

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

MEETING MINUTES

Monday, August 26, 2002 2:00 PM

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

Regular Meeting

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.

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Maxwell and McGoldrick - 2

Quorum present.

Supervisor Maxwell was noted present at 2:01 p.m.

Supervisor McGoldrick was noted present at 2:02 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Peskin, moved to approve the minutes of the Board of Supervisors of July 1, 2002. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Newsom, Peskin, Sandoval, Yee

Absent: 2 - Maxwell, McGoldrick

AGENDA CHANGES

The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled or considered differently.

Clerk of the Board informed the Board that File Nos. 021455, 021486, 021487-021494 and 021498 will need to be continued or tabled.

Supervisor Newsom requested File Nos. 021245, 021246, 021247 be continued.

Supervisor Peskin requested File No. 021356 be tabled.

Privilege of the Floor

Supervisor Newsom, seconded by Supervisor Gonzalez, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant the privilege of the floor for the following presentations. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Superintendent of the San Francisco Unified School District, Arlene Ackerman.

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to Deputy Sheriffs of the San Francisco Sheriff's Department for heroic actions during an incident at City Hall.

Supervisor Gonzalez introduced, welcomed and presented a Certificate of Honor to Patricia Walkup, for her efforts as President, Hayes Valley Neighborhood Association

SPECIAL ORDER 2:00 P.M.

COMMITTEE REPORTS

From the Rules and Audits Committee

021383 [Rebuttal Argument - Water and Sewer]
Supervisor Ammiano

Motion authorizing rebuttal to opponent's ballot argument against Proposition E, a Charter Amendment regarding changes to public utilities related to water and sewer.

Motion was withdrawn. No Ballot Argument was submitted.

021385 [Rebuttal Argument - Retirement Benefits for Police and Fire personnel]
Supervisor Ammiano

Motion authorizing rebuttal to opponent's ballot argument against Proposition H, a Charter Amendment regarding retirement benefits for Police and Fire personnel.

Motion was withdrawn. No Ballot Argument was submitted.

021387 [Rebuttal Argument - Elections Department]
Supervisor Ammiano

Motion authorizing rebuttal to opponent's ballot argument against Proposition G, a Charter Amendment regarding assistance to the Elections Department.

Motion No. M02-146

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021389 [Rebuttal Argument - Revenue Bond Election]
Supervisor Ammiano

Motion authorizing rebuttal to opponent's ballot argument against Proposition A, Bond Measure regarding a Revenue Bond Election.

Supervisors Gonzalez, Hall, Newsom, Sandoval, and Yee requested not to be listed as endorsing the Ballot Measure.

Motion No. M02-147

APPROVED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin
Noes: 3 - Hall, Sandoval, Yee

021327 [Rebuttal Argument - Entertainment Commission]
Supervisors Leno, McGoldrick, Daly, Ammiano, Gonzalez, Newsom, Peskin, Sandoval

Motion authorizing rebuttal to opponent's ballot argument against Proposition F, a Charter Amendment regarding Entertainment Commission.

Supervisors Hall, Maxwell and Yee requested not to be listed as endorsing the Ballot Measure.

Motion No. M02-144

APPROVED by the following vote:

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

021391 [Rebuttal Argument - Paid Parental Leave]
Supervisor Daly

Motion authorizing rebuttal to opponent's ballot argument against Proposition I, a Charter Amendment regarding paid parental leave.

Motion was withdrawn. No Ballot Argument was submitted.

021393 [Rebuttal Argument - Supervisors Salaries]
Supervisors Gonzalez, Leno, Ammiano, Sandoval

Motion authorizing rebuttal to opponent's ballot argument against Proposition J, a Charter Amendment regarding Supervisors salaries set by the Civil Service Commission.

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisors Newsom and Yee requested not to be listed as endorsing the Ballot Measure.

Supervisors Ammiano and Sandoval requested to be as co-sponsors.

Motion No. M02-148

APPROVED AS AMENDED by the following vote:

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

021395 [Rebuttal Argument - Energy Self-sufficiency]
Supervisors Gonzalez, Daly, Maxwell

Motion authorizing rebuttal to opponent's ballot argument against Proposition D, a Charter Amendment regarding energy self-sufficiency.

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisors Hall, Newsom and Yee requested not to be listed as endorsing the Ballot Measure.

Motion No. M02-149

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Hall, Newsom, Yee

021329 [Rebuttal Argument - Veterans Building Special Election]
Supervisor Sandoval

Motion authorizing rebuttal to opponent's ballot argument against Proposition C, a Bond Measure regarding Veterans Building Special Election.

Supervisors Hall and Peskin requested not to be listed as endorsing the Ballot Measure.

Motion No. M02-145

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Hall

021331 [Rebuttal Argument - Condominium Conversion Regulations]
Supervisor Peskin

Motion authorizing rebuttal ballot argument against Proposition R, an initiative ordinance regarding changes to the City's Condominium Conversion regulations.

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

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Hall, Newsom, Yee

Supervisors Hall, Leno, Maxwell, Newsom, Sandoval and Yee requested not to be listed as endorsing the Ballot Measure.

Motion No. M02-143

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 4 - Hall, Leno, Newsom, Yee

CONSENT AGENDA

Recommendations of the Finance Committee**021403 [Airport Information Booth Contract, Fiscal Year 2002-2003]**

Resolution approving the Controller's Certification that Airport Information Booth Services at San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by City employees at currently budgeted levels. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 619-02

ADOPTED

021410 [Accept and Expend Federal Grant]

Resolution authorizing the Airport Commission to accept and expend a funding increase from \$1,202,500 to \$1,695,500 from the Federal Aviation Administration ("FAA") for the SFPD-AIRPORT Bureau K-9 Explosive Detection Team. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 620-02

ADOPTED

Recommendations of the Health and Human Services Committee**021322 [Five year strategic plan to reduce intimate partner violence in the community]
Supervisor Daly**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of \$40,000 from the California Department of Health Services (CDHS) to develop a 5 year strategic plan to reduce intimate partner violence in the community and to enter into an agreement for the use of these funds; for the period of July 1, 2002 through September 30, 2003. (Public Health Department)

Resolution No. 614-02

ADOPTED

Recommendation of the Public Works and Public Protection Committee**021238 [Campaign to educate the driving public on how to yield to responding emergency vehicles - fire, police, and ambulances]**

Resolution authorizing the San Francisco Fire Department to accept and expend a new grant in the amount of \$101,366 from the Office of Traffic Safety for the "Please Abide, Move Aside" program. (Fire Department)

Resolution No. 608-02

ADOPTED

Recommendations of the Rules and Audits Committee

- 021288 [Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Percival Agoncillo against the City and County of San Francisco for \$62,500; the lawsuit was filed on November 17, 1999 in San Francisco Superior Court, Case No. 307-953; entitled Percival Agoncillo v. City and County of San Francisco. (City Attorney)
- (Public Benefit Recipient.)
- PASSED, ON FIRST READING**
- 021323 [Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Lee Reese against the City and County of San Francisco for \$72,500.00; the lawsuit was filed on February 23, 2000 in Superior Court, Case No. 310-163; entitled Lee Reese v. California Bethel AME-Church, Inc., City and County of San Francisco, et al. (City Attorney)
- (Public Benefit Recipient.)
- PASSED, ON FIRST READING**
- 021449 [Settlement of Lawsuit]**
Ordinance authorizing offer of settlement of the lawsuit filed by Dillingham Construction N.A., Inc. against the City and County of San Francisco for \$350,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid through the release of such monies from the retention account for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)
- (No Public Benefit Recipient.)
- PASSED ON FIRST READING**
- 020519 [Appointment]**
Resolution appointing Adrienne Lacau term ending September 1, 2003 and Joseph K. Tham term ending September 5, 2005 to Assessment Appeals Board No. 2.
- Adrienne Lacau, succeeding Anita Bedford, resigned, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code, for the unexpired portion of a three-year term expiring September 1, 2003.
- Joseph K. Tham, succeeding Albert Zecher Jr., term expired, seat 8, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code, for a three-year term expiring September 5, 2005.
- Resolution No. 595-02**
ADOPTED
- 020914 [Appointing Kimberly Brandon to Port Commission]**
Mayor
- Resolution confirming the reappointment of Ms. Kimberly Brandon to the San Francisco Port Commission, term ending May 1, 2005. (Mayor)
- Resolution No. 587-02**
ADOPTED

