

# 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, November 12, 2002 2:00 PM

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

**TOM AMMIANO, PRESIDENT**

**CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,  
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,  
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE**

*Gloria L. Young, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick

##### **City and School District Committee**

Supervisors Ammiano, Leno, Wynns, Mar

##### **Finance Committee**

Supervisors Peskin, Daly, Maxwell

##### **Health and Human Services Committee**

Supervisors Daly, Leno, Maxwell

##### **Neighborhood Services and Recreation Committee**

Supervisors Newsom, Leno, McGoldrick

##### **Public Works and Public Protection Committee**

Supervisors Sandoval, Yee, Gonzalez

##### **Rules and Audits Committee**

Supervisors Hall, Gonzalez, Sandoval

##### **Transportation and Commerce Committee**

Supervisors McGoldrick, Hall, Ammiano

#### Meeting Days

2nd, 3rd and 4th Tuesday  
1:00 PM

3rd Wednesday  
3:00 PM

Wednesday  
12:30 PM

1st and 3rd Thursday  
1:00 PM

2nd and 4th Thursday  
2:00 PM

1st and 3rd Tuesday  
10:00 AM

1st and 3rd Tuesday  
1:00 PM

2nd and 4th Thursday  
9:30 AM

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

**Volume 97 Number 42**

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

**Members Absent:** Mark Leno, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:04 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Leno, McGoldrick, Yee - 3.*

*Quorum present.*

*Supervisor McGoldrick was noted present at 2:07 p.m.*

*Supervisors Leno and Yee were excused. (see infra)*

## APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Sandoval, moved to approve October 7, 2002 and October 15, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, Newsom, Peskin, Sandoval

Absent: 3 - Leno, McGoldrick, Yee

### Supervisors Leno and Yee Excused from Attendance

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisors Leno and Yee from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, Newsom, Peskin, Sandoval

Absent: 3 - Leno, McGoldrick, Yee

### AGENDA CHANGES

*The Clerk of the Board informed the Board that File No. 021866 will be heard prior to File No. 021867.*

*The Clerk of the Board informed the Board that File No. 021578 may be continued.*

*Supervisor Ammiano informed the Board that File Nos. 020678 and 021846 may be continued.*

## COMMUNICATIONS

*There were none.*

**CONSENT AGENDA**

**Recommendations of Finance Committee**

**021715 [Lease of Real Property]**

Resolution authorizing a new lease of real property at 1305 and 1309 Evans Avenue on behalf of the Department of Public Health, Children's System of Care and Family Mosaic. (Real Estate Department)

(Public Benefit Recipient; District 10.)

**Resolution No. 787-02**

**ADOPTED**

**021716 [Airport \$3.5 Million Federal Grant]**

Resolution authorizing the Airport Commission to accept and expend grant funds in the amount of \$3,503,877.00 from the U. S. Department of Transportation's Federal Aviation Administration for the purpose of reimbursing airports for extraordinary operating costs incurred as a result of the events of September 11, 2001 as authorized by the Aviation and Transportation Security Act of 2001. (Airport Commission)

(Public Benefit Recipient.)

**Resolution No. 776-02**

**ADOPTED**

**021773 [Accept-Expend State Grant - \$1,000,000]**

**Supervisors Peskin, Daly**

Resolution authorizing the San Francisco Port Commission to accept and expend grants in the total amount of One Million Dollars (\$1,000,000) from the California Coastal Conservancy, the Association of Bay Area Governments San Francisco Bay Trail Project, the California Transportation Commission Environmental Enhancement and Mitigation Program and the State of California Wildlife Conservation Board for the Ferry Terminal Public Pier Project.

(No Public Benefit Recipient.)

**Resolution No. 777-02**

**ADOPTED**

**021774 [Accept-Expend State Grant - \$500,000.00]**

**Supervisor Peskin**

Resolution authorizing the San Francisco Port Commission to accept and expend a federal grant in the amount of \$500,000.00 from the Federal Transportation Security Administration to fund the Port's security assessment efforts.

(No Public Benefit Recipient.)

**Resolution No. 778-02**

**ADOPTED**

**Recommendations of the Rules and Audits Committee****020672 [Appointment]**

Resolution appointing Deidre Von Rock, William Wong, and John Hentz, terms to be determined, to the Citizen's General Obligation Bond Oversight Committee, residency requirement waived.

