

# 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, August 26, 2003 2:00 PM**  
**Legislative Chamber - Second Floor**  
**City Hall, 1 Dr. Carlton B. Goodlett Place**  
**San Francisco, CA 94102-4689**

### Regular Meeting

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**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](http://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, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
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, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:02 p.m. On the call of the roll, the following Supervisors were noted absent.*

*Supervisors Daly, Dufty, McGoldrick - 3  
Quorum present.*

*Supervisor McGoldrick was noted present at 2:05 p.m.  
Supervisors Daly and Dufty were excused from attending today's meeting. (See Infra)*

## APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Peskin, moved to approve July 22, 2003 and July 29, 2003 Meeting Minutes. The motion carried by the following vote:

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

### Supervisors Excused from Attendance

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

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

### Privilege of the Floor

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

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

*Supervisor Ma introduced, welcomed and presented a Certificate of Honor to Dr. Ma, Mayor of Taipei who recognized other representatives of the City of Taipei government.*

## CONSENT AGENDA

**Recommendations of the City Services Committee****031258 [Gift Acceptance, Laguna Honda Hospital - Passenger Van]  
Supervisors Hall, Dufty**

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift donated to Laguna Honda Hospital in the amount of \$37,857 from the Laguna Honda Hospital Volunteer Services, Inc. for the exclusive benefit of Laguna Honda residents. (Public Health Department)

(No Public Benefit Recipient.)

**Resolution No. 572-03**

**ADOPTED**

**031259 [Gift Acceptance, Laguna Honda Hospital - Electric Vehicles]  
Supervisors Hall, Dufty**

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift of equipment-two electric vehicles in the amount of \$14,310 from the McKesson Corporation for the general benefit of all residents at Laguna Honda Hospital. (Public Health Department)

(No Public Benefit Recipient.)

**Resolution No. 573-03**

**ADOPTED**

**Recommendations of the Finance and Audits Committee****031315 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1]  
Mayor, Supervisor Dufty**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1, to be effective July 1, 2003 through June 30, 2005.

**Ordinance No. 224-03**

**FINALLY PASSED by the following vote:**

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

Excused: 2 - Daly, Dufty

**031316 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2]  
Mayor, Supervisor Dufty**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2, to be effective July 1, 2003 through June 30, 2005.

**Ordinance No. 225-03**

**FINALLY PASSED**

**031271 [Grant of Easements in Santa Clara County]**

Resolution authorizing the grant of easements to the Santa Clara Valley Transportation Authority over property in the County of Santa Clara under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution; and ratifying acts and authorizing actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

**Resolution No. 574-03**

**ADOPTED**

**Recommendations of the Land Use Committee**

**030941 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]**

Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,111.)

**Ordinance No. 220-03**

**FINALLY PASSED**

**030948 [Ordering vacation of portion of Berry Street at Sixth Street and approving a Property Exchange Agreement in Mission Bay North]**

Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,110; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,110.)

**Ordinance No. 221-03**

**FINALLY PASSED**

**031213 [Amending Residential Rent Stabilization and Arbitration Ordinance]**

Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another. (Rent Stabilization and Arbitration Board)

**Ordinance No.** 222-03

**FINALLY PASSED**

**Recommendations of the Rules Committee****031254 [Settlement of Lawsuit - Evelyn Mata]**

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for \$50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al. (City Attorney)

(Public Benefit Recipient.)

**Ordinance No.** 223-03

**FINALLY PASSED**

**031338 [Settlement of Lawsuit - Bellaire Tower Homeowners Association]**

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for \$83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

**Ordinance No.** 226-03

**FINALLY PASSED**

**030483 [Recognition of marriages, domestic partnerships and civil unions]**

**Supervisors Daly, Dufty, Ammiano, Gonzalez, Peskin, McGoldrick, Newsom**

Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.

**Ordinance No.** 219-03

**FINALLY PASSED**

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

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

**Severed From Consent Agenda**

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

**031244 [Glen Park Branch Library]  
Supervisor Dufty**

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

*Continued to September 16, 2003*

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

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

**REGULAR AGENDA****NEW BUSINESS****Recommendations of the City Services Committee****031227 [Liquor License, 863 Bush Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Joie de Vivre Hospitality, Inc. for Petite Auberge located at 863 Bush Street (District 3), 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.

**Resolution No.** 569-03

**ADOPTED by the following vote:**

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

**031256 [State Grant - Safe Routes to School Funds]  
Supervisors Dufty, Newsom, McGoldrick**

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend \$444,060.00 in California State "Safe Routes to Schools" funds, with required local match of \$48,940.00 (Parking and Traffic Department)

(No Public Benefit Recipient.)

