# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

# MEETING MINUTES

Monday, October 21, 2002 2:00 PM

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

**Regular Meeting** 

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

### **BOARD COMMITTEES**

#### Committee Membership **Meeting Days Budget Committee** 2nd, 3rd and 4th Tuesday 1:00 PM Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick 3rd Wednesday City and School District Committee 3:00 PM Supervisors Ammiano, Leno, Wynns, Mar Finance Committee Wednesday 12:30 PM Supervisors Peskin, Daly, Maxwell 1st and 3rd Thursday **Health and Human Services Committee** 1:00 PM Supervisors Daly, Leno, Maxwell 2nd and 4th Thursday Neighborhood Services and Recreation Committee 2:00 PM Supervisors Newsom, Leno, McGoldrick 1st and 3rd Tuesday **Public Works and Public Protection Committee** 10:00 AM Supervisors Sandoval, Yee, Gonzalez 1st and 3rd Tuesday **Rules and Audits Committee** 1:00 PM Supervisors Hall, Gonzalez, Sandoval 2nd and 4th Thursday **Transportation and Commerce Committee** 9:30 AM Supervisors McGoldrick, Hall, Ammiano

Members Present:

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

### ROLL CALL AND PLEDGE OF ALLEGIANCE

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

The meeting was called to order at 2:07 p.m.

Quorum present.

## APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Yee, moved to approve meeting minutes of September 23, 2002. The motion carried by the following vote:

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

### AGENDA CHANGES

Supervisor Gonzalez informed the Board that File Nos. 021739, 021740 and 021741 may be continued.

The Clerk of the Board informed the Board that File No. 021743 may be tabled.

### COMMUNICATIONS

### Privilege of the Floor

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

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Sean Brooks representative of "SF Food Bank".

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to the winners of the 39th Cable Car Bell Ringers Contest.

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to members of the West Bay Filipino Multi Service Center and to students of the Bessie Carmichael School.

Supervisor Yee presented a Certificate of Honor for the California Academy of Sciences.

Supervisor Yee presented a Certificate of Honor for the "Friends of the Children".

### CONSENT AGENDA

### Recommendations of the Transportation and Commerce Committee

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

Supervisor Leno

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

Resolution No.

727-02

ADOPTED

021601 [Authorizing Planning Director to accept and expend a \$15,000 grant from BART]
Supervisor Leno

Resolution authorizing the Director of the Planning Department to accept and expend funds totaling \$15,000 from the Bay Area Rapid Transit (BART) for the Glen Park BART Station Area Plan Project in the City and County of San Francisco.

(No Public Benefit Recipient.)

Resolution No.

730-02

ADOPTED

# **Recommendations of the Finance Committee**

# 021459 [Amend Police Code Sections 1060.28 and 1070.27]

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.28 and 1070.27 to require places of entertainment and after hours premises with a dance floor and a capacity of 500 persons or more to provide or sell at a reasonable cost earplugs to patrons.

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

Ordinance No.

215-02

FINALLY PASSED

### **021460** [Amend Police Code Sections 1060.5 and 1070.5]

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.5 and 1070.5 to require 30 days notice of permit application for place of entertainment and after hours premises.

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

Ordinance No.

216-02

FINALLY PASSED

# 021461 [Amend Police Code Section 1024]

Supervisors Leno, Daly, Gonzalez

Ordinance amending Section 1024 of the San Francisco Police Code to remove references to "moral character" of applicant and to allow Chief of Police to consider criminal and permit history of applicant in determining whether to grant or deny application.

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

Ordinance No.

217-02

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

### **REGULAR AGENDA**

### UNFINISHED BUSINESS

## Recommendation of the Public Works and Public Protection Committee

# 020155 [Building and Planning Code Amendment] Supervisors Yee, Sandoval, Leno

Ordinance amending San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages and making findings.

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

Ordinance No.

214-02

FINALLY PASSED by the following vote:

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

# Recommendation of the Rules and Audits Committee

# 021609 [Planning Commission - Alternative Review Process] Supervisors Peskin, McGoldrick, Gonzalez

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

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

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

Supervisor Hall, seconded by Supervisor Newsom, moved to continue this item until after the Mayor's State of the Citys Address.