Deidre Von Rock, new position, seat 1, must be active in a business organization representing the business community located within the City, for a new two-year term to be determined;  
William Wong (residency requirement waived), new position, seat 2, must be active in labor organizations, for a new two-year term to be determined;  
John Hentz, new position, seat 3, must be active in community organization, for a new two-year term to be determined.

**Resolution No.** 781-02  
**ADOPTED**

**021714 [Settlement of Claim - Nancy Cowhig]**

Resolution approving the settlement of the unlitigated claim filed by Nancy Cowhig against San Francisco for \$60,000; claim was filed on December 12, 2001. (City Attorney)

(Public Benefit Recipient.)

**Resolution No.** 786-02  
**ADOPTED**

**021084 [Appointment]**

Resolution appointing Julia Viera, Joseph Porcoro, John Omernik, Stephen Shinn, Machaela Hocter, Deborah Mansfield, Nino Parker, and Marc Anthony Bruno, indefinite terms, to the Graffiti Advisory Board, residency requirement waived.

Julia Viera, new position, seat 4, must represent a nonprofit organization who provides services related to the City's beautification and neighborhood cleanup programs, for an indefinite term;  
Joseph Porcoro, new position, seat 5, must represent a nonprofit organization who provides services related to the City's beautification and neighborhood cleanup programs; for an indefinite term;  
John Omernik, new position, seat 8, must represent private schools in San Francisco, for an indefinite term;  
Stephen Shinn (residency requirement waived), new position, seat 9, must represent the contracting agency for Municipal Railway Shelters, for an indefinite term;  
Machaela Hocter (residency requirement waived), new position, seat 10, must be an at-large member with knowledge in graffiti issues, for an indefinite term;  
Deborah Mansfield, new position, seat 11, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term;  
Nino Parker, new position, seat 12, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term;  
Marc Anthony Bruno, new position, seat 13, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term.

**Resolution No.** 783-02  
**ADOPTED**

**Recommendations of the Health and Human Services Committee****021585 [Treatment on demand substance abuse services and evaluation in San Francisco]  
Supervisors Leno, Daly, Gonzalez, Newsom**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$1,000,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to continue treatment on demand services and evaluation and to enter into an agreement for the use of these funds; for the period of August 1, 2002, to July 31, 2003. (Public Health Department)

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

**Resolution No. 770-02**

**ADOPTED**

**021674 [Plans for public health preparedness and response to bioterrorism]  
Supervisor Newsom**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant allocation in the amount of \$766,187 from the California Department of Health Services (CDHS) to further develop and implement plans for public health preparedness and response to bioterrorism and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

*Supervisor Newsom requested to be added as sponsor.*

**Resolution No. 774-02**

**ADOPTED**

**021713 [Preventive oral health care among various ethnic/racial caregivers of children in San Francisco between 1 and 5 years of age]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$129,938 with The Regents of the University of California (UCR), the primary contractor, to understand ethnic/racial cultural differences related to children's oral health, under the second year of an award from the National Institutes of Health (NIH); for the period of August 1, 2002, to July 31, 2003. (Public Health Department)

(Public Benefit Recipient.)

**Resolution No. 775-02**

**ADOPTED**

**PASS THE CONSENT AGENDA by the following vote:**

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, Newsom, Peskin, Sandoval

Absent: 3 - Leno, McGoldrick, Yee

*Supervisor McGoldrick noted present at 4:07 p.m.*

## UNFINISHED BUSINESS

### Recommendation of the Health and Human Services Committee

011498 [Identification and Use of Surplus City Property for Housing]  
Supervisors Daly, Gonzalez

Ordinance adding San Francisco Administrative Code Chapter 23A to identify and establish Board policy regarding surplus, unutilized and underutilized City real property for housing for the homeless.

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

*Continued to November 18, 2002*

CONTINUED AS AMENDED ON FINAL PASSAGE by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

### Recommendation of the Transportation and Commerce Committee

021467 [Amend Police Code add Section 681]  
Supervisors Yee, Peskin, Gonzalez

Ordinance amending the San Francisco Police Code Chapter 6, by adding Section 681 to prohibit the parking of large vehicles for the purpose of displaying commercial advertising.

