



Full Board Agendas  
**Board of Supervisors**

**City and County of San Francisco**

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



## **AGENDA**

**Monday, December 16, 2002  
2:00 PM**

**Regular Meeting**

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**TOM AMMIANO, PRESIDENT  
CHRIS DALY, BEVAN DUFTY, MATT GONZALEZ, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL**

**Gloria L. Young, Clerk of the Board**

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MEETING MINUTES**

*Motion to approve the November 25, 2002 Meeting Minutes.*

## **AGENDA CHANGES**

## **COMMUNICATIONS**

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*

4) Department or Agency cover letter and/or report

5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

## CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

### Items 1 through 2

### Recommendation of the Health and Human Services Committee

*Present: Supervisors Daly, Maxwell*

- 1. **021840 [Promote mental health, reduce youth violence and substance abuse in the Mission District/Bayview Hunters Point] Supervisor Daly**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new federal grant in the amount of \$100,000 from the Department of Justice Drug-Free Communities Support Program (DOJ) for the YouthPOWER 2 project and to enter into an agreement for the use of these funds; for the period of October 1, 2002 to September 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

### Recommendation of the Rules and Audits Committee

*Present: Supervisors Hall, Gonzalez*

- 2. **021829 [Settlement of Lawsuit]**  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Nonprofits' Insurance Alliance of California for receipt of an aggregate amount of \$26,380.14 from Nonprofits' Insurance Alliance of California; the City and County of San Francisco filed the lawsuit on March 29, 2002 in San Francisco Superior Court (Case No. 406-211). (City Attorney)

(No Public Benefit Recipient.)

12/9/2002, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Finance Committee

*Present: Supervisors Peskin, Maxwell*

3.           **020663**       **[Extension of Sunset Clause - Utilization of Bid/RFP Process for Awarding of Parking Authority Leases and Management Contracts]**

Ordinance amending Section 17.11 (a) of the San Francisco Administrative Code to extend the authorization of the Parking Authority and the Municipal Transportation Agency to utilize a Bid/RFP process for the awarding of all leases and management agreements for the use or operation of parking facilities; the Department shall report to the Board by June 1, 2003, on the development and use of performance measures. (Parking and Traffic Department)

12/9/2002, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

4.           **021339**       **[Financial Information Privacy]**

**Supervisors Peskin, Daly,  
Maxwell, McGoldrick**

Ordinance amending the San Francisco Business and Tax Regulations Code to enact a new Article 20 to provide for the protection of private financial information.

12/9/2002, PASSED ON FIRST READING. Supervisors Maxwell and McGoldrick requested to be added as co-sponsors.

**Question: Shall this Ordinance be FINALLY PASSED?**

### Recommendation of the Health and Human Services Committee

*Present: Supervisors Daly, Maxwell*

5.           **021645**       **[Pet Guardian - Definition and Duties]**

**Supervisors Gonzalez, Daly,**

Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code (Health Code) by amending Section 41, to add the definition of "Guardian", and amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20, 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is referenced.

12/9/2002, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendation of the Public Works and Public Protection Committee**

*Present: Supervisors Sandoval, Gonzalez*

6. **021814** [Repealing local assault weapons prohibition] **Supervisors Gonzalez, Peskin, Maxwell**

Ordinance repealing Article 35A of the City and County of San Francisco Police Code, relating to the possession, sale, or transfer of assault weapons, in light of subsequent legislation by the State of California to regulate the possession, sale, transfer, manufacture, importation, distribution, and transportation of assault weapons.

12/9/2002, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendation of the Rules and Audits Committee**

*Present: Supervisors Hall, Gonzalez, Sandoval*

7. **021723** [Appointment]
- Resolution appointing Karin Hu, Joan Roughgarden, Edward Conner, Carol Arnold, Paul Castleman, Charlotte Hill, Mary McAllister, Jack Laws, Matthew Sniffen, and Patrick Skain, terms ending December 1, 2003 to the Citizens Advisory Committee for Natural Areas Program (NAPCAC).
- Karin Hu, new position, seat 1, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
- Joan Roughgarden, new position, seat 2, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
- Edward Conner, new position, seat 3, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee

sunsets unless otherwise extended by the Board of Supervisors.