Motion to continue this item failed by the following vote:

Ayes: 3 - Hall, Newsom, Yee

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

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

Ordinance No.

218-02

FINALLY PASSED by the following vote:

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

### **NEW BUSINESS**

### Recommendations of the Finance Committee

### 021236 [Amending Section 110 of the San Francisco Building Code To Increase Fees For Services]

Ordinance amending Section 110 of the San Francisco Building Code to increase fees for Department of Building Inspection services. (Building Inspection Department)

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

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

# 021580 [Accept and expend a gift of \$29,259 from the Friends and Foundation of the San Francisco Public Library]

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of \$29,259 from the Friends and Foundation of the San Francisco Public Library to support public programming and outreach at Branch Libraries and to continue production of a monthly newsletter to promote programs, services and special events offered by the Public Library. (Public Library)

(No Public Benefit Recipient.)

Resolution No. 729-02

ADOPTED by the following vote:

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

### From Finance Committee Without Recommendation

### 021668 [Agreement of Purchase and Sale of Real Property Located at 190 9th Street, San Francisco]

Resolution authorizing the execution, delivery and performance of an Agreement of Purchase and Sale for Real Estate (along with all exhibits and schedules, the "Purchase Agreement"), between the City and County of San Francisco (the "City"), and Ninth and Howard LLC, a California limited liability company (the "Seller"), (including certain indemnities contained therein), for the purchase of real property and improvements located at 190 9th Street, San Francisco, for use as the Support Services Center of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; placing \$250,000 on reserve. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 731-02 ADOPTED by the following vote:

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

### Recommendations of the Public Works and Public Protection Committee

### 020493 [Front Yard Paving]

Supervisors Sandoval, Daly, Gonzalez

Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and the General Plan.

(Planning Commission Resolution #16450 adopted 6/27/02 recommending approval; Certificate of Exemption/Exclusion from Environmental Review dated 6/19/02)

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

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

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

### 021572 [Accept - Expend Federal Grant]

Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$1,609,555 from the U.S. Department of Justice, Bureau of Justice Assistance, to administer the Local Law Enforcement Block Grant Program. (Mayor)

(Public Benefit Recipient.)

Resolution No. 728-02

ADOPTED by the following vote:

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

### Recommendation of the Transportation and Commerce Committee

# 021098 [Requiring Minimum Square Footage for Off-site Units and Clarifying Unit Requirements in Inclusionary Affordable Housing Program]

Supervisors McGoldrick, Leno, Daly, Gonzalez

Ordinance amending Planning Code Section 315.5 to provide that off-site units produced to meet the City's Inclusionary Affordable Housing Program shall be of a similar square footage to the units produced in the principle project; amending Sections 315.4 and 315.5 to change the method of calculating the requirement for number of units produced under the Inclusionary Affordable Housing Program to more closely reflect the percentages stated in the text of the Ordinance.

(Revised General Rule Exclusion dated 8/9/02)

Supervisor Daly moved to amend on page 6, line 12, by deleting "so that the following number of units affordable to qualifying householders shall be required."

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

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

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

### PASSED ON FIRST READING AS AMENDED by the following vote:

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

#### 021763

[City Message]

Mayor's Annual State of the City Message. (Mayor)

The Honorable Willie L. Brown, Jr. gave the Annual State of the City Address. The Mayor introduced the following elected officials: Doris Ward, Assessor, Susan Leal, Treasurer, Terence Hallinan, District Attorney, and Michael Hennessey, Sheriff.

FILED.

