

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Monday, December 9, 2002 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

Meeting Days

Board of Supervisors

2:00 PM

Budget Committee

Supervisors Maxwell, Peskin, Ammiano, McGoldrick

2nd, 3rd and 4th Tuesday

1:00 PM

City and School District Committee

Supervisors Ammiano, Wynns, Mar

3rd Wednesday

3:00 PM

Finance Committee

Supervisors Peskin, Daly, Maxwell

Wednesday

12:30 PM

Health and Human Services Committee

Supervisors Daly, Maxwell

1st and 3rd Thursday

1:00 PM

Neighborhood Services and Recreation Committee

Supervisors Newsom, McGoldrick

2nd and 4th Thursday

2:00 PM

Public Works and Public Protection Committee

Supervisors Sandoval, Gonzalez

1st and 3rd Tuesday

10:00 AM

Rules and Audits Committee

Supervisors Hall, Gonzalez, Sandoval

1st and 3rd Tuesday

1:00 PM

Transportation and Commerce Committee

Supervisors McGoldrick, Hall, Ammiano

2nd and 4th Thursday

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, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Gonzalez, McGoldrick, Sandoval - 3

Quorum present.

Supervisors Sandoval was noted present at 2:02 p.m.

Supervisor Gonzalez was noted present at 2:03 p.m.

Supervisor McGoldrick was noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Newsom, moved to approve November 12, 2002 and November 19, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Hall, Maxwell, Newsom, Peskin

Absent: 3 - Gonzalez, McGoldrick, Sandoval

AGENDA CHANGES

The Clerk of the Board informed the Board that File Nos. 021935 and 021917 may be continued.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M.

021968 [Second Annual Youth Recognition Day]
Second Annual Youth Recognition Day Presentation. (Clerk of the Board)

Victor Lim (Supervisor Peskin)
Laura Melgarejo (Supervisor Ammiano)
Sam Soun (Supervisor Daly)
Dionne Spencer (Supervisor Gonzalez)
Jennifer Nedeau (Supervisor Hall)
Farah Khalil (Supervisor Maxwell)
Yana Morgulis (Supervisor McGoldrick)
Edward Elliott (Supervisor Newsom)
Helen Qi Hao Xu (Supervisor Ammiano for Assemblyman Yee)
Tracy Sarmiento (Supervisor Sandoval)

Speakers:
Commissioner Jill Wynn, President of SF Board of Education
Father Anthony Sauer, President SI

FILED.

CONSENT AGENDA

Recommendation of the Finance Committee

**021836 [Contracting out Status Offender Shelter and Intake Services]
Supervisor Gonzalez**

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)

(Fiscal impact; Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Resolution No. 826-02

ADOPTED

Recommendations of the Health and Human Services Committee

021798 [Integrated and innovative uses of surveillance data for sexually transmitted diseases]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new three year grant in the amount of \$160,000 for the first year from the Centers for Disease Control and Prevention (CDC) to identify and develop integrated and innovative uses of surveillance data for sexually transmitted diseases and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No fiscal impact; No Public Benefit Recipient.)

Resolution No. 824-02

ADOPTED

**021809 [HIV/AIDS confidential counseling and testing services in family planning agency clinics]
Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$186,000 from the California Family Health Council, Inc. (CFHC), to enhance and expand HIV/AIDS confidential counseling and testing services in family planning agency clinics and to enter into an agreement for the use of these funds; for the period of September 1, 2002, through August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 825-02

ADOPTED

Recommendations of the Rules and Audits Committee**021829 [Settlement of Lawsuit]
Supervisor Gonzalez**

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

(No Public Benefit Recipient.)

PASSED, ON FIRST READING

021946 [Appointment]

Resolution appointing Benson Nadell and Dorothy Kerr, terms ending on September 30, 2005, to the Adult Day Health Care Planning Council, residency requirement waived.

Benson Nadell (residency requirement waived), succeeding Ruth Morales, term expired, seat 8, must represent a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is a representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for the unexpired portion of a 3-year term ending September 30, 2005;

Dorothy Kerr, succeeding Joan Slaughter, term expired, seat 9, must represent a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is a representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for the unexpired portion of a 3-year term ending September 30, 2005.

Resolution No. 831-02

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Peskin

Absent: 3 - Hall, McGoldrick, Sandoval

Severed From the Consent Agenda

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

021723 [Appointment]
Supervisor Gonzalez

Resolution appointing Karin Hu, Joan Roughgarden, Edward Conner, Carol Arnold, Paul Castleman, Charlotte Hill, Mary McAllister, Jack Laws, Matthew Sniffen, and Patrick Skain, terms ending December 1, 2003 to the Citizens Advisory Committee for Natural Areas Program (NAPCAC).

