

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 24, 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/bdsupvsrs

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, Newsom

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

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 p.m.

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, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisors Ammiano, Maxwell, McGoldrick - 3

Quorum present.

Supervisor Ammiano noted present at 2:08 p.m.

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

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

APPROVAL OF MEETING MINUTES

Supervisor Daly, seconded by Supervisor Dufty, moved to approve May 13, 2003 Meeting Minutes. The motion carried by the following vote:

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

Excused: 2 - Maxwell, McGoldrick

Supervisors Maxwell and McGoldrick Excused from Attendance

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

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

Excused: 2 - Maxwell, McGoldrick

Privilege of the Floor

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

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

Excused: 2 - Maxwell, McGoldrick

Supervisor Gonzalez introduced, and welcomed Mr. Rojas dignitary visiting from Puerto Rico.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Alex Mammak in recognition of his retirement from the Department of Public Works.

The Clerk of the Board, Gloria L. Young, introduced and welcomed Elicia Phillips, and members of the San Francisco Chapter of the Delta Sigma Theta Sorority, Inc.

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Services Committee

**030824 [Accept-Expend State Grant]
Supervisors Dufty, Newsom**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the Governor's Office of Criminal Justice Planning for a project entitled "Suppression of Drug Abuse in Schools Program." (Police Department)

(No Public Benefit Recipient.)

**Resolution No. 425-03
ADOPTED**

**030901 [Accept-Expend State Grant]
Supervisors Dufty, Newsom**

Resolution authorizing the Office of the District Attorney to contract for, accept and expend \$646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2003 through June 30, 2004. (District Attorney)

(No Public Benefit Recipient.)

**Resolution No. 428-03
ADOPTED**

**030902 [Accept-Expend State Grant]
Supervisors Dufty, Newsom**

Resolution authorizing the Office of the District Attorney to contract for, accept and expend \$74,028 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2003 through June 30, 2004. (District Attorney)

(No Public Benefit Recipient.)

Resolution No. 429-03

ADOPTED

**030925 [Accept-Expend State Grant]
Mayor, Supervisors Dufty, Newsom**

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of \$251,674 from the California Governor's Office of Emergency Services for emergency response equipment. (Mayor)

Resolution No. 431-03

ADOPTED

**030927 [Accept-Expend State Grant]
Supervisors Dufty, Newsom**

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$15,000 from the State of California Controller's Office for funding technology-related acquisitions to enhance public safety. (Sheriff)

(No Public Benefit Recipient.)

Resolution No. 432-03

ADOPTED

**030924 [Accept-Expend State Grant]
Mayor, Supervisors Dufty, Newsom**

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of \$179,451 from the California Governor's Office of Emergency Services for emergency operations planning. (Mayor)

Resolution No. 430-03

ADOPTED

Recommendation of the Finance and Audits Committee

030883 [Acceptance of an Easement]

Resolution authorizing the acceptance of an avigation easement by the City and County of San Francisco from Martin/Regis San Bruno Associates, L.P. for the development of the former United States Navy Site in the City of San Bruno, at no cost to the City and County of San Francisco. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 426-03

ADOPTED

Recommendations of the Rules Committee**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.)

Ordinance No. 177-03

FINALLY PASSED

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.)

PASSED ON FIRST READING

The foregoing items were acted upon by the following vote:

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

Excused: 2 - Maxwell, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

031083 [Adopting findings related to the conditional use appeal on property located at 2690 Harrison Street (aka 3000 23rd Street)]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1311EC (which allowed the construction of dwelling units in a C-M (Heavy Commercial) zoning district, by demolishing an existing, vacant industrial building and constructing a four-story, 54-unit, 40 foot high residential building) on a site within the Northeast Mission Industrial Zone for property located at 2690 Harrison Street (aka 3000 23rd Street) (Lot 004 in Assessor's Block 3639). (Clerk of the Board)

(Companion measure to Files 030654, 030655, 030656, 030657, 030658.)

