

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, December 9, 2003 2:00 PM
Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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

Gloria L. Young, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

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

City Services Committee

Supervisors Dufty, Ma, 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, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

*Supervisors Daly, Newsom and Sandoval
Supervisor Sandoval was noted present at 2:07 p.m.
Supervisor Daly was noted present at 2:11 p.m.*

Supervisor Newsom was excused from attending the meeting due to Jury Duty.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Sandoval, moved to approve November 4, 2003 Meeting Minutes. The motion carried by the following vote:

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

Supervisor Newsom Excused from Attending Today's Meeting

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to excuse Supervisor Newsom from attending today's meeting. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the City Services Committee

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

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

**Ordinance No. 281-03
FINALLY PASSED**

**031774 [Accept-Expend State Grant]
Supervisor Dufty**

Resolution authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$127,241 from the California Office of Criminal Justice Planning for the operation of the Major Narcotic Vendors Prosecution Program. (District Attorney)

(No Public Benefit Recipient.)

**Resolution No. 780-03
ADOPTED**

**031810 [Pedestrian Injury Surveillance]
Supervisors Dufty, Hall**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a grant in the amount of \$99,350 from the Centers for Disease Control and Prevention (CDC) to analyze pedestrian injury patterns and evaluate the effectiveness of countermeasures and to enter into an agreement for the use of these funds; for the period of September 1, 2003, to August 31, 2004. (Public Health Department)

(No Public Benefit Recipient.)

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

**Resolution No. 781-03
ADOPTED**

**031829 [Membership in the Bay Area Regional Immunization Registry]
Supervisors Dufty, Ma**

Resolution authorizing the San Francisco Board of Supervisors to enter into an agreement between the City and County of San Francisco and the County of Santa Clara for membership in the Bay Area Regional Immunization Registry. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 784-03

ADOPTED

031733 [Liquor License Transfer, 350 California Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 421 Haight Street to 350 California Street (District 3), to Mitra Ghiasi dba San Francisco News & Gifts, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with condition.

Resolution No. 778-03

ADOPTED

Recommendations of the Finance and Audits Committee

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

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

Ordinance No. 276-03

FINALLY PASSED

031643 [License Agreement with Broadcast Music Incorporated]

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

(No Public Benefit Recipient.)

Ordinance No. 278-03

FINALLY PASSED

**031243 [Contingency Fee Agreement]
Supervisor Peskin**

Resolution approving and authorizing a contingency fee agreement between the City and a law firm selected by the City Attorney, in connection with the litigation initiated by the City Attorney against Scott Company of California and related entities over construction projects at the San Francisco International Airport.

(Fiscal impact.)

Resolution No. 774-03

ADOPTED

**031710 [Airport Concession Leases]
Supervisors McGoldrick, Sandoval**

Resolution approving the twenty-eight (28) leases for the Airport's Domestic Terminal Food and Beverage Redevelopment Program - between Lori's Diner International, Inc.; Andale SFO; Sanraku, Inc.; Meyers Holdings, LLC, Firewood Café, Series I-II; Fung Lum Express, LLC; Bayport Concessions, LLC; Bay Area Restaurant Group Joint Venture; GDDC, Inc.; Tomokazu Japanese Cuisine (SFO), Inc.; (Jonathan Leong) L & H, LLC; H. Young Enterprises, Inc.; WSE Group; San Francisco Soup Co., Inc.; Guava & Java (SFO), Inc.; J. Avery Enterprises; Gotham Enterprises, LLC, SFO Coffee IV-VI Series; H. Young Enterprises; Susie Lee Tong Enterprises, Inc.; Lady Luck Gourmet, LLC; Creative Host Services, Inc.; D-Lew Enterprises, LLC; Burger Joint, Inc.; Creative Host Services, Inc.; Emporio Rulli, Inc.; Bay Area Restaurant Group Joint Venture; D-Lew Enterprises, LLC; Bay Area Restaurant Group Joint Venture; Andre-Boudin Bakeries, Inc., each as a tenant, and the City and County of San Francisco, acting by and through its Airport Commission, as landlord.

(Fiscal impact.)

Resolution No. 775-03

ADOPTED

**031816 [Port Lease for the Boudin Restaurant and Bakery at Fisherman's Wharf]
Supervisors Peskin, Daly**

Resolution approving the Lease between the San Francisco Port Commission and Boudin Properties, Inc., a California corporation, for the Boudin Restaurant and Bakery located at 160 Jefferson Street at Fisherman's Wharf, for a total maximum term of forty-two years.

(Public Benefit Recipient.)

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

Resolution No. 783-03

ADOPTED

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

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

(Public Benefit Recipient.)

Resolution No. 786-03

ADOPTED

031851 [Transfer State funds to CMHDA for contract services to improve access to mental health treatment for children in foster care and other children placed outside of San Francisco]

Resolution endorsing the transfer of State general funds from the State to the California Mental Health Directors Association for a contract to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2003 through June 30, 2004. (Public Health Department)

(Public Benefit Recipient.)

Resolution No. 788-03

ADOPTED

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

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

(Fiscal impact; Public Benefit Recipient.)