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

Joan Roughgarden, new position, seat 2, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Edward Conner, new position, seat 3, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

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

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

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

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

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

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

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

Continued to December 16, 2002

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

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Peskin

Absent: 3 - Hall, McGoldrick, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

Supervisor Hall Excused From Voting

Supervisor Gonzalez, seconded by Supervisor McGoldrick, moved to excuse Supervisor Hall from voting on this matter. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Sandoval

Absent: 1 - McGoldrick

Excused: 2 - Hall, Peskin

021969 [Adopting findings related to the conditional use appeal on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]

Motion adopting findings related to the appeal of the Planning Director's approval of Conditional Use Application No. 2001.1126C, which approved the merger of six lots into one lot with a total area greater than 9,999 square feet pursuant to Planning Code Section 712.11, allowed the construction of eight dwelling units without the required off-street parking pursuant to Section 161(j), allowed a large retail store (Walgreens Pharmacy) to occupy commercial space (10,000 gross square feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21 under Planning Department's modification to the proposed project, in an NC-3 (Moderate Scale Neighborhood Commercial) District and in a 65-X Height and Bulk District, and in an RH-1 (Residential, One-Family) District in a 40-X height and Bulk District on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), north side of Geneva Avenue, between Paris and London Streets (Lots 5-10 on Assessor's Block 6409). (Clerk of the Board)

(Companion measure to Files 021764, 021765, 021766, 021767, 021795.)

(11/18/02 - Supervisor Peskin previously excused from voting.)

Motion No. M02-201

APPROVED by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Sandoval

Absent: 1 - McGoldrick

Excused: 2 - Hall, Peskin

Recommendations of the Finance Committee

- 021502 [Requiring the Mayor to submit budget estimates, proposed budgets and revenue estimates for selected departments by the first working day of May]
Supervisors McGoldrick, Daly, Gonzalez, Peskin**

Ordinance amending Administrative Code Section 3.3 to eliminate the requirement that the Mayor submit a preliminary budget to the Board of Supervisors, and requiring the Mayor submit budget estimates, proposed budgets and detailed estimates of revenues for selected departments by the first working day of May, and the complete City budget by the first working day of June.

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

Ordinance No. 240-02

FINALLY PASSED by the following vote:

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

- 021892 [Appropriation for Consolidation of Administrative Offices]
Mayor**

Ordinance appropriating \$2,490,343 from fund balance for consolidation of administrative offices of the San Francisco Public Utilities Commission for fiscal year 2002-03. (Mayor)

(No Public Benefit Recipient; companion measure to File 021897.)

Ordinance No. 235-02

FINALLY PASSED by the following vote:

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

Recommendations of the Public Works and Public Protection Committee

- 021827 [Changing Official Width of Sidewalk]
Supervisor Gonzalez**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1556 to change the official sidewalk width on a portion of 16th Street, 246.71 feet southwest of Potrero Avenue; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 233-02

FINALLY PASSED by the following vote:

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

**021828 [Changing Official Width of Sidewalk]
Supervisor Gonzalez**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1557 to change the official sidewalk width on the northwest side of Treat Avenue between Alameda and Florida Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 234-02

FINALLY PASSED by the following vote:

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

Recommendation of the Transportation and Commerce Committee

021643 [Electric Personal Assistive Mobility Devices (Segway)]
Supervisors Daly, Peskin, Ammiano, McGoldrick, Gonzalez, Maxwell

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

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

Continued to December 16, 2002

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

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

From Transportation and Commerce Committee "Without Recommendation"

021727 [Authorization for the use of identification numbers in lieu of permit numbers for lawfully erected general advertising signs]
Supervisor Gonzalez

Ordinance amending San Francisco Planning Code Chapter 6, Section 604.1(c), to modify the authority of the Director of the Planning Department to approve the use of identification numbers in lieu of the required permit numbers for general advertising signs, by deleting language that restricts the use of the substitute identification numbers to general advertising signs that existed at their current locations at the time of the Department's 1966 sign inventory.

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 232-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance Committee

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

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

PASSED ON FIRST READING by the following vote:

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

- 021339** [Financial Information Privacy]
Supervisors Peskin, Daly, Maxwell, McGoldrick, Gonzalez

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

Supervisors Maxwell and McGoldrick requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Hall

- 021879** [Official Advertising]
Resolution designating the San Francisco Independent to be the official newspaper of the City and County of San Francisco for the category of non-consecutive day official advertising, for the period commencing January 1, 2003 and ending June 30, 2003. (Purchaser)

(Public Benefit Recipient.)

Resolution No. 828-02

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Noes: 1 - Daly

Absent: 1 - Sandoval

021796 [Port Security Services Civil Service Exclusion]

Resolution approving the Controller's certification that Port Area Security Services for the Port of San Francisco can be practically performed by a private contractor at a lower cost than if the work were performed by City employees at budgeted levels. (Port)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 823-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Absent: 1 - Sandoval

021894 [Multifamily Housing Revenue Bonds - Carter Terrace]

Supervisors Maxwell, Daly

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$17,000,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters.

(Public Benefit Recipient.)

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

Resolution No. 822-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Absent: 1 - Sandoval

**021893 [Settlement of Lawsuit]
Supervisors Maxwell, McGoldrick**

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

(No Public Benefit Recipient.)

Continued to December 16, 2002 in Closed Session

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

Supervisor Gonzalez, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

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

**021916 [Power Purchase Agreement]
Supervisors Maxwell, McGoldrick, Peskin**

Resolution approving a power purchase agreement with the California Department of Water Resources.

Supervisors Peskin and McGoldrick requested to be added as co-sponsors.