**Resolution No.** 570-03

**ADOPTED by the following vote:**

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

Excused: 2 - Daly, Dufty

**031257 [State Grant - Safe Routes to School Funds]  
Supervisors Dufty, Newsom, McGoldrick**

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend \$428,400.00 in California State "Safe Routes to Schools" funds, with required local match of \$47,600.00. (Parking and Traffic Department)

(No Public Benefit Recipient.)

**Resolution No.** 571-03

**ADOPTED by the following vote:**

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

Excused: 2 - Daly, Dufty

**031322 [Amendment(s) to Design Agreement for the Laguna Honda Hospital Replacement Program]  
Supervisor Hall**

Resolution authorizing the Director of Public Works to execute amendment(s) to a design agreement for the Laguna Honda Hospital replacement program from \$29,900,000 to \$31,533,540.

(Fiscal impact.)

**Resolution No.** 579-03

**ADOPTED by the following vote:**

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

Excused: 2 - Daly, Dufty

**Recommendations of the Finance and Audits Committee**

**031274 [Conservatory of Flowers - Fees]  
Supervisor McGoldrick**

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.34 to establish the admission fees for the Conservatory of Flowers.

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

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

Excused: 2 - Daly, Dufty

**031399 [Stow Lake and Spreckels Lake restoration, sole source contract]  
Mayor, Supervisor Hall**

Ordinance authorizing the Recreation and Park Department to negotiate and enter into a sole-source contract with Aquatic Environments, Inc., Alamo, California, to dredge Stow Lake and Spreckels Lake, install aeration and circulation equipment and repair the Lake edge.

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

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

**031285 [Grant of Easements in San Mateo County]**

Resolution authorizing (retroactive to April 1, 2003 for Parcel 3) a grant of easements to the State of California over property in the County of San Mateo under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this resolution; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

**Resolution No. 575-03**

**ADOPTED by the following vote:**

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

**031332 [Real Property License Agreement]**

Resolution authorizing, retroactive to April 1, 2003, a City-wide 800 MHz Radio System license agreement at the VA Medical Center, 4150 Clement Street, San Francisco for the Emergency Communications Department. (Real Estate Department)

(Public Benefit Recipient.)

**Resolution No. 580-03**

**ADOPTED by the following vote:**

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

**031334 [Lease of Real Property]**

Resolution authorizing a lease renewal of 1,496 sq. ft. for an Optometrist Office at 34 Van Ness Avenue, a City owned building commonly known as 30 Van Ness. (Real Estate Department)

(Public Benefit Recipient.)

**Resolution No. 581-03**

**ADOPTED by the following vote:**

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



**031339 [Lease of Real Property]**

Resolution authorizing the renewal of a lease of real property at 755 and 759 South Van Ness Avenue for continued use by the Department of Public Health, Community Behavioral Health Services. (Real Estate Department)

(Public Benefit Recipient.)

**Resolution No.** 582-03

**ADOPTED by the following vote:**

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

**Recommendations of the Land Use Committee****031198 [CEQA Findings in Connection with the California Academy of Sciences Project]**

**Mayor**

Resolution affirming the Planning Commission's certification of the California Academy of Sciences Final Environmental Impact and adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the California Academy of Sciences project. (Mayor)

**Resolution No.** 565-03

**ADOPTED by the following vote:**

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

**031197 [California Academy of Sciences Project Approval]**

**Mayor**

Resolution approving the construction of the California Academy of Sciences project in Golden Gate Park pursuant to section 4.113 of the San Francisco Charter; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the project is consistent with the city's general plan, the Golden Gate Park master plan, and eight priority policies of city Planning Code section 101.1. (Mayor)

**Resolution No.** 564-03

**ADOPTED by the following vote:**

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

*Recess*

*The Board, at the hour of 3:09 p.m. took a brief recess.*

*Reconvening of the Board*

*The Board, at the hour of 3:54 p.m. reconvened.*

*Calling the Roll*

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

*Supervisors Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, - 8*

*Quorum present:*

*Supervisor Sandoval was noted present at 3:56 p.m.*

*Supervisors Daly and Dufty previously excused from attending today's meeting.*

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

*Supervisor Peskin introduced, welcomed and presented Certificates of Honor to members of the San Francisco Police Department, Robbery Detail and Ms. Sylvia Collins, SF Hot Tubs.*

**SPECIAL ORDER 4:00 P.M.****031295 [Public Hearing]**

Hearing of persons interested in or objecting to report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Clerk of the Board)

*Scott Nakamura, Department of Public Health, reviewed the Department's report with the Board.*

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

*There being no response, the President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

**031296 [Unpaid DPH Delinquent Refuse Service Payment Liens to become special assessments to the property taxes]**

Resolution confirming report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon. (Public Health Department)

**Resolution No. 576-03**

**ADOPTED by the following vote:**

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

**Excused: 2 - Daly, Dufty**

**SPECIAL ORDER 4:00 P.M.****031297 [Public Hearing]**

Hearing of persons interested in or objecting to report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Clerk of the Board)

