

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, June 17, 2003 2:00 PM

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

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

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvrs

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

City Services Committee

Supervisors Dufty, Ma

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Dufty, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 PM

Wednesday
9:30 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, the following Supervisor was noted absent.

Supervisor McGoldrick - 1

Quorum present.

Supervisor McGoldrick excused from attending today 's meeting. (See Infra)

Supervisor McGoldrick Excused from Attendance

Supervisor Ma, seconded by Supervisor Maxwell, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendations of the Land Use Committee

030800 [STOP Intersection]
Supervisor Newsom

Resolution designating Buchanan and Northpoint intersection as an all "STOP" intersection.

(5/28/03: 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.)

Resolution No. 405-03
ADOPTED

030776 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Mangels Avenue at Genessee Street, stopping Mangels Avenue at Genessee Street, making this intersection an all-way STOP;

20th and Arkansas Streets, stopping 20th Street at Arkansas Street, making this intersection an all-way STOP; 26th and Tennessee Streets, stopping Tennessee at 26th Street, making this intersection a two-way STOP; and 12th Street at South Van Ness Avenue, stopping southbound 12th Street at South Van Ness Avenue. (Parking and Traffic Department)

(5/2/03: 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. 2624; No Public Benefit Recipient.)

Resolution No. 401-03

ADOPTED

030777 [Traffic Regulations, Various Streets]

Supervisors Gonzalez, McGoldrick, Maxwell, Ammiano

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES (SIX MONTH TRIAL) - ESTABLISH

Fell Street, from Baker Street to Scott Street.

STREET CLOSURE (6:00 PM TO MIDNIGHT, MONDAY THROUGH FRIDAY AND 11:00 AM TO MIDNIGHT, SATURDAY AND SUNDAY) - ESTABLISH

De Boom Street, north side, from 2nd Street to 75 feet easterly (seven-foot closure for tables and chairs, retains 14-foot access lane).

(5/2/03: 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. 2624; No Public Benefit Recipient.)

Resolution No. 402-03

ADOPTED

**030778 [Parking Regulations, Various Locations]
Supervisor Newsom**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING, MONDAY-FRIDAY, 4:00 PM TO 6:00 PM (SIX-MONTH TRIAL) -
RESCIND

Fell Street, south side, from Baker Street to Scott Street (Fell Street bike lanes).

TOW-AWAY, NO STOPPING, MONDAY-FRIDAY, 4:00 PM TO 7:00 PM (SIX-MONTH TRIAL) -
ESTABLISH

Fell Street, south side, from Divisadero Street to 182 feet easterly (Fell Street bike lanes).

TOW-AWAY, LANE MUST TURN LEFT (SIX-MONTH TRIAL) - ESTABLISH

Fell Street, at Scott Street (Fell Street bike lanes). (Parking and Traffic Department)

(5/2/03: 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. 2624; No Public Benefit Recipient.)

Resolution No. 403-03

ADOPTED

Recommendations of the Rules Committee

030691 [Settlement of Legal Proceeding]

Ordinance approving the settlement of a claim filed by the City and County San Francisco in the bankruptcy entitled In re Metricom, Inc., United States District Court, Northern District of California, Case No. 01-53291-ASW. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 147-03

FINALLY PASSED

030773 [Settlement of Lawsuit - Loretta A. Bowie]

Ordinance authorizing settlement of the matter of Loretta A. Bowie v. City and County of San Francisco and Louise Statzer for \$92,500. The lawsuit was filed on April 17, 2002, in San Francisco Superior Court, Case No. 406-801, and was removed to United States District Court on June 26, 2002, Case No. C 02-3082 SI; entitled Loretta A. Bowie v. City and County of San Francisco and Louise Statzer. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 148-03

FINALLY PASSED

030774 [Settlement of Lawsuit - Derrell Neal]

Ordinance authorizing settlement of the lawsuit filed by Derrell Neal against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 26, 2002 in San Francisco Superior Court, Case No. 401-659; entitled Derrell Neal, et al., v. City and County of San Francisco, et al.

(Public Benefit Recipient.)

Ordinance No. 149-03
FINALLY PASSED

030775 [Settlement of Lawsuit - YONG SHAO MA and PUI KAY CHAN]

Ordinance authorizing settlement of the lawsuit filed by YONG SHAO MA and PUI KAY CHAN against the City and County of San Francisco for \$750,000; the lawsuit was filed on October 26, 1998 in San Francisco Superior Court, Case No. 998-809; entitled Yong Shao Ma, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 150-03
FINALLY PASSED

**030905 [Settlement of Lawsuit - JMB Construction, Inc.]
Supervisor Gonzalez**

Ordinance authorizing settlement of the lawsuit filed by JMB Construction, Inc., against the City and County of San Francisco, for \$200,000; the lawsuit was filed on June 10, 2002, in San Francisco Superior Court, Unlimited Jurisdiction, Case No. 408-928; entitled JMB Construction, Inc. v. City and County of San Francisco; other material terms of said settlement are: (1) The City reserves all rights to pursue claims against JMB for latent defects in the contract work, and JMB agrees to retain full responsibility for latent defects in the contract work; (2) All warranties under the contract and which are not yet expended shall remain in full force and effect; (3) The City shall retain responsibility for any future claims made by Union Pacific Railroad Company ("Union Pacific") arising from the contract, except that JMB shall retain full responsibility for any claims by Union Pacific arising from damage caused by JMB; (3) In consideration for the proposed settlement payment, JMB has agreed to dismiss the action with prejudice in its entirety; and (4) the City and JMB each shall bear its own legal costs and fees arising from this action.