Resolution No. 830-02

ADOPTED by the following vote:

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

Noes: 2 - Gonzalez, Hall

Absent: 1 - Newsom

Recommendations of the Health and Human Services Committee

**021645 [Pet Guardian - Definition and Duties]
Supervisors Gonzalez, Daly, Maxwell**

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

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Sandoval

Noes: 3 - Ammiano, Newsom, Peskin

021858 [Electricity Resource Plan]
Supervisors Maxwell, Ammiano, Leno, Peskin, Daly, McGoldrick

Resolution endorsing the electricity resource plan for San Francisco.

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

Resolution No. 827-02

ADOPTED by the following vote:

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

Recommendation of the Public Works and Public Protection Committee

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

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

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Rules and Audits Committee

021895 [Canceling January 6, 2003 Board of Supervisors Meeting]
Resolution canceling the Monday, January 6, 2003, meeting of the Board of Supervisors.

Resolution No. 829-02

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**021872 [Public Hearing - Conditional Use Appeal, 2444-2454 Noriega Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16471 dated October 17, 2002, approving Conditional Use Application No. 2002.0736C pursuant to Section 711.83 of the Planning Code, to allow the installation of three antennas within a rooftop mounted cylinder radome, one GPS antenna mounted to the roof, and install four associated equipment cabinets within the ground floor storage room of the one-story commercial building at 2444-2454 Noriega Street, as part of a wireless telecommunications network operated by Metro PCS located in a NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District on property located at 2444-2454 Noriega Street; north side of the street between 31st and 32nd Avenues; Lot 004F, in Assessor's Block 2018.

(Appeal filed November 15, 2002; categorically exempt from the environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 021873, 021874, 021875; District 4.)

Ruby Chung, Appellant

Male Speaker; support of appellant

Female Speaker; support of appellant

Male Speaker; support of appellant

Male Speaker; support of appellant

Female Speaker; support of appellant

Male Speaker; support of appellant

Stephen Lee; support of appellant

Betty Tom; support of appellant

Gina Lee; support of appellant

Meghan Sullivan; support of appellant

Female Speaker; support of appellant

Sam Mizra; support of appellant

Doug Haringer; support of appellant

Male Speaker; support of appellant

Mark Longwood; support of appellant

Douglas Chan; support of appellant

Gerald Green, Director of Planning Department reviewed the conditional use recommendation.

Mr. Graves, General Manager, Metro PCS, Project Sponsor

Lisa Nahmanson, Zoning Manager, Whalen & Company

Allison Matthew; support project sponsor

A rebuttal period was allowed.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

From the Clerk**(Only one of the following two motions should be adopted.)****021873 [Conditional Use Appeal, 2444-2454 Noriega Street]**

Motion approving decision of the Planning Commission by its Motion No. 16471, approving Conditional Use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 13, 2003 meeting

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

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

021874 [Conditional Use Appeal, 2444-2454 Noriega Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16471, approving Conditional Use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 13, 2003 meeting

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

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

021875 [Findings - 2444-2454 Noriega Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 13, 2003 meeting

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

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole**

Note: The President intends to entertain a motion to continue consideration of Items 30 and 31 to December 16, 2002 at 3:00 P.M. due to notification requirements.)

021935 [Hearing - Acquisition of Property by Eminent Domain]

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue by eminent domain, for the construction of a substation for the Third Street Light Rail Project. (Clerk of the Board)

(Companion measure to Files 021904, 021917.)

Continued to December 16, 2002

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

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Absent: 1 - Sandoval

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

Committee of the Whole Rise and Report Without Recommendation**021917 [Acquisition of Property by Eminent Domain]**

Supervisor Maxwell

Resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, by eminent domain, for the construction of a substation for the Third Street Light Rail Project.

(Fiscal impact.)

Continued to December 16, 2002

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

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Absent: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

Appointment of President Pro Tempore

At the request of the President, Supervisor McGoldrick assumed the Chair.

PUBLIC COMMENT

*Megahed Abdulla; general issues
Bob Planthold; pedestrian safety issues
Male Speaker; police issues
Steven Chester; police towing issues
James Chaffe; SF Library issues
Philip Powell, Youth Commissioner; appreciation of Youth Recognition Day
William Mattamoore, Youth Commissioner; Police in Schools Hearing
Martha Bridgom; treatment of vehicular housed individuals
Thomas Hobby; treatment of vehicular housed individuals*

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

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

**021965 [Legislative Analyst Request]
Supervisor Gonzalez**

Motion asking the Legislative Analyst to prepare a survey of human resource departments in other cities and/or counties which use "position-control" system to track the number of vacant positions and the duration of vacancies. The survey should include, but not limited to, the effect of "position-control" on filling vacant positions and preventing the transfer of salary appropriations for other uses.

APPROVED by the following vote:

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

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 [Anticipated Litigation - Comcast]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and Comcast regarding compliance with the City's cable television franchise. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).

(10/15/02 Continued to November 12, 2002.)

Supervisor Maxwell, seconded by Supervisor Daly, moved to convene in closed session. The motion carried by the following vote:

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

Recess

The Board recessed at the hour of 5:43 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 6:29 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, 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 pending litigation.

Persons in attendance:

Supervisors Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Ted Lakey, Deputy City Attorney;

Lisa Gelb, Deputy City Attorney;

William Sanders, Deputy City Attorney;

Brian Roberts, Principal Policy Analyst, DTIS;

Lewis Loeven, Director, DTIS;

Denise Brady, Deputy Director, DTIS;

Edward Harrington, Controller;

Gloria L. Young, Clerk of the Board;

Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

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

Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 1 - Ammiano

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.