*Supervisor Gonzalez requested to be added as a co-sponsor.*

Ordinance No. 224-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

### From Transportation and Commerce Committee "Without Recommendation"

### Appointment of 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 items.*

*The President resumed the Chair shortly thereafter.*

**020678 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]  
Supervisors Hall, Yee, Ammiano**

Ordinance amending Section 1135.1 of the Police Code to increase the mean gate fee cap for taxis to \$90 per shift; amending Section 1135 of the Police Code to increase rates of fare for taxicabs to \$2.75 for the first sixth of a mile, \$0.45 for each additional fifth of a mile or fraction thereof, and \$0.45 for each one minute of waiting or traffic delay time; and amending Section 1137 of the Police Code to provide that the Controller make future determinations every odd-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index.

**Supervisor Hall, seconded by President Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

Ordinance amending Sections 1079, 1135, 1135.1, and 1137 of the Police Code, and adding Section 1137.5, to increase the mean gate fee cap for taxis to \$91.50 per shift, provided that certain conditions are fulfilled, and allowing for the sunseting of the increase under certain circumstances; increase rates of fare for taxicabs to \$2.85 for the first fifth of a mile, \$0.45 for each additional fifth of a mile or fraction thereof, and \$0.45 for each one minute of waiting or traffic delay time; require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies, with such determinations going into effect unless disapproved or modified by Board resolution; provide for offsetting increased costs to the paratransit program arising from meter fare increases; and prescribe a role for the Controller in analyzing the economic impact of prospective or actual decisions by the Taxi Commission and/or Board of Appeals to authorize the issuance of additional taxi permits, and recommending legislative adjustments to address adverse economic impacts.

*Referred to a Special Meeting of the Transportation and Commerce Committee on November 18, 2002 at 10:00 a.m.*

**REFERRED to the Transportation and Commerce Committee by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**021846 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]  
Supervisor Ammiano**

Ordinance amending Sections 1135, 1135.1, and 1137 of the Police Code to increase the mean gate fee cap for taxis to \$90 per shift, provided that certain conditions are fulfilled, and allowing for the sunseting of the increase under certain circumstances; increase rates of fare for taxicabs to \$2.75 for the first fifth of a mile, \$0.45 for each additional fifth of a mile or fraction thereof, and \$0.45 for each one minute of waiting or traffic delay time; and require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies.

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

## NEW BUSINESS

### Recommendations of the Finance Committee

**020994 [Approve expenditure of funds for emergency contract CW-336E]  
Supervisor Gonzalez**

Resolution approving the expenditure of funds for emergency contract CW-336E in the amount of \$441,000 to replace variable frequency drives for main lift pumps at the Southeast Water Pollution Control Plant. (Public Utilities Commission)

(Fiscal impact; No Public Benefit Recipient.)

*Supervisor Gonzalez requested to be added as sponsor.*

**Resolution No. 782-02**

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**021647 [Federal grant funds of \$9,375,000 for building the South Basin Bridge in San Francisco]  
Supervisor Maxwell**

Resolution authorizing the Director of Public Works to accept and expend \$9,375,000 in federal Transportation Equity Act for the 21st Century (TEA21) Demonstration Funds with required local matching funds of \$2,343,750 to undertake environmental studies related to the feasibility of building the South Basin Bridge in the City and County of San Francisco, provided that no general fund monies will be allocated to the project; placing \$7,497,891 on reserve.

(Fiscal impact; No Public Benefit Recipient.)

*Amended on page 1, lines 7 and 8, after "Bridge" by adding "or surface roadway that provides a southern approach route from Hunter's Point Shipyard to Highway 101" (New Title); further amended on page 2, lines 9 and 10, after "Bridge" by adding "or surface roadway that provides a southern approach route from Hunter's Point Shipyard to Highway 101"*

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

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee



Resolution authorizing the Director of Public Works to accept and expend \$9,375,000 in federal Transportation Equity Act for the 21st Century (TEA21) Demonstration Funds with required local matching funds of \$2,343,750 to undertake environmental studies related to the feasibility of building the South Basin Bridge or surface roadway that provides a southern approach route from Hunter's Point Shipyard to Highway 101 in the City and County of San Francisco, provided that no general fund monies will be allocated to the project; placing \$7,497,891 on reserve.