021396 [Appointment]

Resolution appointing Benson Wong, Brian Hugh Henning, Cameron Coulter, Bob Schmitt, Michael Red, Lily Rahnema, Judith Teracina, Enola Maxwell and Joanne Hernandez terms ending September 4, 2006, to the Delinquency Prevention Commission.

Benson Wong, new position, seat 1, must be nominated by District 1 Supervisor for a new 4-year term ending September 4, 2006.

Brian Hugh Henning, new position, seat 2, must be nominated by District 2 Supervisor, for a new 4-year term ending September 4, 2006.

Cameron Coulter, new position, seat 3, must be nominated by District 3 Supervisor, for a new 4-year term ending September 4, 2006.

Bob Schmitt, new position, seat 4, must be nominated by District 4 Supervisor, for a new 4-year term ending September 4, 2006.

Michael Red, new position, seat 5, must be nominated by District 5 Supervisor, for a new 4-year term ending September 4, 2006.

Lily Rahnema, new position, seat 6, must be nominated by District 6 Supervisor, for a new 4-year term ending September 4, 2006.

Judith Teracina, new position, seat 7, must be nominated by District 7 Supervisor, for a new 4-year term ending September 4, 2006.

Vacant seat, new position, seat 8, must be nominated by District 8 Supervisor, for a new 4-year term ending September 4, 2006.

Vacant seat, new position, seat 9, must be nominated by District 9 Supervisor, for a new 4-year term ending September 4, 2006.

Enola Maxwell, new position, seat 10, must be nominated by District 10 Supervisor, for a new 4-year term ending September 4, 2006.

Joanne Hernandez, new position, seat 11, must be nominated by District 11 Supervisor, for a new 4-year term ending September 4, 2006.

Resolution No. 618-02

ADOPTED

021287 [Settlement of Claim]

Resolution approving the Settlement of Unlitigated Claim of California Department of Forestry and Fire Protection (CDF) for \$50,000.00; Claim was filed on December 28, 2001. (City Attorney)

Resolution No. 610-02

ADOPTED

021370 [Appointment]

Resolution appointing Diane Robinson and Carol Ruth Silver terms ending September 5, 2005 and Thomas Ramm term ending September 6, 2004 to the Assessment Appeals Board 1.

Diane Robinson, succeeding herself, term expired, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. *Pursuant to Section 1623 the three year term will end on the first Monday in September; for a three year term ending September 5, 2005.

Thomas Ramm, succeeding Ronald Chun, resigned, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. *Pursuant to Section 1623 the three year term will end on the first Monday in September; for the unexpired portion of a three year term ending September 6, 2004.

Carol Ruth Silver, succeeding Stephan Wasserman, term expired, seat 7, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. *Pursuant to Section 1623 the three year term will end on the first Monday in September; for a three year term ending September 5, 2005.

Resolution No. 616-02

ADOPTED

021379 [Appointment]

Resolution appointing Rick Lewis, term ending December 7, 2002, to the Community Land Trust Task Force. Residency requirement waived.

Rick Lewis, succeeding David Jay-Bonn, resigned, seat 9, must be a member of an existing community land trust organization, for the remainder of a 1 year term expiring 12/7/02.

Resolution No. 617-02

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Severed From Consent Agenda**021195 [Commending San Francisco Chapter of the National Organization for Women]**

Supervisors Newsom, Daly, Peskin, Ammiano, Leno

Resolution commending the San Francisco Chapter of the National Organization for Women for its continued efforts to empower women and its continued vigilance to attempts by others to limit the reproductive choice of women.

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

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

Resolution No. 598-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Hall

REGULAR AGENDA**UNFINISHED BUSINESS****Appointment of President Pro Tempore**

At the request of the President, Supervisor Peskin assumed the Chair.

Supervisors Ammiano and Newsom were noted absent at 8:11 p.m.

From the Clerk**021453 [Adopting findings related to the Conditional Use appeal on property located at 1005-1007 Geneva Avenue]**

Motion adopting findings related to the appeal of the Planning Commission's disapproval of Conditional Use Application No. 2002.0015C (which requested authorization to demolish a residential unit at the second story pursuant to Planning Code Section 712.39, and to construct a four-story mixed use building with three residential units and a ground floor commercial space in an NC-3, Moderate Scale Neighborhood Commercial, District and in a 40-X Height and Bulk District) on property located at 1005-1007 Geneva Avenue, north side of Geneva Avenue, between Paris Street and Lisbon Street (Lot 13 in Assessor's Block 6408). (Clerk of the Board)

Motion No. M02-151

APPROVED by the following vote:

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

(Only one of the following two motions should be adopted.)**021245 [Appeal, Conditional Use, 2863 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1.

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

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

021246 [Appeal, Conditional Use, 2863 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

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

021247 [Findings - 2863 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0408C, on property located 2863 California Street, for action by the Board at its next meeting. (Clerk of the Board)

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

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

021318 [Special Assessment Liens for Assessment of Costs]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, 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 SF Bldg. Code submitted by the Dir. of Building Inspection for Services Rendered by said Dept. of Costs thereof having accrued pursuant to the Code Violations referenced above. (Building Inspection Department)

Resolution No. 613-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 3 - Ammiano, Newsom, Sandoval

Recommendations of Rules and Audits Committee**020988 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the matter of Cheryl C. Jessee v. City and County of San Francisco for \$45,000 to Cheryl C. Jessee and \$61,500 to her attorney of record, Mayo & Rogers. The lawsuit was filed on May 25, 2001, in San Francisco Superior Court, Case No. 321-661; entitled Cheryl C. Jessee v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 182-02

FINALLY PASSED by the following vote:

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

021045 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Yun Fong Kwan, et al., against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 22, 1999 in Superior Court, Case No. 302-154; entitled Kwan, et al. v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 183-02

FINALLY PASSED by the following vote:

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

021125 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuits filed by one hundred and one individual plaintiffs, in two separate lawsuits known as Rooker, et al. and Weaver, et al. against the City and County of San Francisco, for \$862,581.63 in back overtime wages, \$137,951.82 in interest payments and \$378,043.46 in attorneys' fees and costs; the Rooker lawsuit was filed on March 9, 1999 in United States District Court, Case No. C99-1095 VRW, entitled Rooker, et al. v. City and County of San Francisco; the Weaver lawsuit was filed on June 27, 2000 in the United States District Court, Case No. C00-2271 VRW, entitled Weaver, et al. v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 184-02

FINALLY PASSED by the following vote:

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

From Rules and Audits Committee Without Recommendation

021260 [Citizens Advisory Committee for Natural Areas Program]
Supervisor Yee

Resolution establishing a Board of Supervisors Citizens Advisory Committee for the Recreation and Park Natural Areas Program.

Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be **RE-REFERRED WITH PENDING AMENDMENT**. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Peskin
Noes: 5 - Gonzalez, Hall, Newsom, Sandoval, Yee

021264 [Urge Recreation and Parks Department to work with neighborhood groups]
Supervisor Yee

Resolution urging the Recreation and Park Department to work more closely with neighborhood groups.

Resolution No. 609-02

ADOPTED by the following vote:

Ayes: 6 - Gonzalez, Hall, Leno, McGoldrick, Sandoval, Yee
Noes: 3 - Daly, Maxwell, Peskin
Absent: 2 - Ammiano, Newsom

From the Budget Committee Without Recommendation

021356 [Prohibiting temporary exchanges or reclassifications to 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]
Supervisors Peskin, Ammiano, Daly, Gonzalez, Sandoval, McGoldrick

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.

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

Ayes: 5 - Daly, Leno, Maxwell, Peskin, Sandoval
Noes: 4 - Gonzalez, Hall, McGoldrick, Yee
Absent: 2 - Ammiano, Newsom

Recommendations of the Transportation and Commerce Committee

**021142 [Motorcycle Parking Zones]
Supervisors Gonzalez, Daly, Leno**

Ordinance amending San Francisco Traffic Code Sections 27 and 219 to allow the removal of non-motorcycles from designated motorcycle parking zones and to encourage the designation of new motorcycle parking zones.

Ordinance No. 185-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance Committee

**021418 [Planning Commission - Alternative Review Process]
Supervisor Peskin**

Emergency ordinance amending the San Francisco Planning Code by amending Section 306, and amending the San Francisco Administrative Code by amending Sections 2A.53 and 31.04, to provide for an alternative process to Planning Commission approval where the Planning Commission is unable to meet because a majority of its members has not been appointed; adopting declaration of emergency under Charter Section 2.107; and setting forth period of time within which this emergency ordinance shall be operative.

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Emergency ordinance amending the San Francisco Planning Code by amending Section 306, and amending the San Francisco Administrative Code by amending Sections 2A.53 and 31.04, to provide for an alternative process to Planning Commission review where the Planning Commission is unable to meet because a majority of its members has not been appointed; adopting declaration of emergency under Charter Section 2.107; and setting forth period of time within which this emergency ordinance shall be operative.

PASSED AS EMERGENCY MEASURE by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

Supervisor McGoldrick noted absent at 8:20 p.m.

**021404 [Setting San Francisco's fiscal year 2002-2003 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Gonzalez**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2003. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

- 021405 [Setting San Francisco Community College District's fiscal year 2002-2003 property tax rate to be included in the City's overall property tax rate]**
Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2003. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

- 021406 [Setting San Francisco's Unified School District's fiscal year 2002-2003 property tax rate to be included in the City's overall property tax rate]**
Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2003. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

- 021407 [Rescind funding for the Art Commission for municipal symphony concerts using property tax revenue]**
Supervisor Gonzalez

Ordinance rescinding \$31,964 in appropriation authority for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2002-03. (Controller)

PASSED, ON FIRST READING by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

- 020794 [Ellis-O'Farrell Parking Garage Bond Refinancing]**
Mayor

Resolution approving and authorizing the issuance of City of San Francisco Ellis-O'Farrell Parking Corporation Parking Revenue Refunding Bonds to refund bonds previously issued by the City of San Francisco Ellis-O'Farrell Parking Corporation; providing that the principal amount of the bonds to be issued shall not exceed an amount that will produce net present value debt service savings of at least three percent; authorizing and ratifying the execution and delivery of documents reasonably necessary for the issuance, sale and delivery of such refunding bonds; and ratifying previous actions taken in connection therewith. (Mayor)

(Fiscal impact.)

Resolution No. 586-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

021290 [Modification to the Professional Service Agreement for Construction Management Services for SFO AirTrain for a new total contract amount]

Resolution approving Modification No. 7, the Close-out Modification, to Professional Services Agreement, Contract 5700CM - Construction Management Services for the AirTrain System, with PGH Wong Engineering/Luster Construction Management, in the amount of \$2,644,367 for a new total contract amount not to exceed \$32,847,364. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 612-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee

Absent: 3 - Ammiano, McGoldrick, Newsom

021313 [Branch Library General Obligation Bond Sale]

Mayor

Resolution authorizing and directing the sale of not to exceed \$23,135,000 City and County of San Francisco General Obligation Bonds (Branch Library Facilities Improvement Bonds, 2000), Series 2002B; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds. (Mayor)

(Fiscal impact.)

Resolution No. 589-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee

Absent: 3 - Ammiano, McGoldrick, Newsom

021416 [Grant Federal Funds]

Mayor

Resolution authorizing the Municipal Transportation Agency Board to accept and expend \$15,925,000 of Federal Formula Section 5307 Capital Assistance for San Francisco capital project Motor Coach Replacement, excluding Administrative Overhead Costs. (Mayor)

(Supervisor Daly dissenting in Committee)

Resolution No. 591-02

ADOPTED by the following vote:

Ayes: 7 - Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Gonzalez

Absent: 3 - Ammiano, Daly, McGoldrick

Supervisor Newsom, seconded by Supervisor Maxwell, moved to rescind the previous vote:

Motion carried by the following vote:

Ayes: 7 - Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Yee

Noes: 1 - Sandoval

Absent: 3 - Ammiano, Daly, McGoldrick

Resolution failed adoption by the following vote:

Ayes: 5 - Ammiano, Hall, Leno, Maxwell, Peskin

Noes: 3 - Daly, Gonzalez, Sandoval

Absent: 3 - McGoldrick, Newsom, Yee

Recommendations of the Health and Human Services Committee

**012186 [Regulation of Diesel Backup Generators]
Supervisors Maxwell, Daly, Gonzalez**

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval

Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021223 [Senate Bill 1301 - Reproductive Privacy Act]
Supervisors Newsom, Peskin, Daly, Ammiano, Gonzalez**

Resolution urging the State Legislature to adopt Senate Bill 1301, introduced by Senator Sheila Kuehl, relating to an act to amend Section 2253 of the Business and Professions Code, to add Article 2.5 to Chapter 2 of Part 2 of Division 106 of, and to repeal Sections 123400, 123405, 123407, 123410, 123415, and 123430 of the Health and Safety Code, relating to reproductive privacy.

*Amended on page 1, line 3, by replacing "State Legislature to adopt" with "Governor Gray Davis to sign".
New Title.*

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

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

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Hall

Resolution urging Governor Gray Davis to sign Senate Bill 1301, introduced by Senator Sheila Kuehl, relating to an act to amend Section 2253 of the Business and Professions Code, to add Article 2.5 to Chapter 2 of Part 2 of Division 106 of, and to repeal Sections 123400, 123405, 123407, 123410, 123415, and 123430 of the Health and Safety Code, relating to reproductive privacy.