Carol Arnold, new position, seat 4, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Paul Castleman, new position, seat 5, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Charlotte Hill, new position, seat 6, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Mary McAllister, new position, seat 7, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Jack Laws, new position, seat 8, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Matthew Sniffen, new position, seat 9, must be appointed at large. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Patrick Skain, new position, seat 10, must be appointed at large. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

12/9/2002, CONTINUED. Continued to December 16, 2002

**Question: Shall this Resolution be ADOPTED?**

**Recommendation of Transportation and Commerce Committee**

*Present: Supervisors McGoldrick, Ammiano, Daly*

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|----|---------------|--|---|
| 8. | <b>021643</b> | <b>[Electric Personal Assistive Mobility Devices (Segway)]</b> | <b>Supervisors Daly, Peskin,<br/>Ammiano, McGoldrick,<br/>Gonzalez, Maxwell</b> |
|----|---------------|--|---|

Ordinance amending the San Francisco Traffic Code by banning the operation of electric personal assistive mobility devices (Segway) on all sidewalks in the City and County of San Francisco and in public transit stations and public transit vehicles.

11/25/2002, PASSED ON FIRST READING. Supervisor Gonzalez requested to be added as a co-sponsor.

12/9/2002, CONTINUED. Supervisor Maxwell requested to be added as a co-sponsor. Continued to December 16,

2002

**Question: Shall this Ordinance be FINALLY PASSED?**

## **NEW BUSINESS**

### **Recommendations of the Finance Committee**

*Present: Supervisors Peskin, Daly*

- 9. 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] Supervisors Daly, Ammiano, Peskin**
- 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.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 10. 021914 [Laguna Honda Replacement Project] Supervisor Hall**
- Ordinance authorizing the Director of Public Works (Director) to issue a competitive request for proposals (RFP) for the services of a Construction Manager-At-Risk (CM-at-Risk) for the Laguna Honda Hospital Replacement Project, and to award a contract for such services based on best qualifications; further authorizing the Director to modify and approve the assignment of the City's current professional services contract for construction management services with Turner Construction Company/Cooper Pugged Management, Inc., a joint venture (Turner/CPM, JV) to Cooper Pugged Management, Inc. (CPM); and to permit Turner Construction Company to participate in the RFP for the services of a CM-at-Risk.
- (No Public Benefit Recipient.)
- Question: Shall this Ordinance be FINALLY PASSED?**
- 11. 021324 [Airport Concession Lease]**
- Resolution approving the Domestic Terminals Automated Teller Machine Lease A between Wells Fargo Bank, N.A. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
- (Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?**
- 12. 021974 [Issuance of Clean Water Revenue Bonds, 2003 Refunding Series A]**
- Resolution approving the issuance of not to exceed \$462,660,000 aggregate principal amount

of Clean Water Revenue Bonds, 2003 Refunding Series A to be issued by the Public Utilities Commission of the City and County of San Francisco; provided that issuance of the bonds would result in net debt service savings of at least 3 percent or \$12,028,350; and authorizing the taking of appropriate actions in connection therewith and related matters. (Public Utilities Commission)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

- 13. 021878 [Lease of City Owned Real Property]**  
Resolution authorizing the lease of 2,686 sq. ft. of space at the Main Library to the Friends and Foundation of the San Francisco Public Library. (Real Estate Department)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

- 14. 021882 [Lease of City Owned Real Property]**  
Resolution authorizing the lease of 387 sq. ft. of space at the Main Library to the Friends and Foundation of the San Francisco Public Library for the operation of a bookstore. (Real Estate Department)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

- 15. 021920 [HOME Program Funds] Mayor**  
Resolution approving amendments to procedures for allocating federal home program funds. (Mayor)

