

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, November 25, 2003 2:00 PM

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

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

Gloria L. Young, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

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

City Services Committee

Supervisors Dufty, Ma

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Dufty, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 PM

Wednesday
9:30 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, the following Supervisor was noted absent.

Quorum present.

Supervisor Daly was previously excused. (See Infra)

Supervisor Daly Excused from Attendance

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

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

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Dufty, moved to approve October 28, 2003 Meeting Minutes. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the Budget Committee

031793 [Financial Privacy]
Supervisor Peskin

Ordinance amending Section 2000 of Article 20 of the Business and Tax Regulation Code, the "San Francisco Financial Information Privacy Ordinance," to postpone the date upon which Article 20 is set to become operative from January 1, 2004 to July 1, 2004.

Ordinance No. 268-03
FINALLY PASSED

Recommendation of the Finance and Audits Committee

**031657 [Appropriation of funding and creation of special fund for the Octavia Boulevard Project]
Supervisor Peskin**

Ordinance appropriating \$12,903,999 from the land sales to the San Francisco Redevelopment Agency and \$1,106,631 in lease revenues from the Central Freeway land parcels for a total of \$14,010,630 to fund the construction of Octavia Boulevard and related ancillary projects for the Department of Public Works for fiscal year 2003-04. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

**Ordinance No. 271-03
FINALLY PASSED**

Recommendations of the Land Use Committee

**031603 [Generation Solar: Residential and Commercial Solar Program]
Supervisors Ammiano, McGoldrick, Maxwell, Daly, Gonzalez**

Ordinance requiring the Public Utilities Commission and the Department of the Environment in consultation with other City departments to implement Generation Solar, a solar program for the residential and commercial sectors.

(No Public Benefit Recipient.)

**Ordinance No. 270-03
FINALLY PASSED**

**031694 [Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library. (Parking and Traffic Department)**

(No Public Benefit Recipient.)

**Ordinance No. 272-03
FINALLY PASSED**

Recommendation of the Rules Committee

**031662 [Settlement of Claim]
Resolution approving the settlement of the unlitigated claim filed by Fireman's Fund Insurance Company and Richard Dennes against the City and County of San Francisco.**

(Public Benefit Recipient.)

**Resolution No. 763-03
ADOPTED**

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

031895 [Adopting findings related to the tentative subdivision map appeal on property located at 32 Uranus Terrace]

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving a tentative map that legalizes the proposed construction of a two unit new condominium project at 32 Uranus Terrace (Lot 3 in Assessor's Block 2655). (Clerk of the Board)

(Companion measure to Files 031783, 031784, 031785, 031786.)

Motion No. M03-202

APPROVED by the following vote:

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

From the Budget Committee "Without Recommendation"

031811 [Development and Lease of Piers 27-31]
Supervisors Peskin, Gonzalez

Resolution urging the Port Commission not to Extend the Exclusive Right to Negotiate Agreement with the Mills Corporation and to Re-issue the Request for Proposals for the Development and Lease of Piers 27-31 as a Mixed-Use Recreation Project.

Supervisor McGoldrick was previously excused from voting on this matter at the November 18, 2003 Board meeting.

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

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

Recommendations of the City Services Committee

**030995 [Licensing and regulation of massage practitioners and businesses]
Supervisors Daly, Peskin, Dufty, Ma, Gonzalez, Ammiano**

Ordinance amending the San Francisco Police Code by repealing Article 27 (Sections 2700 through 2737), and amending the San Francisco Health Code by adding a new Article 29 (Sections 1900 through 1931), both Articles providing for the licensing and regulation of massage practitioners and businesses, and establishing an operative date for the ordinance.