**021952 [Urge Congress to extend unemployment benefits to jobless]
Supervisors McGoldrick, Gonzalez, Peskin, Daly**

Resolution urging Congress to extend unemployment benefits to jobless individuals who qualify.

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

Resolution No. 832-02

ADOPTED

**021953 [Urge Bay Area Air Quality Management District to provide translation services]
Supervisors Sandoval, Gonzalez**

Resolution urging the Bay Area Air Quality Management District ("BAAQMD") to make communications accessible to affected community members with limited English proficiency to ensure that all members of the affected community can participate in the decision-making process; and urging members of the Board of Supervisors who also sit on the BAAQMD Board of Directors to promote and support the adoption of rules, policies and practices that mandate language assistance.

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

Resolution No. 833-02

ADOPTED

**021954 [Urge City Attorney to join federal lawsuit in support of non-citizen airport screeners]
Supervisors Sandoval, Gonzalez, Daly, Peskin, Newsom, Yee, Ammiano, McGoldrick**

Resolution urging the City Attorney of the City and County of San Francisco to join the federal lawsuit filed by the American Civil Liberties Union and Service Employees International Union 790 on behalf of 5 airport screeners at San Francisco International Airport challenging the constitutionality of Aviation Security Bill, S. 1447.

Resolution No. 834-02

ADOPTED

**021955 [Extend City Contracting Task Force]
Supervisor Maxwell**

Resolution extending the City Contracting Task Force Timeline to July 1, 2003.

Resolution No. 835-02

ADOPTED

- 021956 [Authorize Issuance and Sale of Multifamily Housing Revenue Bonds for Robinson Affordable Housing, Inc. Project at 1340 Hudson Avenue]**
Supervisors Maxwell, Daly

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$22,000,000 for Robinson Affordable Housing, Inc. or an affiliate.

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

Resolution No. 821-02

ADOPTED

- 021957 [Urge California Department of Industrial Relations to protect rights of messengers]**
Supervisors Daly, Gonzalez, McGoldrick

Resolution urging the California Department of Industrial Relations to enforce state employment law in the messenger industry to protect rights of messengers.

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

Resolution No. 836-02

ADOPTED

- 021958 [Urge Federal government to participate in funding of the seismic upgrade for the Old Mint]**
Supervisors Daly, Peskin, Ammiano, Newsom, Maxwell, Sandoval, McGoldrick

Resolution urging the Federal government to participate in funding of the seismic upgrade and restoration program for the Old Mint by appropriating \$10 million over the next three years, and also urging the California State Legislature to appropriate a comparable amount of \$10 million from Proposition 40 funds to further its restoration.

Resolution No. 837-02

ADOPTED

- 021959 [Commend Kimberley M. Knox]**
Supervisors Hall, Gonzalez, Peskin, Newsom

Resolution commending Kimberley M. Knox for her efforts in coordinating the recent Nature by Design Environmental Trade show and promoting environmental awareness.

Supervisors Gonzalez, Peskin and Newsom requested to be added as co-sponsors.

Resolution No. 838-02

ADOPTED

- 021960 [Commend Alison Mickels]**
Supervisors Maxwell, Gonzalez

Resolution commending Alison Mickels for her efforts at the recent Nature by Design Environmental Trade Show.

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

Resolution No. 839-02

ADOPTED

**021961 [Commend Somarts]
Supervisors Daly, Peskin**

Resolution commending Somarts for its contribution to the City and County of San Francisco.

Resolution No. 840-02

ADOPTED

**021972 [Declaration of November 5, 2002 Election Results]
Supervisor Ammiano**

Resolution declaring the results of the November 5, 2002 Consolidated General Election.

Resolution No. 841-02

ADOPTED

**021970 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell**

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

Motion No. M02-202

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 1 - Ammiano

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**021995 [Revising administration of Police Emergency Alarm Ordinance]
Mayor**

Ordinance amending the San Francisco Police Code by amending Sections 3702, 3707 through 3710, and 3711 through 3720, by adding Sections 3710.1 through 3710.9 and a new Section 3721, and by re-numbering current Section 3721 as Section 3722, to give the Director of Emergency Communications responsibility for administering the substantive provisions of the Police Emergency Alarm Ordinance and to provide for billing and collection of license and license renewal fees by alarm companies. (Mayor)
12/9/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 1/8/2003.

**021996 [Voter Information Pamphlet Amendments]
Supervisor Gonzalez**

Ordinance amending sections 500, 530 and 550 of the San Francisco Municipal Elections Code to require the Director of Elections to publish in the Voter Information Pamphlet: (1) a description of every elector's right to seek a writ of mandate or an injunction requiring any or all of the materials in the Voter Information Pamphlet to be amended or deleted, and (2) a disclaimer at the beginning of each ballot measure argument and rebuttal authorized by the Board of Supervisors explaining which members of the Board of Supervisors endorse, oppose or have taken no position on the measure; and to clarify that when the Board of Supervisors authorizes a member or members of that body to submit a ballot measure argument or rebuttal, it shall do so by motion, and it need not take any further action, including voting on or otherwise approving the actual text of the argument or rebuttal.