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031012 [Appointment]

Resolution appointing Tsuyako Kitashima, term ending March 31, 2005 to the Commission on Aging Advisory Committee.

Tsuyako Kitashima, succeeding herself, term expired, seat 8, must be a nominee of District 1 Supervisor for a two year term ending March 31, 2005.

Resolution No. 409-03
ADOPTED

031020 [Appointment]

Resolution appointing Janice Voorsluys and Dale Butler, terms ending November 19, 2004 to the Bicycle Advisory Committee.

Janice Voorsluys, new appointment, seat 4, must be a nominee of District 4 Supervisor for a two year term ending November 19, 2004.

Dale Butler, new appointment, seat 6, must be a nominee of District 6 Supervisor for a two year term ending November 19, 2004.

Resolution No. 410-03

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget Committee

030830 [Public Works Code Permit Fees and Assessment]

Mayor

Ordinance adding Article 2.1 of the Public Works Code to add sections 2.1.1, 2.1.2, 2.1.3, and 2.1.4 concerning permit fees and occupancy assessments, specifying procedures to establish such permit fees and assessments, amending section 2.4.45 to modify the procedures for fee review and adjustments, and making environmental findings. (Mayor)

Ordinance No. 151-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Excused: 1 - McGoldrick

Supervisor Peskin, seconded by Supervisor Ma, moved to rescind the previous vote.

Motion carried without objection.

Ordinance No. 151-03

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Newsom, Sandoval

Noes: 2 - Gonzalez, Peskin

Excused: 1 - McGoldrick

Recommendations of the Finance and Audits Committee

**030577 [Parental Leave]
Supervisor Daly**

Ordinance approving rules for administration, interpretation and regulation of Parental Leave as submitted by the Department of Human Resources.

(Fiscal impact.)

Ordinance No. 143-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030609 [Appropriate funding from the sale of certificates of participation for the Juvenile Hall Reconstruction Project]
Mayor, Supervisor Hall**

Ordinance appropriating \$42,052,080 from the sale of certificates of participation by the Mayor's Office of Criminal Justice to fund the Juvenile Hall Reconstruction Project for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

Ordinance No. 138-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030631 [Competitive Bid and Prevailing Wage Exemption for Job Training Program - San Francisco Conservation Corps]
Supervisors Maxwell, Newsom, Peskin**

Ordinance exempting the San Francisco Conservation Corps from the prevailing wage requirements and waiving the competitive bid requirements for the Recreation and Park Commission's award of a contract for construction of playgrounds, restoration of natural areas and implementation of erosion control measures in San Francisco parks.

Ordinance No. 144-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030683 [Funding for the over-expenditures in the Conflicts Panel (Indigent Defense) Program]
Mayor**

Ordinance appropriating \$150,000 in the Child Support Services Fund to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of \$150,000 carried forward from FY 2001-02 and \$700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

Ordinance No. 146-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

031091 [Funding for the over expenditures in the Conflict Panel (Indigent Defense) Program]

Ordinance appropriating \$1,050,000 from the General Fund Reserve to cover over-expenditures in legal expenses associated with the Conflicts Panel (Indigent Defense) Program consisting of \$350,000 carried forward from FY 2001-02 and \$700,000 of FY 2002-03 for the Superior Court for fiscal year 2002-03.

(Fiscal impact.)

Ordinance No. 152-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030742 [Appropriation, \$1,600,000 - Department of Elections]

Supervisors Gonzalez, Daly

Ordinance appropriating funding not to exceed \$1,600,000 from the General Fund Reserve for professional services to implement a ranked-choice voting system for the Department of Elections for fiscal year 2002-03.

(Fiscal impact.)

Ordinance No. 168-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030845 [Appropriation - \$526,000, Department of Elections]

Supervisor Daly

Ordinance appropriating \$526,000 from the General Fund Reserve to implement the ranked-choice voting public education plan for the Department of Elections for fiscal year 2002-03, placing \$250,000 on reserve by the Finance Committee.