*Helen Zevrina, Department of Public Health, reviewed the Department's report with the Board.*

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

*There being no response, the President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

**031298 [Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]**

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon. (Public Health Department)

**Resolution No. 577-03**

**ADOPTED by the following vote:**

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

Excused: 2 - Daly, Dufty

**SPECIAL ORDER 4:00 P.M.****031299 [Public Hearing]**

Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above. (Clerk of the Board)

*Bob Noelke, Department of Building of Inspection, reviewed the Department's report with the Board.*

*Supervisor McGoldrick requesting information regarding lien 505-26th Avenue. Leo McFadden BBI informed Mr. Wong that BBI will delete lien from the list.*

*Speakers:*

*Mr. Wong, owner of 505 - 26th Avenue*

*Warren Span, request to defer liens on property 257- 259 Oak Street*

*Stephen Lippel, Attorney for owners of 2126 - 2128 Mission Street*

*Chief Housing Inspector, BBI reviewed with the Board issues relating to 2126 -2128 Mission Street code enforcement liens.*

*Renard Ford, 2473 Byrant Street*

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

*There being no response, the President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

**031300 [Special Assessment Liens for Assessment of Costs]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above. (Building Inspection Department)

**Resolution No.** 578-03

**ADOPTED by the following vote:**

Ayes: 8 - Ammiano, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Noes: 1 - Gonzalez

Excused: 2 - Daly, Dufty

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

*Motion carried by the following vote:*

*Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom*

*Excused: 2 - Daly, Dufty*

*Supervisor Peskin, seconded by Supervisor Ammiano, moved to amend the report by deleting property located at 2473 Byrant Street from the code enforcement lien report.*

**Resolution No.** 578-03

**ADOPTED AS AMENDED by the following vote:**

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

Excused: 2 - Daly, Dufty

**SPECIAL ORDER 4:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****031458 [Proposed amendment Rule 2.28.1 of the Rules of Order]**

**Supervisor Gonzalez**

Hearing to a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

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

*There being no response, the President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

**Committee of the Whole Rise and Report**

- 031456 [Amending the Rules of the Board to require proposed charter amendments to be introduced at a Board meeting held not less than 168 days prior to an election, rather than 169 days]  
Supervisor Gonzalez

Motion amending Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

Motion No. M03-150

APPROVED by the following vote:

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

## SPECIAL ORDER 4:30 P.M.

- 031364 [Public Hearing - Appeal, 600 Portola Drive Tentative Subdivision Map]  
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 4, 2003, approving tentative/parcel map to legalize the construction of an 18 unit new condominium mixed-use project at 600 Portola Drive, San Francisco.

(Appeal Filed August 7, 2003 by Mr. Man Poon; companion measure to Files 031364, 031365, 031366, 031367; District 7.)

*Speakers:*

*Man Poon, Appellant*

*Mr. Olsen, Tenant/Member of 600 Portola Drive project*

*John Kwong, Department of Public Works, reviewed with the Board the Department of Public Work's recommendation.*

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

*The President reopened the Public Hearing.*

*Continued to September 16, 2003.*

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

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

*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.*

## From the Clerk

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

*Supervisor Ammiano noted absent at 5:10 p.m.*

*Supervisor Newsom noted absent at 5:27 p.m.*

**031365 [600 Portola Drive Tentative Subdivision Map]**

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

*Continued to September 16, 2003*

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

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 2 - Daly, Dufty

**031366 [600 Portola Drive Tentative Subdivision Map]**

Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

*Continued to September 16, 2003*

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

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 2 - Daly, Dufty

**031367 [Findings - 600 Portola Drive]**

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

*Continued to September 16, 2003*

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

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Ammiano, Newsom

Excused: 2 - Daly, Dufty

**COMMITTEE REPORTS****From the Rules Committee**

**031349 [Appointment]**

Resolution appointing Howard Ash and William Wilkinson for indefinite terms to the Public Utilities Commission Rate Fairness Board.

Howard Ash, new position, seat 1, must be a residential city retail customer, for an indefinite term.  
William Wilkinson, new position, seat 2, must be a small business city retail customer, for an indefinite term.

**Resolution No.** 583-03

**ADOPTED by the following vote:**

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

**031357 [Confirming the appointment of Wilbert Din to the Municipal Transportation Agency Board of Directors]  
Mayor**

Resolution confirming the appointment of Wilbert Din to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007.

**Resolution No.** 566-03

**ADOPTED by the following vote:**

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

**From the City Services Committee****031402 [Extension of the First Source Hiring Program]**

**Supervisors Maxwell, Dufty, Newsom, Ammiano, McGoldrick, Sandoval**

Ordinance amending the San Francisco Administrative Code by amending Section 83.18 to extend the expiration date of the provisions of the First Source Hiring Program by one year.