Ordinance No. 269-03

FINALLY PASSED by the following vote:

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

Noes: 1 - Hall

Excused: 1 - Daly

**031866 [Waiving Police and Fire fees for Immigrant Pride Day 2003]
Supervisors Gonzalez, Daly**

Ordinance waiving fees associated with Immigrant Pride Day 2003 assessed by the San Francisco Police and Fire Departments; urging the Municipal Transportation Agency to waive its fees associated with the same event.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Daly

Recommendation of the Finance and Audits Committee

**031320 [Golden Gate Park Concourse Underground Parking Facility Fees]
Supervisor Peskin**

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.35 to establish rates for the Golden Gate Park Concourse Underground Parking Facility.

Ordinance No. 262-03

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Noes: 1 - Gonzalez

Excused: 1 - Daly

From the Rules Committee "Without Recommendation"

- 031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]
Supervisors Ammiano, Daly, Gonzalez**

Charter amendment (Third Draft) to amend Section 4.127 and to add Section 16.123, to: provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations and without substantially interfering with the delivery of police services or the ability of the Police Department to protect the public in the event of an emergency; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Newsom

Excused: 1 - Daly

NEW BUSINESS

Recommendations of the Finance and Audits Committee

- 031466 [Creating Exemption for Administrative Fee for Provision of Additional Police Services Pursuant to Administrative Code Section 10B.2.]**
Supervisors Peskin, Sandoval

Ordinance amending San Francisco Police Code Section 10B.2 to create an exception for payment of an administrative fee for contracting for additional police services.

PASSED ON FIRST READING by the following vote:

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

- 031643 [License Agreement with Broadcast Music Incorporated]**

Ordinance authorizing the City Administrator to enter into the Local Government Licensing Agreement negotiated between the International Municipal Lawyer's Association and Broadcast Music Incorporated to license music uses by the City under a license subject to automatic annual renewal for an annual Base License Fee plus 1% of revenue from events in which gross revenue exceeds \$25,000, providing that prior to the issuance by any City Department or agency of any lease or permit to conduct an event on property owned or operated by the City and County of San Francisco at which music will be used, the leasee or permittee shall obtain an appropriate license from Broadcast Music Incorporated for the use of music at the event, and requiring that if an appropriate license for the use of music at the event is not obtained by the leasee or permittee, the City department or agency issuing the lease or permit shall provide funds to the City Administrator sufficient to cover any fees incurred pursuant to the City's Local Government Licensing Agreement with Broadcast Music Incorporated. (City Administrator)

(No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:

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

- 031703 [Joint Use Cooperative Agreements between the S.F. Public Library and the SFUSD]**
Supervisors Ammiano, Newsom, Ma

Resolution approving the Joint Use Cooperative Agreements between the San Francisco Public Library and the San Francisco Unified School District for the purpose of Proposition 14 grant applications to construct the Ingleside, Portola, Visitacion Valley, and Ortega branch libraries.

Supervisors Newsom and Ma requested to be added as co-sponsors.

Resolution No. 764-03

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**031708 [Citizens Advisory Committee on Elections]
Supervisor Hall**

Ordinance amending the San Francisco Municipal Elections Code, by repealing Sections 700 through 760, regarding the Citizens Advisory Committee on Elections.

PASSED ON FIRST READING by the following vote:

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

**031709 [Dissolving the Advisory Committee on Adult Detention]
Supervisor Hall**

Ordinance amending the San Francisco Administrative Code, by repealing Sections 13.70 through 13.75, regarding the Advisory Committee on Adult Detention.

PASSED ON FIRST READING by the following vote:

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

**031704 [Dissolving the Advisory Committee to Fulfill the Charter Reform Mandate]
Supervisor Hall**

Resolution repealing Resolution No. 283-94, to dissolve the "Advisory Committee to Fulfill the Charter Reform Mandate."

Resolution No. 765-03

ADOPTED by the following vote:

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

**031705 [Dissolving the Citizens Committee for Public Participation In Waste Water Project Evaluation]
Supervisor Hall**

Resolution repealing Resolution No. 19-73, to dissolve the "Citizens Committee for Public Participation In Waste Water Project Evaluation."