### ROLL CALL FOR INTRODUCTIONS

### PUBLIC COMMENT

Richard Robertson; support Democratic candidates

Steve Currier; distribution of voter pamphlets

Lewis Dillon; horse drawn carriages and horse related issues

Male Speaker; good wishes for the upcoming elections

John Kelly; personal property tax to fund alcohol and drug treatment programs

Dave Whitaker; KPOO radio regarding change of Board meeting date

Terry Collins, President of KPOO radio regarding change of Board meeting date

Garrett Jenkins; Bank of America check cash policy fee

Male Speaker; oppose amendment to the police code relating to after hours premises

Male Speaker; general issues Male Speaker; homelessness issues

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

#### 021743

[Legislative Analyst Request]

Supervisor Sandoval

Motion asking the Legislative Analyst to conduct a survey of all city departments to: (1) determine their use of Geographic Information Systems (GIS); (2) determine whether the Board of Supervisors, city departments, and the public has access to or could have access to such GIS systems; (3) research the possible linkage of all such systems.

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

## **CLOSED SESSION**

# **CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff** or Defendant

### 021747 [Anticipated Litigation - Construction-Related Disputes]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

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

Supervisor Peskin, seconded by Supervisor McGoldrick, moved to convene in Closed Session. The motion carried by the following vote:

#### Recess

The Board recessed at the hour of 4:35 p.m. to convene in closed session pursuant to above motion.

Reconvening of the Board

The Board at the hour of 5:24 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11

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

#### Persons in attendance:

Supervisors Ammiano, Daly, Hall, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee Dennis Herrera, City Attorney
Ted Lakey, Deputy City Attorney
Jo Heper, Deputy City Attorney
Gayle Gribble, Deputy City Attorney
Therese Stewart, Deputy City Attorney
Craig Chandler, City Attorney Staff Member
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Hearing Held. Continued to October 28, 2002.

#### **HEARD IN CLOSED SESSION by the following vote:**

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

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

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

### [Elect To Disclose]

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

[Elect Not to Disclose]

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

Supervisor Leno, seconded by Supervisor Sandoval, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

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

### 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.

# 021730 [Nature by Design Environmental Trade Show]

Supervisors Yee, Daly

Resolution inviting San Francisco and Bay Area residents to attend the Nature by Design Environmental Trade Show at City Hall from 10 AM to 3 PM on Sunday, October 27, 2002.

Resolution No. 732-02

ADOPTED.

# 021731 [Prohibit City employees from using cell phone while driving city vehicles]

Supervisors Sandoval, Daly

Resolution urging Mayor Brown to make the prohibition of cell phone use while driving city vehicles a top priority in the coming negotiations between the City and various organizations representing City employees.

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

Resolution No. 739-02

ADOPTED

### 021732 [Extend Potrero Power Plant Citizens Advisory Task Force]

Supervisor Maxwell

Resolution extending the Potrero Power Plant Citizens Advisory Task Force timeline to November 1, 2003, and expanding its composition.

Resolution No. 733-02

ADOPTED

### 021733 [Urge DPT Expand Page Street Mini-Circle from Scott to Fillmore]

Supervisor Gonzalez

Resolution urging the Department of Parking and Traffic to pursue, wherever possible, funding for the purpose of expanding the Page Street Mini-Circle project from Scott Street to Fillmore Street.

Resolution No.

740-02

ADOPTED

## 021734 [Commend President Jimmy Carter]

Supervisors McGoldrick, Leno, Daly

Resolution commending former President Jimmy Carter for receiving the 2002 Nobel Peace Prize.

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

Resolution No.

734-02

ADOPTED

### 021736 [Commend organizers of San Francisco Tenant Leadership Summit]

Supervisor Daly

Resolution commending the organizers of the San Francisco Tenant Leadership Summit for bringing together community members and organizations to address the major issues affecting San Francisco's tenant community.

Resolution No.

736-02

ADOPTED

### 021746 [Ford Motor Company - Th!nk electric cars]

Supervisors Newsom, Daly, Gonzalez

Resolution urging the Ford Motor Company to fulfill its obligations to the letter of the law and the spirit of the California Air Resources Board Zero Emissions Vehicle Mandate and to explore every avenue available to ensure the continued production of Th!nk City electric vehicles so that they may continue to be offered for sale in San Francisco.

Resolution No.

737-02

ADOPTED

#### 021719 [Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 1191 - 1193 Noe Street and 4094 - 4096 - 4098 25th Street, A Residential Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 6537, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,759; District 8.)

Motion No.