*Supervisor Ammiano and McGoldrick requested to be added as co-sponsors.*

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

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

**020061 [Banner Regulations]  
Supervisors Newsom, Dufty, Ma**

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2004-2005, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit and finding that the Ordinance is exempt/excluded from environmental review.

*Continued to September 16, 2003*

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

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

**From the Land Use Committee**

**031194 [Recreation and Park Commission to procure construction and design/build services in connection with the California Academy of Sciences project]  
Mayor, Supervisor Ammiano**

Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences. (Mayor)

*Supervisor Ammiano requested to be added as a co-sponsor.*

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

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

**ROLL CALL FOR INTRODUCTIONS**

**PUBLIC COMMENT**

*Patricia Cowes; Cow Hollow; underground wiring  
Richard Boardman; support of transgender marriages  
Abdulla Megaheed; general issues  
Male speaker; homeless and alcohol issues  
Robert Pender, VP, Park Merced resident, Park Merced issues  
Betty White; on behalf of the Out of the Closet (Mission Street store), neighborhood issues  
Greg Stevens; support of the Independent Film Industry to San Francisco  
Judy Berkowitz; File No. 031470 Item 48 on Without Reference to Committee Agenda*



**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.*

**031459 [Committee of the Whole]  
Supervisor Gonzalez**

Motion scheduling a Committee of the Whole to consider a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election, to be held on August 26, 2003 at 4:00 p.m.

**Motion No.** M03-151  
**APPROVED**

**031433 [Honoring Nancy Hom and Proclaiming September 4, 2003 Nancy Hom Day in San Francisco]  
Supervisor Sandoval**

Resolution commending Nancy Hom for her significant contributions to the Asian Pacific American and Bay Area communities and proclaiming September 4, 2003 Nancy Hom Day in San Francisco.

**Resolution No.** 584-03  
**ADOPTED**

**031448 [High Utility Rates]  
Supervisor Daly**

Resolution urging the Controller to review published reports in the San Francisco Bay Guardian about the financial impact of high electric utility rates on our city's local economy.

**Resolution No.** 592-03  
**ADOPTED**

**031470 [Day Laborer Program]  
Supervisor Ammiano**

Resolution urging the Immigrant Rights Commission to explore and advise the Board of Supervisors on the management of the Day Laborer Program.

**Resolution No.** 593-03  
**ADOPTED**

**031471 [Commending members of the 2002 - 2003 Civil Grand Jury]  
Supervisors Dufty, Hall, Gonzalez, Ma, McGoldrick, Ammiano, Peskin, Newsom**

Resolution commending the members of the 2002 – 2003 Civil Grand Jury.

**Resolution No.** 585-03  
**ADOPTED**

**031473 [Urging Civil Service to develop staffing proposals for the Department of Elections]  
Supervisors Gonzalez, Dufty**

Resolution urging the Civil Service Commission and Department to consider and generate proposals for increasing the number of permanent positions in the Elections Department, creating permanent seasonal positions in the Department, and providing employee benefits that will encourage permanent and seasonal employees of the Department to continue their employment.

**Resolution No. 594-03**

**ADOPTED**

**031475 [Commending Stern Grove Festival Association]  
Supervisors Ma, Newsom, Hall**

Resolution commending the Stern Grove Festival Association for its work planning and organizing the Stern Grove Festival in San Francisco and congratulating the Association on a successful 66th concert season.

**Resolution No. 586-03**

**ADOPTED**

**031476 [Commending Old First Presbyterian Church and Doris Krauss]  
Supervisor Newsom**

Resolution commending the Old First Presbyterian Church on its 40th Year Anniversary, the rededication and renaming of its senior center to the "Doris Krauss Senior Center" and commending Doris Krauss for her 29-plus years of tireless dedication, commitment and overall contributions to the well-being of the senior population of San Francisco.

**Resolution No. 587-03**

**ADOPTED**

**031477 [Commending Pets Unlimited and PAWS]  
Supervisors Newsom, Dufty, Ma**

Resolution commending Pets Unlimited and the Pets Are Wonderful Support ("PAWS") for collaboration in hosting this year's Doggone Fun Run on September 14, 2003 at Lindley Meadow in Golden Gate Park.

**Resolution No. 588-03**

**ADOPTED**

**031478 [National Alcohol and Drug Addiction Recovery Month 2003]  
Supervisors Newsom, Dufty, Ma**

Resolution declaring September 2003 as "National Alcohol and Drug Addiction Recovery Month" in the City and County of San Francisco.

**Resolution No. 589-03**

**ADOPTED**

**031479 [Extension of Planning Commission Review Period]  
Supervisor Peskin**

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

**Resolution No.** 590-03

**ADOPTED**

**031480 [Commending California Coastal Conservancy]  
Supervisors Peskin, Newsom**

Resolution commending the California Coastal Conservancy for support of renovation, restoration, engineering, public access construction, and educational content development for exhibits in and around the South Windmill in Golden Gate Park, San Francisco.