12/9/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/8/2003.

**021997 [Authorizing the transfer of Institutional Police from the Department of Public Health to the Sheriff]
Supervisor Peskin**

Ordinance amending the Administrative Code by adding a new Section 1.59 to authorize the transfer of the Institutional Police Department from the Department of Public Health to the Sheriff.

(Fiscal impact.)

12/9/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/8/2003.

**021338 [Third Street Alcohol Restricted Use District]
Supervisor Maxwell**

Ordinance adding Section 782 to the Planning Code to create a Third Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Section 249.14 of the Planning Code to remove inconsistent regulations regarding liquor establishments; amending Zoning Map Sheet 8SU and 10SU of the City and County of San Francisco to indicate the boundaries of the Third Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/29/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 8/28/2002. 8/6/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/19/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

8/19/02, ASSIGNED to Transportation and Commerce Committee.

9/30/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

9/30/02, ASSIGNED to Transportation and Commerce Committee.

10/8/02, REFERRED TO DEPARTMENT. Substitute ordinance transmitted to Planning Commission for public hearing and recommendation; referred to Small Business Commission for comment and recommendation.

12/9/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

12/9/02, ASSIGNED to Transportation and Commerce Committee.

**020550 [Zoning Map Amendment]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification and the height and bulk designation of the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street.

(Final Environmental Impact Report, dated September 7, 2000)

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

4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/9/02, TRANSFERRED to Finance Committee.

11/14/02, RESPONSE RECEIVED. (From Planning Department, Addendum to Final Environmental Impact Report, dated November 7, 2002)

12/9/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing same title.

12/9/02, ASSIGNED to Finance Committee.

12/10/02, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

**020549 [Fourth and Freelon Streets Special Use District]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create the Fourth and Freelon Streets Special Use District encompassing the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street and by adding Section 263.16 to create special height and bulk exceptions for the Fourth and Freelon Streets Special Use District, which would allow previously approved but unbuilt live/work units to convert to market-rate residential units and additional market-rate residential units to be constructed with an allowable increase in height from 50' to 85' and a dwelling unit density governed by the permissible building envelope; provided that (i) the developer shall construct at the developer's sole expense, on land owned or purchased by the developer in either the South of Market Area or the North of Market Residential Special Use District, off-site affordable rental housing with square footage equal to 15% of the total residential units to be constructed offset by the cost of land acquisition, with a minimum of 56 units constructed of no less than 400 square feet each, (ii) the units shall be rental units affordable to low- and lower income households with income not exceeding 40% of San Francisco's median income, which shall remain affordable for 55 years or for the life of the building whichever is longer, and (iii) upon completion, the affordable housing development shall be owned, managed and operated by a nonprofit housing organization with reversion to the City if the nonprofit housing organization is dissolved.

(Companion measure to File 020550; Final Environmental Impact Report, dated September 7, 2000)

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

4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/9/02, TRANSFERRED to Finance Committee.

11/14/02, RESPONSE RECEIVED. (From Planning Department, Addendum to Final Environmental Impact Report, dated November 7, 2002)

12/9/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

12/9/02, ASSIGNED to Finance Committee.

12/10/02, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

**020716 [Settlement of lawsuit and, as part of the settlement, amending the Rent Control Ordinance]
Supervisors Ammiano, Maxwell**

Ordinance authorizing settlement of the lawsuit filed by residential landlords against the City and County of San Francisco to invalidate Proposition H passed in the November 2000 general election, concerning the pass through of capital improvement costs by landlords to tenants; the lawsuit was filed on November 22, 2000, in San Francisco Superior Court, Case No. 316-928 entitled Quigg v. City and County of San Francisco, et al.; and, as part of the settlement, amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) regarding permissible passthrough of bond costs from landlords to tenants by providing for 50% passthrough of the change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters in the future; and regarding permissible passthrough from landlords to residential tenants of certain costs for capital improvements, rehabilitation, energy conservation improvements, and renewable energy improvements, by codifying and expanding existing amortization schedules, by establishing specified maximum annual passthroughs at 5% of a tenant's base rent for properties with five or fewer units and at 10% of a tenant's base rent for properties with six or more units, by capping certification for work and improvements on properties with six or more residential units at 50% of landlord costs unless the tenant elects 100% passthrough of costs with a lifetime rent increase cap of 15% of base rent, by lengthening the amortization period from 10 years to 20 years for certain improvements required by law (including certain seismic improvements to unreinforced masonry buildings), by providing tenants and the Rent Board with pre-application notice of large projects, by providing that each petition totaling more than \$25,000 must pay the cost of an estimator hired by the Rent Board unless the applicant provides copies of competitive bids received or copies of time and materials billing, by providing for the Commission on the Environment to conduct hearings and recommend new passthrough provisions encouraging energy conservation improvements and renewable energy improvements, and by expanding the provisions for tenant hardship applications for relief from such passthroughs by providing that a tenant can file such an application at any time instead of only at the time the passthrough is originally approved. This Ordinance amends Sections 37.2, 37.3, and 37.7, and 37.8B, with most provisions operative May 1, 2002 or 60 days prior to passage of this Ordinance on Second Reading by the Board of Supervisors, whichever is later.

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

5/6/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 6/5/2002.

12/9/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing new title.