Resolution No. 606-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Hall

Recommendations of the Public Works and Public Protection Committee**021095 [Notification of Solicitations]
Supervisors Sandoval, Daly**

Ordinance amending the San Francisco Administrative Code by amending Section 12 D.A. 9. to require that all contract awarding authorities submit current bids, requests for proposals and solicitations to the Purchaser of Supplies of the City and County of San Francisco and cause to be posted on a Purchaser's website certain information concerning current bids, requests for proposals and solicitations.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021201 [Building Code]
Supervisor Sandoval**

Ordinance repealing the San Francisco Building Code and adopting, in its entirety, a new San Francisco Building Code. (Building Inspection Department)

(Companion measure to File 021202.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021202 [Building Code]
Supervisor Sandoval**

Resolution endorsing those changes and providing findings as to the local conditions requiring amendments to the State Building Code, as required by California Health and Safety Code. (Building Inspection Department)

Resolution No. 599-02

ADOPTED by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021203 [Electrical Code]
Supervisor Sandoval**

Ordinance repealing the San Francisco Electrical Code and adopting, in its entirety, a new San Francisco Electrical Code. (Building Inspection Department)

(Companion measure to File 021204.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021204 [Electrical Code]
Supervisor Sandoval**

Resolution endorsing those changes and providing findings as to the local conditions requiring amendments to the State Electrical Code, as required by California Health and Safety Code. (Building Inspection Department)

Resolution No. 600-02

ADOPTED by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021205 [Housing Code]
Supervisor Sandoval**

Ordinance repealing the San Francisco Housing Code and adopting, in its entirety, a new San Francisco Housing Code. (Building Inspection Department)

(Companion measure to File 021206.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021206 [Housing Code]
Supervisor Sandoval**

Resolution endorsing those changes and providing findings as to the local conditions requiring amendments to the State Housing Code, as required by California Health and Safety Code. (Building Inspection Department)

Resolution No. 601-02

ADOPTED by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021207 [Mechanical Code]
Supervisor Sandoval**

Ordinance repealing the San Francisco Mechanical Code and adopting, in its entirety, a new San Francisco Mechanical Code. (Building Inspection Department)

(Companion measure to File 021208.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021208 [Mechanical Code]
Supervisor Sandoval**

Resolution endorsing those changes and providing findings as to the local conditions requiring amendments to the State Mechanical Code, as required by California Health and Safety Code. (Building Inspection Department)

Resolution No. 602-02

ADOPTED by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021209 [Plumbing Code]
Supervisor Sandoval**

Ordinance repealing the San Francisco Plumbing Code and adopting, in its entirety, a new San Francisco Plumbing Code. (Building Inspection Department)

(Companion measure to File 021210.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

**021210 [Plumbing Code]
Supervisor Sandoval**

Resolution endorsing those changes and providing findings as to the local conditions requiring amendments to the State Plumbing Code for buildings, as required by California Health and Safety Code. (Building Inspection Department)

Resolution No. 603-02

ADOPTED by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Absent: 4 - Ammiano, McGoldrick, Newsom, Yee

Supervisor Yee noted present at 8:55 p.m.

021213 [Telecommunication conduit across Minna Street for SFMOMA]

Resolution granting revocable permission to San Francisco Museum of Modern Art (SFMOMA) to occupy a portion of the public right-of-way to excavate, install and maintain one (1) 4-inch Schedule 40 conduit across Minna Street, between 3rd and New Montgomery Streets to interconnect the SFMOMA at 151 3rd Street (Block 3722, Lot 078) with auxiliary office space at 667 Mission Street/170 Minna Street (Block 3722, Lot 067) for providing voice and data connection between the two buildings and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

Resolution No. 604-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

From the Public Works and Public Protection Committee Without Recommendation

- 021289** [Extension of Water Department Contract with Westin Engineering, Inc. for construction support services, and assistance with claims analysis and dispute resolution or the S.F. Water Supervisory Control and Data Acquisition (SCADA) project beyond 10 years]
Resolution pursuant to Charter Sec. 9.118 approving an extension of the term beyond ten years of San Francisco Public Utilities Commission's professional services contract number CS-460 with Westin Engineering, Inc. for construction support services in connection with the San Francisco Water Supervisory Control and Data Acquisition (SCADA) project to cover the duration of the related construction contract, including closeout of the construction contract. (Public Utilities Commission)

(Fiscal impact.)

Resolution No. 611-02

ADOPTED by the following vote:

Ayes: 7 - Daly, Hall, Leno, Maxwell, Peskin, Sandoval, Yee

Noes: 1 - Gonzalez

Absent: 3 - Ammiano, McGoldrick, Newsom

Recommendations of the Rules and Audits Committee

- 021189** [Skateboarding Task Force]
Supervisors Newsom, Sandoval, Gonzalez, Daly

Resolution establishing a Skateboarding Task Force to provide policy recommendation, and advise the Board Of Supervisors, Recreation and Park Department, Police Department, San Francisco Unified School District, Port of San Francisco and Youth Commission regarding skateboarding policies, issues and activities, and to serve as the designated advisory body regarding skateboarding issues for the City and County of San Francisco.

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

Resolution No. 597-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee

Absent: 3 - Ammiano, McGoldrick, Newsom

Supervisor Daly noted absent at 9:06 p.m.

- 021358** [Safe Haven for Newborns Task Force]
Supervisors Hall, Sandoval, Maxwell, Gonzalez

Resolution establishing a Safe Haven for Newborns Task Force charged with determining how to implement SB 1368, which provides for the safe surrender of unwanted newborns. The Task Force shall be comprised of one representative from each of the following agencies or organizations: the Department of Public Health, the District Attorney's Office, the Fire Department, the Department of Children Youth, and their Families, the Juvenile Probation Department, the Youth Commission (or their designee), the San Francisco Unified School District, the Mental Health Board, the Department of Human Services, the Police Department, and a member of the community with expertise in the area of domestic violence.

Resolution No. 615-02

ADOPTED by the following vote:

Ayes: 7 - Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee

Absent: 4 - Ammiano, Daly, McGoldrick, Newsom

Supervisor Newsom noted present at 9:07 p.m.

From Rules and Audits Committee Without Recommendation

020135 [Employee Claim Reimbursement]

Resolution authorizing reimbursement of \$1,452.00 to Kathryn Hall for the cost of personal property of a City and County employee damaged or stolen in the line of duty.

Resolution No. 594-02

ADOPTED by the following vote:

Ayes: 6 - Gonzalez, Leno, Maxwell, Newsom, Peskin, Sandoval

Noes: 2 - Hall, Yee

Absent: 3 - Ammiano, Daly, McGoldrick

SPECIAL ORDER 3:00 P.M.

021229 [Hearing - Reinspection Fee Lines, Department of Public Health]

Hearing of persons interested in or objecting to the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Clerk of the Board)

HEARD AT PUBLIC HEARING.

From Department of Public Health

021215 [Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)

Resolution No. 605-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Absent: 1 - Gonzalez

SPECIAL ORDER 3:00 P.M.

021235 [Public Hearing]

Hearing of persons interested in or objecting to report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Clerk of the Board)

HEARD AT PUBLIC HEARING.

From Department of Public Health

021234 [Unpaid DPH Delinquent Refuse Service Payment Liens to become special assessments to the property taxes]

Resolution confirming report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Public Health Department)

Resolution No. 607-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Gonzalez

SPECIAL ORDER 3:00 P.M.**021240 [Public Hearing - Appeal, Conditional Use, 1598 Dolores Street (Reilly's Funeral Home)]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16445 dated June 20, 2002, approving Conditional Use Application No. 2000.1058C to develop two (2) residential buildings with a total of 13 dwelling units (two of which are affordable) and up to 26 off-street parking spaces, to develop a lot 5,000 square feet or more in size, within an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District on property located at 1598 Dolores Street (Reilly's Funeral Home), northwest corner of Dolores and 29th Streets; Lots 7, 9, and 38, in Assessor's Block 6618.

(Appeal filed July 17, 2002; categorically exempt from the environmental review process in accordance with the State Guidelines for the implementation of CEQA and Chapter 3.1 of the San Francisco Administrative Code; Case No. 2000.1058C; companion measure to 021240, 021241, 021242, 021243, 021280; District 8.)