(Fiscal impact; No Public Benefit Recipient.)

**Resolution No.** 773-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 2 - Leno, Yee

**021667 [Fiscal Year 2002-03 California Constitution Appropriations Limit]**

Resolution establishing the appropriations limit for Fiscal Year 2002-03 pursuant to California Constitution Article XIII B. (Controller)

(No Public Benefit Recipient.)

**Resolution No.** 785-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 2 - Leno, Yee

**Recommendations of the Rules and Audits Committee**

**020890 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp. against the City and County of San Francisco for Harsch's payment of \$1,464,000.00 to four affordable housing projects; the lawsuits were filed on July 19, 1994 in San Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco Superior Court, Case No. 982-474; and on February 23, 1994 in United States District Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch Investment Corp., v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

Supervisor Sandoval dissenting in committee.

**PASSED ON FIRST READING by the following vote:**

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Noes: 1 - Sandoval

Absent: 2 - Leno, Yee

**021644 [Amend Administrative Code Section 10.20-1 - City Claims Procedures]  
Supervisor Hall**

Ordinance amending the San Francisco Administrative Code by amending Section 10.20-1 to require that all claims for damages against the City, including those categories listed in Government Code Section 905, follow the procedures set forth in the Administrative Code unless specifically excepted by other laws.

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 2 - Leno, Yee

**021845 [Appointment]**

Resolution appointing Dietrick Falkenthal, term ending January 31, 2006, to the Veterans Affairs Commission.

Dietrick Falkenthal, succeeding Edwin Wilkerson, term expired, seat 10, must be an at-large appointment, for a new four-year term ending January 31, 2006.

**Resolution No.** 788-02

**ADOPTED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 2 - Leno, Yee

**Recommendation of the Health and Human Services Committee****021805 [Accept-Expend DOC Beverage Container Recycling Grant]**

Resolution authorizing the Department of Environment to retroactively accept and expend a grant in the amount of \$450,330 from the State Department of Conservation (DOC) for Fiscal Year 2002/2003. (Environment)

(No Public Benefit Recipient.)

**Resolution No.** 780-02

**ADOPTED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 2 - Leno, Yee

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****Pending approval of File 021866****021867 [Legislative Analyst's Report on the 2000 Census Data by Supervisorial District]**

Hearing before the full Board of Supervisors to discuss the Office of the Legislative Analyst's Report on the 2000 Census Data by supervisorial district. (Clerk of the Board)

*Adam Van de Water, Legislative Analyst, reviewed with Board the Report on the 2000 Census Data by Supervisorial Districts.*

*The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

**SPECIAL ORDER 3:00 P.M.****021710 [Public Hearing - Appeal, Discretionary Review, 281-285 Edgewood Avenue]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review dated September 30, 2002, Case No. 2002.0803DDDD, recommending approval, with certain revisions, of Building Permit Application Nos. 2002.03.15.1545, 2002.03.21.2036 and 2002.03.15.1556, proposing to construct a new, 27-foot tall single-family dwelling and a detached garage on a vacant lot, and to construct a second detached garage on an adjoining lot, within an RH-1(D) (Residential House, One-Family Detached) District and a 40-X Height and Bulk District, on property located at 281-285 Edgewood Avenue, west side, south of Belmont Avenue; Lots 042 and 043, in Assessor's Block 2641.

(Appeal filed October 8, 2002; Board final action date: November 18, 2002; companion measure to Files 021711, 021712; District 5.)

*Appellants: Judith Harding  
Jeffrey Cole; support appellant  
David DiFrancesco; support appellant*

*Gerald G. Green, Director of Planning reviewed the Discretionary Review Recommendation.*

*Project Sponsor Representative: Jeremiah Hall  
Dr. Dennes; Project Sponsor*

*A rebuttal period was allowed.*

*President then declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**021711 [Discretionary Review Appeal - 281-285 Edgewood Avenue]**

Motion approving decision of the Planning Director approving Discretionary Review 2002.0803DDDD, on property located at 281-285 Edgewood Avenue, pursuant to Emergency Ordinances No. 186-02. (Clerk of the Board)