**Resolution No.** 591-03

**ADOPTED**

**031379 [Final Map for a 64 Unit Residential Condominium Project]**

Motion approving Final Map of St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 235 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,007; District 9.)

**Motion No.** M03-146

**APPROVED**

**031380 [Final Map for a 64 Unit Residential Condominium Project]**

Motion approving Final Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 236 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,008; District 9.)

Motion No. M03-147

**APPROVED**

**031427 [Final Map for a 100 Unit Residential Condominium Project]**

Motion approving Final Map of Channel Park Condominium, 255 Berry Street, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8708, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,317; District 6.)

Motion No. M03-148

**APPROVED**

**031455 [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. M03-149

**APPROVED**

**031472 [Approving request Clerk of the Board to carry forward \$257,563 from the FY Budget]**

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-2003 Budget, unexpended annual budget appropriations in the amount of approximately \$257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement. (Clerk of the Board)

Motion No. M03-152

**APPROVED**

**031474 [Co-Sponsorship of the World Congress on the Future of Work in March 2004]**

**Supervisor Gonzalez**

Motion approving the co-sponsorship of the World Congress on the Future of Work in March 2004.

Motion No. M03-153

**APPROVED**

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

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

Excused: 2 - Daly, Dufty

**Severed From Without Reference to Committee Agenda**

*Supervisor Maxwell requested that this matter be severed so that it might be considered separately*

031421 [Authorizing consulting firm to examine confidential State Board of Equalization tax records]  
Supervisor Maxwell

Resolution authorizing Bay Area Economics to examine sales or transaction and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.

Resolution No. 567-03

**ADOPTED** by the following vote:

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

Excused: 2 - Daly, Duffy

**IMPERATIVE AGENDA**

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

*[Purely Commendatory Finding]*

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

**Supervisor Peskin, seconded by Supervisor Newsom, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:**

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

Excused: 2 - Daly, Duffy

*[Brown Act Finding]*

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

**Supervisor Peskin, seconded by Supervisor Newsom, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:**

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

Excused: 2 - Daly, Duffy

**031500 [Assembly Bill 1217]  
Supervisor Peskin**

Resolution commending California State Legislators for passage of Assembly Bill 1217 and urging the Governor's signature.

**Resolution No.** 568-03

**ADOPTED by the following vote:**

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

Excused: 2 - Daly, Dufty

## **OFF-AGENDA LEGISLATION**

### **Introduced by Supervisors or Mayor**

#### **Ordinances**

**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]  
Supervisor Gonzalez**

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.

8/25/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031501 [Findings as to the need to regulate formula retail uses in the Hayes-Gough NCD and in the NC Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets regarding formula retail uses]  
Supervisor Gonzalez**

Ordinance to amend the 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.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/25/2003.

**031502 [Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 14]  
Supervisor Peskin**

Ordinance amending section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 14 members by eliminating seats for the affordable housing developers, financial expert, parent, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to two.

8/26/03, RECEIVED AND ASSIGNED to Rules Committee.

**031503 [New administrative debarment procedure]  
Supervisor Peskin**

Ordinance adding a new Chapter 28 to the San Francisco Administrative Code to establish a City-wide administrative debarment procedure; amending Chapter 6 of the Administrative Code to reflect the adoption of the new Chapter 28.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/25/2003.

**031505 [Recreation and Park - Yacht Harbor Fees]  
Supervisor Newsom**

Ordinance making environmental findings and amending the San Francisco Park Code by repealing Section 12.11 and adopting a new Section 12.11 to increase current fees and add additional rental and services fees at the San Francisco Small Craft Yacht Harbor.

8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031506 [Appropriate funding for the sale of school bond proceeds for capital improvement projects on various school facilities]  
Mayor**

Ordinance appropriating \$29,480,000 of school bond proceeds for capital improvement projects on various school facilities, cost of issuance, and other related costs for the San Francisco Unified School District for fiscal year 2003-04.

(Fiscal impact.)

8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## **Resolutions**

**031498 [Authorizing issuance/sale of bond refunding the City and County of San Francisco Settlement Obligation Bonds, Series 2001 (Business Tax Judgment)]  
Mayor**

Resolution authorizing and directing the sale of not to exceed \$50,500,000 City and County of San Francisco Refunding Settlement Obligation Bonds, Series 2003-R1; prescribing the form and terms of said bonds, authorizing the execution, authentication and registration of said bonds; providing for an annual appropriation to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the form of the Official Notice of Sale and the Notice of the Intention to Sell Bonds; approving the form and execution of the Official Statement relating thereto; approving the form of the Continuing Disclosure Certificate; approving the form of the Refunding Instructions; approving modifications to the documents approved herein; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.