Ordinance No. 169-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030780 [Lease of Real Property]

Resolution authorizing a Sublease renewal of approximately 117,826 square feet of space at 1235 Mission Street for the Department of Human Services. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 404-03

ADOPTED by the following vote:

Ayes: 6 - Dufty, Gonzalez, Hall, Newsom, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, Ma, Maxwell
Excused: 1 - McGoldrick

Recommendations of the Rules Committee

**030328 [Settlement of Unlitigated Claim]
Supervisors Hall, Ma**

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of three coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to one or more entities formed by Glenn Meyers, Dayna Meyers, and Garrett Meyers, approving the suspension of the Minimum Annual Guarantee for two Airport restaurants, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

Ordinance No. 142-03

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Duffy, Gonzalez, Hall, Ma, Maxwell, Newsom, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - McGoldrick

**030034 [Campaign Finance Reform Amendments of 2003]
Supervisor Gonzalez**

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarify that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to \$5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-ration is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to \$5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections shall decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

Ordinance No. 141-03

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030660 [Settlement of Lawsuit - Carmi L. Johnson]

Ordinance authorizing settlement of the lawsuit filed by Carmi L. Johnson against the City and County of San Francisco for \$85,000; the lawsuit was filed on March 2, 2001 in United States District Court, Northern District, Case No. C01-0904 SBA; entitled Carmi L. Johnson v. City and County of San Francisco, Roland Chen, Therese Madden; other material terms of said settlement are: 1. PUC to redistribute policies regarding prevention of harassment and retaliation; 2. City to provide contact individual at City Department of Human Resources for future EEO issues. (City Attorney)

(Public Benefit Recipient.)
(Supervisor Hall dissenting in committee.)

Ordinance No. 145-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval

Noes: 1 - Hall

Excused: 1 - McGoldrick

030426 [Charter Amendment - Creating a Small Business Commission]

Supervisors Daly, Peskin, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick

Charter amendment (Second Draft) to amend the Charter by adding Section 4.134 to establish a Small Business Commission.

ORDERED SUBMITTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Excused: 1 - McGoldrick

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

030740 [Amending Rule 4.29 at Board of Supervisors meetings]

Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries shall occur at 2pm, and the recognition of commendations shall occur at 3pm.

Amendment of the Whole bearing new title.

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Excused: 1 - McGoldrick

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

Continued to July 15, 2003

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED AS AMENDED.

The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget Committee

**030622 [Approving Discovery Fees]
Mayor, Supervisor Daly**

Ordinance making environmental findings and approving a fee schedule for discovery costs charged by the San Francisco District Attorney's office. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, Newsom, Peskin
Noes: 2 - Gonzalez, Sandoval
Excused: 1 - McGoldrick

**030966 [MOU - Teamsters, Local 853]
Mayor, Supervisor Daly**

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 853, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030967 [MOU - Automotive Mechanics Union Lodge No. 1414]
Mayor, Supervisor Daly**

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Mechanics Union Lodge No. 1414, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030968 [MOU - Deputy Probation Officers' Association]
Mayor, Supervisor Daly**

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Probation Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030969 [MOU - District Attorney Investigators' Association]
Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the District Attorney Investigators' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030970 [MOU - Union of American Physicians and Dentists (Unit 8CC)]
Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030972 [MOU - San Francisco Institutional Police Officers' Association]
Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030974 [MOU - Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO]
Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030975 [MOU - San Francisco Interns and Residents Association]
Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Interns and Residents Association, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030976 [MOU - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

**030977 [MOU - Staff and Per Diem Nurses, SEIU Local 790]
Mayor, Supervisor Daly**

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Staff and Per Diem Nurses, SEIU Local 790, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030978 [MOU - Teamsters, Local 856 (Supervising Nurses)]
Mayor, Supervisors Daly, Newsom

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Supervising Nurses), to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Duffy, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

030979 [MOU - Laborers International Union, Local 261]
Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Duffy, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Excused: 1 - McGoldrick

Recommendations of the Land Use Committee

021726 [Regulation of mobile storage containers on the public right-of-way]
Supervisors Sandoval, Maxwell, Gonzalez

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030422 [Environment Code and Precautionary Principle Policy]
Mayor, Supervisors McGoldrick, Gonzalez, Maxwell, Daly

Ordinance enacting a new Environment Code by repealing Chapters 12I (Tropical Hardwood and Virgin Redwood Ban); 12S (Ban on Purchase of Motor Vehicle Fuel Containing MTBE); 12T (Transportation of Aggregate Materials); 21A (Resource Conservation); 21F (Environmentally Preferable Purchasing); 21G (Arsenic-Treated Wood); 39 (Integrated Pest Management Ordinance); 82 (Resource Efficiency Requirements); 85 (Healthy Air and Smog Prevention); and 5 (Article XXIII) (Urban Forestry Council) of the San Francisco Administrative Code and by re-adopting these provisions with minor changes, including dissolving the inactive Clean Air Advisory Committee, and adding a Precautionary Principal Policy Statement as Chapter 1 of the Environment Code; and requesting the Planning Commission to initiate amendments to the General Plan to incorporate the Precautionary Principle. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Duffy, Gonzalez, Ma, Maxwell, Peskin, Sandoval
Noes: 2 - Hall, Newsom
Excused: 1 - McGoldrick

**030779 [Speed Limit - Fulton Street between Masonic Avenue and Stanyan Street]
Supervisor Gonzalez**

Ordinance adding Section 174.05 and amending Section 175.22 of the San Francisco Traffic Code to reduce the speed limit from 30-MPH to 25-MPH on Fulton Street between Masonic Avenue and Stanyan Street. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030862 [Restricted Traffic Streets]
Supervisor Hall**

Ordinance adding Traffic Code Sections 28.1.107, 28.1.108, and 28.1.109 to restrict any person from operating a vehicle with gross weight in excess of 6,000 pounds on Claremont Boulevard between Portola Drive and Taraval Street, Dewey Boulevard between Laguna Honda Boulevard and Taraval Street, and Taraval Street between 14th Avenue and Dewey Boulevard.