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

Resolution No. 791-03

ADOPTED

Recommendations of the Land Use Committee

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

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

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

Ordinance No. 277-03

FINALLY PASSED

031769 [Grant of Regional Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$4,663,431 of Assembly Bill 664 funds for Municipal Railway Transit Projects, excluding administrative overhead costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

Resolution No. 779-03

ADOPTED

031830 [Grant of Federal Funds]

Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend \$326,512 of federal Section 5309 capital assistance toward the purchase of LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

Resolution No. 785-03

ADOPTED by the following vote:

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

Excused: 1 - Newsom

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

Supervisor Hall

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

Ordinance No. 279-03

FINALLY PASSED

031709 [Dissolving the Advisory Committee on Adult Detention]

Supervisor Hall

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

Ordinance No. 280-03

FINALLY PASSED

031790 [Settlement of Lawsuit - Mamei Wei]

Ordinance authorizing settlement of the lawsuit filed by Mamei Wei against the City and County of San Francisco and Ray Contreras for \$250,000; the lawsuit was filed on December 20, 2002 in U.S. District Court for the Northern District of California, Case No. C02-5887 TEH entitled Mamei Wei v. City and County of San Francisco and Ray Contreras. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031799 [Settlement of Lawsuit - Curtis McGlothin]

Ordinance authorizing settlement of the lawsuit filed by Curtis McGlothin against the City and County of San Francisco for \$165,000; the lawsuit was filed on August 7, 2002 in San Francisco Superior Court, Case No. 411-241; entitled Curtis McGlothin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031807 [Settlement of Lawsuit - Teresa Lau]

Ordinance authorizing settlement of the lawsuit filed by Teresa Lau against the City and County of San Francisco for \$93,500; the lawsuit was filed on September 27, 2001 in San Francisco Superior Court, Case No. 324-939; entitled Teresa Lau, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

031728 [Settlement of Claim - Zurich North America]

Resolution approving the settlement of the unlitigated claim filed by Zurich North America against the City and County of San Francisco for \$120,000.00; the claim was filed on April 8, 2003; Claim No. 03-03317

(Public Benefit Recipient.)

Resolution No. 777-03

ADOPTED

031921 [Appointment Bicycle Advisory Committee 2002]

Resolution appointing Bridget May, term ending November 19, 2004 to the Bicycle Advisory Committee 2002.

Bridget May, succeeding Michael Rauner, resigned, seat 5, must be a nominee of District 5 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

Resolution No. 790-03

ADOPTED

031961 [Appointments to the Childhood Nutrition & Physical Activity Task Force]

Resolution appointing Dena Bushman, Manual Jiminez, Sophia Yen, Ibukun Hambolu, Esther Rothblum, Lynn Gavin, Tracy DeAmicis McMahan, Elena Andrea Escalera, Andrea Garber, Melvin Heyman and Jennifer Portnick, term ending date to be determined, to the Childhood Nutrition & Physical Activity Task Force. Residency requirement waived.

Dena Bushman, new position, seat 4, must be a person between the ages of 12 and 23, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Manual Jiminez, new position, seat 5, must be a parent or guardian, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Sophia Yen, new position, seat 6, must be a child advocate, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Ibukun Hambolu, new position, seat 7, must be a member of the San Francisco Unified School District Student Advisory Council, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Esther Rothblum, new position, seat 8, must be a member of a civil rights organization addressing weight size discrimination, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Lynn Gavin, new position, seat 9, must be a member of an organization helping all children regardless of physical, medical, or psychiatric disabilities obtain access to medical care and information, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Tracy DeAmicis McMahan, new position, seat 10, must be a pediatrician, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Elena Andrea Escalera, (residency requirement waived) new position, seat 11, must be a child psychologist with expertise in eating disorders, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Andrea Garber, new position, seat 12, must belong to a research organization with expertise in childhood nutrition and physical fitness, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Melvin Heyman, new position, seat 13, must be a public policy professional with an expertise in health and legislation, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Jennifer Portnick, new position, seat 16, must be a member from an organization that implements size-neutral youth physical activity programs, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Resolution No. 797-03

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Newsom

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use Committee**021575 [General Plan Amendments - 888 Howard Street Hotel]
Supervisors Daly, Sandoval, McGoldrick, Maxwell**

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

Ordinance No. 273-03

FINALLY PASSED by the following vote:

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

Absent: 1 - Daly

Excused: 1 - Newsom

Supervisor Daly noted present at 2:11p.m.

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

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

(Planning Commission Resolution #16437 approving Reclassification Application No. 2000.790ZM dated 5/23/02; Resolution #16420 approving Planning Code Text Amendments and Reclassification Application No. 2000.790TZM on 6/6/02; Motion #16323 and Resolution #16435 approving CEQA findings for Application No. 2000.790E on 5/23/02; Motion #16436 approving Conditional Use Application No. 2000.961C on 5/23/02; Motion #16421 approving Section 309 Application No. 2000.790X on 6/6/02; Final Environmental Impact Report dated 1/10/02; Case No. 2000.790EKXCTZM; companion measure to Files 021575, and 021577.)

Ordinance No. 274-03

FINALLY PASSED by the following vote:

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

Excused: 1 - Newsom

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

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

Ordinance No. 275-03

FINALLY PASSED by the following vote:

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

031917 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

States Street, north side, from Corona Heights Playground to a point 26 feet westerly. (Parking and Traffic Department)

(9/25/03: 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; DPW Order No. 2692; No Public Benefit Recipient.)