12/9/02, ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration at the 10:00 a.m. Special Meeting on December 16, 2002, with a Committee Report to the Board of Supervisors.

Resolutions

**021998 [Appointment to Telecommunications Commission]
Mayor**

Resolution approving the Mayor's appointment of Michael Rouan to the Telecommunications Commission for the term ending July 1, 2004. (Mayor)

12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021999 [Biosciences Task Force]
Supervisor Maxwell**

Resolution establishing a Biosciences Task Force to make policy recommendations to the Board of Supervisors and setting forth the membership and duties of the Task Force.

12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**022000 [Authorize to accept and expend gift of \$1,000.00 from First Baptist Church]
Supervisors Newsom, Gonzalez**

Resolution authorizing the City and County to accept and expend a gift in the amount of \$1,000.00 from the first Baptist Church for Emergency Services.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022001 [Urge City of Sacramento to overturn decision regarding sidewalks]
Supervisors Peskin, Gonzalez**

Resolution urging the City of Sacramento to withdraw its petition to the U.S. Supreme Court seeking to overturn a decision finding that access to sidewalks is within the program access requirements of Title II of the Americans with Disabilities Act of 1990.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022002 [Urge DPT and SF County Transportation Authority to work in collaboration for the installation of pedestrian countdown signals]
Supervisors Newsom, Dufty**

Resolution urging the Department of Parking and Traffic and the San Francisco County Transportation Authority to work in collaboration in order to secure new funding streams necessary to jointly contribute toward the long-term safety gains by installing pedestrian countdown signals at the remaining 500 signalized intersections in the City and County of San Francisco.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022003 [Authorize application to permit Mortgage Credit Certificates and Mortgage Revenue Bonds]
Supervisors Newsom, Peskin**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Certificates and Mortgage Revenue Bonds.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022004 [Commending participants of Crocker Amazon Playground Build Day]
Supervisor Sandoval**

Resolution commending all of the community members, organizations, and businesses who helped make the November 2, 2002 Crocker Amazon Playground Build Day a success.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022006 [Urge Pretrial Diversion Program 50 hours of community service for first time graffiti offenders]
Supervisors Hall, Maxwell**

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

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022007 [Wishing Stan Warren well in his recovery]
Supervisors Ammiano, Newsom, Dufty, Hall, Maxwell**

Resolution wishing Stan Warren well in his recovery from surgery.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**022008 [Urge Pacific Bell to contract with responsible janitorial contractor]
Supervisors Ammiano, Gonzalez, Maxwell**

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

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

(No Public Benefit Recipient.)

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 022010** [Commending UCSF]
Supervisor Maxwell

Resolution commending UCSF for its leadership, innovation, and commitment to removing mercury from our environment.

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearings

- 022011** [State of California Budget Cuts]
Supervisor Peskin

Hearing to receive a briefing from the Mayor's Budget Director on recent information on State of California budget cuts and their impact on City and County of San Francisco's budget.

12/9/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the December 18, 2002 meeting.

- 022012** [Current Financial State of San Francisco Airport]
Supervisor Peskin

Hearing to review the current financial state of San Francisco Airport and contingencies that it will implement as a result of the recently declared bankruptcy of its major tenant, United Airlines.

12/9/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the December 18, 2002 meeting.

- 022013** [San Francisco Unified School District Bicycle Rack]
Supervisor Ammiano

Hearing at the Joint City and School District Committee Meeting on January 15th, 2003, at 555 Franklin Street, San Francisco, regarding San Francisco Unified School District Bicycle Racks.

12/9/02, RECEIVED AND ASSIGNED to City and School District Committee.

Motions

- 021994 [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. (Clerk of the Board)

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 022015 [Amend Rule 3.9 - Roll Call Requests]**
Supervisor Gonzalez

Motion amending Rule 3.9 of the Rules of Order of the Board of Supervisors to allow Supervisors to make Roll Call requests for introduction at alternate Board meetings beginning in February of 2003.

12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Reports

- 021993 [Board of Supervisors Seniority]**
Lottery to determine the seniority of the new members of the Board of Supervisors. (Clerk of the Board)

(Pursuant to Board of Supervisors Rule 6.21.)

12/9/02, ASSIGNED to Board of Supervisors. Scheduled for consideration on December 16, 2002; Special Order at 3:00 p.m.

PROPOSED ORDINANCES

- 020663 [Extension of Sunset Clause - Utilization of Bid/RFP Process for Awarding of Parking Authority Leases and Management Contracts]**
Ordinance amending Section 17.11 (a) of the San Francisco Administrative Code to extend the authorization of the Parking Authority and the Municipal Transportation Agency to utilize a Bid/RFP process for the awarding of all leases and management agreements for the use or operation of parking facilities. (Parking and Traffic Department)
4/24/02, RECEIVED AND ASSIGNED to Finance Committee.
11/26/02, ASSIGNED to Finance Committee.
11/26/02, SUBSTITUTED. Parking and Traffic Department submitted a substitute ordinance bearing new title.
12/9/02, PASSED ON FIRST READING.
- 021885 [Repealing Police Code Section 1159 - Sightseeing Vehicle Stands]**
Ordinance repealing Police Code Section 1159, which authorizes the Department of Parking and Traffic to issue to a single entity or person a permit for a sightseeing stand on Powell Street, for the purpose of selling tickets for sightseeing tours and providing sightseeing information. (Parking and Traffic Department)