**Question: Shall this Resolution be ADOPTED?**

### **Recommendation of the Health and Human Services Committee**

*Present: Supervisors Daly, Maxwell*

- 16. 021841 [Behavioral Health Treatment for Homeless] Supervisor Daly**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend \$599,769 for the first year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide behavioral health services for formerly homeless persons living at supportive housing sites in San Francisco 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)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

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

- 17. 021993 [Board of Supervisors Seniority]**  
Lottery to determine the seniority of the new members of the Board of Supervisors. (Clerk of the Board)  
(Pursuant to Board of Supervisors Rule 6.21.)  
  
*Action:* \_\_\_\_\_

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

### **Board of Supervisors Sitting as a Committee of the Whole**

- 18. 021935 [Hearing - Acquisition of Property by Eminent Domain]**  
Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue by eminent domain, for the construction of a substation for the Third Street Light Rail Project. (Clerk of the Board)  
(Companion measure to Files 021904, 021917.)  
  
12/9/2002, CONTINUED. Continued to December 16, 2002  
  
*Action:* \_\_\_\_\_

*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.*

### **Committee of the Whole Rise and Report Without**



## Recommendation

19.        **021917**        **[Acquisition of Property by Eminent Domain]**        **Supervisor Maxwell**  
Resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, by eminent domain, for the construction of a substation for the Third Street Light Rail Project.  
(Fiscal impact.)  
  
12/9/2002, CONTINUED. Continued to December 16, 2002  
**Question: Shall this Resolution be ADOPTED?**

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

### From Transportation and Commerce Committee

*The following item will be considered by the Transportation and Commerce Committee at a Special Meeting on Monday, December 16, 2002, at 10:00 a.m. The Chair intends to request the Committee send the following item to the Board as a committee report.*

20.        **020716**        **[Settlement of lawsuit and, as part of the settlement, amending the Rent Control Ordinance]**        **Supervisor Ammiano**  
Ordinance authorizing settlement of the lawsuit filed by residential landlords against the City and County of San Francisco to invalidate Proposition H passed in the November 2000 general election, concerning the pass through of capital improvement costs by landlords to tenants; the lawsuit was filed on November 22, 2000, in San Francisco Superior Court, Case No. 316-928 entitled Quigg v. City and County of San Francisco, et al.; and, as part of the settlement, amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) regarding permissible passthrough of bond costs from landlords to tenants by providing for 50% passthrough of the change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters in the future; and regarding permissible passthrough from landlords to residential tenants of certain costs for capital improvements, rehabilitation, energy conservation improvements, and renewable energy improvements, by codifying and expanding existing amortization schedules, by establishing specified maximum annual passthroughs at 5% of a tenant's base rent for properties with five or fewer units and at 10% of a tenant's base rent for properties with six or more units, by capping certification for work and improvements on properties with six or more residential units at 50% of landlord costs unless the tenant elects 100% passthrough of costs with a lifetime rent increase cap of 15% of base rent, by lengthening the amortization period from 10 years to 20 years for certain improvements required by law (including certain seismic improvements to unreinforced masonry buildings), by providing tenants and the Rent Board with pre-application notice of

large projects, by providing that each petition totaling more than \$25,000 must pay the cost of an estimator hired by the Rent Board unless the applicant provides copies of competitive bids received or copies of time and materials billing, by providing for the Commission on the Environment to conduct hearings and recommend new passthrough provisions encouraging energy conservation improvements and renewable energy improvements, and by expanding the provisions for tenant hardship applications for relief from such passthroughs by providing that a tenant can file such an application at any time instead of only at the time the passthrough is originally approved. This Ordinance amends Sections 37.2, 37.3, and 37.7, and 37.8B, with most provisions operative May 1, 2002 or 60 days prior to passage of this Ordinance on Second Reading by the Board of Supervisors, whichever is later.

