

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, November 4, 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.

Volume 97 Number 41

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 2:06 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Newsom, seconded by Supervisor Yee, moved to approve September 30, 2002 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

*Supervisor Ammiano informed the Board that File Nos. 020678 and 021846 may be continued.
The Clerk of the Board informed the Board that File No. 021823 may be heard out of order.*

Privilege of the Floor

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

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

Supervisor Gonzalez introduced, welcomed and presented a Certificate Honor to Dave Snyder, Executive Director of the San Francisco Bicycle Coalition.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of Rules and Audits Committee

021679 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Robin Dubner against the City and County of San Francisco for \$205,000; the lawsuit was filed on 12/31/97 in the U.S. District Court, Case No. 98-1075; entitled Robin Dubner v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No. 223-02

FINALLY PASSED

Recommendations of the Transportation and Commerce Committee

021538 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Moraga Street, stopping 32nd and 34th Avenues at Moraga Street, making these intersections all-way STOP's; Broderick and Eddy Streets, stopping Eddy Street, making this intersection an all-way STOP; Carroll Avenue and Quint Street, stopping Carroll Avenue, making this intersection an all-way STOP; 26th Avenue and Santiago Street, stopping 26th Avenue, making this intersection an all-way STOP; 35th Avenue at Ulloa Street, stopping 35th Avenue at Ulloa Street, making this intersection an all-way STOP; Jerrold Avenue and Mendell Street, stopping Mendell Street, making this T-intersection an all-way STOP; Filbert Street, westbound, at Hyde Street, stopping westbound Filbert Street at Hyde Street; Merritt and Danvers Streets, northeast corner, stopping westbound Merritt Street (stops the stem of this uncontrolled T-intersection); and, Corbett Avenue and Danvers Street, southeast corner, stopping northbound Danvers Street (stops the stem of this uncontrolled T-intersection). (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 761-02

ADOPTED

021551 [Traffic Regulations, Various Streets]

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (SOUTHBOUND) - ESTABLISH
Ankeny Street, between Bishop and Ward Streets.

ONE-WAY STREET (NORTHBOUND) - ESTABLISH
Gateview Avenue (Treasure Island), between the north and south intersections of Avenue B and Gateview Avenue. (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 762-02

ADOPTED

021669 [MTA Accept and Expend Regional Funds - \$540,000]

Supervisors Sandoval, Gonzalez

Resolution authorizing the Municipal Transportation Agency to accept and expend \$540,000 of Traffic Congestion Relief Program funds for improvements to the Geneva Office Building. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

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

Resolution No. 764-02

ADOPTED

021700 [DPT Accept and Expend Grant - \$98,762.00]

Mayor

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept, and expend \$98,762.00 in California State "Safe Routes to Schools" funds, with required local match of \$11,238.00. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 759-02

ADOPTED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance Committee

021458 [Amend Police Code Section 1070.16]
Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Section 1070.16 to allow adults over the age of 18 into after hours premises.

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

FINALLY PASSED by the following vote:

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

Recommendations of the Health and Human Services Committee

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

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

Continued to November 12, 2002

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

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

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

**021462 [Prohibiting employment discrimination and business-to-business discrimination and making miscellaneous amendments to clarify existing discrimination provisions]
Supervisors Leno, Daly, Maxwell, Gonzalez**

Ordinance amending Articles 33, 33B and 38 of the Police Code by amending Sections 3303, 3803, and 3852 to prohibit employment discrimination against independent contractors; amending Sections 3305, 3310, and 3805 to prohibit business-to-business discrimination; amending Section 3301, 3302, 3303, 3304 and 3305 to add creed and national origin to the protected categories; amending Sections 3301, 3302 and 3305.1 to add weight and height to the protected categories; amending Sections 3303, 3305 and 3307 and adding Section 3305.2 to clarify provisions relating to discrimination for association and retaliation with persons in protected categories; amending Sections 3300B.1, 3300B.3 and 3300B.4 to add age, gender identity, place of birth, weight and height to the protected categories; and amending Sections 3302, 3304, 3305, 3305.1, 3306, 3307, 3811 and 3856 for technical changes.

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

Ordinance No. 222-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendation of the Rules and Audits Committee

021788 [Appointment, Planning Commission]
Mayor

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

Supervisor Gonzalez dissenting in committee.