(5/16/03: 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.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030828 [Housing Element of General Plan]
Supervisors McGoldrick, Daly**

Resolution requesting that the Planning Department give the highest priority to completion of environmental review for the revision of the Housing Element of the City's General Plan.

Resolution No. 422-03

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Rules Committee

**030923 [Appointment - Municipal Transportation Agency]
Mayor, Supervisor Hall**

Resolution confirming the appointment of Michael G. Kasolas to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007. (Mayor)

Resolution No. 406-03

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Dufty Excused from Voting

Supervisor Daly, seconded by Supervisor Ammiano, moved to excuse Supervisor Dufty, at his request, from voting. The motion carried by the following vote:

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

Excused: 2 - Dufty, McGoldrick

031011 [Appointment]

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Mental Health Board.

Bevan Dufty, succeeding Aaron Peskin, term expired, seat 17, must be a member of the Board of Supervisors for a two year term ending January 31, 2005.

Resolution No. 408-03

ADOPTED by the following vote:

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

Excused: 2 - Dufty, McGoldrick

SPECIAL ORDER 3:00 P.M.**Appointment of President Pro Tempore**

*At the request of the President, Supervisor Sandoval assumed the Chair.
The President resumed the Chair shortly thereafter.*

030704 [Public Hearing - Appeal, Conditional Use, 1017 Ocean Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16558 dated March 27, 2003 approving a conditional use authorization, Case No. 2002.1231C, to install a total of three (3) panel antennas and related equipment at an existing three-story, multi-use structure (Commercial/Residential) as part of Verizon's wireless telecommunications network within a NC-2 (Small Scale Neighborhood Commercial) Zoning District, and within a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues; Lot 041, in Assessor's Block 6945.

(Appeal filed April 24, 2003; categorically exempt from environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 030705, 030706, 030707; District 11.)

Ms. Lam, Appellant

Helen Dosovick, support of appellant

Susanne, support of appellant

May Fanny Lee, support of appellant

Doug Laringer, support of appellant

Male Speaker, support of appellant

Ben Price, support of appellant

Male speaker, support of appellant

Tracey Hughs, support of appellant

Shane Roud, support of appellant

Male Speaker, support of appellant

Mark Longran, support of appellant

Lloyd Vaughn; OMI, support of appellant

Shirley, support of appellant

Female Speaker, support of appellant

Rebecca Silverberg, support of appellant

Sharon Ebberhardt, support of appellant

Steve Currier; Outer Mission, support of appellant

Gerald Green, Director of Planning Department reviewed with the Board the Planning Commission's recommendation.

Board Members reviewed and discussed issues with the Department of Planning representatives.

Mr. Jason Smith, Cal Com on behalf of Verizon Wireless, Project Sponsor

Kenny Silverman, Verizon Wireless, Project Sponsor

Robert Weller, Professional Engineer

Craig Frost, support of project sponsor

Christopher Melody, support of project sponsor

Adam Smith, support of project sponsor

Tom McDonagh, support of project sponsor

Mike Bagatelos, support of project sponsor

Peter Bagatelos, support of project sponsor

Paul Albright, support of project sponsor

A rebuttal period was allowed.

Ms. Lam Appellant

The President inquired if there was anyone present who wished to address the Board.

There being no response, the President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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

(Only one of the following two motions should be adopted.)

030705 [Appeal, Conditional Use - 1017 Ocean Avenue]

Motion approving decision of the Planning Commission by its Motion No. 16558, approving Conditional Use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Hall, seconded by Supervisor Newsom, moved to continue this matter to June 24, 2003.

Motion failed by the following vote:

Ayes: 5 - Ammiano, Duffy, Hall, Newsom, Peskin

Noes: 5 - Daly, Gonzalez, Ma, Maxwell, Sandoval

Excused: 1 - McGoldrick

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

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

Noes: 2 - Duffy, Hall

Excused: 1 - McGoldrick

030706 [Appeal, Conditional Use - 1017 Ocean Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 16558, approving Conditional Use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M03-97

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

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

Noes: 2 - Duffy, Hall

Excused: 1 - McGoldrick

030707 [Findings - 1017 Ocean Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-98

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

Ayes: 10 - Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Excused: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.**030886 [Appeal, Mitigated Negative Declaration - O'Shaughnessy Dam at the Yosemite National Park]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16573 adopted May 1, 2003, approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park, Tuolumne County. (Restore Hetch Hetchy and Sierra Club Appellants)

(Appeal filed May 9, 2003 and May 15, 2003 by Restore Hetch Hetchy and Sierra Club SF Chapter respectively.