(12/9/02 in Board: Supervisor Ammiano submitted a substitute ordinance bearing new title.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

## 21. **ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, and letters of request to the City Attorney.*

## 22. **PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to*

### **Recommendation of Finance Committee**

*Present: Supervisors Peskin, Maxwell*

## 23. **021893 [Settlement of Lawsuit] Supervisors Maxwell, McGoldrick**

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

(No Public Benefit Recipient.)

12/9/2002, CONTINUED. Continued to December 16, 2002 in Closed Session Supervisor McGoldrick requested to be added as a co-sponsor.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

## **CLOSED SESSION**

## **CONFERENCE WITH CITY ATTORNEY**

### **Existing Litigation - City as Plaintiff**

*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.*

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[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.*

### **Items 24 through 38**



**Question: Shall this Resolution be ADOPTED?**

- 29. 022005 [Authorizing Peninsula Corridor Joint Powers Board to increase Grant Anticipation Note Program] Supervisor Maxwell**

Resolution authorizing the Peninsula Corridor Joint Powers Board to increase the Grant Anticipation Note Program by \$231,000,000 in principal amount resulting in a total authorized aggregate principal amount of \$453,500,000 outstanding at any one time.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 30. 022006 [Urge Pretrial Diversion Program 50 hours of community service for first time graffiti offenders] Supervisor Hall**

Resolution urging the Executive Director of the Pretrial Diversion program to recommend to the courts at least 50 hours of community service for first time graffiti vandalism offenders.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 31. 022007 [Wishing Stan Warren well in his recovery] Supervisors Ammiano, Newsom**

Resolution wishing Stan Warren well in his recovery from surgery.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 32. 022008 [Urge Pacific Bell to contract with responsible janitorial contractor] Supervisor Ammiano**

Resolution urging SBC Pacific Bell to join the rest of San Francisco's responsible corporations by contracting with a responsible janitorial contractor immediately in order to ensure their cleaning companies pay decent wages, provide affordable family health coverage, and respect workers' freedom to form a union.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 33. 022009 [MOU between CCSF and US Department of Energy for the implementation of the City's renewable energy] Supervisor Ammiano**

Resolution approving the signing of a Memorandum of Understanding between the City and County of San Francisco (CCSF) and the United States Department of Energy Seattle Office (DOE) to obtain support from DOE for the implementation of the City's renewable energy, energy efficiency and distributed generation goals, and to authorize the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Department of the Environment (SFE) to administer and act co-leads for this agreement between CCSF and DOE.

(No Public Benefit Recipient.)

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT

BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 34. 022010 [Commending UCSF] Supervisor Maxwell**  
Resolution commending UCSF for its leadership, innovation, and commitment to removing mercury from our environment.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 35. 022014 [Directing Clerk of the Board to provide public notice of budgetary decisions] Supervisor Ammiano**

Motion directing the Clerk of the Board of Supervisors to take specified actions to facilitate public notice of budgetary decisions by the Board of Supervisors causing the closure of, or affecting the level of medical service provided at, health care facilities of the City and County of San Francisco.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

- 36. 021994 [Needle Exchange Emergency] Supervisors Ammiano, Newsom, 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. (Clerk of the Board)

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

- 37. 022016 [Final Map for an 84 Unit Residential/Commercial Condominium Project]**

Motion approving Final Map of Hawthorne Place, a Residential/Commercial Condominium Project, being a subdivision of Lot 92 in Assessor's Block No. 3750, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,854; District 6.)

12/10/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

- 38. 022017 [Final Map for a 14 Unit Live/Work Condominium Project]**

Motion approving Final Map of 239 8th Street, a Live/Work Condominium Project, being a subdivision of Lot 161, Assessor's Block No. 3730, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,736; District 6.)

