

# 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, July 27, 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*

### 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 Duffy, Ma, Hall

##### **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  
10:00 AM

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

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present.*

*Quorum present.*

## CONSENT AGENDA

### Recommendations of the Finance and Audits Committee

**040896 [Contracting Out Facility Security Services]**

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

**Resolution No. 458-04**

**ADOPTED**

**040941 [Contracting Out Airport Information Booth Services]**

**Mayor**

Resolution approving the Controller's certification that Airport Information Booth Services at San Francisco International Airport can be practically performed by private contractor at a lower cost than in the work were performed by City and County employees.

**Resolution No. 459-04**

**ADOPTED**

**040942 [Contracting Out Shuttle Bus Service]**

**Mayor**

Resolution approving the Controller's certification that shuttle bus service for San Francisco International Airport's Long-Term Parking Lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees.

**Resolution No. 460-04**

**ADOPTED**

**040966 [Contracting out Airport Employee Parking Services]**

Resolution approving the Controller's certification that Airport Employee Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

Resolution No. 461-04

**ADOPTED**

**040967 [Contracting out Airport Public Parking Services]**

Resolution approving the Controller's certification that Airport Public Automobile Parking Facilities for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

Resolution No. 462-04

**ADOPTED**

**Recommendation of the Land Use Committee**

**040987 [Including biotechnology business to the First Source Hiring Program]  
Supervisors Maxwell, Dufty, Gonzalez**

Ordinance amending Administrative Code section 83.4 to define and include biotechnology business as a "commercial activity" and a "development project" for purposes of the First Source Hiring Program.

Ordinance No. 207-04

**FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**Recommendations of the Budget Committee**

**040725 [Government Funding for Fiscal Year 2004-2005]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2005. (Mayor)

(Fiscal impact.)

Supervisor Daly dissented in Committee.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2004 nor later than August 1, 2004.)

**Ordinance No.** 197-04

**FINALLY PASSED** by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Daly, Gonzalez

**040726 [Public Employment, Fiscal Year 2004-2005]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2005, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Mayor)

Supervisor Daly dissented in Committee.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2004 nor later than August 1, 2004.)

**Ordinance No.** 198-04

**FINALLY PASSED** by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Daly, Gonzalez

**From the Finance and Audits Committee "Without" Recommendation****040744 [Interdepartmental jurisdictional transfer of surplus property]**

**Supervisors Peskin, McGoldrick**

Ordinance transferring jurisdiction from the Public Utilities Commission to the Real Estate Division of the Administrative Services Department over certain portions of former municipal railway right-of-way property located in San Mateo County for the purpose of disposing of such property at fair market value and transferring the net proceeds to the City's General Fund. (Mayor)

**Ordinance No.** 202-04

**FINALLY PASSED** by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Daly, Gonzalez

**040751 [Transactions and Use Tax]**

Ordinance amending the Business and Tax Regulations Code to add Article 16-A to impose a transactions and use tax at the rate of one-quarter of one percent (0.25%) in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code, (ii) directing submission of the tax for voter approval at the November 2, 2004 election and setting forth the ballot question therefor. (Mayor)

**Ordinance No.** 195-04

**FINALLY PASSED** by the following vote:

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

**040758 [Business Tax]**

**Mayor**

Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Business Tax Ordinance), as specified, to impose a business tax for four years on all persons engaging in business in San Francisco measured by the gross receipts of the business at the rate of one tenth of one percent (0.1%) for the 2005 tax year and, if Business Tax revenues collected in such year exceed \$30 million, a lower rate for the 2006, 2007 and 2008 tax years, as specified; (2) amend Article 12-A (Payroll Expense Tax Ordinance), as specified, to: (i) conform Article 12-A with the enactment of the Business Tax Ordinance, (ii) clarify the payroll expense of partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities ("pass-through entities"), and (3) amend Article 6 (Common Administrative Provisions), as specified, to add definitions and conform common administrative provisions with the enactment of the Business Tax Ordinance and amendments to the Payroll Expense Tax Ordinance.

Supervisor Daly dissented in Committee.

**Ordinance No.** 196-04

**FINALLY PASSED** by the following vote:

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

**Appointment of President Pro Tempore**

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

*The President resumed the Chair shortly thereafter.*

**040592 [Payroll Expense Tax Exclusion for Biotechnology Business]  
Supervisors Alioto-Pier, Ma, Elsbernd**

Ordinance amending the Payroll Expense Tax Ordinance to establish a tax exclusion for biotechnology businesses, as specified.