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**Motion No.** M02-187

**APPROVED AS AMENDED** by the following vote:

Ayes: 7 - Ammiano, Daly, Hall, Maxwell, McGoldrick, Newsom, Peskin  
Noes: 2 - Gonzalez, Sandoval  
Absent: 2 - Leno, Yee

**021712 [Discretionary Review Appeal - 281-285 Edgewood Avenue]**

Motion disapproving decision of the Planning Director approving Discretionary Review 2002.0803DDDD, on property located at 281-285 Edgewood Avenue, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Hall, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Hall, Maxwell, McGoldrick, Newsom, Peskin

Noes: 2 - Gonzalez, Sandoval

Absent: 2 - Leno, Yee

**ROLL CALL FOR INTRODUCTIONS****PUBLIC COMMENT**

*Male Speaker; support "Principles for a More Secure SF"*

*Bob Nare; support "Principles for a More Secure SF"*

*Tommy Jamica; support "Principles for a More Secure SF"*

*Portland Visiting Tourist; homeless issues*

*Tom McDongah; homeless issues*

*Male Speaker; general issues*

*Robert Pender; Park Merced Resident's Association issues*

*Larry Rims, VP Local 247, support "Principles for a More Secure SF"*

*Female Speaker, support keeping mechanical museum at the Cliff House*

*Youth Commissioner; Thurgood Marshall incident*

**CLOSED SESSION****CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant****021578 [Anticipated Litigation - Comcast]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and Comcast regarding compliance with the City's cable television franchise. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).  
(10/15/02 Continued to November 12, 2002.)

*Continued to November 18, 2002*

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**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.*

**021861 [Declare 11/20/02 AIDS Emergency Fund Day]**

Supervisors Leno, Daly

Resolution declaring November 20, 2002, AIDS Emergency Fund Day in celebration of their 20th anniversary.

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

Resolution No. 789-02

ADOPTED

**021862 [Declare 11/20/02 Transgender Day of Remembrance]**

Supervisors Leno, Peskin, Daly

Resolution declaring November 20, 2002 as Transgender Day of Remembrance in San Francisco and expressing support for the expansion of transgender peoples' rights.

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

Resolution No. 790-02

ADOPTED

**021863 [Declare 11/17/02 Virginia and Bill Price Day]**  
**Supervisors Leno, Maxwell, McGoldrick, Ammiano, Peskin, Daly**

Resolution declaring November 17, 2002 Virginia and Bill Price Day in San Francisco.

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

**Resolution No. 791-02**

**ADOPTED**

**021864 [Urge US Bank to consider establishment of a Bayview Hunters Point community development financial institution]**

**Supervisor Gonzalez**

Resolution urging US Bank to consider the establishment of a Bayview Hunters Point community development financial institution at its 3rd and Queseda Street location.

**Resolution No. 792-02**

**ADOPTED**

**021868 [Commend Anne Cribbs and BASOC 2012]**

**Supervisors Hall, Peskin, Leno, Newsom**

Resolution commending Anne Cribbs and all the staff and volunteers of the Bay Area Sports Organizing Committee (BASOC) for exhibiting the true Olympic spirit in their valiant bid to host the 2012 Summer Olympic Games.

*Supervisor Newsom requested to be added as a co-sponsor.*

**Resolution No. 793-02**

**ADOPTED**

**021869 [Urge San Francisco Grants for Arts, SFPD, DPT, DPW, community groups to begin organizing and planning for Halloween 2003]**

**Supervisor Ammiano**

Resolution urging the San Francisco Grants for the Arts, the San Francisco Police Department, the Department of Parking and Traffic, the Department of Public Works, neighborhood groups, community groups, and other interested parties to begin organizing and planning for Halloween 2003.

**Resolution No. 795-02**

**ADOPTED**

**021831 [Conference on Economic Development]**

**Supervisors Sandoval, Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee**

Resolution supporting a conference on economic development and growth in San Francisco to take place in 2003.

**Resolution No. 794-02**

**ADOPTED**

**021852 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

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

**Motion No.** M02-188  
**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**Severed From Adoption Without Committee Reference**

**021866 [Committee of the Whole]  
Supervisor Sandoval**

Motion scheduling a Committee of the Whole on November 12th, 2002, at 3:00 PM to hold a hearing of the Legislative Analyst Report on the 2000 Census Data by supervisorial district.