12/10/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## 39. **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).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[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.*

*[Imperative Resolutions, if any]*

## **OFF-AGENDA LEGISLATION**

## **PROPOSED ORDINANCES**

*Proposed ordinances received from December 5, 2002 through noon on December 11, 2002, for reference by President to appropriate committee on December 16, 2002.*

**021986 [Settlement of Litigation]**

Ordinance authorizing settlement of litigation by the City and County of San Francisco against Haruo Abe by accepting the total amount of \$21,250 plus interest as provided in the settlement and Mutual Release and directing its attorney to sign the dismissal with prejudice of the subject litigation upon completion of all of the terms of the settlement agreement. (Treasurer-Tax Collector)

(No Public Benefit Recipient.)

12/10/2002, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021987 [Settlement of Litigation]**

Ordinance authorizing settlement of litigation by the City and County of San Francisco against Hartford Properties, a California Corporation and Helen Parduhn Marshall, individuals by accepting the total amount of \$25,000 directing its attorney to sign the Payment Agreement, Settlement and Release. (Treasurer-Tax Collector)

(Public Benefit Recipient.)

12/10/2002, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from December 5, 2002 through noon on December 11, 2002, for reference by President to appropriate committee on December 16, 2002.*

**021981 [Stop Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Avila and Beach Streets, stopping Beach Street at Avila Street, making this intersection an all-way STOP.

34th Avenue and Rivera Street, stopping 34th Avenue at Rivera Street, making this intersection an all-way STOP.

28th Avenue and Ulloa Street, stopping 28th Avenue at Ulloa Street, making this intersection an all-way STOP.

46th Avenue and Ortega Street, stopping 46th Avenue at Ortega Street, making this intersection an all-way STOP.

42nd Avenue and Ortega Street, stopping 42nd Avenue at Ortega Street, making this intersection an all-way STOP.

44th Avenue and Ortega Street, stopping Ortega Street at 44th Avenue, making this intersection an all-way STOP.

Italy Avenue and Lisbon Street, stopping Lisbon Street at Italy Avenue, making this intersection an all-way STOP.

Huron Street and Lawrence Avenue, stopping Huron Street at Lawrence Avenue, making this intersection an all-way STOP.

43rd Avenue and Ortega Street, stopping 43rd Avenue at Ortega Street, making this intersection an all-way STOP.

23rd Avenue and Kirkham Street, stopping Kirkham Street at 23rd Avenue, making this



intersection an all-way STOP. (Parking and Traffic Department)

(12/3/03: 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. 2538; No Public Benefit Recipient.)

12/5/2002, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021982 [Traffic Regulations, Various Streets]**

Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY (WESTBOUND) STREET - ESTABLISH  
Tehama Street, from Gallagher Lane to 5th Street.

NO LEFT TURN INTO DRIVEWAY - ESTABLISH  
643 and 649 Bay Street, westbound, between Columbus Avenue and Leavenworth Street.  
(Parking and Traffic Department)

(12/3/02: 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. 2538; No Public Benefit Recipient.)

12/5/2002, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021983 [Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND  
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH  
Faxon Avenue, east side, from Ocean Avenue to 170 feet northerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH  
San Jose Avenue, south side, from 52 feet to 95 feet south of Theresa Street;  
Mason Street, west side, from Beach Street to 22 feet southerly; and  
California Street, both sides, from Van Ness Avenue to 55 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND  
Mission Street, south side, from 60 feet to 140 feet east of 11th Street.

NO PARKING ANYTIME - RESCIND  
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH  
Meacham Place, both sides, from Post Street to south terminus.

UNMETERED MOTORCYCLE PARKING - ESTABLISH  
Taylor Street, east side, from 3 feet to 6.5 feet south of the driveway at 1434 Taylor Street  
(3.5-foot zone, accommodating one motorcycle parking stall).

NO PARKING ANYTIME - RESCIND  
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH  
Plymouth Avenue, east side, from Ocean Avenue to 96 feet northerly.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH SATURDAY) - ESTABLISH

24th Street, north side, from 65 feet to 107 feet west of Castro Street; and  
24th Street, south side, from Castro Street to 143 feet westerly.

NO PARKING ANYTIME, 7 AM to 6 PM, EXCEPT SUNDAYS - RESCIND

Powell Street, east side, from 10 feet to 55 feet south of Pine Street (to establish a green zone  
in its place).