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

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

NEW BUSINESS

Recommendations of the Finance and Audits Committee

- 031747 [Revising permit fee and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals]
Supervisors Peskin, Dufty**

Ordinance amending the Administrative Code by amending Section 10G.1 to correct erroneous Planning and Building Code citations, revising permit surcharges on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works permits where such permits are subject to appeal before the Board of Appeals, revising the surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

- 031726 [Amendment to Paratransit Broker Contract]**

Resolution approving Contract Amendment No. 3 to Paratransit Broker Agreement with ATC/Vancom, Inc., the City's Paratransit Broker, to increase the total amount of the Agreement to a sum not to exceed \$77,333,277, in order to meet the increased demand and costs for paratransit service during the contract period. (Municipal Transportation Agency)

(Fiscal impact; Public Benefit Recipient.)

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

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

Resolution No. 776-03

ADOPTED AS AMENDED by the following vote:

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

- 031812 [Increasing civil filing and appearance fees provided in Business and Professions Code for operation of the Law Library]
Supervisor Dufty**

Resolution increasing civil filing and appearance fees provided in Business and Professions Code Sections 6321, 6322 and 6322.1 for operation of the Law Library.

Resolution No. 782-03

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Gonzalez, Hall, Ma
Excused: 1 - Newsom

031831 [Agreement to exchange real property related to the former Central Freeway parcels in the Hayes Valley neighborhood]

Resolution approving and authorizing agreements for the exchange of certain real property known generally as a portion of Block 761, Lot 23 with the State of California; for those certain parcels described generally as portions of Block 792, Lot 28, Block 808, Lot 36, and Block 785, Lot 29; 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 and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 773-03

ADOPTED by the following vote:

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

Excused: 1 - Newsom

Supervisor Daly Excused

Supervisor Maxwell, seconded by Supervisor Dufty, moved to excuse Supervisor Daly from attending the remainder of the meeting. The motion carried by the following vote:

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

Absent: 1 - Sandoval

Excused: 2 - Daly, Newsom

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

The Board recessed at the hour of 3:17 p.m.

Reconvening of the Board

The Board at the hour of 3:51 p.m. reconvened.

Calling the Roll

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

Supervisors Ammiano, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Peskin -7

Quorum present.

Supervisor Sandoval was noted absent at 3:17 p.m.

Supervisor Ma was noted present at 3:52 p.m.

Privilege of the Floor

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

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

Absent: 1 - Sandoval

Excused: 2 - Daly, Newsom

Supervisor Hall welcomed, introduced and presented a Certificate of Honor to the members of the family of the deceased San Francisco Police Officer Brian Olcemendy declaring "December 5, 2003 Brian Olcemendy Day in San Francisco."

SPECIAL ORDER 4:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****031846 [Hearing - Ground Lease of Redevelopment Agency Land for Plaza Apartments]**

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 3725, Lot 025, commonly known as 988-992 Howard Street, to Plaza Apartments Associates, L.P., a California Limited Partnership, for 55 years for the purpose of developing housing for very low-income senior households. (Clerk of the Board)

Olsen Lee, Redevelopment Agency

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

Speaker:

Resident of the Development

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

HEARD AT PUBLIC HEARING.

Committee of the Whole Rise and Report Without Recommendation**031847 [Ground Lease of Redevelopment Agency Land for Plaza Apartments]
Supervisor Gonzalez**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 3725, Lot 025, commonly known as 988-992 Howard Street, to Plaza Apartments Associates, L.P., a California Limited Partnership, for 55 years for the purpose of developing housing for very low-income senior households.

(Fiscal impact.)

Supervisor Peskin, seconded by Supervisor Ammiano, moved to amend by deleting the word "senior" in the title.

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

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

Absent: 1 - Sandoval

Excused: 2 - Daly, Newsom

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 3725, Lot 025, commonly known as 988-992 Howard Street, to Plaza Apartments Associates, L.P., a California Limited Partnership, for 55 years for the purpose of developing housing for very low-income households.

Resolution No. 787-03

ADOPTED AS AMENDED by the following vote:

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

Absent: 1 - Sandoval

Excused: 2 - Daly, Newsom

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; general issues

Male speaker; housing issues

John Di Donna; general issues

Vernon Jenkins; general issues

Recommendation of the Rules Committee

031885 [Settlement of Claim]
Supervisor Hall

Resolution approving the settlement of the unlitigated claim of Louise Renne, Patrick Devlin, June Lilienthal, Virginia Leishman, Charles Meyers, Alene Meyers, Charles Levinson, and Robert Neal against San Francisco, relating to the use of tobacco settlement revenues by the Department of Public Health; material terms of said settlement are contained in the amended Settlement Agreement on file with the Clerk of the Board of Supervisors.

Resolution No. 789-03

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick

Noes: 1 - Peskin

Absent: 1 - Sandoval

Excused: 2 - Daly, Newsom

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Potential Litigation

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

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

031953 [Closed Session - Existing Unlitigated Claim, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following claim and/or potential litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of Ordinance No. 191-03, an Ordinance approving the transfer of tobacco settlement revenues, on the ground that it violates Proposition A, the initiative ordinance adopted by the voters in 1999 that authorizes the issuance of General Obligation bonds for the Laguna Honda Hospital project.