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

**Motion No.** M02-189

**APPROVED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**021649 [Support "Principles for a More Secure San Francisco"]  
Supervisors Peskin, Daly, Sandoval, McGoldrick, Newsom, Ammiano**

Resolution supporting "Principles for a More Secure San Francisco," as proposed by the Service Employees International Union, the largest security officer union in the nation, to provide higher standards for the private security industry.

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

*Supervisors McGoldrick, Newsom and Ammiano requested to be added as co-sponsors.*

**Resolution No.** 784-02

**ADOPTED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**021821 [Commending Mark Leno]**  
**Supervisors Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee**

Resolution commending Mark Leno for his distinguished service as Supervisor of the City and County of San Francisco.

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

**Resolution No. 771-02**

**ADOPTED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

**021822 [Commending Leland Yee]**  
**Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval**

Resolution commending Leland Yee for his distinguished service as Supervisor of the City and County of San Francisco.

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

**Resolution No. 772-02**

**ADOPTED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Leno, Yee

## **OFF-AGENDA LEGISLATION**

### **Introduced by Supervisors or Mayor**

#### **Ordinances**

**021892 [Appropriation for Consolidation of Administrative Offices]**  
**Mayor**

Ordinance appropriating \$2,490,343 from fund balance for consolidation of administrative offices of the San Francisco Public Utilities Commission for fiscal year 2002-03. (Mayor)

(No Public Benefit Recipient; companion measure to File 021897.)

11/12/02, RECEIVED AND ASSIGNED to Finance Committee.



**021893 [Settlement of Lawsuit]  
Supervisors Maxwell, McGoldrick**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Williams Energy Companies; the lawsuit entitled People v. Dynegey, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; which settlement provides a modification of the long-term contracts between the State of California and Williams, transfer to the City and County of San Francisco of four electric generating turbines for use within the City, payment of approximately \$19 million to assist with siting and developing electric generating equipment in San Francisco and elsewhere; and payment to City and County of San Francisco of \$500,000 for attorney's fees and other expenses of litigation.

(No Public Benefit Recipient.)

11/12/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the December 4, 2002 meeting.

**020972 [Designation of the Dogpatch Historic District]  
Supervisors Maxwell, Leno, Peskin**

Ordinance amending Article 10 of the Planning Code by adding Appendix L designating the Dogpatch Historic District, the location and the boundaries of which are generally between Indiana and Third Street, odd and even addresses, from 18th to Tubbs Street, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

6/3/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

6/10/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

11/12/02, ASSIGNED to Transportation and Commerce Committee.

11/12/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title

**021908 [Amending Section 10.1 of the Administrative Provisions of the Annual Appropriation Ordinance]  
Supervisors Sandoval, Gonzalez, McGoldrick, Daly**

Ordinance amending Section 10.1 of the Administrative Provisions of the Annual Appropriation Ordinance to prohibit temporary exchanges or reclassifications to departmental Deputy Director, or equivalent classifications or policy-making or policy-implementing positions that report directly to a Department Head, without approval of the Board of Supervisors.

11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**Resolutions****021894 [Multifamily Housing Revenue Bonds - Carter Terrace]  
Supervisors Maxwell, Daly**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$17,000,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters.

(Public Benefit Recipient.)

11/12/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the November 20, 2002 meeting.

**021895 [Canceling January 6, 2003 Board of Supervisors Meeting]  
Resolution canceling the Monday, January 6, 2003, meeting of the Board of Supervisors.  
11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.****021896 [Establish SF Abuse Free Zone]  
Supervisors Ammiano, Daly**

Resolution urging the San Francisco Board of Supervisors to establish San Francisco as an Abuse Free Zone.  
11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021897 [Lease of Real Property - 1155 Market Street]  
Mayor**

Resolution authorizing the lease of 139,956 sq. ft. of office space in the building located at 1155 Market Street, San Francisco for the City and County of San Francisco Public Utilities Commission for consolidation of staff from various locations and authorizing the termination of an existing lease for certain office space at 1155 Market Street, San Francisco. (Mayor)

(Public Benefit Recipient.)