(No Public Benefit Recipient.)
11/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.
- 021886 [Parking Regulations, portions of Hyde Street]**
Ordinance adding Section 32.6.34 to the San Francisco Traffic Code, regarding parking regulations on portions of Hyde Street. (Parking and Traffic Department)

(No Public Benefit Recipient.)
11/25/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
- 021937 [Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by plaintiff the Department of Fair Employment and Housing and intervening plaintiff Alane Bernadette Baca against the City and County of San Francisco and Andrew Blackwell for (1) payment of \$100,000.00, including all damages, attorneys' fees and costs, (2) a credit of six (6) weeks of sick leave to intervening plaintiff Baca, and (3) the Police Department issuing a specified Department Bulletin, incorporating that Bulletin into specified EEO trainings, and beginning the process of reviewing and, where applicable, revising Department General Order 11.07; the lawsuit was filed on October 4, 2001, in San Francisco Superior Court, Case No. 325-126; entitled Department of Fair Employment and Housing, et al., v. City and County of San Francisco, et al (Real Party in Interest: Alane Bernadette Baca). (City Attorney)

(Public Benefit Recipient.)
11/27/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021938 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuits filed by William J. Sepatis against the City and County of San Francisco for \$100,000; the lawsuit under US District Court Case No. C00-2299 MHP filed on May 31, 2000 and the lawsuit under US District Court Case No. C00-1626 MHP filed on May 8, 2000 were consolidated, entitled William James Sepatis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021941 [Creating Underground District No. 359 on Octavia Street]

Ordinance approving Underground District No. 359 On Octavia Street. (Public Works Department)

(No Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

PROPOSED RESOLUTIONS**021796 [Port Security Services Civil Service Exclusion]**

Resolution approving the Controller's certification that Port Area Security Services for the Port of San Francisco can be practically performed by a private contractor at a lower cost than if the work were performed by City employees at budgeted levels. (Port)

(Fiscal impact; No Public Benefit Recipient.)

10/25/02, RECEIVED AND ASSIGNED to Finance Committee.

11/21/02, SUBSTITUTED. Port submitted a substitute resolution bearing new title.

11/21/02, ASSIGNED to Finance Committee.

12/9/02, ADOPTED.

021830 [Grant Funds to Develop Vulnerability Assessments]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to apply for, accept and expend grants amounting to \$230,000 from the United States Environmental Protection Agency (USEPA) for vulnerability assessment. (Public Utilities Commission)

(No Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021884 [Public Access Cable Television]

Resolution renewing designation of the San Francisco Community Television Corporation (SFCTC) as the non-profit responsible for the management and operation of the City's public access cable television channel, Access San Francisco, coterminous with the public access grant awarded to SFCTC by the Department of Telecommunications and Information Services (DTIS) on October 28, 2002. (Telecommunications and Information Services)

(Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

- 021936 [Medical services for prison inmates referred from institutions of the California Department of Corrections]**
Resolution authorizing the San Francisco Department of Public Health, Community Health Network of San Francisco (CHNSF), to enter retroactively into an agreement, which includes an indemnification clause, with The State of California, Department of Corrections (CDC), and accept reimbursement in the amount of \$225,000 for medical services provided to inmates referred from the Correctional Training Facility (CTF) and the California Medical Facility (CMF); for the period of March 1, 2002, to June 30, 2003. (Public Health Department)
- (No Public Benefit Recipient.)
11/26/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.
- 021939 [Extension of Agreement with City Carshare]**
Supervisors Peskin, Maxwell, Newsom
- Resolution authorizing a six month extension to the existing grant agreement between the City and County of San Francisco and City Carshare. (Parking and Traffic Department)
- (No Public Benefit Recipient.)
11/27/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
12/6/02, TRANSFERRED to Finance Committee.
Supervisor Newsom requested to be added as sponsor.
- 021967 [Accept-Expend Foundation Grant]**
Resolution authorizing the Department of Human Services to accept and expend a two-year grant in the amount of \$95,000 from the CalWORKs/Child Welfare Partnership Project for improving coordination between the department's Child Welfare and Welfare-To-Work programs. (Human Services Department)
- (No Public Benefit Recipient.)
11/26/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.
- 021973 [Consultant Contract for New Central Subway phase of Third St. Light Rail Transit Project]**
Resolution approving the award of Municipal Railway Contract No. CS-138, Professional Engineering and Other Support Services for Muni Metro Third Street Light Rail Project: New Central Subway, with the Joint Venture of Parsons Brinckerhoff Quade & Douglas, Inc. and PGH Wong Engineering, Inc., to provide necessary professional engineering and other support services in an amount not to exceed \$29,800,000, and for a term not to exceed five years. (Municipal Transportation Agency)
- (No Public Benefit Recipient.)
12/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
- 021974 [Issuance of Clean Water Revenue Bonds, 2003 Refunding Series A]**
Resolution approving the issuance of not to exceed \$485,000,000 aggregate principal amount of Clean Water Revenue Bonds, 2003 Refunding Series A to be issued by the Public Utilities Commission of the City and County of San Francisco; and authorizing the taking of appropriate actions in connection therewith and related matters. (Public Utilities Commission)
- (No Public Benefit Recipient.)
12/4/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the December 11, 2002 meeting.