Louise Renne, et al. V. City and County of San Francisco
Unlitigated Claim

The Closed Session is permitted by California Government Code Section 54956.9 (b) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending claim and/or potential litigation. (City Attorney)

HEARD IN CLOSED SESSION.

Recess

The Board recessed at the hour of 2:51 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 3:19 p.m. reconvened.

Calling the Roll

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

Supervisors Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin - 8

Quorum present.

Report on the Closed Session

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

Persons in Attendance:

Supervisors Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, McGoldrick, Maxwell, Peskin, Sandoval

Ted Lakey, Deputy City Attorney

Cheryl Adams, Deputy City Attorney

Michael Cohen, Deputy City Attorney

Wayne Snodgrass, Human Rights

Ed Harrington, Controller

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

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 existing litigation listed above.

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

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

Excused: 2 - Daly, Newsom

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

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

Resolution urging San Francisco employers to abide by the Universal Declaration of Human Rights and urging the 108th United States Congress to pass the Employee Free Choice Act.

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

Resolution No. 792-03

ADOPTED

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

Resolution supporting the California Legislature's conclusion that the prevailing wage law addresses statewide concerns.

Resolution No. 793-03

ADOPTED

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

Resolution commending the Raoul Wallenberg Jewish Democratic Club for providing a strong voice for the Jewish community in local politics and within the larger Democratic Party for the last twenty years.

Supervisors Peskin, Dufty and Ma requested to be added as co-sponsors.

Resolution No. 794-03

ADOPTED

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

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

(No Public Benefit Recipient.)

Resolution No. 795-03

ADOPTED

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

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

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

Resolution No. 796-03

ADOPTED

031911 [Final Map for a 10 Unit Live/Work Condominium Project]

Motion approving Final Map of 993 Tennessee Street, A Live/Work Condominium Project, being a subdivision of Lot 19 in Assessor's Block No. 4108, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,532; District 10.)

Motion No. M03-203

APPROVED

031959 [Final Map for a 5 Unit Mixed Use Condominium Project]

Motion approving Final Map of 2773 Folsom Street, a Mixed Use Condominium Project, being a subdivision of Lot 27 Assessor's Block No. 3640, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,501; District 9.)

Motion No. M03-206

APPROVED

031922 [Needle Exchange Emergency]

Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

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

Motion No. M03-204

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Newsom

Severed From Without Reference to Committee Agenda

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

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

Supervisor Gonzalez

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 election

Amended on page 2, line 3, by inserting "Sandoval" after "Gonzalez".

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

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

Motion No. M03-205

APPROVED AS AMENDED by the following vote:

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

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

Resolution designating Jefferson and Webster intersection as a one-way "STOP" intersection.

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

Supervisor McGoldrick requested that this matter be referred to Committee.

REFERRED to the Land Use Committee by the following vote:

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

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

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

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

Continued to January 6, 2004.

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

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**031965 [MOU - H-1 Fire Rescue Paramedics]
Mayor**

Ordinance adopting and implementing the 2003-2005 Memorandum of Understanding between the H-1 Fire Rescue Paramedics, Service Employees International Union, Local 790 and the City and County of San Francisco, to be effective July 1, 2003 through June 30, 2005.

12/9/03, RECEIVED AND ASSIGNED to Budget Committee.

**031979 [Creating an Underground District on Funston Avenue in the Richmond District]
Supervisor McGoldrick**

Ordinance Amending Ordinance No. 171-80 to redefine Underground District 312, Funston Avenue District, by requiring that all aerial utility facilities in this District, including those located on private property in rear easements, be placed underground, and by requiring property owners to provide and maintain the underground support structures on their properties.

12/9/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031984 [Appropriate interest earned from the Educational Facilities Bond - 1997, Series - 1999A and Series 2000A to pay for the 75-year ground lease of 106 Bartlett Street]
Mayor**

Ordinance appropriating \$4,400,000 of interest earned from the Educational Facilities Bond - 1997 - series 1999A and 2000A used to pay for the seventy - five year ground lease for the City College of San Francisco Mission Campus and related costs for the San Francisco Community College District for fiscal year 2003-04.

(Fiscal impact.)

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031985 [Appropriate funding for the Laguna Honda Hospital Replacement Program]
Mayor**

Ordinance appropriating \$215,147,086 of General Obligation Bond proceeds, \$1,046,158 in bond interest, \$15,992,796 in tobacco settlement revenues, and \$5,072,941 of interest earnings on tobacco settlement revenue for a total of \$237,258,981 to fund the Laguna Honda Replacement Program for the Public Health Department for fiscal year 2003-04.

(Fiscal impact.)

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031986 [Laguna Honda Hospital General Obligation Bond Issuance]
Mayor, Supervisor Hall**

Ordinance providing for the issuance of not to exceed \$299,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Laguna Honda Hospital, 1999); providing that such bonds may be issued as fixed or variable interest rate obligations; providing for the levy of a tax to pay the principal and interest of said bonds and authorizing payment of bonds from other legally available funds of the City; authorizing the execution of a Master Trust Agreement and Declaration of Trust which provide for the terms of said bonds; providing for the appointment of depositories and other agents of said bonds; 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.

