hearing will address the following issues: (1) Actions of the HIV Health Services Planning Council to prioritize funding; (2) Implementation of Planning Council prioritization by DPH; (3) Service impacts to local residents; (4) Marin and San Mateo County funding levels; (5) Efforts of our federal representatives to restore funding; (6) Using Medi-Cal to ensure that CARE funding is used as the funding of last resort; (7) Reducing administrative costs; (8) Whether elimination of services such as transportation, decentralized dental care, outpatient substance abuse, childcare, treatment adherence, legal and immigration assistance and complementary therapies are sound public policy.

3/16/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Motions

040317 [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.

3/16/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

040331 [Adopting the mitigated negative declaration approved for 8 Washington Street (aka 370 Drumm Street)]

Motion adopting the final mitigated negative declaration issued for 8 Washington Street and affirming the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)

(Companion measure to Files 040254, 040331, 040332, 040333.)

3/16/04, SCHEDULED FOR PUBLIC HEARING. Scheduled for public hearing March 30, 2004.

040332 [Disapproving the mitigated negative declaration issued for 8 Washington Street (aka 370 Drumm Street)]

Motion disapproving the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)

3/16/04, SCHEDULED FOR PUBLIC HEARING. Scheduled for public hearing March 30, 2004.

040333 [Preparation of findings to disapprove the mitigated negative declaration issued for 8 Washington Street (aka 370 Drumm Street)]

Motion directing the Clerk of the Board to prepare findings disapproving the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)

3/16/04, SCHEDULED FOR PUBLIC HEARING. Scheduled for public hearing March 30, 2004.

040337 [Establishing Joint City and School District Select Committee]**Supervisor Gonzalez**

Motion establishing a Joint City and School District Select Committee.

3/16/04, RECEIVED AND ASSIGNED to Rules Committee.

040341 [Amending Board Rules to allow the President to appoint 3-5 members to Board Committees]**Supervisor Gonzalez**

Motion amending Rules 5.1, 5.12, 5.26 and 5.38 of the Rules of Order of the Board of Supervisors to allow the President of the Board of Supervisors to appoint at least three, and no more than five, members to each Committee of the Board of Supervisors.

3/16/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

040230 [Conforming with official street name change - Cesar Chavez Street]

Ordinance amending Sections 174.04 and 174.13 of the San Francisco Traffic Code, pertaining to speed limits on Cesar Chavez Street. (Parking and Traffic Department)
3/5/04, RECEIVED AND ASSIGNED to Land Use Committee.

040261 [Settlement of Lawsuit - Laura Bianchi]

Ordinance authorizing settlement of the lawsuit filed by Laura Bianchi against the City and County of San Francisco for \$70,000; the lawsuit was filed on August 14, 2003 in San Francisco Superior Court, Case No. 03-423459; entitled Laura Bianchi v. City and County of San Francisco, et al. (City Attorney)
3/8/04, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

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

Resolution authorizing the sale of surplus City-owned real property located at 107 24th Avenue (Block 1334, Lot 1); adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to proceed with its sale at public auction. (Real Estate Department)
3/9/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040227 [Construct retaining walls in public right-of-way to provide for parking garage driveway and level entry to a new resident at 719 Peru Avenue]

Resolution granting revocable permission to Alan Tran to occupy a portion of the street area along Peru Avenue for the purpose of constructing and maintaining retaining walls in order to provide for a parking garage driveway and a level entry to a new building at 719 Peru Avenue (Assessor Block 5943, Lot 024). (Public Works Department)
3/3/04, RECEIVED AND ASSIGNED to Land Use Committee.

040228 [Construct retaining walls in public right-of-way to provide for a parking garage driveway and level entry to a new resident at 715 Peru Avenue]

Resolution granting revocable permission to Robert C. M. & Lori O. W. Chiang to occupy a portion of the street to construct retaining walls in public right-of-way in order to provide for a parking garage driveway and a level entry to a new resident at 715 Peru Avenue (Block 5943, Lot 025). (Real Estate Department)
3/3/04, RECEIVED AND ASSIGNED to Land Use Committee.

040229 [Contracting out laundry services at S.F. General Hospital]

Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by a private contractor for a lower cost than similar work performed by City and County employees. (Public Health Department)
3/3/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040239 [Extending provisional appointments]

Resolution approving extension to June 30, 2005 of provisional appointments of employees in classifications 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI, 0942 Manager VII, 0943 Manager VIII, 1237 Training Coordinator, 1410 Chief Clerk, 1842 Management Assistant, 2998 Representative, Commission on Status of Women, 3280 Assistant Recreation Director, 3284 Recreation Director, 4321 Cashier 2, 5278 Planner 2, 5283 Planner 5, 5293 Planner 4, 5608 Senior Energy Specialist, 7334 Stationary Engineer, and 9343 Roofer, and H-30 Captain (Fire Department). (Human Resources Department)

3/5/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040259 [Settlement of Claim - Weston Ngo]

Resolution approving the settlement of the unlitigated claim filed on October 8, 2003 by Fire Insurance Exchange as subrogees for Weston Ngo against the City and County of San Francisco in the amount of \$50,000.00. (City Attorney)

3/8/04, RECEIVED AND ASSIGNED to Rules Committee.

040260 [Settlement of Claim - Suzanna Hernandez]

Resolution approving the settlement of the unlitigated claim filed on October 8, 2003 by Fire Insurance Exchange as subrogees for Suzanna Hernandez against the City and County of San Francisco in the amount of \$50,000.00. (City Attorney)

3/8/04, RECEIVED AND ASSIGNED to Rules Committee.

040262 [Mayor's Summer Food Service Program]

Resolution authorizing the Department of Children, Youth, and Their Families to accept and expend a grant in the amount of \$599,215 from the United States Department of Agriculture for the 2004 Mayor's Summer Food Service Program. (Mayor)

3/8/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

In Memoriams

Motion that the Board adjourn its meeting on this date out of respect to the memory of the following deceased:

Bernie Rush (Entire Board)

Frank Cruz (Supervisors Ammiano, Dufty)

Elizabeth Torlakson (Entire Board)

Carol Ann Arieff (Supervisor Gonzalez)

Kevin Fatooh (Supervisors Hall, McGoldrick, Dufty)

Angela Cain (Supervisors Ma, Maxwell)

Elizabeth Jehl (Supervisors Ma, Hall)

Mark Darrell Redwood (Supervisor Maxwell)

ADJOURNMENT

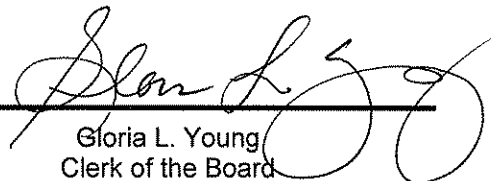
There being no further business, the Board at the hour of 4:20 p.m. adjourned.

Gloria L. Young, Clerk

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 April 13, 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