Motion No. M03-103

APPROVED by the following vote:

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

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)

Ordinance No. 172-03

FINALLY PASSED by the following vote:

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

Ordinance No. 178-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, 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, Visitacion 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 \$400,000 in Controller's reserve and \$127,000 in a fiscal committee reserve. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

Ordinance No. 173-03

FINALLY PASSED by the following vote:

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

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

Ordinance appropriating a total of \$3,974,184 from the General Reserve for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

Ordinance No. 174-03

FINALLY PASSED by the following vote:

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

Ordinance No. 155-03

FINALLY PASSED by the following vote:

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

Ordinance No. 156-03

FINALLY PASSED by the following vote:

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

Noes: 1 - Hall

Excused: 2 - Maxwell, 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)

Ordinance No. 157-03

FINALLY PASSED by the following vote:

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

Noes: 1 - Hall

Excused: 2 - Maxwell, 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)

Ordinance No. 158-03

FINALLY PASSED by the following vote:

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

Noes: 1 - Hall

Excused: 2 - Maxwell, 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)

Ordinance No. 159-03

FINALLY PASSED by the following vote:

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

Noes: 1 - Hall

Excused: 2 - Maxwell, 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)

Ordinance No. 160-03

FINALLY PASSED by the following vote:

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

Ordinance No. 162-03

FINALLY PASSED by the following vote:

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

Ordinance No. 163-03

FINALLY PASSED by the following vote:

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

Ordinance No. 164-03

FINALLY PASSED by the following vote:

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

Ordinance No. 165-03

FINALLY PASSED by the following vote:

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

Ordinance No. 166-03

FINALLY PASSED by the following vote:

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

Ordinance No. 167-03

FINALLY PASSED by the following vote:

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

**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)

Supervisor Newsom previously excused from voting on this item.

Ordinance No. 161-03

FINALLY PASSED by the following vote:

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

**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)

Ordinance No. 153-03

FINALLY PASSED by the following vote:

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

Excused: 2 - Maxwell, 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)

Ordinance No. 154-03

FINALLY PASSED by the following vote:

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

Excused: 2 - Maxwell, 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.

Ordinance No. 170-03

FINALLY PASSED by the following vote:

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

Excused: 2 - Maxwell, 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)

Ordinance No. 171-03

FINALLY PASSED by the following vote:

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

Ordinance No. 175-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, 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.)

Ordinance No. 176-03

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the City Services Committee**030648 [Liquor License Transfer, 682-684 Commercial Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from #1 Embarcadero Center to 682-684 Commercial Street (District 3), to Chun Mie and Kam Leung Li dba "EC5" will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 423-03

ADOPTED by the following vote:

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

030749 [Liquor License, 111 Minna Street Gallery]

Supervisors Gonzalez, Daly

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Eiming Jung for 111 Minna Street Gallery, located at 111 Minna Street (District 6), to include the increased area and additional bar constructed by the licensee as part of Minna Gallery's expansion project, will serve the convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 424-03

ADOPTED by the following vote:

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

030903 [IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]

Supervisors Dufty, Newsom

Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of \$56,318,103.

(Fiscal impact; No Public Benefit Recipient.)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be REFERRED to the Budget Committee. The motion carried by the following vote:

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

**030904 [Child Care Services Contract Approval - Children's Council of San Francisco]
Supervisors Dufty, Newsom**

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of \$104,579,925.

(Fiscal impact; No Public Benefit Recipient.)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be REFERRED to the Budget Committee. The motion carried by the following vote:

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

**030900 [Evaluating the non-name HIV reporting system in California]
Supervisors Dufty, Newsom**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to enter retroactively into an agreement with the Regents of the University of California San Francisco (UCSF), the primary contractor, to accept and expend funds in the amount of \$11,500 to evaluate the acceptability of California's HIV Surveillance Program by non-name code, for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 427-03

ADOPTED by the following vote:

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

Recommendations of the Finance and Audits Committee

**030870 [Repealing Airport Commission authority to approve counsel assigned to the Airport]
Supervisors Daly, Gonzalez**

Ordinance repealing Administrative Code Section 2A.172 to eliminate the Airport Commission's authority to approve counsel assigned to the Airport by the City Attorney.