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH SATURDAY) - ESTABLISH

Bosworth Street, north side, between Arlington and Diamond Streets (approximately nine  
spaces).

RESIDENTIAL PERMIT PARKING AREA "D" (2-HOUR TIME LIMIT, 7 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH

Arlington Street, east side, between Bosworth and Wilder Streets.

2-HOUR (SIGNED) PARKING RESTRICTIONS, 3-MONTH TRIAL - ESTABLISH

Bosworth Street, south side, between I-280 southbound on-ramp and Lyell Street; and  
Bosworth Street, north side, between Arlington and Lyell Streets.

NO PARKING ANYTIME - RESCIND

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Tehama Street, both sides, between 5th Street and Gallagher Lane

ANGLED (45 DEGREE ANGLE) PARKING - RESCIND

ANGLED (60 DEGREE ANGLE) PARKING - ESTABLISH

2400 block of Broadway, north side, between Pierce and Steiner Streets

RESIDENTIAL PERMIT PARKING AREA "Y" (2-HOUR TIME LIMIT, APRIL TO  
OCTOBER, 9 AM TO 10 PM, MONDAY THROUGH FRIDAY, 9 AM TO 6 PM,  
SATURDAY AND SUNDAY; NOVEMBER TO MARCH, 9 AM TO 6 PM, MONDAY  
THROUGH SATURDAY) - ESTABLISH

200 block of Brannan Street, south side, between Colin P. Kelly, Jr. and Delancey Streets.

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

Cesar Chavez Street, south side, from Guerrero Street to 84 feet easterly (include addresses  
3627, 3631 and 3635 Cesar Chavez Street only).

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

Mount Vernon Avenue, both sides, between Del Monte and Ellington Avenues (portion of the  
Unit block); and

Ellington Avenue, both sides, between Mount Vernon Avenue and east terminus (Unit block)

RESIDENTIAL PERMIT PARKING AREA "U" (1-HOUR TIME LIMIT, 8 AM - 10 PM,  
EVERYDAY) - ESTABLISH

147 Stillman Street, (adds specific address only)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

100 block of Bache Street, south terminus, from 10 feet east of the west property line to 22

feet easterly (22-foot zone).

**UNMETERED MOTORCYCLE PARKING - ESTABLISH**

Gallagher Lane, east side, from 2.5 feet to 20 feet south of Tehama Street (accommodating five spaces).

**1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - ESTABLISH**

Gallagher Lane, east side, from 18 feet to 120 feet north of Clementina Street. (Parking and Traffic Department)

(12/3/02: 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. 2538; No Public Benefit Recipient.)

12/5/2002, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021984 [HIV Care and Related Services for Women and Minorities]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) AIDS Office (AO) to accept and expend retroactively the second year of a grant in the amount of \$650,000 from the DHHS Office of Minority Health (DHHS OMH) to improve AIDS related health outcomes for women and minorities 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)

(Public Benefit Recipient.)

12/11/2002, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be scheduled for consideration at the December 19, 2002 meeting

12/12/2002, TRANSFERRED to Finance Committee.

**021985 [Expand Treatment for Homeless Addicts]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$499,999 for the first year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to establish the homeless addict vocational and educational network (HAVEN) 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)

(Public Benefit Recipient.)

12/11/2002, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**022025 [Petitions and Communications]**

Petitions and Communications received from December 5, 2002 through noon on December 11, 2002 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 16, 2002.