Motion No. M02-185

APPROVED by the following vote:

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

Recommendations of the Transportation and Commerce Committee

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

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

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

PASSED ON FIRST READING by the following vote:

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

021569 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

York Street, both sides, between 22nd and 23rd Streets (1000 block); and
Hampshire Street, both sides, between 25th and 26th Streets (1300 block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Waller Street, both sides, between Belvedere and Clayton Streets (portion of the 1500 block).

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Sussex Street, both sides, between Conrad and Diamond Streets (addresses 110 - 171 only).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Castro Street, both sides, between 22nd and Hill Streets (portion of the 800 block);
Castro Street, both sides, between 22nd and Alvarado Streets (900 block);
Castro Street, both sides, between 23rd and Alvarado Streets (1000 block);
23rd Street, both sides, between Castro and Diamond Streets (4100 block);
Linda Street, both sides, between 18th Street and south terminus (Unit and 100 blocks); and
19th Street, both sides, between Guerrero and Valencia Streets (3500 block).

RESIDENTIAL LIMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Duncan Street, both sides, between Church and Sanchez Streets (300 block).

ONE-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
Fitzgerald Avenue, north side, between 3rd and Jennings Street.

NO PARKING ANYTIME - RESCIND

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Pollard Place, both sides, north of Vallejo Street.

PARKING METERS - RESCIND

RESIDENTIAL PERMIT PARKING AREA "C" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

Bush Street, both sides, between Jones and Taylor Streets (900 block).

TOW-AWAY NO STOPPING EXCEPT FOR 1-HOUR TRUCK LOADING, 7 AM TO 4 PM, MONDAY TO FRIDAY - ESTABLISH

Townsend Street, north side, from 287 feet to 369 feet east of 7th Street (82-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND

PARKING METER AREA NO. 3 - EXTEND

Broadway, south side, from 68 feet to 206 feet east of Sansome Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Broadway, north side, from Montgomery Street to 54 feet easterly;
Broadway, north side, from Sansome Street to 65 feet westerly;
Broadway, north side, from Sansome Street to 68 feet easterly;

Broadway, north side, from Battery Street to 70 feet westerly;
Broadway, south side, from Montgomery Street to 60 feet easterly; and
Broadway, south side, from Sansome Street to 67 feet westerly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Jessie Street, south side, between 3rd and Annie Streets.

**TOW-AWAY, NO STOPPING, 7 AM TO 9 AM AND 3 PM TO 6 PM, MONDAY THROUGH FRIDAY,
PASSENGER LOADING ZONE, ALL OTHER TIMES - ESTABLISH**

Mission Street, north side, from 152 feet to 191 feet east of 3rd Street (39-foot zone at parking meters #672 and #674).

PARKING METER - RESCIND

Palou Avenue, north side, between 3rd and Newhall Streets, removing parking meters #1602 and #1606.

NO PARKING ANYTIME - ESTABLISH

Missouri Street, west side, from 190 feet north of Cesar Chavez Street to the terminus ending at a private driveway (200 foot zone).

NO PARKING ANYTIME - RESCIND

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Spofford Street, both sides, between Clay and Washington Streets.

MID-BLOCK CROSSWALK - ESTABLISH

Townsend Street, between 3rd and 4th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Gateview Avenue (Treasure Island), both sides, between 13th Street and Avenue B, north intersection (replaces existing red zones).

RED (NO PARKING ANYTIME) ZONES - RESCIND

Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue;

North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive; and

Gateview Avenue (Treasure Island), both sides, between the north and south intersections of Avenue B and Gateview Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue (replacing existing red zones);

North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive (replacing existing red zones);

Gateview Avenue, north/east side, from a point 29 feet west of the driveway at #1306A to a point opposite the south line of the driveway at #1307A;

Gateview Avenue, south/west side, between the driveways at #1303D and #1307A;

Gateview Avenue, west side, from Westside Drive (south intersection) to the driveway at #1311A;

Gateview Avenue, west side, from Westside Drive (south intersection) to the driveway at #1315A; and

Gateview Avenue, both sides, between Westside Drive (north intersection) and Avenue B (north intersection).

TOW-AWAY, NO PARKING ANYTIME - EXCEPT LAW ENFORCEMENT VEHICLES - ESTABLISH Stevenson Street, south side, from 7th Street to 294 feet easterly (294-foot zone); 300 block of Jackson Street, south side, between Custom House Place and Battery Street (121-foot zone, replacing parking meters #309, #313, #317, #319 and #321); 500 block of Battery Street, west side, from Jackson Street to 100 feet southerly (100-foot zone, replacing parking meters #521, #523, #525, and #527); and 400 block of Washington Street, north side, from Battery Street and Custom House Place (117-foot zone, replacing one blue zone and parking meters #404, #406, and #408).