PASSED ON FIRST READING by the following vote:

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

**030582 [Sale of City Real Property]
Supervisors Peskin, Gonzalez, Ma**

Ordinance amending Section 23.3 of the Administrative Code to provide that the sale of City real property shall be at a sales price of at least 100 percent of the Director of Property's appraised value of the real property, rather than the current 90 percent requirement, except for sales resulting from public auctions or competitive bidding.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee**030858 [Charter Amendment - Rainy Day Reserve]
Supervisors Ammiano, McGoldrick, Newsom**

Charter Amendment (Third Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

Continued to July 8, 2003 as the Board Sitting as a Committee of the Whole

Supervisor Ammiano, seconded by Supervisor Hall, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

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

**030741 [Charter Amendment - Commission on the Environment]
Supervisors Maxwell, Gonzalez, Sandoval**

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

Continued to July 8, 2003

Supervisor Sandoval, seconded by Supervisor Ma, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

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

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

The Board recessed at the hour of 2:52 p.m.

Reconvening of the Board

The Board at the hour of 3:05 p.m. reconvened.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Ma, Newsom, Peskin
Sandoval - 8*

Supervisor Hall noted present at 3:07 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.

Ron Goode, Restore Hetch Hetchy, Appellant
John Rizzo, Sierra Club, Appellant

Winchell Hayward, support of appellant
Michael Borenstein, Bay Chapter of the Sierra Club explained the Sierra Club's position
Janet Olsen; Tuolumne River Trust, support of appellant

Paul Maltzer, Environmental Officer, Department of Planning and Patricia Martel, Genral Manager, Public Utilities Commission discussed the Planning Commission's recommendations.

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

A rebuttal period was allowed.

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.)

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)

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

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

Motion No. M03-102

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

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

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

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

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

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

SPECIAL ORDER 3:00 P.M.**030956 [Public Hearing - Appeal, Conditional Use, 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16571 dated May 1, 2003 approving a conditional use authorization, Case No. 2002.0657C, to mount a total of eight panel antennas and related equipment on the roof of an existing building as part of Verizon's wireless telecommunications network within an NC-2 (Small Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets; Lot 004, in Assessor's Block 0445A.

(Appeal filed May 29, 2003; Categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; companion measure to Files 030957, 030958; 030959; District 2.)

Continued to July 22, 2003

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

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

030957 [Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Motion approving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

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

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

030958 [Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

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

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

030959 [Findings - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting. (Clerk of the Board)

Continued to July 22, 2003

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

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

SPECIAL ORDER 3:00 P.M.

031037 [Public Hearing - Appeal, Conditional Use, 40-50 Lansing Street (a.k.a. 35 Guy Place)]

Hearing of persons interested in or subject to the decision of the Planning Commission by its Motion No. 16572 dated May 1, 2003, approving Conditional Use Application No. 2002.0446CEV, subject to certain conditions, allowing the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152; and allowing the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, a 84-R Height and Bulk District and the Rincon Hill Special Use District/Residential Subdistrict located at 40-50 Lansing Street (a.k.a. 35 Guy Place), Lot 11, in Assessor's Block 3749.

(Appeal filed June 2, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to the Negative Declaration adopted and issued on April 22, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration); companion measure to Files 031038, 031039, 031040, 031090; District 6.)