**031499 [Municipal Transportation Agency Leverage Lease Financing]  
Mayor**

Resolution authorizing one or more lease-to-service contract transactions with respect to up to 21 Breda light rail cars; approving the form of and authorizing the execution and delivery of a Participation Agreement setting forth the terms and conditions of the lease-to-service contract transaction relating to the rail cars; approving the form of and authorizing the execution and delivery of a Head Lease Agreement providing the terms and conditions pursuant to which the rail cars will be leased to a trust; approving the form of and authorizing the execution and delivery of a Head Lease Supplement supplementing the terms and conditions pursuant to which specific rail cars will be leased to the trust; approving the form of and authorizing the execution and delivery of a Sublease Agreement providing the terms and conditions pursuant to which the trust will lease the rail cars back to the City to be operated and maintained by the City; approving the form of and authorizing the execution and delivery of a Sublease Supplement supplementing the terms and conditions pursuant to which the City will lease back the rail cars from the trust; approving the form of and authorizing the execution and delivery of a Payment Agreement providing the terms and conditions pursuant to which the City will provide for the payment of a portion of the sublease rent; approving the form of and authorizing the execution and delivery of an Equity Collateral Security Agreement and a Custody Agreement providing the terms and conditions pursuant to which the City will provide for a custody account to hold, and a security interest in, certain securities for the payment of a portion of the sublease rent and the purchase option purchase price if the purchase option is or is deemed exercised; approving the form of and authorizing the execution and delivery of a Support and Access Agreement providing the terms and conditions pursuant to which the City will provide the trust support and access to certain property if the City chooses not to exercise the purchase option; approving the form of and authorizing the execution and delivery of an Agreement for Assignment on Default which will provide the lender to the trust with an option to purchase, and take an assignment of the equity investor's beneficial interest in the trust estate upon the occurrence of certain events ; approving the form of and authorizing the execution and delivery of a Tax Indemnification Agreement providing the terms and conditions under which the City will indemnify under certain circumstances the equity investor for income inclusions or losses of tax benefits; approving the form of and authorizing the execution and delivery of an Insurance and Indemnity Agreement providing the terms and conditions under which the City will indemnify the strip surety provider; approving indemnification of various parties; acknowledging the waiver of the City's right to jury trial under certain circumstances; acknowledging proposed waiver requests pursuant to Sections 12B.5-1(d) and 12C.5-1(d) of the San Francisco Administrative Code; finding that the lease-to-service contract transaction is designed to reduce the amount or duration of payment or similar risk to the City or enhance the relationship between risk and return with respect to investments made pursuant to or in connection with such transaction; approving and authorizing the execution and delivery of any document necessary to implement this Resolution; authorizing the execution and delivery of documents in conforming sets for the equity investor; ratifying and approving any action heretofore taken in connection with the transaction contemplated by this Resolution; and related matters.

Supervisor Sandoval dissenting.

8/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031500 [Assembly Bill 1217]  
Supervisor Peskin**

Resolution commending California State Legislators for passage of Assembly Bill 1217 and urging the Governor's signature.

8/26/03, ADOPTED.

**031504 [Accept - Expend Federal Grant]  
Supervisor Peskin**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$3,475,000 from the United States Transportation Security Administration for the purpose of enhancing facility and operational security at the Port's cruise, ferry and cargo terminals.

(No Public Benefit Recipient.)

8/26/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031507 [Accept-Expend Grant]  
Mayor, Supervisor Dufty**

Resolution authorizing the Director of Emergency Services to accept and expend a grant in the amount of \$771,317 from the California Governor's Office of Emergency Services for emergency equipment, exercises, and planning.

8/26/03, RECEIVED AND ASSIGNED to City Services Committee.

**031512 [Extension of SRO Hotel Safety and Stabilization Task Force]  
Supervisors Ammiano, Gonzalez**

Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through December 31, 2004.

8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031513 [Ciaran Ferry]  
Supervisor Daly**

Resolution urging the Bureau of Customs and Immigration to grant asylum to Ciaran Ferry.

8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031514 [Authorizing transfer of funds and management oversight from DPW to MOCD]  
Supervisor Gonzalez**

Resolution authorizing transfer of funds and management oversight from the Department of Public Works to the Mayor's Office of Community Development.

8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Request for Hearing**

**031510 [Continuum of Lesbian Health]  
Supervisors Dufty, Ma**

Hearing to consider the wide range of unique health issues affecting the lesbian community across all demographics; to receive information and research findings from the Lesbian Health Research Center of UCSF.

8/26/03, RECEIVED AND ASSIGNED to City Services Committee.