*Supervisor Sandoval, seconded by Supervisor Daly moved to rerefer this matter to Committee.*

*Motion to rerefer this matter to Committee failed by the following vote:*

*Ayes: 4 - Ammiano, Daly, Gonzalez, Sandoval*

*Noes: 7 - Alioto-Pier, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin*

*Supervisor Gonzalez, seconded by Supervisor Ammiano, moved to amend by inserting "a 5 year sunset clause" and "a yearly reporting provision by the biotechnology industries."*

*Motion to amend failed by the following vote:*

*Ayes: 4 - Ammiano, Daly, Gonzalez, Sandoval*

*Noes: 7 - Alioto-Pier, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin*

*Supervisor Hall, seconded by Supervisor Ammiano, moved to amend by inserting a clause "that biotechnology industries receive tax credits for 7.5 years with a 10 year sunset clause".*

**Supervisor Hall, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

**Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, McGoldrick, Peskin, Sandoval**

**Noes: 4 - Alioto-Pier, Dufty, Ma, Maxwell**

*Board to Sit as a Committee of the Whole on August 10, 2004.*

**Supervisor Hall, seconded by Supervisor Ammiano, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:**

**Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin**

**Noes: 3 - Daly, Gonzalez, Sandoval**

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

**040141 [Transit Impact Development Fee]  
Supervisors McGoldrick, Gonzalez**

Ordinance repealing San Francisco Administrative Code Chapter 38 (Transit Impact Development Fee) and replacing it with a new Chapter 38 (Sections 38.1, through 38.14), to enact a new Transit Impact Development Fee.

**Ordinance No. 199-04**

**FINALLY PASSED by the following vote:**

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

**Noes: 1 - Hall**

**040144 [Basic Floor Area Ratio Limit for C-M Zoning Districts]  
Supervisors Daly, Gonzalez**

Ordinance amending the San Francisco Planning Code by amending Section 124(a) to provide that the basic floor area ratio limit for C-M Zoning Districts is 3.0 to 1 except for landmark buildings in C-M Zoning Districts; adopting findings.

*September 14, 2004*

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

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

**040661 [Zoning Map amendment reclassifying the height and bulk limits of Assessor's Block 3701, Lot 063]**

Ordinance amending Zoning Map Sheet 7H of the City and County of San Francisco to reclassify the height and bulk limits of the property at 55 Ninth Street, Lot 063 in Assessor's Block 3701, from 120-X to 200-S, adopting findings pursuant to the California Environmental Quality Act, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

(Companion measure to File No. 040633.)

**Ordinance No. 201-04**

**FINALLY PASSED.**

**040633 [General Plan Amendment in connection with 55 Ninth Street]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed State Compensation Workers Fund office building at 55 Ninth Street; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(Companion measure to File No. 040661.)

**Ordinance No. 200-04**

**FINALLY PASSED.**

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

**040752 [Dissolving the Telecommunications Commission]**

**Mayor, Supervisors Dufty, Ma**

Ordinance amending the San Francisco Administrative Code by amending Sections 11.86, 11.87, 11.88, and 11.89, to re-define the duties, responsibilities and authority of the Telecommunications Commission. (Mayor)

**Ordinance No. 203-04**

**FINALLY PASSED by the following vote:**

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Sandoval

Noes: 2 - Daly, Peskin

**040754 [Office of the City Administrator]**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.25 and amending Section 2A.30 to establish the Office of the City Administrator as a City department. (Mayor)

**Ordinance No.** 204-04

**FINALLY PASSED** by the following vote:

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

**040755 [Department of Convention Facilities]**

**Mayor**

Ordinance amending the San Francisco Administrative Code, Chapter 2A to add Article XVIII, section 2A.260 to establish and describe the responsibilities of the Department of Convention Facilities.

**Ordinance No.** 205-04

**FINALLY PASSED** by the following vote:

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

**040760 [Department of the Medical Examiner]**

**Mayor**

Ordinance amending the San Francisco Administrative Code, Chapter 2A to add Article XVII, section 2A.250 to establish and describe the responsibilities of the Department of the Medical Examiner.

**Ordinance No.** 206-04

**FINALLY PASSED** by the following vote:

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

## **NEW BUSINESS**

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

**040889 [Requesting Real Estate Department to appraise the property at 220 Jones Street]**

**Supervisor Gonzalez**

Resolution requesting the Real Estate Department to appraise the parcel at 220 Jones Street and return a fair market value to the Board of Supervisors.