M02-179

APPROVED

### The foregoing items were acted upon by the following vote:

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

### Severed From For Adoption Without Committee Reference Agenda

# 021739 [Rescind M02-169 - Approving Mayor's Nomination, Michael Antonini to Planning Commission] Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-169 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot.

Supervisor Daly requested that this item be severed and considered separately.

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

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

# 021740 [Rescind M02-170 - Approving Mayor's Nomination, Shelley Bradford Bell to Planning Commission] Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-170 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot.

Supervisor Daly requested that this item be severed and considered separately.

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

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

# 021741 [Rescind M02-171 - Approving Mayor's Nomination, Edgar Boyd to Planning Commission] Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-171 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot.

Supervisor Daly requested that this item be severed and considered separately.

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

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

## 021735 [Commend Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter] Supervisors Sandoval, Daly

Resolution commending the Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter for their efforts to end domestic violence in honor of National Domestic Violence Awareness Month.

Supervisor Sandoval requested this item to be severed and considered separately. Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 735-02

ADOPTED by the following vote:

### IMPERATIVE AGENDA

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

[Purely Commendatory Finding]

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

Supervisor Leno, seconded by Supervisor Daly, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

[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."

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

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

021770

[Commending Jerry Levine]

Supervisors Sandoval, Leno

Resolution commending Jerry Levine for his 34 years of dedicated service to improving the lives of senior citizens at the Jewish Home and in the Bay Area.

Resolution No. 738-02

ADOPTED by the following vote:

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

### **OFF-AGENDA LEGISLATION**

### Introduced by Supervisors or Mayor

### **Ordinances**

# 021771 [Permit Required for Concrete Paving in Front Yard] Supervisor Sandoval

Ordinance amending the San Francisco Building Code by adding Section 106.1.14 to require that a permit be issued before commencing with construction of concrete paving, other than a driveway, in a front yard setback area and providing that violation of the permit requirement shall be an infraction subject to fines up to \$500; amending Section 110, Table 1-F to establish the permit fee.

10/21/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/20/2002.

# 021772 [Conditional Use Revocation] Supervisor Gonzalez

Ordinance amending the San Francisco Planning Code by amending Section 303 to provide for the revocation of a conditional use authorization upon a finding that the applicant provided false information in obtaining the conditional use; adopting findings under Planning Code Section 302.

10/21/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/20/2002.

# 021791 [Preservative-treated Wood Containing Arsenic] Supervisors Peskin, Leno

Ordinance amending the San Francisco Administrative Code by adding Chapter 21G, requiring all City Departments and Contractors to purchase preservative-treated wood only from the list of environmentally preferable alternatives adopted by the Department of the Environment; requiring all City Departments that own or maintain play structures, park equipment or other facilities constructed with preservative-treated wood containing arsenic to undertake certain actions; requiring the Department of the Environment to report to the Commission on the Environment on the programs mandated by this Chapter; requiring disposal of preservative-treated wood containing arsenic at approved landfills; and directing the Department of Building Inspection and the Department of the Environment to report on a possible citywide ban on preservative-treated wood containing arsenic.

10/21/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 11/20/2002.

### Resolutions

# 021770 [Commending Jerry Levine] Supervisors Sandoval, Leno

Resolution commending Jerry Levine for his 34 years of dedicated service to improving the lives of senior citizens at the Jewish Home and in the Bay Area. 10/21/02, ADOPTED.

### 021773 [Accept-Expend State Grant - \$1,000,000] Supervisors Peskin, Daly

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

(No Public Benefit Recipient.)

10/21/02, RECEIVED AND ASSIGNED to Finance Committee.

### 021774 [Accept-Expend State Grant - \$500,000.00] Supervisor Peskin

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

(No Public Benefit Recipient.)

10/21/02, RECEIVED AND ASSIGNED to Finance Committee.

# 021775 [Accept San Francisco/San Mateo: Bi-County Transportation Study] Supervisor Newsom

Resolution accepting the San Francisco/San Mateo: Bi-County Transportation Study, prepared for the Bi-County Steering Committee.