Resolution No. 766-03

ADOPTED by the following vote:

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

**031706 [Dissolving the National Service Blue Ribbon Commission]
Supervisor Hall**

Resolution repealing Resolutions Nos. 300-93 and 894-93, to dissolve the "National Service Blue Ribbon Commission."

Resolution No. 767-03

ADOPTED by the following vote:

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

**031707 [Dissolving the Ballpark/Arena Advisory Committee]
Supervisor Hall**

Resolution repealing Resolution No. 1012-93, to dissolve the "Ballpark/Arena Advisory Committee."

Resolution No. 768-03

ADOPTED by the following vote:

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

Recess

The Board recessed at the hour of 3:11p.m.

Reconvening of the Board

The Board at the hour of 4:11 p.m. reconvened.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick - 6*

Quorum present.

Supervisors Dufty and Peskin noted present at 4:13 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

031730 [Public Hearing]

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

John Kwong, Department of Public Works

*The President inquired if there was anyone who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.*

HEARD AT PUBLIC HEARING.

031731 [Report of Assessment costs for sidewalk and curb repairs - DPW Order No. 174,392]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,392; Location: 690 Folsom Street.)

Resolution No. 769-03

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Absent: 2 - Newsom, Sandoval

Excused: 1 - Daly

Recess

The Board recessed at the hour of 4:18 p.m.

Reconvening of the Board

The Board at the hour of 4:34 p.m. reconvened.

Calling the Roll

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

Supervisors Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval - 9

Supervisor McGoldrick noted present at 4:36 p.m.

Quorum present.

SPECIAL ORDER 4:30 P.M.

**031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]
Supervisor Peskin**

Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.

Supervisor Peskin, seconded by Supervisor Ammiano, moved to continue this matter to December 16, 2003.

CONTINUED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 4 - Dufty, Hall, Ma, Newsom

Excused: 1 - Daly

COMMITTEE REPORTS

031644 [Liquor License, 686 Mission Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Mary Lynn Slattery and Nancy Rowland for VinoVenue, located at 686 Mission Street (District 6), 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 condition.

Resolution No. 762-03

ADOPTED by the following vote:

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

021575 [General Plan Amendments - 888 Howard Street Hotel] Supervisors Daly, Sandoval, McGoldrick, Maxwell

Ordinance amending the San Francisco General Plan in connection with approval of the 888 Howard Street Hotel Project by amending Map 1 (Downtown Land Use and Density Plan) and Map 5 of the Downtown Area Plan of the General Plan to reclassify the use designation of the property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, from C-3-S to C-3-S(SU) and the height and bulk of the property from 160-F to 320-S; adopting findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

021576 [Zoning Map Amendments - 888 Howard Street Hotel] Supervisors Daly, Sandoval, McGoldrick, Maxwell

Ordinance amending Sheets 1 and 1H of the Zoning Map of the City and County of San Francisco for property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, to change the height and bulk limits of the property from 160-F To 320-S and to change the use district from C-3-S to C-3-S (SU); adopting findings. (Planning Department)

(Planning Commission Resolution #16410 approving Reclassification Application No. 2000.790ZM dated 5/23/02; Resolution #16420 approving Planning Code Tax Amendments and Reclassification Application No. 2000.790TZM on 6/6/02; Resolution #16408 approving CEQA findings for Application No. 2000.790E on 5/23/02; Motion #16409 approving Conditional Use Application No. 2000.961C on 5/23/02; Motion #16421 approving Section 309 Application No. 2000.790X on 6/6/02; Final Environmental Impact Report dated 1/10/02; Case No. 2000.790EKXCTZM; companion measure to Files 021575, and 021577.)

PASSED ON FIRST READING by the following vote:

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

**021577 [Planning Code Amendments in connection with 888 Howard Street Hotel Project]
Supervisors Daly, Sandoval, McGoldrick, Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

**031497 [Extending deadlines by ten days for scheduling and/or deciding appeals under Planning Code Section 308.1 when the Board does not conduct at least three regular meetings during a deadline period]
Supervisors Gonzalez, McGoldrick, Maxwell, Daly**

Ordinance amending San Francisco Planning Code Section 308.1 to extend deadlines by ten days, from 30 days to 40 days, for scheduling and/or deciding appeals under Section 308.1 when the Board of Supervisors does not conduct at least three regular meetings during a deadline period.