ANGLE PARKING (45-DEGREE) - ESTABLISH

500 block of Washington Street, south side, from 21 feet to 192 feet west of Sansome Street (converts nine parallel parking stalls into 16 angle parking stalls).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND

PARKING METER AREA NO. 1 (METERED MOTORCYCLE PARKING) - ESTABLISH

400 block of Battery Street, east side, from Washington Street to 98 feet southerly (creates 25 new motorcycle parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND

PARKING METER AREA NO. 1 (30-MINUTE TIME LIMIT, 7AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

400 block of Battery Street, east side, from 98 feet to 184.5 feet south of Washington Street (creates three new automobile parking spaces).

TEMPORARY STREET CLOSURE - ESTABLISH

4th Street Bridge over Mission Creek. (Work for seismic retrofit rehabilitation beginning around October 2002 and lasting approximately 18 months.) (Parking and Traffic Department)

(DPW conducted the environmental review study. The Finding of No Significant Impact (FONSI) was issued on April 8, 2002, File No. 04-SF-0-CR.)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 763-02

ADOPTED by the following vote:

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

021675 [Street Artist Winter Holiday Spaces]
Supervisor Leno

Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2002, beginning on November 15, 2002 and ending on January 15, 2003. (Arts Commission)

Resolution No. 765-02

ADOPTED by the following vote:

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

**021699 [DPT Accept and Expend Grant - \$169,262]
Mayor**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept and expend up to \$169,262 in California Department of Transportation Environmental Justice and Community-Based Planning Program funds for the 24th Street and Tenderloin Pedestrian Safety and Access Planning Project. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 758-02

ADOPTED by the following vote:

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

021701 [DPT Accept and Expend Grant - \$397,962]

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept, and expend up to \$397,962 in California State Department of Transportation Pedestrian Safety Funds for the North Mission/Tenderloin Pedestrian Safety Project. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 760-02

ADOPTED by the following vote:

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

From Transportation and Commerce Committee "Without Recommendation"

Appointment of President Pro Tempore

At the request of the President, Supervisor Gonzalez assumed the Chair so the President could participate in the debate from the floor concerning the following items.

The President resumed the Chair shortly thereafter.

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

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

Continued to November 12, 2002

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

Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Sandoval, Yee

Noes: 3 - Daly, Newsom, Peskin

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

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

Continued to November 12, 2002

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

Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Sandoval, Yee

Noes: 3 - Daly, Newsom, Peskin

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

CALLED FROM COMMITTEE

(Pending approval of File 021823)

**021612 [Transgender Civil Rights Implementation Task Force]
Supervisor Leno**

Hearing to consider the final report and recommendations of the Transgender Civil Rights Implementation Task Force that just completed two years of groundbreaking work.

Members of the Transgender Task Force Final Report:

*Marcus Arana, Discrimination Officer, Human Rights Commission;
Sarah Marshall; Marcia Chapdelaine; Jordy Jones; Gwen Smith*

Community Reports:

Simon Aronoff; Dr. Joanne Keatley of UCSF; Prado Gomez; Chris Daly, Transgender Law Center; David Cameron Strachan, Intersex Society of North America; Shawna Virago; Commissioner Veronika Cauley; Tamica Gonzalez, API Wellness Center, Bilingual issues; Jaron Kanegson, Youth Gender Project; Johnnie Pratt, Transgender Community Center; Cecilia Chung, Pride Board; Debra Walker, President Harvey Milk Gay Lesbian Club; Theresa Sparks, Alice B. Toklas Club, presented a Commendation to Supervisor Mark Leno

Public Comment:

Sally Ramon; Rachel Chanel, Pablo Santos, Females to Males International; Transgender Woman, Member of Task Force; Bianco Stevens, sensitivity training for youth; Cristina San Rodriguez, transgender discrimination issues; Ms. Salas, educational services for transgender youth; Andrew Bozeman, appreciation of the Board of Supervisors establishment of the Transgender Task Force; Ms. Rodgers, Transgender Life Care Project; Representative of Transgender Pride Board; Ms. Hernandez; Jane Bollick

HEARD AT PUBLIC HEARING.

Supervisor Daly noted absent at 3:00 p.m.