11/12/02, RECEIVED AND ASSIGNED to Finance Committee.

**021898 [Commend San Francisco Urban Service Project]  
Supervisors Newsom, Daly**

Resolution commending the San Francisco Urban Service Project on its ten year anniversary and for providing service and dedication to the youth of San Francisco.

11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021899 [Commend Richard Lipner]  
Supervisor Maxwell**

Resolution recognizing the tremendous contribution that Richard Lipner has made to the seniors of San Francisco and commending him for his dedication, and wishing him well in his future endeavors.

11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing**

**021900 [Stray Golf Balls]  
Supervisor McGoldrick**

Hearing to consider solutions to stray golf balls hit from Lincoln Park Golf Course to homes along Clement Street.

11/12/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**021901 [City's Plan for Residents "Timing Out" from CalWORKs]  
Supervisors Maxwell, Daly**

Hearing on the City's plan for residents "timing out" from CalWORKs beginning in January 2003, including those residents who speak English as a second language.

11/12/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**021902 [Proposition A and P]  
Supervisor Hall**

Hearing to consider Public Utilities Commission's response to Proposition A and P.

11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**Motions****021903 [Select Committee on Medical Cannabis]  
Supervisor Leno**

Motion establishing a Select Committee on Medical Cannabis, which shall be in operation through June 30, 2003.

11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021904 [Committee of the Whole]  
Supervisor Maxwell**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on December 9, 2002, at 3:00 p.m. to hold a hearing to consider adopting a Resolution of Necessity in connection with a proposal to acquire by eminent domain portions of Lot 24 in San Francisco Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, for the construction of a substation for the Third Street Light Rail Project.

11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a committee of the whole, to hold a public hearing on December 9, 2002, at 3:00 p.m.

**021905 [Legislative Analyst Request]  
Supervisor Daly**

Motion asking the Legislative Analyst to assess funding for crime labs and DNA testing in comparable cities, identify the current backlog at the SFPD crime lab, and provide recommendations on how to increase capacity and efficiency at the crime lab.

11/12/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 18, 2002.

**PROPOSED ORDINANCES****021827 [Changing Official Width of Sidewalk]  
Supervisor Gonzalez**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1556 to change the official sidewalk width on a portion of 16th Street, 246.71 feet southwest of Potrero Avenue; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

11/1/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**021828 [Changing Official Width of Sidewalk]  
Supervisor Gonzalez**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1557 to change the official sidewalk width on the northwest side of Treat Avenue between Alameda and Florida Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

11/1/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**021829 [Settlement of Lawsuit]  
Supervisors Gonzalez, Ma**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Nonprofits' Insurance Alliance of California for receipt of an aggregate amount of \$26,380.14 from Nonprofits' Insurance Alliance of California; the City and County of San Francisco filed the lawsuit on March 29, 2002 in San Francisco Superior Court (Case No. 406-211). (City Attorney)

(No Public Benefit Recipient.)

10/31/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## **PROPOSED RESOLUTIONS**

**021809 [HIV/AIDS confidential counseling and testing services in family planning agency clinics]  
Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$186,000 from the California Family Health Council, Inc. (CFHC), to enhance and expand HIV/AIDS confidential counseling and testing services in family planning agency clinics and to enter into an agreement for the use of these funds; for the period of September 1, 2002, through August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

11/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**021816 [Enhance the safety of firefighters as required by the State Fire Marshal's Office]  
Supervisor Sandoval**

Resolution retroactively authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of \$409,633 from the Federal Emergency Management Agency (FEMA) to acquire 800 MHz portable radios for all firefighters working in suppression and to transfer from the California Fire Incident Reporting System (CFIRS) to the National Fire Incident Reporting System (NFIRS), for the period of September 15, 2002 through September 14, 2003.

(No Public Benefit Recipient.)

10/28/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

11/4/02, SUBSTITUTED. Fire Department submitted a substitute resolution bearing new title.

11/4/02, ASSIGNED to Public Works and Public Protection Committee.