**Resolution No.** 457-04

**ADOPTED** by the following vote:

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

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

- 040972 [Official Advertising - Type 1 consecutive day official advertising]**  
Resolution designating the San Francisco Chronicle to be the official newspaper of the City and County of San Francisco for the category of Type 1 consecutive day official advertising, for the period commencing July 1, 2004 and ending June 30, 2005. (Purchaser)
- Resolution No.** 463-04  
**ADOPTED by the following vote:**  
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
- 040973 [Official Advertising - Type 2 non-consecutive day official advertising]**  
Resolution designating the San Francisco Independent to be the official newspaper of the City and County of San Francisco for the category of Type 2 non-consecutive day official advertising, for the period commencing July 1, 2004 and ending June 30, 2005. (Purchaser)
- RE-REFERRED to the Finance and Audits Committee by the following vote:**  
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Noes: 1 - Hall

## **SPECIAL ORDER 3:00 P.M.**

- 041033 [Youth Commission Annual Report]**  
Report from the San Francisco Youth Commission. (Clerk of the Board)  
*Peter Lonergan, presented the Annual Youth Commission Report  
Community Affairs Officer, Youth Commission*

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

### **Privilege of the Floor**

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

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

*President Gonzalez introduced Mr. Wright, Member of British Parliament, Labor Party.*

*Supervisor Gonzalez introduced, welcomed and presented a Certificate of Honor to Diane Perez, Clerk of the Board's staff member in recognition of her retirement.*

*Gloria L. Young, Clerk of the Board, expressed her gratitude to Diane Perez for her excellent service to the Clerk's Office and to Ms. Young.*

*Members of the Board also expressed their gratitude to Ms. Perez and recognized her outstanding service with the Clerk's Office.*

*Supervisor Ammiano introduced, welcomed and presented a Commendation for Richard Apodaka.*

*Supervisor Peskin introduced, welcomed and presented a Commendation to Allistair Monroe, North Beach Jazz Festival.*

## COMMITTEE REPORTS

**040883 [Directing the Clerk of the Board of Supervisors to submit the Incompatible Activities Statement to the Ethics Commission]**

Motion directing the Clerk of the Board of Supervisors to submit the Incompatible Activities Statement to the Ethics Commission. (Clerk of the Board)

**Motion No.** M04-91

**APPROVED** by the following vote:

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

**040667 [Declaration of Policy Concerning San Francisco Transactions and Use Tax Expenditures]  
Supervisor Ammiano**

Motion submitting a declaration of policy to the qualified electors of the City and County of San Francisco at the November 2, 2004 election concerning the voters' non-binding recommendation that the proposed one-quarter of one percent (0.25%) San Francisco Transactions and Use Tax be expended to support and expand programs for trauma and emergency services, low-income, vulnerable communities, including seniors, the disabled, children and homeless individuals and families.

**Motion No.** M04-90

**APPROVED** by the following vote:

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

## President Pro Tempore

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

*The President resumed the Chair shortly thereafter.*

**040688 [Open Government Ordinance to provide for more public accessibility to meetings and documents, more public participation and to safeguard the maintenance of records]**

Motion ordering submitted to the voters an ordinance authorizing the OPEN GOVERNMENT ORDINANCE at an election to be held on November 2, 2004.

(Fiscal impact.)

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

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

## ROLL CALL FOR INTRODUCTIONS

**PUBLIC COMMENT**

*Abdullah Megaheed; general issues*  
*Richard Robertson; general issues*  
*Vernon Jenkins; general issues*  
*Female Speaker; access to healthcare*  
*Julianna; health care ordinance*  
*John Adonna; general issues*  
*Helen Weiss; health care ordinance*  
*Della Reed; health care ordinance*  
*Female Speaker; health care ordinance*  
*Local 250 Shop Steward; health care ordinance*

**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.*

**040560 [Adopting the 2004 Telecommunications Plan Update]**  
**Supervisor Ma**

Resolution adopting the 2004 Update to the Telecommunications Plan, as submitted.

**Resolution No.** 456-04  
**ADOPTED**

**040977 [Commending San Francisco Gem and Mineral Society]**  
**Supervisor Ma**

Resolution recognizing the San Francisco Gem and Mineral Society for its efforts and achievements and declaring August 2 – 8, 2004 to be “Gem and Mineral Week” in the City and County of San Francisco.