Continued to July 22, 2003

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

Ayes: 9 - Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, 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.)**031038 [Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**

Motion approving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

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

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

031039 [Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]

Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to July 22, 2003

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

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

031040 [Findings - 40-50 Lansing Street (a.k.a. 35 Guy Place)]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting. (Clerk of the Board)

Continued to July 22, 2003

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

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

031090 [Environmental Review - 40-50 Lansing Street (a.k.a. 35 Guy Place)]

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place). (Clerk of the Board)

Continued to July 22, 2003

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

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

*Abduallah Megaheed; homeless issues
Richard Richard Robertson; general issues
Male Speaker; homeless issues*

*Loss of Quorum 4:09 p.m.
Calling the Roll*

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Gonzalez, Hall, Newsom, Peskin
Sandoval - 7*

*Supervisor Duffy noted absent at 4:09 p.m.
Supervisor Ma noted present at 4:10 p.m.*

*Joseph; on behalf of John Jenkel HJ 20
Female speaker; on behalf of John Jenkel HJ 20
Male Speaker; on behalf of John Jenkel HJ 20
Matt; thanked Board members for their support in the efforts to release Dr. Charles Lee and invited them to attend a rally on July 12, 2003
Male Speaker; Article 23K
Michael Silverstein, Firehouse 33 coverage during closure for retrofit
James Chaffee; SF Library Issues, holding comment until three minutes
Male Speaker; general issues*

CLOSED SESSION**CONFERENCE WITH CITY ATTORNEY - Existing Litigation**

Supervisor Dufty noted present at 4:29 p.m.

Supervisor Newsom noted absent at 4:29 p.m.

031113 [Closed Session - Existing Litigation]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor

U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM

Federal I. D. No. 94-0742640

Date Filed: 4/6/01 (City Attorney)

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

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

Motion that the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (b) & (c), and Administrative Code Section 67.10, for the purpose of conferring with, or receiving advice from, the City Attorney, regarding the proposed settlement listed above.

Recess

The Board recessed at the hour of 4:29 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:42 p.m. reconvened.

Calling the Roll

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

Supervisors Ammiano, Daly, Dufty, Hall, Gonzalez, Ma, Peskin, Sandoval - 8

Quorum present.

Report on Closed Session

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

Persons in attendance:

Supervisors Ammiano, Daly, Dufty, Hall, Gonzalez, Ma, Peskin, Sandoval - 8

Theresa Mueller, Deputy City Attorney

Randy Wu, Deputy City Attorney

Ted Lakey, Deputy City Attorney

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

Heard in Closed Session.

[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 Daly, seconded by Supervisor Dufty, moved not to disclose its Closed Session Deliberations. The motion carried by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

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.

- 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.)

Resolution No. 433-03

ADOPTED by the following vote:

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

- 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.)

Resolution No. 434-03

ADOPTED by the following vote:

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

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

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

(No fiscal impact.)

Resolution No. 435-03

ADOPTED by the following vote:

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

**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.)

Resolution No. 436-03

ADOPTED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

**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.)

Resolution No. 437-03

ADOPTED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

031087 [Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 223 – 231 Dolores Street, A Residential Condominium Project, being a subdivision of Lot 237 in Assessor's Block No. 3556, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,183; District 8.)

Motion No. M03-104

APPROVED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

031088 [Final Map for a 54 Unit Live/Work Condominium Project]

Motion approving Final Map of One Bluxome Street, A Live/Work Condominium Project, being a subdivision of Lot 103 in Assessor's Block No. 3786, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,191; District 6.)

Motion No. M03-105

APPROVED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

031089 [Final Map for a 10 Unit Live/Work Condominium Project]

Motion approving Final Map of 2221 – 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 4329, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,190; District 10.)

Motion No. M03-106

APPROVED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

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

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, 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 Daly, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

**031149 [Commending Inspiring Young Emerging Leaders]
Supervisor Sandoval**

Resolution commending Inspiring Young Emerging Leaders (I-YEL) for its production of the satirical play concerning environmental injustice "Not in My BAAAckyard, the Great Widget Conspiracy."

[No fiscal impact.]

Resolution No. 438-03

ADOPTED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

**031150 [Commending Karen Hagen]
Supervisor Daly**

Resolution commending the extraordinary services of Karen Hagen who has served the San Francisco Community as Public Health Nurse for the last 21 years.

[No fiscal impact.]