Supervisor Newsom noted absent at 3:20 p.m.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Joan Reinhardt Reiss, Breast Cancer Fund; support precautionary principle legislation
Abdulla Megahed; urge people to vote, and homelessness issues
Male Speaker; general issues
Vicky Tieran and female speaker; petition Gavingram Dog Policy Issues
Ted Milikin; facing eviction
Davis Baltz; support precautionary principle legislation
Kendra Klein, Breast Cancer Action; support precautionary principle legislation
Andrew Bozeman; homelessness issues
Otto Duncan; IRV election process
Jim Reid; homeless shelters
Garrett Jenkins, health and public safety issues 550 O'Farrell/Antonio Alley
Resident of 550 O'Farrell Street/Antonio Alley; health and public safety issues
Resident Manager of 550 O'Farrell Street/Antonio Alley; health and public safety issues

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021747 [Anticipated Litigation - Construction-Related Disputes]

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 regarding potential construction-related disputes.

This closed session would be permitted by Government Code Sections 54956.9(b) (1) and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

Supervisor McGoldrick noted absent at 4:50 p.m.

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

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

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[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.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**021817 [Honor 2002 National League San Francisco Giants]
Supervisors Ammiano, Hall, Peskin**

Resolution honoring the 2002 National League San Francisco Giants for a season filled with memories.

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

Resolution No. 766-02

ADOPTED

**021818 [Urge U.S. Immigration and Naturalization Service to reopen Israeli Yoav Shaul Case]
Supervisors Leno, Ammiano, Peskin**

Resolution urging the U.S. Immigration and Naturalization Service (INS) to reopen the case of Israeli immigrant Yoav Shaul and grant him a second interview, and urging the INS to reform procedures for interviewing applicants for permanent residency.

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

Resolution No. 767-02

ADOPTED

**021820 [Commend Dave Snyder]
Supervisors Gonzalez, Leno, Maxwell, McGoldrick, Sandoval, Ammiano, Daly, Peskin, Yee, Newsom, Hall**

Resolution commending Dave Snyder on eleven years of service as the Executive Director of the San Francisco Bicycle Coalition and his efforts to improve conditions for bicycling in San Francisco.

Resolution No. 769-02

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 3 - Daly, McGoldrick, Newsom

Severed from For Adoption Without Reference Committee Agenda**021823 [Committee of the Whole 11/4/02 - 3:00 PM]****Supervisors Leno, Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin**

Motion scheduling a Committee of the Whole on November 4th, 2002, at 3:00 PM to hold a hearing on the final report of the Transgender Civil Rights Implementation Task Force.

Supervisor Leno requested that this item be severed so that it could be considered separately.

Motion No. M02-186

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

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

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

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

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

Continued to November 12, 2002

021819 [Urge SFO to retain Experienced Airport Screeners]**Supervisors Sandoval, Daly, Gonzalez**

Resolution urging the San Francisco Transportation Security Administration and Covenant Aviation Security to retain experienced airport screeners at San Francisco International Airport by considering experience and giving priority to the incumbent screeners in the hiring of new Pre-Board Screeners.

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

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

Resolution No. 768-02

ADOPTED by the following vote:

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

Absent: 3 - Daly, McGoldrick, Newsom

OFF-AGENDA LEGISLATION**Introduced by Supervisors or Mayor****Ordinances**

**021853 [Extending the Existence of the CEDAW Task Force]
Supervisor Maxwell**

Ordinance amending San Francisco Administrative Code by amending Section 12K.5 to change the expiration date of the Convention to Eliminate all forms of Discrimination Against Women ("CEDAW") Task Force from December 31, 2002 to June 30, 2003.

11/4/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 12/4/2002.

**021854 [Amend Traffic Code Section 33.1 - Construction Area Sign Requirements]
Supervisor Peskin**

Ordinance amending San Francisco Traffic Code Section 33.1 to conform with Public Works Section 724.3 relating to sign requirements at construction sites.

11/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021855 [Amend Planning Code Section 253 - Housing Legislation - R Districts]
Supervisor Leno**

Ordinance amending the San Francisco Planning Code by amending Section 253 that currently requires conditional use approval for residential construction over 40 feet in residential districts with height limits over 40 feet to add an exception for housing projects that include at least 12 percent affordable units and meet other requirements of the Inclusionary Affordable Housing Program; and making a determination of consistency with the priority policies of Planning Code Section 101.1(b).

11/4/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 12/4/2002.