**Resolution No.** 464-04  
**ADOPTED**

**040993 [Helen Wills Park Gift Acceptance]**  
**Supervisor Peskin**

Resolution accepting and expending a gift in the amount of \$17,000.00 from the Syzygy Foundation for Helen Wills Park.

**Resolution No.** 465-04  
**ADOPTED**

- 041032 [Issuance and sale of multifamily housing revenue bonds by CSCDA for National Farm Workers Service Center, Inc.]  
Supervisor Dufty

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$26,000,000 for the Project (as defined herein).

Resolution No. 455-04

ADOPTED

- 041045 [Commending H. Welton Flynn]  
Supervisor Sandoval

Resolution acknowledging and commending H. Welton Flynn for his service as the Chairman of the Board of Directors for the San Francisco Municipal Transportation Agency.

Resolution No. 468-04

ADOPTED

- 041047 [Commending Bayanihan Cultural Organization]  
Supervisor Sandoval

Resolution commending Bayanihan Cultural Organization for reaching a milestone of ten years of service educating youth in traditional Filipino culture.

Resolution No. 470-04

ADOPTED

- 041044 [Commending The ARC of San Francisco and its "100 jobs in 100 days campaign"]  
Supervisors Maxwell, Hall, Ma

Resolution commending The ARC of San Francisco and its "100 Jobs in 100 Days Campaign" for their efforts on behalf of citizens with developmental and other disabilities.

*Supervisors Hall and Ma requested to be added as a sponsors.*

Resolution No. 467-04

ADOPTED

The foregoing items were acted upon by the following vote:

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

### Severed from Without Reference to Committee Agenda

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

- 041034 [Authorizing preparation of Proponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 2, 2004 Election]  
Supervisor Gonzalez

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 2, 2004 Election.

*Amendment of the whole bearing same title.*

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

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

Motion No. M04-92

APPROVED AS AMENDED by the following vote:

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

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

- 041031 [Stenciled Graffiti Defacing San Francisco Sidewalks]  
Supervisors Dufty, Alioto-Pier, Ma, Maxwell

Resolution urging the Department of Public Works and the City Attorney to jointly cite and collect damages from NBC Universal, parent company of USA Network, or its representatives for stenciling graffiti on San Francisco sidewalks; and urging the Department of Public Works to track all costs associated with the cleanup of the sidewalk graffiti.

Resolution No. 466-04

ADOPTED by the following vote:

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

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

- 041046 [Proclaiming October 20, 2004 as A-day in San Francisco]  
Supervisor Sandoval

Resolution proclaiming October 20, 2004 as A-day in San Francisco.

*Amended on page 2, line 6, after "and" by inserting "now, therefore be it"*

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

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

Resolution No. 469-04

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, 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 Dufty, seconded by Supervisor Daly, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:**

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

*[Brown Act Finding]*

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

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

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

**041069 [Commendation for Marie Jobling]**

**Supervisors Daly, Ma, Dufty**

Resolution commending Marie Jobling for her 12 years of services and leadership in Planning for Elders in Central City (CECC) and advocacy for seniors, the disabled, and other marginalized groups.

**Resolution No. 471-04**

**ADOPTED by the following vote:**

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

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

### Ordinances

**041060 [MOU - San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1)]  
Mayor**

Ordinance adopting and implementing Amendment #1, the negotiated agreement that amends the 2003-2005 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by extending the term of the parties' agreement through June 30, 2007 and by implementing specified terms and conditions of employment for fiscal years 2004-2005, 2005-2006 and 2006-2007 in accordance with the MOU's reopener provision.

7/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041061 [MOU - San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2)]  
Mayor**

Ordinance adopting and implementing Amendment #1, the negotiated agreement that amends the 2003-2005 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by extending the term of the parties' agreement through June 30, 2007 and by implementing specified terms and conditions of employment for fiscal years 2004-2005, 2005-2006 and 2006-2007 in accordance with the MOU's reopener provision.

7/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041065 [Appropriate funding from the General Fund Reserve to increase staffing for the Disability, Evaluation and Assessment program]  
Supervisors Peskin, Dufty**

Ordinance appropriating \$336,863 to increase staffing of 4.54 FTEs to the Disability, Evaluation and Assessment program for the Department of Public Health and Amending the Annual Salary Ordinance for Fiscal Year 2004-05.