PASSED ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; Happy holiday wishes; general issues

Vernon Jenkins; general issues

John Dedonna; Sr. Bernard arrested issues

Ms. Deto, AFL-CIO Representative; Employee Free Choice

Male Speaker; First Amendment issue; against Item 34 on the Without Reference to Committee Agenda

Bob Kasel; waterfront issues

Richard Robinson; assist to renovate property

Rusty Holden; process of PG&E installation of power lines

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.

**031890 [Extension of Grant Agreement]
Supervisor Daly**

Resolution authorizing the Director of Public Works or his designee to apply for one-year extensions of Federal and State grants expiring on June 30, 2004.

Resolution No. 760-03

ADOPTED

**031891 [Extension of Planning Commission Review Period]
Supervisor Gonzalez**

Resolution extending for 45 additional days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by adding section 703.3 and by amending section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Resolution No. 770-03

ADOPTED

**031892 [Commending Nancy Warren]
Supervisors Maxwell, Newsom**

Resolution commending Nancy Warren for her work to manage and prevent asthma in San Francisco and for her support to the San Francisco Asthma Task Force and proclaiming the 24th of November as Nancy Warren Day.

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

Resolution No. 772-03

ADOPTED

**031893 [Gun Shows at Cow Palace]
Supervisor Sandoval**

Resolution urging the state to take appropriate action to ban gun shows at Cow Palace.

Resolution No. 771-03

ADOPTED

031894 [Declaration of November 4, 2003 Election Results]

Resolution declaring the results of the November 4, 2003 Consolidated Municipal Election. (Elections Department)

Resolution No. 761-03

ADOPTED

**031870 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**

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

Motion No. M03-201
APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**031930 [Planning Code Amendments - The Old Mint]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings.

11/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/25/2003.

**031931 [Funding for irrigation and mitigation improvements for the Sunol Valley Golf Course]
Supervisor Sandoval**

Ordinance appropriating \$2,500,000 from the Water Fund Balance for irrigation and mitigation for the Sunol Valley Golf Course in fiscal year 2003-04.

(Fiscal impact.)

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031932 [Restricting the sale of large caliber firearms, requiring reporting of firearm thefts, and deleting obsolete provisions regulating firearms sales]**
Supervisor Gonzalez

Ordinance amending the Police Code by amending Sections 613.1 and 613.10 to delete requirements relating to "Saturday Night Specials" and security practices for firearms dealers that have been superseded by state law; amending Section 613.3 to require the Chief of Police to conduct a background check on applicants for a firearms dealer license; amending Section 613.10-1 to restrict the sale of large caliber firearms, and adding a new section 619, requiring owners of firearms to report the loss or theft of a firearm to the Police Department. 11/25/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 12/25/2003.

- 031933 [Parking Meter Rates]**
Supervisors Peskin, Ammiano, McGoldrick

Ordinance repealing increase in parking meter rates in parking meter area number three, as defined in Article 12 of the San Francisco Traffic Code, Section 203.3.

(Fiscal impact.)

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031934 [City-owned cars assigned to the District Attorney]**
Supervisor Peskin

Ordinance amending Administrative Code Section 4.11 to include employees of the District Attorney's Office in the category of employees who may drive city-owned vehicles to and from their residence and to limit the number of such vehicles assigned to the District Attorney to eight (8).

11/25/03, RECEIVED AND ASSIGNED to Rules Committee.

- 031937 [City Hall - City Hall Preservation Advisory Commission]**
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code to add section 5.240 establishing the City Hall Preservation Advisory Commission.

11/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

- 031923 [Certification to Accompany Application for State Grant for construction of an Ingleside Branch Library]**
Mayor, Supervisors Sandoval, Daly, Hall

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the December 10, 2003 meeting.