Continued to June 24, 2003

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

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.

(Only one of the following two motions should be adopted.)**030887 [Affirming adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 24, 2003

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030888 [Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]

Motion reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 24, 2003

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030889 [Preparation of findings to reverse adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

Continued to June 24, 2003

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:00 P.M.**030896 [Public Hearing - Appeal, Determination of Exemption of Environmental Review - Secondary Units Legislation]**

Hearing of persons interested in or objecting to the decision of the Planning Department Environmental Review Officer dated April 23, 2003, granting the Secondary Units Legislation (Board of Supervisors File No. 021598), a Statutory Exemption from the California Environmental Quality Act under State CEQA Statutes, Section 2108017; State CEQA Guidelines, Section 15282(i) and General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3)).

(Appeal filed May 14, 2003 by Preserve our Neighborhood; May 20, 2003 by Bud Wilson; June 2, 2003 by Coalition for SF Neighborhoods; Planning Case No. 2002.0418E.)

Supervisor Hall, seconded by Supervisor Dufty, moved to continue this item to July 8, 2003.

Supervisor Newsom, seconded by Supervisor Dufty, moved to rescind the previous vote.

Motion carried without objection.

Supervisor Newsom, seconded by Supervisor Dufty, moved to continue to July 15, 2003.

Continued to July 15, 2003

Supervisor Newsom, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

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.

(Only one of the following two motions should be adopted.)

030897 [Affirming the exemption/exclusion issued for Secondary Unit Ordinance]

Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to July 15, 2003

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030898 [Disapproving the statutory exemption/exclusion issued for the Secondary Unit Ordinance]

Motion disapproving the determination by the Planning Department that the Secondary Unit Ordinance is statutorily exempt/excluded from environmental review. (Clerk of the Board)

Continued to July 15, 2003

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

030899 [Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act. (Clerk of the Board)

Continued to July 15, 2003

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

COMMITTEE REPORTS

From the Budget Committee

030784 [Interim Government Funding, Fiscal Year 2003-04]

Mayor

Interim Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030785 [Interim Public Employment, Fiscal Year 2003-04]
Supervisor Daly**

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030735 [Appropriation, \$714,075 - Environmental evaluation of various city projects]
Supervisors Dufty, Daly**

Ordinance appropriating \$714,075 of surplus City Planning Commission Fees for professional services for preparation of Environmental Impact Reports (EIRs) related to community planning for San Francisco's eastern neighborhoods (Mission, South of Market, Showplace Square/Potrero Hill, Visitation Valley and Bayview/Hunter's Point) and salary and fringe benefits for existing unfunded positions involved in Contract supervision of the EIRs and to address backlogs in environmental evaluation of various city projects for fiscal year 2002-03, placing a reserve of \$527,003. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

**030914 [Re-appropriate existing funding for the over-expenditures in personnel costs, non-personal services, and workers compensation for DPH]
Mayor, Supervisor Daly**

Ordinance re-appropriating \$9,342,000 of existing departmental revenues to cover over-expenditures in personnel costs, non-personal services, and workers compensation for the San Francisco General and Laguna Honda Hospitals for the Department of Public Health for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Newsom Excused from Voting

Supervisor Peskin, seconded by Supervisor Dufty, moved to excuse Supervisor Newsom, at his request, from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Excused: 2 - McGoldrick, Newsom

**030973 [MOU - Municipal Attorneys' Association]
Mayor, Supervisor Gonzalez**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, Sandoval
Noes: 3 - Daly, Hall, Peskin
Excused: 2 - McGoldrick, Newsom

Supervisor Ammiano noted absent at 5:58 p.m.

**030984 [Redevelopment Agency Budget, Fiscal Year 2003-2004]
Mayor, Supervisor Daly**

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004. (Mayor)

Resolution No. 407-03

ADOPTED by the following vote:

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

030736 [Appropriation, \$3,974,184 - Police Department]

Ordinance appropriating a total of \$4,725,783 from the General Reserve, consisting of \$4,230,573 for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services, and \$495,210 for the Sheriff's Department for overtime, fringe benefits, and food associated with the provision of mutual aid to the Police Department during the anti-war demonstrations, for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Ma, Maxwell, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

**031032 [Treasure Island Development Authority Interim Budget, Fiscal Year 2003-2004]
Mayor, Supervisor Daly**

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2003-2004. (Mayor)

Resolution No. 397-03

ADOPTED by the following vote:

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

From Budget Committee With Recommendation "Do Not Pass"

030868 [Elimination of Paid Ballot Arguments]

Mayor

Ordinance amending the Municipal Elections Code to amend Sections 500, 530, 535 and 585 and deleting Sections 555, 560, 565, 570 and 830 to eliminate paid ballot arguments from the Voter Information Pamphlet.
(Mayor)

NOT PASSED ON FIRST READING by the following vote:

Ayes: 2 - Hall, Newsom

Noes: 7 - Daly, Dufty, Gonzalez, Ma, Maxwell, Peskin, Sandoval

Absent: 1 - Ammiano

Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS**PUBLIC COMMENT**

Supervisor Newsom noted absent at 6:21 p.m.