(Fiscal impact.)

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031988 [Interdepartmental Transfer - Block 2870, Lot 48]
Supervisor Dufty**

Ordinance transferring jurisdiction of the real property identified as Assessor's Block 2870, Lot 48, from the Department of Public Works to the Recreation and Park Department; adopting findings that the transfer is consistent with the General Plan and section 101.1 of the Planning Code, and requesting official actions in connection with this Ordinance.

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031989 [Transfer of City-Owned Property - Public Notice]
Supervisors Dufty, Ma, Hall**

Ordinance amending the San Francisco Administrative Code by adding Section 23.7 to require public notice before the Board of Supervisors may approve the sale, transfer, or other conveyance of City-owned property.

12/9/03, RECEIVED AND ASSIGNED to Rules Committee.

**031990 [Business Tax]
Supervisor Ma**

Ordinance amending the Business and Tax Regulations Code to: (1) amend Article 12-A (Payroll Expense Tax Ordinance) to (i) conform Article 12-A (Payroll Expense Tax Ordinance) with the amendments to Article 6 (Common Administrative Provisions) and (ii) consolidate exemptions, definitions and other administrative provisions, as amended, that apply to Article 12-A (Payroll Expense Tax Ordinance) and other Articles of the Business and Tax Regulation Code, and place them in Article 6 (Common Administrative Provisions); (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with amendments to Article 12-A (Payroll Expense Tax Ordinance) and Article 6 (Common Administrative Provisions); and (3) amend Article 6 (Common Administrative Provisions) to (i) clarify common administrative provisions and conform them with amendments to Article 12-A (Payroll Expense Tax Ordinance) and Article 12 (Business Registration Ordinance), (ii) consolidate exemptions, definitions and other administrative provisions that apply to Article 12-A (Payroll Expense Tax Ordinance), Article 12 (Business Registration Ordinance) and other Articles of the Business and Tax Regulations Code, and (iii) eliminate the Board of Review.

12/9/03, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 1/8/2004.

**031991 [Work Practices for Lead-Based Paint]
Supervisor Peskin**

Ordinance amending Section 3407 et seq. of the San Francisco Building Code to regulate work that disturbs or removes lead-based paint in the interior of pre-1979 buildings that are in Group E3, R1 or R3 occupancy classification, as well as, the exterior of pre-1979 buildings and all steel structures; establish performance standards for work that disturbs or removes lead-based paint in the interior and exterior of such buildings and steel structure; conform the process for assessing administrative penalties with that for the issuance of an Order of Abatement, and make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

(Companion measure to File 031992.

12/9/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 1/8/2004.

**031992 [Relocation of Persons Affected by Lead Hazards]
Supervisor Peskin**

Ordinance amending Section 596 of the San Francisco Health Code and Sections 37.3, 37.9, 72.1 to 72.3, inclusive, and 72.5 of the San Francisco Administrative Code providing for orders to vacate and notices to pay relocation benefits, providing for a hearing process under Article 11 of the Health Code if a notice to pay relocation benefits is not complied with, disallowing passthroughs to tenants of the costs of lead remediation performed in accordance with Article 11 of the Health Code when lead hazards remedied are a result of deferred maintenance; authorizing landlords to temporarily recover possession of a unit for the purposes of performing lead remediation as required by the Department in accordance with Article 11 of the Health Code but only for the minimum time required to perform the remediation; increasing relocation payments required under Chapter 72 and indexing those relocation payments to the Consumer Price Index as of July 1, 2004; and providing an alternative to making relocation payments if a comparable dwelling unit is made available.

12/9/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 1/8/2004.

**031998 [Zoning Map Amendments - Block 2870, Lot 48]
Supervisor Hall**

Ordinance amending Sheets 6 and 6H of the Zoning Map of the City and County of San Francisco for Lot 48 in Assessor's Block 2870 to change the use district of the property from P (Public) to RM-1 (Residential, Mixed Districts, Low Density) and to change the height and bulk limits of the property from OS (Open Space) to 40-X; adopting findings.

12/9/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/8/2004.

**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 Stanyon 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 require adoption by the Planning Commission of discretionary review guidelines for evaluating proposed formula retail uses, 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.

8/29/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

12/9/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

12/9/03, ASSIGNED to Land Use Committee.

Resolutions

**031977 [Amendment to Agreement for the PGA Tour to Host Tournament to be held at Harding Park Golf Course]
Supervisor Hall**

Resolution approving and authorizing an amendment to the Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

(Fiscal impact.)

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031978 [Japantown Task Force, Inc.]
Supervisors Gonzalez, Peskin**

Resolution authorizing the San Francisco Redevelopment Agency to directly apply for and receive SB 307 funds to allocate to the Japantown Task Force, Inc., a community organization, to define cultural preservation and to prepare the specific plan and be the community planning entity for San Francisco's Japantown, as defined in SB 307.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031980 [Hearing on Single Room Occupancy Hotel Safety and Stabilization Task Force]
Supervisor Ammiano**

Hearing updating the Board of Supervisors on the Single Room Occupancy Hotel Safety and Stabilization Task Force, to include a presentation from the Family and HIV Health Services Planning Council seats.