**Motion**

- 031496 [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.  
8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031508 [Amending the Rules of the Board to provide the Office of Legislative Analyst to primarily support the Board of Supervisors' Standing Committees and regional advisory bodies]**  
Supervisor Daly
- Motion amending Rule No. 3.12 to the Rules of Order of the Board of Supervisors to provide a process that will allow the Office of Legislative Analyst to primarily support the Board of Supervisors' Standing Committees and regional advisory bodies.  
8/26/03, RECEIVED AND ASSIGNED to Rules Committee.
- 031509 [Legislative Analyst Request - Status of 8 remaining single-screen movie theaters in San Francisco]**  
Supervisors Peskin, Newsom, Gonzalez
- Motion requesting the Office of Legislative Analyst to report on the status of 8 remaining single-screen movie theaters in San Francisco and the feasibility of the proposal by Save the Theaters to renovate, rehabilitate and utilize these theaters to create an environment that will help to develop and ultimately expand a purely independent film industry in the City of San Francisco.  
8/26/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration September 16, 2003.

**PROPOSED ORDINANCES**

- 031383 [Setting San Francisco's fiscal year 2003-2004 property tax rate and establishing pass-through rate for residential tenants]**
- Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2004. (Controller)  
8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.
- 031388 [Setting San Francisco's Unified School District's FY 2003-2004 property tax rate to be included in the City's overall property tax rate]**
- Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2004. (Controller)  
8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

- 031393 [Setting S.F. Community College District's fiscal year 2003-2004 property tax rate to be included in the City's overall property tax rate]**  
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2004. (Controller)  
8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.
- 031425 [Appropriate funding for the Art Commission for municipal symphony concerts using property tax revenue]**  
Ordinance appropriating \$23,273 for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2003-04. (Controller)  
8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.
- 031432 [Settlement of Lawsuit - Arcadia Machine & Tool Inc. et al.]**  
Ordinance authorizing the partial settlement of the lawsuit filed by the San Francisco City Attorney against certain manufactures, distributors and dealers of firearms, and their trade associations; the settling defendants are Traders Sports, Inc., Southern Ohio Gun Distributors, Ellett Brothers Inc., and MKS Supply Inc.; these settling defendants agree to the entry of stipulated judgments that will reform their firearm distribution practices, and to pay \$70,000; the lawsuit was filed on May 25, 1999 in San Francisco Superior Court, Case No. 303-753, and later coordinated with similar actions in the San Diego Superior Court as part of J.C.C.P. 4095; entitled People of the State of California ex rel Herrera et al. v. Arcadia Machine & Tool Inc. et al. (City Attorney)  
  
(No Public Benefit Recipient.)  
8/15/03, RECEIVED AND ASSIGNED to Rules Committee.
- 031439 [Speed Limit - Potrero Avenue between Brannan and Cesar Chavez Streets]**  
Ordinance adding Section 174.13 and removing Section 175.07 of the San Francisco Traffic Code to reduce the speed limit from 30-mph to 25-mph on Potrero Avenue between Brannan and Cesar Chavez Streets. (Parking and Traffic Department)  
  
(No Public Benefit Recipient.)  
8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

## PROPOSED RESOLUTIONS

- 031389 [Amending the Redevelopment Agency Budget for Tax Increments in Mission Bay North and South]**  
Resolution amending the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004 to allow the Controller to increase the tax increments distributed to the Redevelopment Agency in accordance with the Tax Increment Allocation Pledge Agreements for Mission Bay North and Mission Bay South. (Controller)  
  
(Fiscal impact.)  
8/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031390 [Lease of Real Property]  
Supervisor Daly**

Resolution authorizing renewal of a lease of real property at 1372 Mission Street, for continued use by the Department of Public Health's Saint James Infirmary and STD Program Research Offices (Real Estate Department)

(Public Benefit Recipient.)

8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031394 [Lease of Real Property]  
Supervisor Maxwell**

Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 400, for continued use by the Department of Public Health, Employee Assistance Program. (Real Estate Department)

(Public Benefit Recipient.)

8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031403 [Lease of Real Property]  
Supervisors Ammiano, Dufty**

Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 401, for continued use by the Department of Public Health, STD Program Administrative Headquarters. (Real Estate Department)

(Public Benefit Recipient.)

8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031426 [FY 2003-04 California Constitution Appropriations Limit]**

Resolution establishing the appropriations limit for Fiscal Year 2003-04 pursuant to California Constitution Article XIII B. (Controller)

(Fiscal impact; No Public Benefit Recipient.)

8/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031428 [Federal Grant Amendments for Airport Improvement Program]**

Resolution authorizing the Airport Commission to accept amendment to grant agreements offered by the Federal Aviation Administration ("FAA") for AIP 16, AIP 17, and AIP 19; and to release grant fund from reserve, in the amount of \$1,199,790 under AIP 17. (Airport Commission)

(Public Benefit Recipient.)