Abdullah Megaheed, homeless issues

Richard Robinson, general issues

Vernon Jenkins, general issues

Laboria C. More, Police issues

John, homeless poem

Female speaker, amend HJ Resolution 20

Rodney, general issues, smoking issues

Sylvia Johnson, homeless issues

Female speaker, Patriot Act federal amendments

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 69 through 82

031066 [SRO Hotel Safety and Stabilization Task Force]

Supervisors Ammiano, Daly

Resolution expanding the Single Room Occupancy Hotel Safety and Stabilization Task Force increasing the current membership by two seats.

Resolution No. 411-03

ADOPTED

**031067 [Commend Norma Pascua Scott]
Supervisor Daly**

Resolution commending the extraordinary services and dedication of Mrs. Norma Pascua Scott to the San Francisco community.

**Resolution No. 412-03
ADOPTED**

**031068 [Commend Alex Mamak]
Supervisors Duffy, Peskin, Newsom, Sandoval**

Resolution commending Alex Mamak upon the occasion of his retirement.

**Resolution No. 413-03
ADOPTED**

**031069 [Commend A Better Chinatown Tomorrow]
Supervisors Peskin, Duffy, Ma, Newsom**

Resolution commending the efforts of A Better Chinatown Tomorrow in rejuvenating the economy of Chinatown.

**Resolution No. 414-03
ADOPTED**

**031070 [Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium]
Supervisor Daly**

Resolution authorizing the City Administrator to enter into a Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium.

**Resolution No. 398-03
ADOPTED**

**031071 [Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority]
Supervisor Duffy**

Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority.

**Resolution No. 415-03
ADOPTED**

**031072 [Designating Sail San Francisco as official tall ship and training ship]
Supervisors Peskin, Daly**

Resolution designating Sail San Francisco as official tall ship and training ship hosting organization for the City and County of San Francisco and commending Sail San Francisco for its contributions to the small business and tourism revitalization of the waterfront.

**Resolution No. 416-03
ADOPTED**

**031075 [Accept-Expend a Gift-in-Place]
Supervisor Newsom**

Resolution authorizing the Recreation and Park Department to accept and expend a gift-in-place valued at \$18,000.00 from Mr. Jeffery G. Edwards to the Recreation and Park Department for resurfacing the athletic courts at Julius Kahn Playground.

Resolution No. 418-03

ADOPTED

**031077 [Commend Leslie Caron]
Supervisor Newsom**

Resolution commending Leslie Caron for her six decades of outstanding achievement in the theatre and feature films and proclaiming June 30th, 2003 as "Leslie Caron Day" in the City and County of San Francisco.

Resolution No. 419-03

ADOPTED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

031048 [Final Map for a 7 Unit Commercial/Residential Condominium Project]

Motion approving Final Map of 430 - 438 Judah Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 21 in Assessor's Block No. 1764, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,155; District 5.)

Motion No. M03-99

APPROVED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

**031049 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**

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

Motion No. M03-100

APPROVED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

**031073 [Extending the San Francisco Zoo Audit Select Committee]
Supervisor Ma**

Motion extending the San Francisco Zoo Audit Select Committee.

Motion No. M03-101

APPROVED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

The foregoing items were acted upon by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

Severed From the Without Reference to Committee

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

**031074 [Extension of Planning Commission Review Period]
Supervisor Maxwell**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1 9 bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street) from M-1 (Light Industrial) to NC-3 (Moderate Scale Neighborhood Commercial District) and the 17th Street and Rhode Island Grocery Store Special Use Subdistrict and a companion ordinance to amend the Planning Code by adding Section 781.10 to create the 17th and Rhode Island Grocery Store Special Use Subdistrict.

Amended to extend for a 90 day period

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

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

Resolution No. 417-03

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

**031076 [Support of Proposed Skate Park at Potrero del Sol Park]
Supervisors Newsom, Dufty, Ma**

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park.

(No fiscal impact.)

Supervisor Dufty requested that this matter be referred to City Services Committee.

REFERRED to the City Services Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[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.

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

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

[Brown Act Finding]

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

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

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

**031096 [Commending Congregation Sha'ar Zahav]
Supervisors Sandoval, Peskin, Dufty, Ma**

Resolution commending Congregation Sha'ar Zahav on 25 years of outstanding service to the Jewish community and the residents of San Francisco.

Resolution No. 420-03

ADOPTED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

**031097 [Commending the Youth Community Health Organizing Project and residents of Maria Alicia Apartments]
Supervisor Daly**

Resolution commending the Youth Community Health Organizing Project and residents of Maria Alicia Apartments for adopting the first voluntary community agreements in San Francisco to curb smoking in the building's units and common areas.