12/9/03, RECEIVED AND ASSIGNED to Rules Committee.

**031981 [Reimbursement Resolution]
Mayor**

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future indebtedness; and approving and ratifying previous actions in connection therewith.

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031982 [Public Hearing Approval]
Supervisor Peskin**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$13,500,000 for On Lok Health Services and On Lok Community Housing, Inc.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031983 [Redevelopment Agency Budget]
Mayor**

Resolution (1) authorizing the issuance of refunding and capital improvement bonds in one or more series by the City and County of San Francisco Redevelopment Financing Authority in an amount not to exceed \$90,000,000 to refinance indebtedness previously issued in 1993 and 1996 and provide additional funds for affordable housing; (2) approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004, by increasing the Agency's tax increment receipts in an amount not to exceed \$3,373,160 to provide funds for payment of such amount to the Educational Revenue and Augmentation Fund, authorizing the receipt of approximately \$10,000,000 from the sale of tax allocation refunding and capital improvement revenue bonds and also increasing the Agency's expenditure authority in an amount not to exceed \$13,400,000 to enable the Agency's payment of \$3,373,160 to the Education Revenue and Augmentation Fund and expenditure of bond proceeds in the amount of approximately \$10,000,000 for affordable housing and related purposes; and (3) authorizing execution of a Cooperation Agreement with the Redevelopment Agency of the City and County of San Francisco that provides for the Agency's payment of \$1,900,000 to the City and County of San Francisco from the proceeds of bonds to be issued in 2004, such amount to constitute the Agency's deposit towards the purchase of one or more underutilized sites to be conveyed to the Agency for affordable housing.

(Fiscal impact.)

12/9/03, RECEIVED AND ASSIGNED to Budget Committee.

**031987 [Laguna Honda Hospital General Obligation Bond Sale]
Mayor, Supervisor Hall**

Resolution authorizing and directing the sale of an issue of not to exceed \$230,000,000 City and County of San Francisco General Obligation Bonds (Laguna Honda Hospital, 1999); approving the forms of an Official Notice of Sale and a Notice of Intention to Sell Bonds; providing that such Bonds may be sold pursuant to a competitive or negotiated sale and as fixed or variable interest rate obligations; authorizing the City's compliance with a Continuing Disclosure Certificate; approving the form and execution of an Auction Agreement, a Broker-Dealer Agreement, a Market Agent Agreement, a Bond Purchase Contract, a Remarketing Agreement, a Standby Purchase Agreement and an Official Statement; approving modifications to documents; 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.

(Fiscal impact.)

12/9/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031993 [Retaining of San Francisco Community Recyclers]
Supervisors Ammiano, McGoldrick**

Resolution urging Safeway, Incorporated to suspend eviction processes against the three (3) community recycling centers located at 2020 Market Street, 1335 Webster Street and 735 Seventh Avenue for the purpose of resuming a collaborative community process that has been initiated involving Safeway, the San Francisco Community Recycling Centers, the San Francisco Board of Supervisors, City agencies and local neighborhood organizations to deal comprehensively with concerns and opportunities regarding the operational improvement of the recycling centers, the use of Safeway property and the general quality of life issues raised in the process.
12/9/03, RECEIVED AND ASSIGNED to City Services Committee.

**031994 [Installation of 4-way stop sign – Chestnut and Powell Streets]
Supervisor Peskin**

Resolution urging the installation of four-way Stop signs at the intersection of Chestnut and Powell Streets.
12/9/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031995 [Four-way stop at intersection of Greenwich and Powell Streets]
Supervisor Peskin**

Resolution designating Greenwich and Powell intersection as a four-way "STOP" intersection.
12/9/03, RECEIVED AND ASSIGNED to Land Use Committee.

**032000 [Multi-Year Electricity Procurement]
Supervisors Ammiano, Gonzalez, Peskin, Daly**

Resolution urging the California Public Utilities Commissioners not to authorize a multi-year Electricity Procurement for San Francisco Ratepayers.
12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

032001 [Yellow Zone Conversion]
Supervisor Ammiano

Resolution urging the Department of Parking and Traffic to convert parking spaces located at 3286 and 3290 Mission Street from metered yellow zones to standard metered parking.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

032002 [Pedestrian Safety and Speeding on State Highways]
Supervisors Hall, Peskin

Resolution urging the State Legislature to pass legislation increasing fines for speeding, running red lights, and other moving violations on state highways bisecting neighborhoods and other major thoroughfares designated by the local jurisdiction, and urging the State Legislature to set aside the revenue from these fines for pedestrian safety improvements.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

032003 [Chinese Exclusion Act]
Supervisors Ma, Peskin, McGoldrick

Resolution commemorating the 60th anniversary of the repeal of the Chinese Exclusion Act.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

032004 [Support HR 3171 and SB 1552]
Supervisor McGoldrick

Resolution supporting HR 3171 and SB 1552, amending the USA PATRIOT Act.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

032005 [Commending Seva Foundation]
Supervisors McGoldrick, Peskin

Resolution commending the contribution of the Seva Foundation and proclaiming December 13, 2003 Seva Foundation 25th Silver Anniversary Day in San Francisco.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