**021856 [Providing for a new complaint procedure for the enforcement of the prevailing wage requirements]
Supervisor Ammiano**

Ordinance adding Subsection 6.24(C) to San Francisco Administrative Code, Chapter 6, Article II, Section 6.24 to establish a procedure for the Labor Standards Enforcement Officer's administration of complaints in the enforcement of prevailing wage requirements.

11/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 12/4/2002.

**021857 [Amend Health Code - Lead Hazard Definition Amendment]
Supervisor Ammiano**

Ordinance amending Section 1601 of Article 26 of the San Francisco Health Code to change the title of the Article to emphasize the lead poisoning prevention aspect of the Article; amending the definitions for various lead hazards in Section 1603 of Article 26 of the San Francisco Health Code to conform with the newly promulgated lead levels from the United States Environmental Protection Agency ("USEPA") and the California Department of Health Services ("CDHS") for Dust-Lead Hazard; conforming the terms used in the Article to those used by USEPA and CDHS; amending the definitions for "Case-Managed Child," "Elevated Blood Lead Child" and "Lead-Poisoned Child" to conform with the new requirements from the California Department of Health Services regarding case-management of lead-poisoned children, and making conforming changes to Sections 1601, 1602, 1604, 1617, and 1626.

11/4/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 12/4/2002.

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

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

11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021858 [Electricity Resource Plan]**Supervisors Maxwell, Ammiano, Leno, Peskin**

Resolution endorsing the electricity resource plan for San Francisco.

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

021859 [Precautionary Principle]**Supervisors Leno, Peskin, Gonzalez, Sandoval**

Resolution supporting the precautionary principle and requesting the Department of the Environment to prepare and submit legislation proposing the adoption of the precautionary principle as a general City policy and integrating a precautionary principle approach into the City's existing process for the purchase of commodities for the Board of Supervisors' consideration.

11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021860 [PG&E Bankruptcy]**Supervisor Ammiano**

Resolution urging the City Attorney to oppose the PG&E Reorganization Plan.

11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021861 [Declare 11/20/02 AIDS Emergency Fund Day]
Supervisors Leno, Daly**

Resolution declaring November 20, 2002, AIDS Emergency Fund Day in celebration of their 20th anniversary.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021862 [Declare 11/20/02 Transgender Day of Remembrance]
Supervisors Leno, Peskin, Daly**

Resolution declaring November 20, 2002 as Transgender Day of Remembrance in San Francisco and expressing support for the expansion of transgender peoples' rights.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Resolution declaring November 17, 2002 Virginia and Bill Price Day in San Francisco.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Resolution urging US Bank to consider the establishment of a Bayview Hunters Point community development financial institution at its 3rd and Queseda Street location.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021868 [Commend Anne Cribbs and BASOC 2012]
Supervisors Hall, Peskin, Leno, Newsom**

Resolution commending Anne Cribbs and all the staff and volunteers of the Bay Area Sports Organizing Committee (BASOC) for exhibiting the true Olympic spirit in their valiant bid to host the 2012 Summer Olympic Games.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Resolution urging the San Francisco Grants for the Arts, the San Francisco Police Department, the Department of Parking and Traffic, the Department of Public Works, neighborhood groups, community groups, and other interested parties to begin organizing and planning for Halloween 2003.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**021825 [RCN Telecom Services Inc. Proposal for an OVS Franchise]**

Hearing to consider RCN Telecom Services, Inc. proposal to the City and County of San Francisco for an OVS (Open Video System) franchise, in accordance with Administrative Code Section 11.10. (Clerk of the Board)

(Pursuant to Section 11.11 of the San Francisco Administrative Code, the Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)

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

021867 [Legislative Analyst's Report on the 2000 Census Data by Supervisorial District]

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

11/5/02, ASSIGNED to Board of Supervisors. Pursuant to File 021866, Board to sit as a Committee of the Whole on November 12, 2003, at 3:00 PM.

021870 [Parking passes for San Francisco Unified School District schools]

Supervisor Ammiano

Hearing to discuss the City and County parking passes for San Francisco Unified School District schools at the Joint City and School District Committee hearing.

11/4/02, RECEIVED AND ASSIGNED to City and School District Committee. Sponsor requests this item be scheduled for consideration at the November 20, 2002 meeting.

021871 [Events of Halloween 2002]

Supervisor Ammiano

Hearing investigating the events of Halloween 2002.

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

Motions**021865 [Prohibition of ex parte communications during consideration of a conditional use and encroachment appeals before the Board of Supervisors]**

Supervisor Leno

Motion amending Rules of Order of the Board of Supervisors by adding Rule 1.10, which prohibits members of the Board of Supervisors from knowingly receiving, making, or participating in an ex parte communication with a party or interested member of the public regarding a conditional use appeal or a minor sidewalk encroachment appeal being considered by the Board.