Appellants: Steven Williams, Ms. Seville, Jonnie Sharp, Robert Sharp, Beatrice Eisman, Jean Ammerman, Tom Mogensen, Betty Dy, Susan Chiu, Adi Berglez, Melanie Betlach, Cynthia Berglez, David Clifton, Domingo Taneua, Jessica (Valley Street Resident), Vicki Rosen, Tom Loganstan; Amelia Elfamia, Mr. Monks, Judith Holmes, Eileen Hansen, Male speaker

Respondents: Andrew Junius, Joe Cassidy, Bruce Bauer, Elizabeth Naughton, Eve Maher, Dana Crowder, Grace Kiely, Jerry Augusta, Eva Hom John Woolley, Angelene McLoughlin, Michael Leavitt, Tim Harrington, Cathy Schareta, Richie Harte, Randy Boardman, Deirder Cassidy, Mike Forkin, Stan Warner, Al Markus, Jim Levesque, Bruce Baumann, Joe O'Donohue, Alice Barkley, Hoife Burke, Kieran Buckley, Gerry Agosta, Evin McCarthy, Reita Byrne, Redmond Lyons, Patrick Byrne, James Nunemacher, Tom Harrington, Mike Murray, Angus McCarthy, Mike Cassidy, John O'Connor, N.M. Burton, Eamon Murphy, Charles Breidinger, Sean Kiegran

A rebuttal period was allowed.

The 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.

021280 [Environmental Review - 1598 Dolores Street]

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M02-150

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

(Only one of the following two motions should be adopted.)**021241 [Appeal, Conditional Use, 1598 Dolores Street]**

Motion approving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Leno, seconded by Supervisor Maxwell, moved an amendment of the whole.

Amendment passed by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 4 - Daly, Hall, Newsom, Yee

Motion as amended failed adoption by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval,

Noes: 4 - Daly, Hall, Newsom, Yee

Supervisor Leno, seconded by Supervisor Daly, moved to rescind the previous vote.

Motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Hall, Newsom, Yee

Supervisor Leno, seconded by Supervisor Maxwell, moved to recess.

Motion to recess carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Hall, Newsom,

Yee

The Board recessed at 6:45 p.m.

The Board reconvened at the hour 7:25 p.m.

Continued to September 17, 2002

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

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin

Noes: 3 - Hall, Newsom, Yee

Absent: 3 - Daly, McGoldrick, Sandoval

021242 [Appeal, Conditional Use, 1598 Dolores Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 17, 2002

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

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin

Noes: 3 - Hall, Newsom, Yee

Absent: 3 - Daly, McGoldrick, Sandoval

021243 [Findings - 1598 Dolores Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1058C, on property located 1598 Dolores Street, for action by the Board at its next meeting.

Continued to September 17, 2002

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

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin

Noes: 3 - Hall, Newsom, Yee

Absent: 3 - Daly, McGoldrick, Sandoval

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****(Pending approval of File No. 021486.)****021455 [Committee of the Whole]**

Supervisor Peskin

Hearing to consider the Mayor's nominations to the Planning Commission (File Nos. 021487-021494).

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Committee of the Whole Rise and Report Without Recommendation**COMMITTEE REPORTS**

From Rules and Audits Committee**021444 [Confirming the appointment of Michelle Sexton to the San Francisco Redevelopment Agency]
Supervisor Daly**

Resolution confirming the appointment of Michelle Sexton to the San Francisco Redevelopment Agency for the remainder of a four-year term ending September 3, 2003. (Mayor)

Resolution No. 592-02

ADOPTED by the following vote:

Ayes: 8 - Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, Daly, McGoldrick

**021100 [Claudine Cheng Reappointment to the Treasure Island Development Authority]
Mayor, Supervisor Daly**

Resolution confirming the reappointment of Ms. Claudine Cheng to the Treasure Island Development Authority, term ending April 28, 2006. (Mayor)

Resolution No. 588-02

ADOPTED by the following vote:

Ayes: 6 - Hall, Leno, Maxwell, Newsom, Peskin, Yee
Noes: 2 - Gonzalez, Sandoval
Absent: 3 - Ammiano, Daly, McGoldrick

**021359 [Voting Modernization Bond Act of 2002]
Supervisors Peskin, Gonzalez, Daly**

Resolution approving the application for funds under the Voting Modernization Bond Act of 2002 (Proposition 41).

Resolution No. 590-02

ADOPTED by the following vote:

Ayes: 8 - Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, Daly, McGoldrick

From Transportation and Commerce Committee**020680 [Establishing a Striped Bicycle Lane on Cabrillo Street]
Supervisors McGoldrick, Daly**

Resolution establishing a striped bicycle lane westbound and eastbound on Cabrillo Street from Arguello Boulevard to La Playa Street.

(6/6/02 Categorically Exempt from Environmental Review - Creation of bicycle lanes on existing rights-of-way)

Resolution No. 596-02

ADOPTED by the following vote:

Ayes: 8 - Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, Daly, McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

*Abdalla Megahed; Homelessness issues;
Andrew Elksmere; Falun Gong
Chun Lee; Falun Gong
John Bardis; City Policy issues*

From Rules and Audits Committee Without Recommendation

020942 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Cecelia Wade against the City and County of San Francisco for \$250,000; the lawsuit was filed on July 11, 2001 in the San Francisco Superior Court and later was transferred to the District Court of the Northern District of California, Case No. C01-3165; entitled Cecelia Wade, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Supervisor Gonzalez, seconded by Supervisor Hall, moved to amend on page 1 lines 4 and 11 by replacing "\$250,000" with "\$350,000".

AMENDED.

Ordinance authorizing settlement of the lawsuit filed by Cecelia Wade against the City and County of San Francisco for \$350,000; the lawsuit was filed on July 11, 2001 in the San Francisco Superior Court and later was transferred to the District Court of the Northern District of California, Case No. C01-3165; entitled Cecelia Wade, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin
Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

Supervisor Gonzalez, seconded by Supervisor Hall, moved. The motion carried by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin
Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

Motion that the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney, regarding the proposed settlement listed above.

Recess

The Board recessed at the hour of 10:05 pm to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 11:25 pm. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, - 6.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above existing litigation.

Persons in attendance:

Supervisors: Daly, Gonzalez, Hall, Leno, Maxwell, Peskin

Ted Lakey, Deputy City Attorney

Jo Hooper, Deputy City Attorney

Jason Gonzalez, Deputy City Attorney

Dr. Mitch Katz, DPH

Alison Moed, DPH

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect Not to Disclose]

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

Supervisor Gonzalez, seconded by Supervisor Daly, moved. The motion carried by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin

Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021321 [Anticipated Litigation]

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 AT&T Broadband et al. regarding compliance with the City's cable television franchise and AT&T Broadband's proposed merger with Comcast. (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).

Supervisor Gonzalez, seconded by Supervisor Hall, moved to convene in closed session. The motion carried by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin
Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

Motion that the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney, regarding the proposed settlement listed above.

Recess

The Board recessed at the hour of 10:05 pm to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 11:25 pm. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:

Supervisors Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, - 6.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (b) and (c) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:

Supervisors: Daly, González, Hall, Leno, Maxwell, Peskin

Ted Lakey, Deputy City Attorney

Julia Friedlander, Deputy City Attorney

Lisa Gelb, Deputy City Attorney

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

Hearing held. Filed

[Elect Not to Disclose]

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

Supervisor Gonzalez, seconded by Supervisor Daly, moved. The motion carried by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin

Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

Supervisor Daly noted present at 9:45 p.m.