## Requests Granted

*From: Supervisor Newsom*

*To: Director, Department of Human Services*

*To: Director, Department of Public Health*

*To: Clerk, Superior Court*

*Requesting/Inquiring: To report on plans and proposals for the implementation of Senate Bill 1421 in the City and County of San Francisco.*

*From: Supervisor Hall*

*To: Director, Children and Families Commission*

*To: Director, Childcare Planning and Advisory Council*

*Requesting/Inquiring: Inquiring how the Directors of the Children and Families Commission and the Childcare Planning and Advisory Council plan to work with the Safe Haven for Newborns Task Force on implementing the suggestions the Task Force may provide?*

*Due: December 1, 2002*

*From: Supervisor Sandoval*

*To: City Attorney*

*Requesting/Inquiring: To draft anti-monopoly legislation that would prevent the over concentration of the same retail stores in the city as to promote competition.*

*From: Supervisor Sandoval*

*To: Director, CVS Corporation*

*Requesting/Inquiring: Inquiring about their plans to site stores in San Francisco. Also requesting Clerk to send copy of letter to: Leamon Abrams, Mayor's Office of Economic Development, 1 Dr. Carlton B. Goodlett Place, Room 436, San Francisco, CA 94102.*

*From: Supervisor Sandoval*

*To: Executive Director, Department of Telecommunications and Information Services (DTIS)*

*Requesting/Inquiring: Requesting DTIS research the possibility of moving the California Channel off of cable channel 29 and using the additional airtime generated from this move for community access programming; and to research the possibility of beginning limited programming on digital or "dark" channels. Also requesting the Clerk to send a copy of this letter to Zane Blaney, Access SF, 1720 Market Street, San Francisco, 94102.*

*From: Supervisor Sandoval*

*To: Executive Director, Department of Telecommunications and Information Services (DTIS)*

*Requesting/Inquiring: Requesting DTIS initiate the process of identifying the "upstream sites" called for in the franchise agreement between the City and County of San Francisco and AT&T Broadband. Specifically, DTIS should develop a process and appropriate criteria for locating these sites. Also requesting the Clerk to send a copy of this letter to Zane Blaney, Access SF, 1720 Market Street, San Francisco, 94102.*

*From: Supervisor Gonzalez*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: To report on the feasibility of placing stop signs on Fulton Street between Stanyan and Masonic, particularly at the intersection of Cole Street and at the intersection of Clayton Street.*

*Due: December 12, 2002*

*From: Supervisor Gonzalez*

*To: City Attorney*

*Requesting/Inquiring: To draft an ordinance allowing for the reclassification of district attorneys, public defenders and public defender investigators as safety employees.*

*From: Supervisor Daly  
To: Assessor/Recorder  
Requesting/Inquiring: To provide a list of property owners on 8th Street between Howard and Folsom Streets.*

*From: Supervisor Daly  
To: Director, Department of Public Works  
Requesting/Inquiring: To provide an update on conditions of sidewalks on 8th Street between Howard and Folsom Streets, including citations for violation of Public Works Code Section 74 in the last two years. (With attached correspondence)*

*From: Supervisor Daly  
To: Stanlee Gatti, Art Commission  
Requesting/Inquiring: To comment on the conditions on 8th Street between Howard and Folsom Streets. (With attached correspondence)*

*From: Supervisor Ammiano  
To: Director, Commission on the Status of Women  
Requesting/Inquiring: Clerk to send copy of attached resolution declaring San Francisco as an Abuse Free Zone. (See attachment)*

### **In Memoriams**

*Frank M. McDonagh (Supervisor Hall)  
Mario Ernesto Jovel, Sr. (Supervisor Sandoval)  
Osceola Washington (Supervisor Maxwell)*

### **ADJOURNMENT**

*There being no further business, the Board at the hour of 4: 33 p.m. adjourned.*

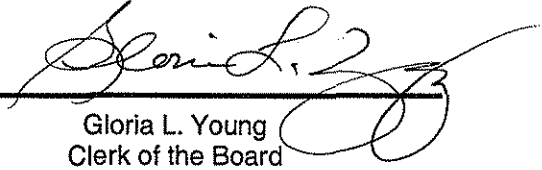
*Gloria L. Young, Clerk*

*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 December 9, 2002.*

*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.*





A handwritten signature in cursive script, appearing to read "Gloria L. Young", is written over a horizontal line. The signature is fluid and extends to the right of the line.

Gloria L. Young  
Clerk of the Board