**031924 [Certification to Accompany Application for State Grant for construction of a new Ortega Branch Library]
Mayor, Supervisor Ma**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the December 10, 2003 meeting.

**031925 [Certification to Accompany Application for State Grant for construction of a Portola Branch Library]
Mayor, Supervisor Maxwell**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the December 10, 2003 meeting.

**031926 [Certification to Accompany Application for State Grant for Richmond Library Expansion and Renovation]
Mayor, Supervisor McGoldrick**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the December 10, 2003 meeting.

**031927 [Certification to Accompany Application for State Grant for construction of a Visitacion Valley Branch Library]
Mayor, Supervisor Maxwell**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the December 10, 2003 meeting.

**031928 [Lease of Property]
Supervisors Peskin, Daly**

Resolution authorizing a 25-year Lease of San Francisco Public Utilities Land between the City and County of San Francisco and Sunol Valley Golf & Recreation Co., in Alameda County.

(Fiscal impact; Public Benefit Recipient.)

11/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the December 3, 2003 Special Meeting.

**031929 [San Francisco Law Library Justice Center]
Mayor, Supervisor Gonzalez**

Resolution in support of the San Francisco Law Library Justice Center at 525 Golden Gate Avenue.
11/25/03, RECEIVED AND ASSIGNED to City Services Committee.

**031938 ["STOP" Intersection]
Supervisor Newsom**

Resolution designating Jefferson and Webster intersection as a one-way "STOP" intersection.
11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

**031939 [Universal Declaration of Human Rights and the Employee Free Choice Act: HR3619]
Supervisors Sandoval, Maxwell, Gonzalez, Ma**

Resolution urging San Francisco employers to abide by the Universal Declaration of Human Rights and urging
the 108th United States Congress to pass the Employee Free Choice Act.
11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

**031940 [Prevailing Wage Law]
Supervisor Ma**

Resolution supporting the California Legislature's conclusion that the prevailing wage law addresses statewide
concerns.
11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

**031941 [Commending Raoul Wallenberg]
Supervisors Sandoval, Peskin, Ma, Dufty**

Resolution commending the Raoul Wallenberg Jewish Democratic Club for providing a strong voice for the
Jewish community in local politics and within the larger Democratic Party for the last twenty years.
11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

**031942 [Emergency Communications Department Annual Report]
Supervisor Ma**

Resolution approving the printing of not more than 100 hard copies of the Emergency Communications
Department Annual Report for FY 2002-2003.

(No Public Benefit Recipient.)

11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

**031943 [Designation of 2550 Mission Street, the New Mission Theater, as a Landmark]
Supervisors Ammiano, Daly**

Resolution initiating the designation of 2550 Mission Street, the New Mission Theater, Block 3616, Lot 007, as a landmark pursuant to Section 1004.1 of the Planning Code.

11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031944 [Traffic Regulation - Maiden Lane]
Supervisor Peskin**

Resolution Enacting "Street Closed To Vehicular Traffic" Regulation on Maiden Lane, Between Stockton and Kearny Streets, From 11 A.M. to 6 P.M., Every Day Including Holidays.

11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**031935 [Pedestrian safety in Visitacion Valley]
Supervisor Maxwell**

Hearing to address pedestrian safety in Visitacion Valley. The Police Department, Department of Parking and Traffic, MUNI, Department of Public Works and other City departments, in addition to neighborhood organizations will be invited to outline their response to pedestrian safety issues plaguing this area and to make recommendations to the Board of Supervisors as to what actions the Board can take to support and augment their efforts.

11/25/03, RECEIVED AND ASSIGNED to City Services Committee.

**031936 [Citizens Advisory Committee for the Natural Areas Program]
Supervisor Gonzalez**

Hearing to consider the work of the Citizens Advisory Committee for the Natural Areas Program.