Resolution No. 421-03

ADOPTED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

030747 [Fee Schedule Amendments - Planning Department]

Ordinance amending the San Francisco Administrative Code by amending Chapter 31, Article IV to increase fees for services, and making environmental findings. (Planning Department)

(6/17/02 in Board: The Mayor submitted a substitute ordinance bearing new title. No Public Benefit Recipient. No fiscal impact.)

4/28/03, RECEIVED AND ASSIGNED to Budget Committee.

6/17/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

6/17/03, ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the June 26, 2003 meeting.

030748 [Fee Schedule Amendments - Planning Department]

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to increase fees for services, and making environmental findings. (Planning Department)

(6/17/03 in Board: The Mayor submitted a substitute ordinance bearing new title. No Public Benefit Recipient. No fiscal impact.)

4/28/03, RECEIVED AND ASSIGNED to Budget Committee.

6/17/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

6/17/03, ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the June 26, 2003 meeting.

**031100 [Planning Code Amendment--Mining Exchange Building Setback]
Mayor**

Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)

6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031102 [Memorandum of Understanding re PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.

(Fiscal impact.)

6/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031115 [PERS Contract Amendment]
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom**

Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.

6/17/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031104 [Calculation of fees for paid ballot arguments]
Supervisor Peskin**

Ordinance amending the Municipal Elections Code to amend Section 830 to require that the Controller set the fees for publication of ballot arguments in the Voter Information Pamphlet, and establish criteria for setting this fee so that the fee approximates but does not exceed the actual cost of publication.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

**031105 [Amending Police Code Sections 4302 and 4303 to Define Harassment]
Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Dufty, Gonzalez, Hall**

Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.

(No fiscal impact.)

6/17/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 7/17/2003.

Resolutions

**031053 [Accept-Expend State Grant]
Mayor**

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of \$26,185 from the California Governor's Office on Service and Volunteerism for Citizens Corps activities and the Neighborhood Emergency Response Team Program.

(No fiscal impact; No Public Benefit Recipient.)

6/17/03, RECEIVED AND ASSIGNED to City Services Committee.

**031098 [Expansion of Saint Mary's Square Park]
Mayor, Supervisor Peskin**

Resolution in conjunction with the development of the office projects at 350 Bush Street and 500 Pine Street: (i) approving the conveyance of a parcel of property to the city, which parcel shall be improved and maintained as a public park at no cost to the city, pursuant to the terms of established documentation developed by the City Attorney's Office and the projects' sponsors (ii) authorizing execution of documentation implementing conveyance of the property and the effectuation of the transactions contemplated therein (iii) providing that, following the execution of the documentation and the conveyance, the property shall be under the jurisdiction of the Recreation and Park Commission to be administered by the San Francisco Recreation and Park Department and (iv) authorizing the Mayor's Office of Affordable Housing to accept and expend a voluntary contribution \$1,000,000 for the acquisition or construction of permanent affordable single room occupancy housing in San Francisco.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

- 031099 [CEQA Findings - Office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park]
Mayor**

Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act ("CEQA") and state guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

- 031103 [Parks and Recreation Department assessment of staff and monetary resources needed to maintain city parks]
Supervisors Gonzalez, Sandoval**

Resolution urging the Parks and Recreation Commission and the Parks and Recreation Department to immediately undertake an assessment of staff and monetary resources needed to reinvigorate and maintain the city's parks at a level that promotes use and pride in all neighborhoods of the city.

6/18/03, RECEIVED AND ASSIGNED to City Services Committee.

- 031106 [Commend Frances Park-Li Rothman]
Supervisors Dufty, Hall, Ma, Newsom, Ammiano, Maxwell, Peskin, Daly, Gonzalez, Sandoval, McGoldrick**

Resolution commending the civic career of Frances Park-Li Rothman.

(No fiscal impact.)

6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031108 [Commend Pop Zhao]
Supervisors Maxwell, Dufty, Peskin, Ma**

Resolution commending Pop Zhao for his work, Celebrate: Life, Liberty & Beauty and acknowledging his efforts to create a memorial artwork dedicated to September 11 victims in New York City.

(No fiscal impact.)

6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031109 [Tobacco Tax Revenue]
Supervisors Maxwell, Daly**

Resolution to support earmarking Tobacco Tax Revenues for Tobacco Prevention and Cessation.

(No fiscal impact.)

6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031110 [Commend SF Juneteenth Organizing Committee]
Supervisors Newsom, Dufty**

Resolution commending the San Francisco Juneteenth Organizing Committee for another successful Juneteenth Festival and Parade honoring the independence of African American slaves in Texas and the African American community in the City and County of San Francisco.

(No fiscal impact.)

6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031112 [Commend Chinese Chamber of Commerce]
Supervisors Peskin, Dufty, Ma**

Resolution commending the work of the Chinese Chamber of Commerce revitalizing the economy of Chinatown.

(No fiscal impact.)

6/17/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031076 [Support of Proposed Skate Park at Potrero del Sol Park]
Supervisors Newsom, Dufty, Ma**

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park.

(No fiscal impact.)