(Fiscal impact; Companion measure to File 041118.)

7/27/04, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041067 [Amending Planning Code Section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District]  
Supervisor Gonzalez**

Ordinance to amend the Planning Code by amending section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/27/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/26/2004.

**041070 [Zoning – Conditional Use for Change in Use or Demolition of a Movie Theater]  
Supervisor Peskin**

Ordinance amending the Planning Code to add Section 221.1 and to amend sections 703.2, 803.2, and 803.3 to require conditional use authorization for any project involving the change in use or demolition of a movie theater; amending Planning Code section 303 to require specific findings as part of a conditional use authorization for a change in use or demolition of a movie theater; making findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1; making environmental findings; and making the Ordinance retroactive to any site permit application submitted after July 27, 2004.

7/27/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/26/2004.

**041071 [Amending Planning Code Section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District]  
Supervisor Peskin**

Ordinance to amend the Planning Code by amending section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/27/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/26/2004.

**041072 [Amending the Administrative Code to Require Preparation and Consideration of Healthcare Impact Report in Event of Certain Hospital Construction Resulting in Replacement or Addition of Over Two Hundred Licensed Hospital Beds]  
Supervisors Ma, Daly, Maxwell, Gonzalez, Ammiano, Peskin**

Ordinance adding Section 97 to the Administrative Code to require Health Department to draft and distribute Healthcare Impact Report for consideration in evaluating permit application or amendment to Redevelopment Plan regarding private hospital construction resulting in replacement or addition of over two hundred licensed hospital beds.

7/27/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041073 [Prohibiting Parking of Trailers, Semi-trailers, Motorhomes, and Boats]  
Supervisor Ma**

Ordinance amending the San Francisco Traffic Code by amending Sections 3 and 132 and adding Sections 3.18 and 45 to define the term motorhome, prohibit the parking of any trailer, semi-trailer, motorhome, or boat on any highway, street, or alley between the hours of 10:00 p.m. to 6:00 a.m., and set a penalty of \$100 for the first violation.

7/27/04, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 8/26/2004.

## **Resolutions**

**041062 [Support of AB 2404]  
Mayor, Supervisor Elsbernd**

Resolution supporting AB 2404 and urging the California legislature to pass AB 2404 prohibiting local governments from discriminating against any person on the basis of gender within community youth athletics programs.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041063 [Commending Deputy City Attorney Michael S. Cohen]  
Supervisors Peskin, Duffy, Maxwell, Elsbernd**

Resolution commending Michael S. Cohen for nine years of exemplary public service to San Francisco as a Deputy City Attorney and Head of the Finance, Real Estate and Special Projects Division of the City Attorney's Office, and wishing him well in his future endeavors as the new Director of Base Reuse and Development in the Mayor's Office of Economic and Workforce Development.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041064 [Wi-Fi Technology]  
Supervisor Elsbernd**

Resolution urging the San Francisco Department of Telecommunications provide access to Wi-Fi in all San Francisco city-owned buildings.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

7/27/04, RECEIVED AND ASSIGNED to Land Use Committee.

**041077 [Union Pacific Railroad track lease for Third St. and Cargo Way for the Third Street LRT Project]  
Mayor**

Resolution authorizing the Director of Transportation to execute a track lease with the Union Pacific (UP) and Burlington Northern Santa Fe (BNSF) Railroads that leases approximately three hundred ten (310) feet of UP's spur track at the intersection of Third Street and Cargo Way for a term of 25 years, rent of \$10 per year, and a one-time administrative fee of \$500 for a total cost of \$750, and requires the City to repair and maintain the track and const and maintain a railroad crossing signal system.

7/27/04, RECEIVED AND ASSIGNED to Land Use Committee.

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

7/27/04, RECEIVED AND ASSIGNED to Board of Supervisors. 7/29/04 - Notice of Public Hearing and copy of Resolution of Necessity mailed to owners and interested parties. Mailing list provided by the Real Estate Department.

7/29/04 - Notices sent to Library Government Section to be posted.

7/29/04 - Advertisement sent for publication on July 31, 2004.

8/11/04 - Received from City Attorney two copies of the Transbay Terminal Final Environmental Impact Statement/Environmental Impact Report (Volume I and Volume II). One copy delivered by the Clerk's staff to Supervisor Elsbernd, the newly appointed Supervisor. Other members of the Board were given copies on 6/8/04 and 6/9/04 per File No. 040616 Master Report.