10/21/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

# 021776 [Third Amendment to Moscone Project Lease] Mayor

Resolution approving and authorizing the execution and delivery of a Third Amendment to the Project Lease; approving the issuance of the Redevelopment Agency of the City and County of San Francisco Lease Revenue Refunding Bonds, Series 2002 (George R. Moscone Convention Center); approving the form of an Official Statement with respect thereto; and authorizing and ratifying the execution and delivery documents necessary for the issuance, sale and delivery of the Bonds. (Mayor)

(No Public Benefit Recipient.)

10/21/02, RECEIVED AND ASSIGNED to Finance Committee.

### 021777 [Urge Disguise Inc. Responsibility for Removal of Kung Fool Costumes] Supervisors Yee, Hall, McGoldrick

Resolution urging Disguise Inc. to take full responsibility for the removal of Kung Fool costumes in retail stores and to provide full refunds for costumes already purchased.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

# 021778 [Authorize SF Recreation and Park to Accept and Expend \$125,925 for 15 TH!NK Electric Vehicles] Supervisors Peskin, Leno

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a gift valued at \$125,925 from the National Park Foundation for 15 TH!NK neighbor zero emissions electric vehicles. 10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

# 021779 [Dr. Ernie Bodai Day] Supervisor Hall

Resolution proclaiming October 25, 2002 as "Dr. Ernie Bodai Day" in the City and County of San Francisco in honor of Dr. Bodai's achievements in the fight against breast cancer.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 021780 [Commend Calvin Gipson] Supervisors Leno, Daly

Resolution commending Calvin Gipson for his years of service at the San Francisco LGBT Pride Celebration Committee.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## 021781 [Commend Renel Brooks-Moon] Supervisors Maxwell, Daly

Resolution commending Renel Brooks-Moon for her outstanding commitment as a role model for young women and her dedication to the community.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

# 021782 [Commend SF Food Bank] Supervisors Maxwell, Daly, Leno

Resolution acknowledging the San Francisco Food Bank and the network of neighborhood-based pantries for their exemplary public services and their commitment to ensuring that no child, adult or senior citizen experiences the unwanted and debilitating effects of hunger on the edge of the nation's agricultural heartland. 10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

# 021783 [Commend University of California San Francisco] Supervisors Sandoval, Daly

Resolution commending the University of California San Francisco (UCSF) for working with the American Federation of State, County, and Municipal Employees (AFSCME)to resolve labor issues surrounding the future Mission Bay Campus.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 021784 [Commend Excelsior Action Group] Supervisors Sandoval, Hall

Resolution commending the Excelsior Action Group for their work improving the Mission Street business corridor in the Excelsior district and for organizing the Excelsior District's First Annual Safe R' Treat Halloween event.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Resolution granting revocable permission to Regents of the University of California to occupy a portion of the public right-of-ways to construct, install and maintain utility crossings and joint trenches on future 4th and Owens Streets, and on future South Common Street, for providing various services to the new UCSF Mission Bay Campus; and to construct and maintain an at grade pedestrian crossing at a future mid-block signalized intersection on future 4th Street at future private 14th Street and making findings of consistency with the City General Plan and eight priority policies of the City Planning Code Section 101.1. (Public Works Department) 8/21/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

9/23/02, CONTINUED. Supervisor Yee requested that this item be continued to September 30, 2002.

9/30/02, RE-REFERRED to Public Works and Public Protection Committee. Supervisor Leno requested to be added as sponsor.

10/21/02, CALLED FROM COMMITTEE. Supervisor Yee requested this matter be scheduled for the October 28, 2002 Board meeting.

### **Charter Amendment**

# 020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees] Supervisors Ammiano, Gonzalez

Charter amendment (Third Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

(Fiscal impact.)

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

7/15/02, CONTINUED. Continued to July 22, 2002.

7/22/02, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/22/02, RE-REFERRED to Rules and Audits Committee.

10/21/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/21/02, ASSIGNED to Rules and Audits Committee.

### Requests for Hearing

#### 021785 [Unreinforced Masonry Building (UMB)]

Supervisor Newsom

Hearing to consider the effectiveness of the unreinforced masonry building (UMB) ordinance in improving the seismic and life safety of UMB buildings and whether the UMB program should be revisited to further incentivize life safety improvements in buildings.