6/10/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

6/17/03, REFERRED to City Services Committee. Supervisor Dufty requested that this matter be referred to City Services Committee.

Requests For Hearings

**031107 [Input on the City's Budget for fiscal year 2003-2004.]
Supervisor Daly**

Hearing to consider the public's input on the San Francisco City and County Budget for fiscal year 2003-2004.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Budget Committee.

Motions

**031101 [Adding Rule 1.10 to the Rules of Order]
Supervisor Gonzalez**

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter.

6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

**031114 [Amending Rule 4.29 of the Rules of Order]
Supervisor Gonzalez**

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

**031111 [Reauthorizing the Sales and Use Tax for Transportation]
Supervisors Daly, Gonzalez, Ammiano, Peskin, Dufty, Maxwell, Ma**

Motion approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, 1415, and 1418 of Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed \$1,880,000,000 and which is payable from the revenue generated hereunder; and (5) approve the California Constitution Article XIII B Appropriations Limit of \$485,175,000.

PROPOSED ORDINANCES

030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of \$2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)

6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

- 031013** [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]
Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of \$1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.)

6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

- 031019** [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]
Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

6/9/03, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

- 031016** [Study of HIV prevention in beerhalls in Harare, Zimbabwe]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to enter retroactively into the second year of an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and to accept and expend funds in the amount of \$39,774 to participate in a randomized trial of HIV prevention in beerhalls in Harare, Zimbabwe, for the period of May 1, 2003, to April 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)

6/5/03, RECEIVED AND ASSIGNED to City Services Committee.

- 031017** [Lease of Real Property]
Resolution authorizing a lease of approximately 51,119 square feet of space at 1650 Mission Street for the Department of Human Services for a term of five years. (Real Estate Department)

(No fiscal impact; Public Benefit Recipient.)

6/6/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031018 [Lease of Real Property]

Resolution authorizing a lease of approximately 13,706 square feet of space at 1650 Mission Street for the Department of Building Inspection for a term of five years. (Real Estate Department)

(Public Benefit Recipient.)

6/6/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031085 [Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority]

Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority. (Public Utilities Commission)

(No fiscal impact.)

6/9/03, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

*From: Supervisor Daly
To: Clerk of the Board
City Attorney
District Attorney
Requesting/Inquiring:*

To the Clerk of the Board:

To please advise on the appeal filed on June 16 regarding 17 Brosnan/270-280 Valencia Street, specifically whether the signatures on the appeal constitute the sufficient number as provided in the San Francisco Planning Code. Also, requesting analysis of signature on appellant form signed by Supervisor Newsom or designee compared to a legal copy of his signature.

To the City Attorney:

To please advise on the appeal filed on June 16 regarding 17 Brosnan/270-280 Valencia Street, specifically as to whether the signatures on the appeal constitute the sufficient number as provided in the Planning Code. Also, requesting analysis of signature on appellant form signed by Supervisor Newsom or designee compared to a legal copy of his signature.

To the City Attorney and District Attorney:

To please advise what penalties are appropriate for an illegal signature on an appeal form.

From: Supervisor Sandoval

To: MUNI

Requesting/Inquiring: Requesting an assessment of noise pollution from the "M" street car on Broad Street, an outreach plan to survey constituents on Broad Street regarding the noise from the street car, and a plan to address the noise pollution on the Broad Street from the "M" street car.

Also, requesting the Clerk of the Board to send a copy of the letter and MUNI's response to our office as well as:

*cc: Edith C. Waters
45 Broad Street
San Francisco, CA 94112*

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To research the feasibility of and requirements necessary for legislation requiring that 1% of every bond that is issued for capital improvement projects be set aside for renewable energy and energy efficiency projects in City facilities.

From: Supervisor Hall

To: Presiding Judge of the Superior Court

District Attorney

Requesting/Inquiring: To explain why the District Attorney and/or the Superior Court have been unable to levy any fines against those cited during the March 4 war protests?

Also, please provide recommendations for future protests and future citations that will ensure that fines can be collected.

From: Supervisor Dufty

To: Port of San Francisco

Requesting/Inquiring: To report on whether the Port of San Francisco can consider establishing dedicated space for the purposes of float building and storage. Throughout the year, San Francisco's Ethnic, Cultural and Community Parades require the construction of floats. It has been suggested that dedicating space will allow greater continuity and convenience in the storage and construction of floats for Parades year-round.

In Memoriams

Jerry Kenneth Prewitt (Supervisor Dufty)

David M. Aldape (Supervisor Newsom)

Howard Gee (Supervisor Ma)

Claire McGhee (Supervisors Peskin, Dufty)

ADJOURNMENT

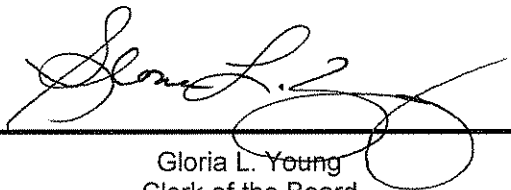
There being no further business, the Board at the hour of 6:45 p.m. p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on July 29, 2003.

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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