8/13/04 - Received from the City Attorney a copy of Technical Evaluation of Design Options for the Transbay Terminal Project to address Mysers Development Company's proposal for a high-rise building on the 80 Natoma prepared by Parsons Corporation dated June 18, 2004.

8/13/04 - Received memo from the City Attorney regarding Federal Transit Administration Categorical Exemption and Summary Appraisal Statement for filing as part of the Eminent Domain Resolution of Necessity. Copy distributed to each Board member.

8/16/04 - Received letter dated 8/10/04 from Planning Department to Real Estate Division re: Case No. 2000.048R, Transbay Terminal Project, CCSF Acquisition of Lots 045A, 046, 053, 054 in Assessor's Block 3721. Copy distributed to each Supervisor.

8/16/04 - Received memo from Supervisor Chris Daly addressed to Board members regarding Eminent Domain Action on 80 Natoma Street.

**041083 [Halloween in the Castro]  
Supervisors Dufty, Ammiano**

Resolution sanctioning Halloween in the Castro and encouraging coordinated planning of the event.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041084 [Vocational services to mentally-ill psychiatric clients in San Francisco]  
Supervisor Alioto-Pier**

Resolution authorizing retroactively the San Francisco Department of Public Health to enter into a cooperative program agreement with the State Department of Rehabilitation, San Francisco District, including a required match of \$284,222, to provide vocational services to mentally-ill psychiatric clients in San Francisco; for the period of July 1, 2004 to June 30, 2007.

(Fiscal impact.)

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041085 [Commending Department of California Highway Patrol]  
Supervisor Ma**

Resolution commending the Department of California Highway Patrol on the occasion of their 75th Anniversary.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041086 [Commending Sing Tao Daily]  
Supervisors Ma, Peskin**

Resolution commending Sing Tao Daily for 66 years of outstanding service to the Chinese community in the Bay Area and declaring August 1, 2004 to be "Sing Tao Daily Day" in the City and County of San Francisco.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041087 [Commending National Night Out]  
Supervisor Ma**

Resolution commending National Night Out for the relationships and partnerships it has built in our communities and declaring August 3, 2004, to be "National Night Out Day" in the City and County of San Francisco.

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

**041088 [Recurring FY 2004-2005 State grant funds to the Department of Public Health from the California Department of Health Services]  
Supervisor Ma**

Resolution authorizing the acceptance and expenditure of State recurring grant funds by the San Francisco Department of Public Health for FY 2004-2005.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041089 [Declaring City Policy Regarding Subtidal Areas]  
Supervisor Peskin**

Resolution adopting the Bay Conservation and Development Commission policy regarding Subtidal Areas as official policy of the City and County of San Francisco.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing**

**041074 [Annual Assessment of City Departmental compliance with the Resource Conservation Ordinance]  
Supervisor Dufty**

Hearing for the Department of the Environment to present its annual assessment on compliance by the City departments with the Resource Conservation Ordinance.

7/27/04, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the August 5, 2004 meeting.

7/29/04: Dept. of the Environment notified of the August 5, 2004 City Services Committee meeting.

**041075 [Clean Water Master Plan]  
Supervisor Maxwell**

Hearing on the Public Utility Commission's proposed process to develop a Clean Water Master Plan. The hearing will focus on the goals and objectives of the Clean Water Master Plan as well as the timeline and process, including avenues for public participation.

7/27/04, RECEIVED AND ASSIGNED to Land Use Committee.

**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.

7/27/04, ASSIGNED to Board of Supervisors. Pursuant to File 041081, Board to sit as a Committee of the Whole on August 10, 2004, at 3:00 p.m.

**Motions**

**041068 [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.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**041081 [Public Hearing - Eminent Domain]  
Supervisor Daly**

Motion directing the Board of Supervisors to hold a public hearing on August 17, 2004, at 3:00 p.m., with the Board sitting as a Committee of the whole, 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.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 041066** [Authorizing preparation of Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 2, 2004 Election]  
Supervisor Alioto-Pier

Motion authorizing preparation of written Opponent ballot argument and rebuttal ballot argument for ordinance submitted by petition for submittal to the voters at the November 2, 2004 Election.