032016 [Power Lines in Marina District]
Supervisors Newsom, Peskin

Resolution urging Lucasfilm Ltd. and Pacific Gas & Electric Co., Inc. to work with the community on alternatives to its Bay-Fillmore-Filbert-Lyon route for supplying power to the Letterman Digital Arts Center in the Presidio, and to ensure that the route reduces impacts on San Francisco neighborhoods to the greatest extent possible.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032017 [Hearts in San Francisco]
Supervisor Peskin**

Resolution urging support for "Hearts in San Francisco", a temporary public art installation.
12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032018 [Charlotte Mailliard Shultz Staircase Renaming]
Supervisors Peskin, Dufty, Hall**

Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.
12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032019 [Urging the San Francisco Delegation to the California Assembly and Senate to Oppose Proposed Budget Cuts]
Supervisor Sandoval**

Resolution urging the San Francisco delegation to the California Assembly and Senate to oppose Governor Arnold Schwarzenegger's proposed budget cuts to critical health and human services.
12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032020 [Excelsior Street Safe Program]
Supervisor Sandoval**

Resolution urging the Department of Parking and Traffic and the San Francisco Police Department and all other relevant city agencies to review the "Community Action Plan for Safer Streets in the Excelsior" and work with the Excelsior Street Safe project and community residents to implement the Plan's recommendations.
12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031716 [Airport Lease Disposition and Development Agreement and Lease]
Supervisor Hall**

Resolution approving the Lease Disposition and Development Agreement and Lease of Plot 9 between Airis SFO, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact; No Public Benefit Recipient.)

10/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

12/9/03, REACTIVATED PURSUANT TO RULE 5.31. Supervisor Hall requested this matter be reactivated and be placed on the December 16, 2003 meeting agenda of the Board of Supervisors.

12/9/03, ASSIGNED to Board of Supervisors.

Motion

031976 [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.

12/9/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

031912 [Settlement of Lawsuit - Leo Rivkin]

Ordinance authorizing settlement of the lawsuit filed by Leo Rivkin against the City and County of San Francisco for \$110,000; the lawsuit was filed on February 22, 2001 in San Francisco Superior Court, Case No. 319-085; entitled Leo Rivkin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Rules Committee.

031913 [Settlement of Lawsuit - Janet Prieto]

Ordinance authorizing settlement of the lawsuit filed by Janet Prieto against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 2, 2002 in the San Francisco Superior Court, Case No. 403048; entitled Janet V. Prieto v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Rules Committee.

031946 [Settlement of Lawsuit - Billy Clark]

Ordinance authorizing settlement of the lawsuit filed by Billy Clark against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-372; entitled Billy Clark v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

12/1/03, RECEIVED AND ASSIGNED to Rules Committee.

031957 [Mission Bay Owens Street at Park P1 Improvements]

Ordinance designating a portion of State Trust Parcel 2 adjacent to Park P1 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way (Channel); designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting for maintenance responsibilities and liability purposes, subject to specified limitations; accepting an agreement relating to temporary City access, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,529 and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Land Use Committee.

031958 [Mission Bay Third Street/16th Street Utility Project]

Ordinance recommending the recordation of the conditional irrevocable offer of portions of property adjacent to Third Street; accepting portions of the irrevocable offer for the joint trench acquisition facilities and rejecting the offer of the Pacific Gas & Electric facilities; dedicating said accepted acquisition facilities for right-of-way purposes; designating said accepted acquisition facilities for public use and designating said accepted acquisition facilities for maintenance purposes; accepting the Easement Agreement for public utility purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,530; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Land Use Committee.

031960 [Establishing administrative penalties and procedures for violations of the full-time driving requirement and for violations of the Taxi Commission's rules and regulations]

Ordinance amending the San Francisco Police Code by adding Sections 1186, 1187, and 1188, to restate the full-time driving requirement, and to establish administrative penalties and procedures for violations of the full-time driving requirement and for violations of the Taxi Commission's rules and regulations. (Taxi Commission)

(No Public Benefit Recipient.)

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

PROPOSED RESOLUTIONS

031856 [Demonstrate the use of rapid HIV testing to improve outcomes in partner counseling and referral services]

Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a grant in the amount of \$393,478 from the Centers for Disease Control and Prevention (CDC) to use rapid HIV testing to improve outcomes in partner counseling and referral services and to enter into an agreement for the use of these funds; for the period of September 15, 2003 to September 14, 2005. (Public Health Department)

(No Public Benefit Recipient.)

11/17/03, RECEIVED AND ASSIGNED to City Services Committee.

031857 [Supplemental funds to assess HIV risk behaviors and trends, evaluate impact of prevention efforts]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively one-time supplemental grant funds in the total amount of \$211,279 from the Centers for Disease Control and Prevention (CDC) under the CDC HIV/AIDS Surveillance and Seroprevalence Cooperative Agreements U62/CCU906255-12-2 and U62/CCU906255-12-4 to support HIV/AIDS surveillance activities and assess risks and benefits associated with testing results and to enter into agreements for the use of these funds; for the period of June 1, 2003 to December 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

11/17/03, RECEIVED AND ASSIGNED to City Services Committee.