10/21/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

#### 021786 [Engineering Design Contract for the Central Subway]

Supervisor Ammiano

Hearing to consider the procurement by the Municipal Transportation Agency of a contract for professional services for engineering design for the Central Subway.

10/21/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

### Motions

#### 021769 [Needle Exchange Emergency]

Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

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

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

#### 021787 [Legislative Analyst Request]

Supervisor Sandoval

Motion asking the Legislative Analyst to survey other major cities to find out if they require flower-vending stands or other similar cash based businesses to keep track of all sales and what equipment or system is used. 10/21/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 28, 2002.

#### 021788 [Appointment, Planning Commission]

Mayor

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

Supervisor Gonzalez dissenting in committee.

10/21/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

#### 021789 [Appointment, Planning Commission]

Mayor

Motion rejecting the Mayor's nomination of William L. Lee to Seat No. 7 of the Planning Commission. (Mayor) 10/21/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

# 021790 [Urge Mayor to Administer Oath to Jon Ballesteros, Planning Commission] Supervisors Leno, Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval, Daly

Motion respectfully urging Mayor Willie L. Brown Jr. to administer the oath of office to his three Board-approved nominees to the Planning Commission and to resubmit for approval the nomination of Jon Ballesteros to serve on the Planning Commission.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### PROPOSED RESOLUTIONS

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

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

(Public Benefit Recipient.)

10/18/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

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

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

(Public Benefit Recipient.)

10/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

### 021715 [Lease of Real Property]

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

(Public Benefit Recipient; District 10.)

10/9/02, RECEIVED AND ASSIGNED to Finance Committee.

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

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

(Public Benefit Recipient.)

10/9/02, RECEIVED AND ASSIGNED to Finance Committee.

### 021717 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

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

Waller Street, both sides, between Belvedere and Cole Streets.

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

3301-3303 Mission Street, between Fair and Virginia Avenues (adds specified addresses only).

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND TOW-AWAY, NO STOPPING, 6 AM TO 10 AM AND 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH

Ulloa Street, north side, between Lenox Way and Wawona Street.

UNMETERED MOTORCYCLE PARKING, 10 AM to 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Geary Street, north side, from 59.5 feet to 77 feet east of Larkin Street, in front of 886 Geary Street (17.5-foot zone, accommodating five motorcycle spaces).

### TOW-AWAY, NO STOPPING ANYTIME - RESCIND

Natick Street, east side, from 126 feet to 135 feet south of Chenery Street (nine-foot portion of existing zone).

#### TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

St. Charles Avenue, east side, between the County line and Niantic Avenue;

St. Charles Avenue, west side, between BART parking lot entrance (approximately 82 feet south of Niantic Avenue) and the County line;

Tennessee Street, east side, from 70 feet to 160 feet north of Cesar Chavez Street (90-foot zone); and Ashbury Street, west side, from Downey Street to 15 feet northerly.

TOW-AWAY LANE MUST TURN RIGHT - RESCIND 6th Street, northbound at Bryant Street.

ONE HOUR PARKING, NOVEMBER TO MARCH, 9 AM - 6 PM, EXCEPT SUNDAY/APRIL TO OCTOBER, 9 AM - 10 PM, MONDAY THROUGH FRIDAY AND 9 AM - 6 PM, SATURDAY AND SUNDAY - RESCIND

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

2nd Street, east side, between King and Townsend Streets.

### PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH

Wisconsin Street, west side, from 124 feet north of 23rd Street to Madera Street;

Minnesota Street, east side, from 18th Street to 200 feet southerly;

Minnesota Street, west side, from 19th to 20th Streets; and,

19th Street, north side, from Minnesota Street to 95 feet easterly.

#### ANGLED (60-DEGREE ANGLE) PARKING - ESTABLISH

Missouri Street, east side, from 23 feet to 134 feet north of Cesar Chavez Street.

### TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

16th Street, south side, from 247 feet to 293 feet west of Potrero Avenue (46 foot zone).