7/27/04, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## PROPOSED RESOLUTIONS

- 040171** [Supplemental grant award for comprehensive drug court implementation services]  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$53,742 from the California Department of Alcohol and Drug Programs (CADP) to supplement comprehensive drug court implementation funding and to enter into an agreement for the use of these funds; for the period of December 29, 2003, to December 28, 2004. (Public Health Department)  
7/15/04, RECEIVED AND ASSIGNED to City Services Committee. 7/27/04: Department of Public Health notified of August 5, 2004 City Services Committee meeting.
- 040435** [Grant of Federal Funds]  
Resolution authorizing the Municipal Transportation Agency Board of Directors to accept and expend \$3,929,039 of Federal Earmarked Capital Assistance for design and construction of Muni's Islais Creek facility. (Municipal Transportation Agency)  
7/16/04, RECEIVED AND ASSIGNED to Land Use Committee.
- 040436** [Grant of Federal Funds]  
Resolution authorizing the Municipal Transportation Agency Board to accept and expend \$8,857,610 of Federal New Starts Capital Assistance for the Third Street-Phase II, New Central Subway project excluding administrative overhead costs. (Municipal Transportation Agency)  
7/16/04, RECEIVED AND ASSIGNED to Land Use Committee.
- 040483** [Grant of Regional Funds]  
Resolution authorizing the Municipal Transportation Agency to accept and expend \$3,753,574 of Assembly Bill 664 funds for Municipal Railway Transit projects, excluding administrative overhead costs. (Municipal Transportation Agency)  
7/16/04, RECEIVED AND ASSIGNED to Land Use Committee.
- 041025** [Special Assessment Liens for Assessment Costs]  
Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18, 102.19 et Seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Building Inspection Department)  
7/26/04, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 17, 2004, at 3:30 p.m.

## Requests Granted

*From: Supervisor Sandoval*

*To: Department of Public Health*

*To: Recreation and Park Department*

*To: Department of the Environment*

*To: Department of Public Works*

*Requesting/Inquiring: To report on specific plans San Francisco has to fight the ongoing outbreak of the West Nile Virus in the State of California. Also, requesting an update on the collaborative prevention efforts between Department of Public Health, the San Francisco Public Utilities Commission, the Recreation and Parks Department, the Department of the Environment, the Department of Public Works and other relevant departments.*

*Due: August 10, 2004*

*Also please send copy to: Edwin Kaukali, C/o Cayuga Improvement Association,  
314 Foote Avenue, San Francisco, CA 94112*

*From: Supervisor McGoldrick*

*To: All department or agency heads*

*Requesting/Inquiring: To submit a report listing which contracts your agency currently holds or contemplates entering into in the near future that would be affected by this legislation. Please also attempt to estimate the value of your department's obligations under these contracts and the name and address of the contractor. To the extent not already covered by this request, please also list any contracts your department has with city contractors that involve any work that is performed outside of the United States, the name of the contractors, and the total value of any such contracts. Please provide this report by August 16, 2004.*

*Please note that the bid preference legislation does not apply to a contract when (1) competitive solicitation is not required by law; (2) a solicitation is for a grant agreement with a non-profit entity or public agency; and (3) a contract is for a real estate transaction.*

*If you have any questions regarding this request, please direct them to Jerry Threet at 554-7412 or Jerry.Threet@sfgov.org.*

*Note: Please refer to two pieces of proposed legislation to be emailed later and reply to the Clerk of the Board of Supervisors, with a copy to the Office of Legislative Analyst.*

*From: Supervisor Maxwell*

*To: Public Utilities Commission*

*To: Department of the Environment*

*Requesting/Inquiring: To report on plans to fund and implement renewable energy and energy conservation projects, including through the issuance of debt.*

*Please include the following in the report:*

- 1. A listing of renewable energy and energy conservation projects already completed or underway;*
- 2. An explanation of why debt has not been issued for this purpose since the passage of Proposition B and H in November 2001;*
- 3. Detail of departmental plans to finance renewable energy and energy conservation projects, including through what mechanism the departments plan to issue debt;*
- 4. Specific timelines and benchmarks for project financing, including the issuance of debt;*
- 5. The identification of renewable energy and energy conservation projects proposed to be developed by the departments, including those financed through the issuance of debt. Please include specific timelines and benchmarks.*

**In Memoriams**

*Patricia Howett (Supervisor Peskin)*

*Judy Hurley (Supervisor Alioto-Pier and Supervisor Hall)*

*Constance (Concetta) DiFede Rivaldo (Supervisor Dufty and Supervisor Ammiano)*

**ADJOURNMENT**

*There being no further business, the Board at the hour of 5:50 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 August 17, 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