- 031897 [Grant of Federal Funds]**
Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,475,374 of New Start Federal Capital Assistance for the Third Street - Phase II, Central Subway project, excluding administrative overhead costs. (Municipal Transportation Agency)
- (No Public Benefit Recipient.)
11/21/03, RECEIVED AND ASSIGNED to Land Use Committee.
- 031898 [Grant of Federal Funds]**
Resolution authorizing the Municipal Transportation Agency Board of Directors to accept and expend \$4,918,393 of Federal Earmarked Capital Assistance for design and construction of Muni's Islais Creek Facility and security-related activities. (Municipal Transportation Agency)
- (No Public Benefit Recipient.)
11/21/03, RECEIVED AND ASSIGNED to Land Use Committee.
- 031899 [Accept-Expend Federal Grant]**
Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend a grant in the amount of \$123,600 from the Metropolitan Transportation Commission for development and production of the Municipal Railway's Short Range Transit Plans for Fiscal Year 2002 and Fiscal Year 2004. (Municipal Transportation Agency)
- (No Public Benefit Recipient.)
11/21/03, RECEIVED AND ASSIGNED to Land Use Committee.
- 031900 [Accept-Expend Federal/State Pass Through Grant]
Supervisor Dufty**
- Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$10,034 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.)
11/19/03, RECEIVED AND ASSIGNED to City Services Committee.
- 031901 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2003-04]
Supervisors Dufty, Gonzalez**
- Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2003-04 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 2003-04. (Public Health Department)
- (No Public Benefit Recipient.)
11/21/03, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled for consideration at the December 10, 2003 meeting.
Supervisor Dufty requested to be added as a co-sponsor.

**031915 [Accept-Expend State Grant]
Supervisor Dufty**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$5,000 from the California State Library for the purpose of enriching the learning experience of the students in Project Read's Adult Literacy Program with periodic book discussions. (Public Library)

(No Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to City Services Committee.

**031947 [Expand supportive housing services to the homeless in San Francisco]
Supervisors Dufty, Daly**

Resolution authorizing the San Francisco Department of Public Health, Housing and Urban Health (SFDPH) to accept retroactively and expend a grant in the amount of \$745,125 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to expand supportive housing services to the homeless in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2003 to September 29, 2004. (Public Health Department)

(Public Benefit Recipient.)

12/1/03, RECEIVED AND ASSIGNED to City Services Committee.

031962 [Contracting Out Own Recognizance, Pretrial Diversion, and Misdemeanant Services]

Resolution approving the Controller's certification that own recognizance release, pretrial court diversion, and supervised misdemeanor services provided to arrested persons in the City and County of San Francisco can be practically performed by private contractors at a lower cost for the year commencing July 1, 2003 than if work were performed by City and County employees. (Sheriff)

(Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Department requests this item be scheduled for consideration at the December 10, 2003 meeting.

PROPOSED MOTIONS

031864 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.

Transmittal date - November 20, 2003.

11/20/03, RECEIVED AND ASSIGNED to Rules Committee.

031865 [Appointment, Public Utilities Commission]

Motion rejecting the Mayor's appointment of Ryan Brooks to the Public Utilities Commission. (Mayor)

11/20/03, RECEIVED AND ASSIGNED to Rules Committee.

031896 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for term ending January 15, 2004. (Mayor)

11/20/03, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Dufty

To: City Attorney

Requesting/Inquiring: To draft a Bond measure for the November 2004 ballot that implements the framework of recommendations contained in the San Francisco Chronicle's recent series on homelessness in San Francisco, including but not limited to significantly expanding Supportive and Transitional Housing for individuals completing treatment programs; and establishing a comprehensive holistic community court.

From: Supervisor Hall

To: Captain Dillon, Ingleside Police Station

To: Captain Sanford, Taraval Police Station

Requesting/Inquiring: What is the total number (over the last five years) of vehicular/pedestrian accidents in your district. Please provide a breakdown of how many accidents were the fault of the vehicle, the fault of the pedestrian, or were just no-fault accidents. During the last five years, how many jaywalking tickets have been issued and how many hit and run accidents have occurred in your district?

From: Supervisor Ammiano

To: Director, Mayor's Office of Budget

To: Director, Juvenile Probation Department

Requesting/Inquiring: Requesting a hearing regarding the status of the City's contractual obligations to Mission District-based nonprofits for services rendered to the City and County of San Francisco; and that a hearing will be scheduled in the near future.

In Memoriams

Doris Dassing (Full Board)

Helen Bodisco Dawson (Supervisor Hall)

John "Jack" Kerrigan (Supervisor Hall)

MaryLiz Lincoln (Supervisor Hall)

Vincent Del Rosario (Supervisor Ma)

Janice Miller (Supervisor Peskin)

Teofila "Pel" Elepano Rodis (Supervisor Sandoval)

ADJOURNMENT

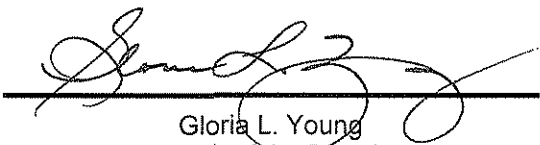
There being no further business, the Board at the hour of 4:22 p.m. adjourned.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on January 13, 2004.

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



Gloria L. Young
Clerk of the Board

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