- 021469 [Issuance and Sale of Revenue Bonds - Folsom/Dore Multifamily Residential Rental Housing Development]**
Supervisor Daly

Resolution approving, for the purposes of the Internal Revenue Code, the issuance and sale of revenue bonds by the City and County of San Francisco in an aggregate principal amount not to exceed \$19,000,000 for the Folsom/Dore multifamily residential rental housing development.

(Fiscal impact.)

Resolution No. 593-02

ADOPTED

- 021471 [Accept-Expend Robert Wood Johnson Foundation Grant]**
Supervisor Newsom

Resolution authoring the Department of Aging and Adult Services to accept and expend a grant in the amount of \$150,000 from the Robert Wood Johnson Foundation for a strategic planning process to develop an integrated model of service delivery for older and disabled adults.

Resolution No. 622-02

ADOPTED

- 021472 [Urge Passage of AB 714]**
Supervisors Sandoval, Daly

Resolution urging the California State Senate to pass Assembly Bill No. 714.

Resolution No. 623-02

ADOPTED

- 021473 [Support Senate Bill 1736]**
Supervisors Sandoval, Daly

Resolution urging Governor Gray Davis to sign Senate Bill 1736.

Resolution No. 624-02

ADOPTED

**021474 [Support 5th International Michelin Challenge Bibendum]
Supervisor Ammiano**

Resolution supporting the 5th International Michelin Challenge Bibendum to San Francisco in September, 2003, and pledging our close cooperation and support of this important event.

Resolution No. 625-02

ADOPTED

**021475 [Extending Abandoned Auto Vehicle]
Supervisor Maxwell**

Resolution authorizing the extension of the one dollar (\$1) vehicle registration fee on all vehicles registered in San Francisco to be used only for the abatement, removal and disposal of abandoned vehicles pursuant to Senate Bill 1333.

Resolution No. 626-02

ADOPTED

**021476 [Extend Planning Commission Review Period]
Supervisor Maxwell**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend Article 10 of the Planning Code by adding Appendix L designating the Dogpatch Historic District and make findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Resolution No. 627-02

ADOPTED

**021477 [Support Senate Bill 1125]
Supervisors Newsom, Daly, Peskin, Leno**

Resolution urging Governor Gray Davis to adopt Senate Bill 1125, introduced by John Burton, which will give farm workers the ability to recover appropriate monetary relief for all labor violations and will encourage surety bond companies to undertake greater scrutiny of contractors that are issued wage bonds.

Resolution No. 628-02

ADOPTED

**021479 [Commend Mabel Seto]
Supervisor Sandoval**

Resolution commending the Asian Pacific American Community Center for its first fundraising event and Mabel Seto on the occasion of her birthday.

Resolution No. 629-02

ADOPTED

**021480 [Commend First SF Summit on Immigrant Rights]
Supervisors Sandoval, Daly**

Resolution commending the San Francisco Immigrant Rights Commission for organizing the First San Francisco Summit on Immigrant Rights.

Resolution No. 630-02
ADOPTED

**021481 [Commend Big Brothers Big Sisters of America]
Supervisors Leno, Maxwell**

Resolution commending Big Brothers Big Sisters of America (BBBS), an award-winning youth organization that allows gay and lesbian volunteers the equal opportunity to serve as one-on-one mentors to children.

Resolution No. 631-02
ADOPTED

**021482 [Commend New Bessie Carmichael Working Group]
Supervisor Daly**

Resolution commending the efforts of the New Bessie Carmichael Working Group.

Resolution No. 632-02
ADOPTED

**021483 [Commend Mission Learning Center]
Supervisor Daly**

Resolution commending Mission Learning Center for its commitment to the community through education, and for its impressive results in teaching children to read at their grade level.

Resolution No. 633-02
ADOPTED

**021484 [Commend Juma Ventures]
Supervisor Newsom**

Resolution commending Juma Ventures for its recent distinction as a 2002 Promising and Effective Practices Network (PepNet) renewal Awardee.

Resolution No. 634-02
ADOPTED

**021496 [Commend Chinese Historical Society of America]
Supervisors Sandoval, Daly, Peskin**

Resolution commending the Chinese Historical Society of America on the occasion of their 2002 Gala, Half of Heaven: "Chinese American Women of Honor", in San Francisco on Saturday, September 14, 2002.

Resolution No. 635-02
ADOPTED

- 021457 [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. M02-152

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

Severed From For Adoption Without Committee Reference Agenda

- 021466 [Design Build Contract]
Supervisors Maxwell, Daly

Resolution approving award of a design build contract for the "Moscone Center Renewable Energy Power Plant".

(Fiscal impact.)

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

Resolution No. 621-02

ADOPTED by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Ammiano, McGoldrick, Newsom

- 021478 [Use of Veterans Building]
Supervisor Yee

Resolution urging the San Francisco Posts of the American Legion ("San Francisco Posts"), as beneficiaries of the 1921 War Memorial Trust Agreement, to allow Veterans' groups that have been nationally chartered by Congress to have equal access to the San Francisco Posts' allotted space in the War Memorial Veterans Building.

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

Supervisor Daly requested this item be referred to Committee.

REFERRED to the Finance Committee.

- 021495 [Oppose State Senate Bill 1918]
Supervisors Daly, Peskin

Resolution opposing State Senate Bill 1918 which will redefine "pedestrians" to include riders of Segway motorized vehicles.

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

Supervisor Yee requested this item be referred to Committee.

REFERRED to the Transportation and Commerce Committee.

**021486 [Committee of the Whole]
Supervisor Peskin**

Motion scheduling a Committee of the Whole to consider the Mayor's nominations to the Planning Commission to be held on August 26, 2002 at 3:00 p.m. (File Nos. 021487-021494)

Supervisor Peskin requested that File Nos. 021486, 021498, and 021487-021494 be severed so they could be considered separately.

Supervisor Peskin requested to table the above items.

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**021498 [Suspending the Rules of Order]
Supervisor Peskin**

Motion suspending Rule 4.37 regarding referral of appointments to Rules Committee.

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021487 [Appointment, Planning Commission]

Motion approving the Mayor's nomination to Seat No. 4 of the Planning Commission, term to be determined by lot. (Mayor)

Vacant seat, new position, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021491 [Appointment, Planning Commission]

Motion rejecting the Mayor's nomination to Seat No. 4 of the Planning Commission. (Mayor)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021488 [Appointment, Planning Commission]

Motion approving the Mayor's nomination to Seat No. 5 of the Planning Commission, term to be determined by lot. (Mayor)

Vacant seat, new position, Seat No. 5, must be nominated by the Mayor, term to be determined by lot.

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021492 [Appointment, Planning Commission]

Motion rejecting the Mayor's nomination to Seat No. 5 of the Planning Commission. (Mayor)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021489 [Appointment, Planning Commission]

Motion approving the Mayor's nomination to Seat No. 6 of the Planning Commission, term to be determined by lot. (Mayor)

Vacant seat, new position, Seat No. 6, must be nominated by the Mayor, term to be determined by lot.

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021493 [Appointment, Planning Commission]

Motion rejecting the Mayor's nomination to Seat No. 6 of the Planning Commission. (Mayor)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021490 [Appointment, Planning Commission]

Motion approving the Mayor's nomination to Seat No. 7 of the Planning Commission, term to be determined by lot. (Mayor)

Vacant seat, new position, Seat No. 7, must be nominated by the Mayor, term to be determined by lot.