From Brauna Lobel, submitting comment "if the City is going to place a sign explaining the religious significance of the Menorah in Union Square it should also place a sign in front of the giant Christmas Tree explaining it's religious significance."(1)

From Mayor's Office of Economic Development, regarding the Central Freeway Replacement Project. (Reference No. 20021028-006) Copy: Supervisor Daly(2)

From Department of Public Health, regarding implementation of Assembly Bill 1421, pertaining to outpatient mental health treatment. (Reference No. 20021112-002) Copy: Supervisor Newsom(3)

From Police Department, submitting request to the Human Rights Commission for waiver of Chapters 12B and 12C of the Administrative Code for Best Western Corte Madera INN.(4)

From Controller's Audits Division, submitting report concerning the concession audit of Uptown Parking Corporation for May 1, 1999 through April 30, 2001.(5)

From Mayor's Office of Emergency Services, regarding annual review of federal and state surplus property programs.(6)

From Public Utilities Commission, regarding issuance of Clean Water Enterprise refunding bonds and the forms of certain bond-related documents.(7)

From David Tornheim, submitting support for appeal to install a Metro PCS antenna at 32nd and Noreiga.(8)

From Branch Library Improvement Program, submitting quarterly report for the period of July through September 2002.(9)

From Port of San Francisco, submitting notice of "Declaration of Emergency" for Drydock #1, which remains aground on the southern end of Yerba Buena Island. The Port intends to enter into a contract with Titan Maritime, Inc., or other qualified marine contractor, to undertake salvage operations to recover and transport it to a safe harbor.(10)

From various signators, submitting Form 700 Statement of Economic Interests: (11)  
Boris Delepine

From Mayor's Office on Homelessness, regarding individuals being turned away from the homeless shelter at Eilla Hill Hutch Community Center on November 3, 2002. (Reference No. 20021104-001) Copy: Supervisor Peskin(12)

From Department of Elections, regarding the December 10, 2002 Municipal Run-Off Election.(13)

From Fire Department, submitting addendum to request for release of reserved funds for Training Officers.(14)

From Department of Parking and Traffic, regarding the feasibility of installing Stop signs or other traffic calming and safety improvements at the intersection of 26th Avenue and Lake Street. (Reference No. 20020930-010) Copy: Supervisor Newsom(15)

From Department of Parking and Traffic, regarding traffic signal modification at the

intersection of California Street at Maple Street and Parker Avenue. (Reference No. 20021118-005) Copy: Supervisor Newsom(16)

From concerned citizens, submitting support for proposed legislation regarding financial privacy. File 021339, 2 letters(17)

From Greg Gaar, commenting on proposed appointments to the newly created Natural Areas Citizen's Advisory Committee. File 021723, Copy: Each Supervisor(18)

From Timothy Kelleher, regarding the recent California ABC investigation of a nightclub located at 1015 Folsom Street.(19)

From United Airlines, submitting notice that 30 employees will be furloughed from United Airlines Flight Operations on or about February 7, 2003.(20)

From Fire Department, submitting notice of annual holding cell fire inspection for the Mission Police Station at 630 Valencia Street.(21)

From Fire Department, submitting notice of annual holding cell fire inspection for the Central Police Station at 766 Vallejo Street.(22)

From Office of the Treasurer, submitting investment activity (for fiscal year to date of the portfolios under management), the results reflect the earnings of pooled and the total funds, some of which have been severely restricted by arbitrage regulations.(23)

From Planning Department, submitting Certificate of Determination of Exemption/Exclusion from Environmental Review of proposed ordinance amending Planning Code to provide for the revocation of conditional use authorization upon finding of the provision of false information. File 021772(24)

From Department of Elections, submitting information on the December 10, 2002 Municipal Run-Off Election. Copy: Each Supervisor(25)

From US Army Corps of Engineers, submitting notice of proposed project located at 2853 and 2857 Dutton Meadow Drive, Santa Rosa, CA. Copy: Each Supervisor(26)

## **ADJOURNMENT**

### **Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.ci.sf.ca.us/bdsupvrs.bos.htm](http://www.ci.sf.ca.us/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting.

Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **Disability access**

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting.

Providing 48 hours' notice will help to ensure availability.

For American Sign Language interpreters, use of a reader during a meeting, or sound enhancement system, contact Ohn Myint at (415) 554-7704. The Clerk of the Board's Office TTY number is (415) 554-5227.

For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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