Resolution No. 439-03

ADOPTED by the following vote:

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

Absent: 1 - Newsom

Excused: 2 - Maxwell, McGoldrick

OFF-AGENDA LEGISLATION

Ordinances

**031151 [Creating the Divisadero Street Alcohol Restricted Use District]
Supervisor Gonzalez**

Ordinance adding Section 783 to the Planning Code to create a Divisadero Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheets 2SU and 7SU of the City and County of San Francisco to indicate the boundaries of the Divisadero Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

[No fiscal impact.]

6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.

**031152 [Amending Administrative Code Chapter 31 to Provide Appeals of Certain Environmental Determinations]
Supervisor Peskin**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain determinations under the California Environmental Quality Act, and to provide public notice of certain determinations.

[No fiscal impact.]

6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.

**031153 [Establishing a Construction Risk Management Committee]
Supervisor Dufty**

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

6/24/03, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

**031158 [BART-SFO Extension]
Supervisors Peskin, Dufty, Daly**

Resolution commending the completion of the BART-SFO Airport Extension.

[No fiscal impact.]

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031159 [Stockton Street Enhancement Plan]
Supervisor Peskin**

Resolution urging the Department of Parking and Traffic and the Department of Public Works to implement the Stockton Street Enhancement Plan.

[No fiscal impact.]

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031160 [Extension of Planning Commission Review Period]
Supervisor Peskin**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

[No fiscal impact.]

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors]
Supervisors Sandoval, Daly, Peskin**

Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.

[No fiscal impact.]

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031162 [Student Adjustment Act H.R. 1684]
Supervisors Sandoval, Dufty, Daly**

Resolution urging the California Congressional delegation to pass the Student Adjustment Act (H.R. 1684) which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit States to determine State residency for purposes of higher education without regard to immigration status.

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests For Hearing

**031155 [CITYSTAT Technology Systems]
Supervisor Newsom**

Hearing to discern the feasibility of bringing a CITYSTAT technology systems to the City and County of San Francisco, including but not limited to the costs associated with purchasing all hardware and software necessary for the successful implementation of this system.

[No fiscal impact.]

6/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031156 [Civil Grand Jury report on truancy in City schools]
Supervisor Dufty**

Hearing to discuss truancy issues raised by the Civil Grand Jury report on truancy in City schools; also to consider the SFUSD's 'Stay in School Plan' and other initiatives to encourage student retention.

[No fiscal impact.]

6/24/03, RECEIVED AND ASSIGNED to City Services Committee.

Motions

**031148 [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.

[No fiscal impact.]

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031154 [Legislative Analyst Request - CITYSTAT Technology Systems]
Supervisors Newsom, Dufty, Hall, Ma**

Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.

[No fiscal impact.]

6/24/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration July 8, 2003.

**031157 [Port Management Audit]
Supervisors Daly, Peskin**

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.

[No fiscal impact.]

6/24/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES**031078 [Settlement of Lawsuit - John Darmanin]**

Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for \$80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

031079 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for \$105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

031080 [Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]

Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for \$145,000.00 in attorney's fees and \$4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

031081 [Settlement of Lawsuit - Mesha Irizarry]

Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/11/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

**031082 [Accept-Expend State Grant]
Supervisor Dufty**

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant in the amount of \$167,908 from the California Office of Traffic Safety (OTS) for an Occupant Protection Program. (Police Department)

(No Public Benefit Recipient.) [No fiscal impact.]

6/13/03, RECEIVED AND ASSIGNED to City Services Committee.

031095 [Contract Prop J: Facility Security Services]

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.

(Public Benefit Recipient.) [No fiscal impact.]

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

In Memoriams

Thomas Stevens (Supervisor Dufty)

Lenin Valle (Supervisor Sandoval)

ADJOURNMENT

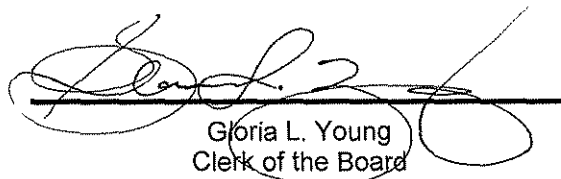
There being no further business, the Board at the hour of 4:37 p.m. adjourned.

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 August 12, 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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