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021494 [Appointment, Planning Commission]

Motion rejecting the Mayor's nomination to Seat No. 7 of the Planning Commission. (Mayor)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

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 Hall, seconded by Supervisor Daly, moved ADOPTION of the Commendary Finding Act. The motion carried by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin

Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

[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 Hall, seconded by Supervisor Daly, moved **ADOPTION** of the Brown Act finding. The motion carried by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin
Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

021499 [Brotherhood Way Remembrance Day]

Supervisor Hall

Resolution proclaiming September 10, 2002 as "Brotherhood Way Remembrance Day" in the City and County of San Francisco in honor of the ecumenical prayer service and candlelight vigil involving the congregations of Brotherhood Way in remembrance of the attacks of September 11, 2001.

Resolution No. 636-02

ADOPTED by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin
Absent: 5 - Ammiano, McGoldrick, Newsom, Sandoval, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021501 [Add Police Code Sections 750 to 752 - Regulating computer rental businesses]
Supervisor Yee

Ordinance adding Sections 750 to 752 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers during certain hours, regulating sound, requiring supervision, prohibiting loitering, limiting the number of computers per square foot, requiring a waiting area posting hours of operation, prohibiting the sale of food and drink in premises with more than five computers for rent, and providing for penalty.

8/26/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 9/25/2002.

**021502 [Establishing new timetables for submission of the budget]
Supervisor McGoldrick**

Ordinance amending Administrative Code Section 3.3 to require agencies, boards and commissions to submit budget estimates to the Controller by the 21st of January; require the Controller to consolidate and submit budget estimates to the Mayor by the first working day in February; require the Mayor to submit a preliminary budget to the Board of Supervisors by the first working day of March, and a proposed budget to the Board of Supervisors by the first working day of May; amending Administrative Code Section 3.4 to reflect the new deadline for submission of the Mayor's proposed budget to the Board of Supervisors.

8/26/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 9/25/2002.

**021503 [Amend Subdivision Code Section 1308]
Supervisor McGoldrick**

Ordinance amending the San Francisco Subdivision Code by amending Section 1308 to provide that a tenant may also be an owner of record of the property and to remove the requirement that a tenant have an exclusive right to occupy a unit; and amending Section 1316 to address the formation of tenancies in common in buildings of six units or more.

8/26/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**021504 [Prevailing rate of wage and displaced worker protection for workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the CCSF]
Supervisors Leno, Ammiano, Gonzalez**

Ordinance adding Section 21.25-2 to the Administrative Code to require that workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a lease, management agreement or other contractual arrangement is terminated.

8/26/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 9/25/2002.

**021505 [Ordinance adding Section 21.25-3 to the Administrative Code]
Supervisors Leno, Ammiano, Daly**

Ordinance adding Section 21.25-3 to the Administrative Code to require that workers engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services on property owned or leased by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a lease, management agreement or other contractual arrangement is terminated.

8/26/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 9/25/2002.

**021506 [Economic Development Plan and Fund]
Supervisor Daly**

Ordinance amending the San Francisco Administrative Code to (1) require the Office of Economic Development to prepare and annually update an Economic Development Plan, (2) create a San Francisco Economic Development Fund to promote economic and business development and attract and retain jobs within the City, (3) create an economic development committee to administer the fund, and (4) require, as part of the local legislative process, that the Office of Economic Development prepare an analysis of the potential impacts of proposed legislation upon the San Francisco economy and tax revenues prior to enactment by the Board of Supervisors.

(Fiscal impact.)

8/26/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 9/25/2002.

**021507 [Appropriation for janitorial staff at the Asian Art Museum]
Supervisor Daly**

Ordinance appropriating \$243,889 from the General Fund Reserve and reappropriating \$247,000 in professional services for a total of \$490,889 for janitorial staff for the Asian Art Museum for fiscal year 2002-03.

(Fiscal impact.)

8/26/02, RECEIVED AND ASSIGNED to Finance Committee.

**021526 [New Mission Bay Branch Library]
Mayor**

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with the Redevelopment Agency of the City and County of San Francisco for the purchase of a new Mission Bay Branch Library of the San Francisco Public Library to be constructed and located on land that is referred to herein as Parcel N3a-1 fronting on 4th Street between Berry Street and the Mission Creek Channel within the Mission Bay North Redevelopment Plan Area; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Mayor)

(Fiscal impact.)

8/26/02, RECEIVED AND ASSIGNED to Finance Committee.

**021529 [Public Employment - Asian Art Museum]
Supervisor Daly**

Ordinance amending Annual Salary Ordinance 2002/03 reflecting the creation of eight positions (7.5FTEs) at the Asian Art Museum.

(Fiscal impact; Companion measure to File 021507.)

8/26/02, RECEIVED AND ASSIGNED to Finance Committee.

Resolutions

**021499 [Brotherhood Way Remembrance Day]
Supervisor Hall**

Resolution proclaiming September 10, 2002 as "Brotherhood Way Remembrance Day" in the City and County of San Francisco in honor of the ecumenical prayer service and candlelight vigil involving the congregations of Brotherhood Way in remembrance of the attacks of September 11, 2001.

8/26/02, ADOPTED.

**021509 [Interim Zoning Establishing the Eastern Foothills Special Use District with Associated Restrictions]
Supervisor Leno**

Resolution imposing interim zoning controls to establish the Eastern Foothills Special Use District with associated zoning restrictions for an eighteen (18) month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

8/26/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021510 [General Advertising Sign Relocation]
Supervisor Daly**

Resolution authorizing Clear Channel Outdoor Inc. to seek conditional use authorization from the Planning Department to erect two, two-sided general advertising relocation signs measuring up to 14 feet wide by 48 feet high, and to install a non-illuminated "flipper box" at the general advertising sign located at 274 Brannan Street, in exchange for the elimination of the "message center" from the general advertising sign located at 274 Brannan Street and the removal of nine "8-sheet" general advertising signs in the City.

8/26/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021511 [Commend Chinatown Child Development Center]
Supervisors Yee, Daly, Gonzalez**

Resolution commending the excellent work of the Chinatown Child Development Center and congratulating CCDC on the occasion of its 30th Anniversary.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021512 [Congratulating Superintendent Ackerman and Board of Education for improved academic performance]
Supervisors Ammiano, Newsom, McGoldrick, Daly**

Resolution congratulating Superintendent Ackerman and the Board of Education for their steadfast commitment to improving the quality of San Francisco's public schools; and supporting their proven efforts to raise academic performance and improve San Francisco's public schools.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021513 [Support UC Davis Researcher, Bin Han]
Supervisor Sandoval**

Resolution supporting UC Davis researcher Bin Han in his pursuance of justice in the face of wrongful accusations of embezzlement and espionage.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021514 [Oppose Social Security Administration's No-Match Policy]
Supervisors Sandoval, Gonzalez, Daly**

Resolution opposing the Social Security Administration's "No-Match" letter policy and urging local employers to adopt a code of conduct towards no match letters.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021515 [Marina District Pedestrian Safety]
Supervisor Newsom**

Resolution urging the Municipal Transportation Agency Board of Directors to take all necessary steps in mitigating unsafe traffic conditions in the Marina District, specifically at the corner of Lombard and Fillmore Streets, including consideration of the installation of a countdown light, and the installation of a lit crosswalk at this intersection and working with the Office of the City Attorney and the San Francisco Police Department in concert for a unified and collaborative effort to make safer streets and ensure maximum pedestrian safety.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021516 [Designate Southeast Corner of Filbert and Grant "Poet's Corner"]
Supervisors Peskin, Gonzalez, Daly, Newsom**

Resolution designating the southeast corner of Filbert and Grant in North Beach as the official Poet's Corner of the City of San Francisco beginning on Sunday, September 22, 2002, and to honor the contribution of poets past and present by approving the installation of a commemorative plaque at this location.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021517 [Commend Anti-Hate Campaign]
Supervisors Daly, Newsom**

Resolution supporting the citywide "Anti-Hate Campaign."