11/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Motions

**031922 [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.

11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031945 [Preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 Election]**
Supervisor Gonzalez

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 election 11/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

- 031839 [Sidewalk Parking Fine Increase]**

Ordinance amending Article 7, Section 132 of the San Francisco Traffic Code, to increase the fine for sidewalk parking from \$75.00 to \$100.00 as of January 1, 2004, in accordance with Resolution No. 648-01, adopted August 17, 2001; to update the fine for stopping on a freeway because of the repeal of Vehicle Code Section 25220 and enactment of Vehicle Code Section 21718; and to make various editorial changes to clarify the Penalty Schedule. (Parking and Traffic Department)

(No Public Benefit Recipient.)

11/13/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

11/17/03, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

- 031855 [Settlement of Lawsuit - Poppie Kouremetis]**

Ordinance authorizing the settlement of lawsuit filed by Poppie Kouremetis against the City and County of San Francisco for \$95,000; the lawsuit was filed on May 13, 2002, in San Francisco Superior Court and was removed to United States District Court, Case No. C02-02980 MEJ, entitled Kouremetis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/17/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

- 031836 [Contracting out Status Offender Shelter and Intake Services]**
Supervisor Duffy

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by private contractor for lower cost than similar services performed by City and County employees. (Juvenile Probation Department)

(Public Benefit Recipient.)

11/13/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031843 [HIV risk behavior surveillance among men who have sex with men]
Supervisors Dufty, Ammiano**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a grant in the amount of \$172,882 from the Centers for Disease Control and Prevention (CDC) for HIV risk behavior surveillance among men who have sex with men and to enter into an agreement for the use of these funds; for the period of September 30, 2003 to September 29, 2004. (Public Health Department)

(Public Benefit Recipient.)

11/13/03, RECEIVED AND ASSIGNED to City Services Committee.

**031852 [Accept-Expend Federal/State Grant - Victim/ Witness Assistance Program]
Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$562,287 through the California Office of Criminal Justice Planning for the operation of a program entitled "Victim/Witness Assistance Program." (District Attorney)

(No Public Benefit Recipient.)

11/14/03, RECEIVED AND ASSIGNED to City Services Committee.

**031853 [Accept-Expend Federal Grant - Threat Management/Stalking Vertical Prosecution Program]
Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$140,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Threat Management/Stalking Vertical Prosecution Program." (District Attorney)

(No Public Benefit Recipient.)

11/14/03, RECEIVED AND ASSIGNED to City Services Committee.

**031854 [Accept-Expend Grant - Violence Against Women Vertical Prosecution Program]
Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$108,812 through the California Office of Criminal Justice Planning for the operation of a program entitled "Violence Against Women Vertical Prosecution Program." (District Attorney)

(No Public Benefit Recipient.)

11/14/03, RECEIVED AND ASSIGNED to City Services Committee.

Requests Granted

From: Supervisor Hall

To: Public Utilities Commission

To: Department of Environment

To: Recreation and Park Department

To: Department of Public Works

Requesting/Inquiring: What steps have been taken, to create one position within the Department of Environment, to be funded by all four Departments (Public Utilities Commission, Department of Environment, Recreation and Park Department, Department of Public Works), that will be responsible for all Ocean Beach issues?

From: Supervisor Hall

To: City Attorney

Requesting/Inquiring: To draft a Charter Amendment altering the manner in which a Mayor may appoint a member of the Board of Supervisors "Acting Mayor".

In Memoriams

Margaret Singer (Supervisors Dufty, Maxwell, Peskin)

Luiz C. Rebeiro (Supervisors Dufty, Ma)

Michael O. Gutierrez (Supervisor Dufty)

Lawrence A. Smookler (Supervisor Ma)

ADJOURNMENT

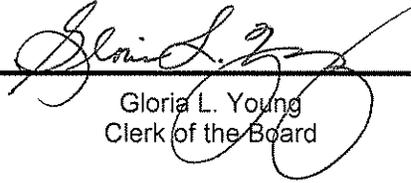
There being no further business, the Board at the hour of 4:38 p.m. adjourned.

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 January 13, 2004.

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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