11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

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

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

11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole on November 12, 2002, at 3:00 PM.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

021796 [Port Security Services Civil Service Exclusion]

Resolution approving the exclusion from Civil Service appointment of Security Guard Services for the Port of San Francisco pursuant to Charter Section 10.104.15. (Port)

(Fiscal impact; No Public Benefit Recipient.)

10/25/02, RECEIVED AND ASSIGNED to Finance Committee.

021797 [Ratify Port Emergency Contract]

Resolution ratifying San Francisco Port Commission emergency pier substructure repair contract. (Port)

(Fiscal impact; No Public Benefit Recipient.)

10/25/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021798 [Integrated and innovative uses of surveillance data for sexually transmitted diseases]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new three year grant in the amount of \$160,000 for the first year from the Centers for Disease Control and Prevention (CDC) to identify and develop integrated and innovative uses of surveillance data for sexually transmitted diseases and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No fiscal impact; No Public Benefit Recipient.)

10/24/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021799 [Modification No. 4 to Contract No. 888 with Electric Transit Incorporated]

Resolution approving Contract Modification No. 4 to Contract No. 888 (Procurement of Articulated and Standard Trolley Coaches) with Electric Transit Incorporated in an amount not to exceed \$4,159,795.00, for a total contract amount not to exceed \$191,728,113.89, for (1) implementation of 27 MUNI-requested change notices on 273 trolley buses, (2) adjustment of the schedule to allow completion of the change notices, (3) modification of the payment schedule to accelerate training of MUNI employees, (4) an increase of 405 pounds to the weight allowance for the buses, (5) improvement in warranty response time and addition of doors to warranty; and (6) clarification of the bonding provisions. (Municipal Transportation Agency)

(Fiscal impact.)

10/30/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021801 [Airport Public Parking Services]

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

(Fiscal impact; Public Benefit Recipient.)

10/30/02, RECEIVED AND ASSIGNED to Finance Committee.

021802 [Airport Employee Parking Services]

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

(Fiscal impact; Public Benefit Recipient.)

10/30/02, RECEIVED AND ASSIGNED to Finance Committee.

021803 [Multifamily Housing Revenue Bonds (Folsom/Dore Apartments)]

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$16,500,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters. (Mayor)

(Fiscal impact; Public Benefit Recipient.)

10/30/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the November 20, 2002 meeting.

Requests Granted

From: Supervisor Peskin

To: Director, Mayor's Office on Homelessness

Requesting/Inquiring: To investigate and report on individuals being turned away from the homeless shelter at Ella Hill Hutch Community Center on November 3, 2002. These individuals were prohibited from entering reportedly due to a shortage of blankets. Supervisor Peskin would like to know if this circumstance is common practice and what system exists to track such events so that they are minimized.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft legislation requiring retailers who sell hazardous materials to provide recycling services for those materials.

From: Supervisor Ammiano

To: Controller

Requesting/Inquiring: To prepare a report reviewing the issuance of medallions over the past ten years and recommending numerical measures to serve as the policy basis for issuance of new medallions, including, but not limited to, population growth, deplaning figures at SFO, hotel occupancy rates, and local automobile registration rates and further requesting that, to the extent feasible, the controller analyze trends of these measures over the past ten years and compare these trends to the number of permits issued.

Due: Within the next three months

From: Supervisor Ammiano

To: Director, Planning

Requesting/Inquiring: To submit a detailed plan for addressing environmental review of the Mission District Interim Zoning Controls sufficient to complete the review prior to the expiration of the interim controls. The plan should include projected costs to complete environmental review, current budget allocations to cover such costs, time required to procure consultant services, the process for scoping environmental review (including public input), Commission action required, public notice requirements (including comments on draft reports), the estimated date for adoption of final reports and time allotted for appeal of report adoption.

Due: November 30, 2002

In Memoriams

Chang-Lin Tien (Full Board)

Louis William Grossman (Supervisor Sandoval)

ADJOURNMENT

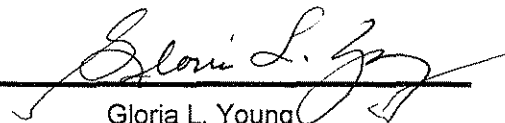
There being no further business, the Board at the hour of 5:05 p.m. adjourned.

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 November 25, 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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