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021518 [Commend Family Connections, San Bruno Merchants, St. Elizabeth Chapter of SF]
Supervisor Maxwell**

Resolution to commend Family Connections, San Bruno Merchants Association, the St. Elizabeth Chapter of the San Francisco Organizing and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021519 [Support SEIU's "Principles for a More Secure San Francisco"]
Supervisor Daly**

Resolution supporting SEIU's five-point plan.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021520 [Commend "Daughters of Charity" 150 years]
Supervisors Yee, Newsom**

Resolution commending the Daughters of Charity for One Hundred Fifty Years of Service.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021521 [Accept and expend state grant funds for FY 02-03 totaling \$80,000 for the Glen Park BART Station Area Plan Project in San Francisco.]
Supervisor Leno**

Resolution authorizing the Director of the Planning Department to accept and expend State Highway Account Community-Based Transportation Planning funds totaling \$80,000 with required local matching funds totaling \$20,000 for the Bay Area Rapid Transit (BART) Glen Park Station Area Plan Project in the City and County of San Francisco.

8/26/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Requests for Hearing

**021522 [Safety concerns for staff at the San Francisco General Hospital Psychiatric Unit]
Supervisor Newsom**

Hearing to investigate the recent number of attacks on nurses at the San Francisco General Hospital, including but not limited to:

(1) What is the level of existing security in the psychiatric unit? (2) What are the existing protocols used to ensure the safety of staff and clients of the psychiatric ward? (3) What, if any, are the plans to establish an oversight committee to address long and short term solutions to the growing number of attacks? (4) What is the management's response to nurses having filed complaints to Cal OSHA regarding safety issues at the site?

8/26/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021523 [Facilities Master Plan (SFUSD)]
Supervisor Ammiano

Hearing to review the Facilities Master Plan (San Francisco Unified School District) with a focus on Healthy Schools.

8/26/02, RECEIVED AND ASSIGNED to City and School District Committee. Sponsor requests this item be scheduled for consideration at the September 18, 2002 meeting.

021524 [Psych Tech Safety in the Health Department]
Supervisor Daly

Hearing to consider safety and staffing levels of psych tech workers in the San Francisco Department of Public Health.

8/26/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021525 [Passenger safety and workers security at the San Francisco Airport]
Supervisor Daly

Hearing on passenger safety and workers security at the San Francisco Airport in relation to the implementation of the Pilot Program provisions under the Aviation Transportation Security Act.

8/26/02, RECEIVED AND ASSIGNED to Finance Committee.

Motions

021500 [Final Map for an 8 Unit Live/Work Condominium Project]
Supervisor Daly

Motion approving Final Map of 428 8th Street, a Live/Work Condominium Project, being a subdivision of Lot 70, Assessor's Block No. 3757, and adopting findings pursuant to City Planning Code Section 101.1.

(DPW Order No. 173,688; District 6.)

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021527 [Legislative Analyst Request]
Supervisor Daly

Motion asking the Legislative Analyst to address San Francisco's criminal justice system with a specific analysis of race, ethnicity, age, sexual orientation and neighborhood of participants. Contrast San Francisco's offender profile with that of other major American cities. Describe prevention and community organizing programs that keep people from the criminal justice system. Analyze rehabilitation programs for cost effectiveness and efficacy.

8/26/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration September 17, 2002.

- 021528 [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.

8/26/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED RESOLUTIONS

- 021452 [Settlement of Claim]**
Resolution approving the settlement of the unlitigated claim filed by Elizabeth Clot against San Francisco for \$75,000; claim was filed on July 12, 2002. (City Attorney)

(Public Benefit Recipient.)

8/19/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

- 021454 [UCSF Mission Bay Campus - Utility Crossings and an at grade pedestrian crossing]**
Supervisor Leno

Resolution granting revocable permission to Regents of the University of California to occupy a portion of the public right-of-ways to construct, install and maintain utility crossings and joint trenches on future 4th and Owens Streets, and on future South Common Street, for providing various services to the new UCSF Mission Bay Campus; and to construct and maintain an at grade pedestrian crossing at a future mid-block signalized intersection on future 4th Street at future private 14th Street and making findings of consistency with the City General Plan and eight priority policies of the City Planning Code Section 101.1. (Public Works Department)

8/21/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Requests Granted

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: To draft an ordinance providing that, for 3 to 6 unit buildings, 100% of the tenants in the building may convert the building to condominiums; providing further that certain protections shall be in place concerning such conversions to ensure that they are in fact bona fide efforts to provide tenant ownership of their units.

From: Supervisor Maxwell

To: Director, CalTrain

To: Director, AmTrak

To: Director, Union Pacific

To: Director, Peninsula Joint Powers Board

Requesting/Inquiring: To report on budgeting and scheduling of weed control, debris removal, and graffiti abatement program on their properties and along their rights-of-way within the City and County of San Francisco terminating at the passenger terminal at Fourth and Townsend; and to report on the possibility of providing freight service to commercial properties in San Francisco, both in-land and along the waterfront.

From: Supervisors Daly, Gonzalez

To: City Attorney

Requesting/Inquiring: To draft legislation to require 15% inclusionary housing in Conditional Use.

From: Supervisor Daly

To: Director, Department of Public Health

Requesting/Inquiring: To comment on the City and County of San Francisco's implementation of HIPAA, as required by Federal law. Specifically, comment on efforts to achieve administrative simplification of interactions between payers and providers. Also, please comment on actions taken to combat waste, fraud and abuse, and to improve access for health services and coverage.

Moreover, please forward the legislatively mandated assessment submitted to the Office of HIPAA Implementation.

From: Supervisor Newsom

To: Director, Department of Public Health

Requesting/Inquiring: To report on the recent attacks on nurses employed at San Francisco General Hospital in the Psychiatric Wards, specifically: 1) what steps have been taken to mitigate the recent growth of attacks on psychiatric nursing staff by patients; and 2) what protocols have been established to ensure the continued safety of the nursing staff.

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft an ordinance, which will implement a mitigation measure of the NR-7 of the Presidio National Park Environmental Impact Study to protect wildlife habitat from inappropriate artificial lighting, and to authorize private enforcement

Thereof making findings pursuant to the California Health and Safety Code Section 18941.5.

In Memoriams

Victor Miller (Supervisors Ammiano, Daly)
Jack Shonkwiler (Supervisor Gonzalez)
Howard Hart (Supervisors Gonzalez, Peskin)
John Burke (Supervisor Hall)
John D. (Jack) Nevin (Supervisor Hall)
Robert Suval (Supervisor Yee)

ADJOURNMENT

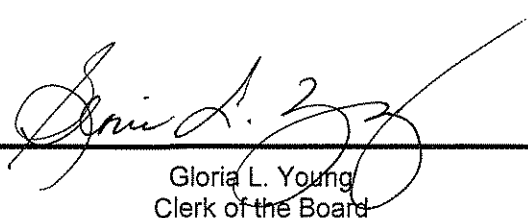
There being no further business, the Board at the hour of 11:30 p.m. adjourned.

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 October 15, 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.



Gloria L. Young
Clerk of the Board

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