Note: The Tow-Away restriction is being established to accommodate a DPW proposal to widen the sidewalk and install an automatic public toilet.

#### UNMETERED MOTORCYCLE PARKING - ESTABLISH

Taylor Street, west side, from 70 feet to 94 feet north of Clay Street (accommodating seven motorcycle spaces).

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

Stillman Street, north side, between 3rd and 4th Streets.

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. (Parking and Traffic Department)

(DPT Order No. 2508.)

10/9/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

### 021126 [Third Amendment to Lease of SFPUC Property for Operation of a Gravel Quarry]

Resolution authorizing a Third Amendment to Lease of Public Utilities Commission Land between the City and County of San Francisco and Santa Clara Sand and Gravel, in Alameda County. (Public Utilities Commission) 6/18/02, RECEIVED AND ASSIGNED to Finance Committee.

10/10/02, SUBSTITUTED. Public Utilities Commission submitted a substitute resolution bearing same title. 10/10/02, ASSIGNED to Finance Committee.

### **Requests Granted**

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To draft an Administrative Code amendment or Rule Change to require the Mayor to attend the Board of Supervisors meetings once a month to engage in Question Time.

From: Supervisor Hall

To: City Attorney

Requesting/Inquiring: To draft legislation mirroring legislation passed by the Santa Monica City Council that prohibits people from sitting or lying in business doorways from the hours of 11:00 p.m. to 7:00 a.m. within a certain area of the City and if the business posts a sign to that effect.

From: Supervisor Newsom

To: Controller

Requesting/Inquiring: Requesting the following information on the Unreinforced Masonry Building Fund, specifically:

- 1. What is the current status of the Unreinforced Masonry Building (UMB) Funds created by city ordinance?
- 2. What is the UMB fund currently being used for?
- 3. How many, if any, current projects are in the pipeline set to receive UMB funding for FY 2002-03?
- 4. Is it legally possible to redirect these funds to other capital improvement projects, or life safety improvements, namely for the installation of sprinklers in residential hotels and other buildings?

From: Supervisor Sandoval

To: General Manager, MUNI

Requesting/Inquiring: To report on the feasibility of extending the 52-bus line from its terminus at Geneva and Mission to Balboa Park BART station. Also, requesting the Clerk of the Board to send a carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority.

From: Supervisor Sandoval

To: General Manager, MUNI

Requesting/Inquiring: Also, requesting the Clerk of the Board to send a Inquiring about the cleaning of the outside of the Green Division. carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority.

From: Supervisor Sandoval

To: General Manager, MUNI

Requesting/Inquiring: To report on the feasibility of conducting a traffic calming study in District 11. Also, requesting the Clerk of the Board to send a carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority, and Fred Hamdun, Director of Department of Parking and Traffic.

From: Supervisor Sandoval

To: General Manager, MUNI

Requesting/Inquiring: To report on the feasibility of extending the 14 Mission trolley line to the Daly City BART station. Also, requesting the Clerk of the Board to send a carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To address nuisance issues surrounding the property located at 4550-4564 Mission Street. It is our understanding that the property is leased to Rite Aid Corporation. Rite Aid Corporation has not opened in that location, nor has it put any effort into maintaining the property. The site is currently vacant and boarded up, and is an eyesore to the community. The site has also become a magnet for both illegal

dumping and graffiti. Requesting the City Attorney prepare a report outlining what recourse the City has to require both the owner and lessee to clean and rehabilitate the property at 4550-4564 Mission Street, including but not limited to, exploring the possibility of acquiring the property through eminent domain.

### <u>In Memoriams</u>

John Thayer Raggio (Supervisor Hall) Sister Ann McElhatton (Supervisor Hall) Robert Lee Caldwell (Supervisor Hall) Gwen Araujo (Supervisors Ammiano, Leno) Jaime Gonzalez Valdez (Supervisor Sandoval)

### **ADJOURNMENT**

There being no further business, the Board at the hour of 5:25 p.m. adjourned.

Gloria L. Young, Clerk

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

Approved by the Board of Supervisors on November 18, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young Clerk of the Board