**021975 [Accept-Expend Regional Grant]
Supervisor Peskin**

Resolution authorizing the Airport Commission to accept and expend five (5) grants totaling \$1,089,000 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators. (Airport Commission)

12/4/02, RECEIVED AND ASSIGNED to Finance Committee.

021976 [Accept-Expend Federal/State Pass Through Grant]

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$13,815 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

(No Public Benefit Recipient.)

12/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**021978 [California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2002-03]
Supervisor Maxwell**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2002-03 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2002-03. (Public Health Department)

(No Public Benefit Recipient.)

12/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To review and revise rules regarding issuance of residential parking permits to SFUSD school teachers, including itinerant teachers.

From: Supervisor Gonzalez

To: City Attorney

Requesting/Inquiring: To identify the local, state and/or federal permits necessary to site a tidal energy generation facility within the San Francisco Bay and to estimate the costs and time necessary to obtain these permits.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to require public noticing at the Board of Supervisors for proposed planning code amendments, in instances where the Planning Commission has not held a public hearing on the proposed planning code amendment, that is equal to that of the Planning Commission's requirements.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to require a signed First Source agreement prior to Planning Commission approval of a project.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to require the Planning Department to provide public notice for an EIR addendum that is equal to the noticing requirement for the original EIR.

From: Supervisor Maxwell

To: Clerk of the Board

*Requesting/Inquiring: To report on how the Board of Supervisors can create a process through which the Board can meet regularly with state and federal representatives to discuss issues affecting their constituency.
Due: January 20, 2003*

From: Supervisor Newsom

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To provide an evaluation of the following intersections for pedestrian and vehicular safety improvements:

- 1. Sacramento and Laurel Streets*
- 2. Sacramento and Walnut Streets*
- 3. California and Pierce Streets*
- 4. Scott and Grove Streets*

From: Supervisor Newsom

To: Director, Department of Aging and Adult Services

Requesting/Inquiring: To report on any existing or proposed plans for the development of a recycled cell phone program which would provide surplus cell phones to seniors to dial 911 in case of emergencies.

From: Supervisor Newsom

To: Director, Department of Building Inspection

Requesting/Inquiring: To report on the status of the Sprinkler Ordinance, including but not limited to:

- 1. What is the total number of buildings triggered by this ordinance?*
- 2. What is the total number of buildings that have come into compliance with this ordinance?*

3. What is the total number of buildings that have filed building permits for work to be completed in order to comply with this ordinance?
4. What is the total number of buildings that have been inspected by both the Department of Building Inspection and the Fire Department?
5. What notification has been sent to these building owners regarding this ordinance and its compliance date?
6. What, if any, additional measures are being taken to inform building owners of the need to come into compliance with this ordinance by December 31, 2002?
7. What percentage of these buildings do you anticipate will not be in full compliance by December 31, 2002?

From: Supervisor Newsom

To: Director, Department of Public Health

To: Director, Department of the Environment

Requesting/Inquiring: To investigate and report on environmental and safety concerns at 850 Bryant Street, including but not limited to:

1. What measures are being made for the safe and timely removal of asbestos from the building?
2. How are the rates of cancer, infertility, and eye infections in the Adult Probation Unit being tracked?
3. What is the status of the plumbing system in the building? What measures, if any, are being taken to mitigate any plumbing problems in the building?
4. What is the status of recent OSHA reports made regarding environmental hazards in the building?
5. What is the safety plan for the building?

From: Supervisor Peskin

To: Controller

Requesting/Inquiring: To report on the practice of city employees accruing excessive amounts of comp time during their City employment; including, what limits to accrual of comp time exist among City classifications and the fiscal impact of comp time accrual on the City's budget. The Controller is invited to recommend approaches to place reasonable limits on the accrual and use of comp time by City employees.

From: Supervisor Peskin

To: General Manager, Recreation and Park Department

To: Director, Department of Public Works

To: City Attorney

Requesting/Inquiring: Inquiring about the closure of year old Portsmouth Square Recreation Center on October 30, 2002 due to the discovery of mold. This closure has affected the well being of many users of all ages, including the elderly who enjoy going there daily to socialize, participate in community meetings and attend health and safety workshops.

Supervisor Peskin requests a status report on the closure of the facility, the ongoing investigation associated with it, estimates regarding reopening of the center and who will bear the costs associated therewith.

In Memoriams

Mal Waldron (Supervisor Gonzalez)

Jewel Green (Supervisor Maxwell)

Phillip Berrigan (Supervisor McGoldrick)

Ivan Illich (Supervisor McGoldrick)

Ellen Straus (Supervisor Peskin)

ADJOURNMENT

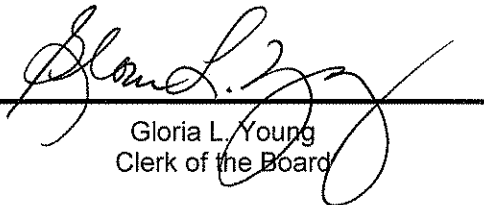
There being no further business, the Board at the hour of 6:34 p.m. adjourned.

Gloria L. Young, Clerk

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

Approved by the Board of Supervisors on January 13, 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