8/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031434 [Approval of Public Trust Exchange]**

Resolution approving an Exchange Agreement with the State Lands Commission that would remove the public trust and Burton Act trust from approximately 22,600 square feet of unimproved real property located on Seawall Lot 330 at the corner of Bryant and Beale Streets, and would place the public trust and Burton Act trust on an approximately 10.34 acre site located between Maryland Street, Cesar Chavez Street, and 24th Street, on the eastern portion of the Western Pacific parcel. (Port)

(No Public Benefit Recipient.)

8/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031435 [Contracting Out City Services]**

Resolution retroactively concurring with the Controller's certification that assistance to certain victims of crime and education in community anti-street violence can be practically performed for the District Attorney's Victim Witness Assistance Program by a private contract at a lower cost than similar work services performed by City and County employees. (District Attorney)

(Public Benefit Recipient.)

8/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031436 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

26th and Diamond Streets, stopping Diamond Street, making this intersection an all-way STOP;

Montecito Avenue and Northwood Drive, stopping Northwood Drive, making this uncontrolled intersection a two-way STOP; and

15th Avenue and Noriega Street, south intersection, stopping southbound 15th Avenue at Noriega Street, making this uncontrolled Y-intersection a one-way STOP. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031437 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

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

9th Avenue, east side, from Lake Street to the north terminus (legislates existing street conditions);  
Diamond Street, west side, from 22nd to 23rd Streets (legislates existing street conditions);  
Wisconsin Street, both sides, from 19th to 20th Streets (legislates existing street conditions);  
Wisconsin Street, west side, from 20th to 22nd Streets (legislates existing street conditions);  
Duboce Avenue, north side, from Castro to Divisadero Streets (legislates existing street conditions);  
Arkansas Street, west side, from 16th to Mariposa Streets (legislates existing street conditions);  
Arkansas Street, east side, from Mariposa to 18th Streets (legislates existing street conditions);  
Arkansas Street, both sides, from 18th to 19th Streets (legislates existing street conditions);  
Arkansas Street, west side, from 19th to 20th Streets (legislates existing street conditions);  
Rhode Island Street, east side, from 20th Street to Mariposa Street (legislates existing street conditions); and  
Rhode Island Street, west side, from 19th Street to Mariposa Street (legislates existing street conditions).

**TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND**

Castro Street, east side, from 100 to 230 feet south of Duboce Avenue.

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

Melrose Avenue, along east terminus, east of Foerster Street (adjacent to Sunnyside Playground).

**1-HOUR PARKING METERS, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH**

California Street, north side, from Locust Street to 231 feet easterly (commercial frontage only, up to 3440 California Street)

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

Farrugut Avenue, north side, from Alemany Boulevard to the western terminus.

**RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

18th Street, both sides, between Clover and Douglass Streets (4500 block).

**NO PARKING ANYTIME - RESCIND****TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Langton Street, east side, between Folsom and Harrison Streets.

**1-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND****RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH**

Julian Avenue, both sides, between 15th and 16th Streets.

**RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH**

Rondel Place, both sides, between 16th Street and south terminus. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031438 [Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

**NO U-TURNS - ESTABLISH**

Treasure Island Road, both directions, at McCalla Road.

**LEFT LANE MUST TURN LEFT - ESTABLISH**

Grant Avenue, northbound, at Pine Street.

**NO LEFT TURN, 4 PM TO 6 PM, EXCEPT SUNDAY - RESCIND**

Montgomery Street, northbound, at Broadway. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031446 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,311]**

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. 174,311; Locations: 800 Shrader Street; 1062 Goettingen Street; 449 Frederick Street.)

8/18/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003, at 4:00 p.m.

**031447 [Accept-Expend State Grant]  
Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the California Integrated Waste Management Board for a project that will incorporate recycled tire rubber surfaces in the Golden Gate Concourse Underground Parking Facility. (Environment)

(Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to City Services Committee.

**Requests Granted**

*From: Supervisor Daly*

*To: City Attorney*

*To draft an ordinance allowing business and property tax payers to check off a box on their tax payment forms to contribute to the Public Education Special Fund.*

**In Memoriams**

*Bobby Bonds (Entire Board)*

*Megan Elizabeth Noble (Supervisor Newsom)*

*Lovie L. Ward (Supervisors Sandoval, Ammiano)*



## ADJOURNMENT

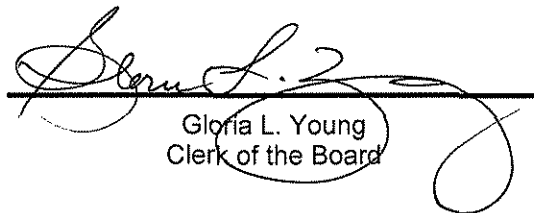
*There being no further business, the Board at the hour of 5:35 p.m. adjourned.*

*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 September 30, 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