

# 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, October 7, 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*

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

##### **City and School District Select Committee**

Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co

##### **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 p.m.

Wednesday  
9:30 AM

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

**Members Present:** Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, 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 2:06 p.m. On the call of the roll, the following Supervisor was noted absent.*

*Supervisor Ammiano - 1*

*Quorum present.*

*Supervisor Ammiano was noted present at 2:12 p.m.*

## APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Peskin, moved to approve September 16, 2003 Meeting Minutes. The motion carried by the following vote:

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

## AGENDA CHANGES

## COMMUNICATIONS

*Gloria L. Young, Clerk of the Board, informed the Board that October 7, 2003 is the last day to submit Revenue Bonds, Ordinances and Declarations of Policy for the March 4, 2004 Election.*

*Gloria L. Young, Clerk of the Board, introduced Amanda Kahn, a John Gardner Fellow who is with the Clerk's Office for 10 months working on several projects including a volunteer program for the Board.*

*Gloria L. Young, Clerk of the Board, informed the Board as a result of the innovative approach to knowledge management and succession planning that this organization has implemented, we have been selected to be a presenter at the Institute for International Research Braintrust International 2004 Conference.*

*Gloria L. Young, Clerk of the Board, also informed the Board that the Clerk's Office is participating with Cal Berkeley Students in an organizational workspace redesign project.*

## CONSENT AGENDA

### Recommendations of the City Services Committee

**031518 [Accept-Expend Federal Grant]  
Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Environmental Protection Agency to provide training to municipal staff involved in construction and renovation of municipal buildings on Leadership in Energy and Environmental Design (LEEDTM) sustainable building standards and to develop a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco. (Environment)

(No Public Benefit Recipient.)

**Resolution No. 680-03  
ADOPTED**

**031401 [Improving coordination between the San Francisco Police Department and the Office of Citizen Complaints]  
Supervisors Gonzalez, Dufty, Daly**

Ordinance amending the Administrative Code by adding a new Chapter 96, establishing requirements governing the authority and duties of the Police Department, the Office of Citizen Complaints and the Police Commission with respect to investigations by the Office of Citizen Complaints, including reporting on the status of sustained cases, minimum requirements for disclosure of documents by the Police Department, providing the Office of Citizen Complaints with subpoena power against third parties, imposing training requirements for police officers on whistleblower protection laws, and for police commissioners on public safety officer discipline, and adding uncodified provisions to require the Police Commission to consider revisions to the Early Warning System and study restricting promotions for officers disciplined for misconduct; require the Police Department and the Office of Citizen Complaints to meet and report on the development of a shared case tracking system; and require current police commissioners to receive training on public safety officer discipline.

No Public Benefit Recipient

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

**Ordinance No. 244-03  
FINALLY PASSED**

### Recommendations of the Finance and Audits Committee

**031360 [Contracting out Security Guard Services]**

Resolution concurring with the Controller's certification that security guard services provided by Zonux Security Solutions can be performed at a lower cost than similar services performed by City and County Employees. (Parking and Traffic Department)

( Public Benefit Recipient.)

**Resolution No.** 673-03

**ADOPTED**

**031494 [Contracting for Security Guard Services at 1680 Mission Street for fiscal year 2003-2004]**

Resolution concurring retroactively with the Controller's determination that security guard services can practically be performed at the Bureaus of Construction Management and Engineering Offices at 1680 Mission Street by private contractor for a lower cost than if the services were performed by City employees. (Public Works Department)

(No Public Benefit Recipient.)

**Resolution No.** 678-03

**ADOPTED**

**Recommendations of the Rules Committee****031515 [Settlement of Lawsuit - Jonathan Johnson]**

Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37. (City Attorney)

(Public Benefit Recipient.)

**Ordinance No.** 247-03

**FINALLY PASSED**

**031391 [Appointment]**

Resolution appointing Joanne Kipnis, term ending April 30, 2004 to the Animal Control and Welfare Commission.

Joanne Kipnis, succeeding Jamal James Modica, resigned, seat 2, must be a member representing the general public having interest and experience in animal matters for the unexpired portion of a two-year term ending April 30, 2004.

**Resolution No.** 674-03

**ADOPTED**

**031392 [Appointment]**

Resolution appointing Philip Choy, term ending December 16, 2003, to the San Francisco Museum and Historical Society Advisory Committee.

Philip Choy, succeeding Melissa Szeto, resigned, seat 2, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco for the unexpired portion of a one-year term ending December 16, 2003.

**Resolution No.** 675-03

**ADOPTED**

**030411 [Appointment]**

Resolution appointing Stephen Griswold and Dhaya Lakshminarayanan, terms ending April 5, 2005 to the Urban Forestry Council. Residency requirement waived.

Stephen Griswold, (residency requirement waived) new appointment, seat 5, must be a representative of the Golden Gate National Recreational Area, for a 2 year term ending April 5, 2005.

Dhaya Lakshminarayanan, succeeding Diana Cohen, resigned, seat 8, must be a representative of the community for the unexpired portion of a two-year term ending April 5, 2005.

**Resolution No.** 670-03

**ADOPTED**

**031431 [Appointment]**

Resolution appointing Steven Chester, Stuart Berger, and Reverend G. Penny Nixon, terms ending May 15, 2005 to the Local Homeless Coordinating Board.

Steven Chester, succeeding himself, term expired, seat 1, must represent homeless or formerly homeless for a two-year term ending May 15, 2005.

Stuart Berger, succeeding himself, term expired, seat 3, must represent area of advocacy for a two-year term ending May 15, 2005.

Reverend G. Penny Nixon, succeeding Bob Nelson, term expired, seat 7, must be a service provider with the "floating" qualification of a focus on health services, HIV and harm reduction (This "floating" qualification currently attaches to this seat but can be assigned to any of the Mayor's or Board's service provider seats.) for a two-year term ending May 15, 2005.

**Resolution No.** 696-03

**ADOPTED**

**031460 [Confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency]  
Mayor**

Resolution confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency for a four-year term ending September 03, 2007.

**Resolution No.** 649-03

**ADOPTED**

**031461 [Confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency]  
Mayor**

Resolution confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2007.

**Resolution No. 650-03  
ADOPTED**

**031492 [Appointment]**

Resolution appointing Nicole Dogwill, term ending April 27, 2004, to the Sunshine Ordinance Task Force.

Nicole Dogwill, succeeding Joshua Koltun, resigned, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2004.

**Resolution No. 677-03  
ADOPTED**

**Recommendations of the Land Use Committee****031406 [Building Code - Technical Corrections/Clarifications]  
Supervisor Daly**

Ordinance amending the Building Code to effect technical corrections/clarifications to Section 3102.8, by adding provisions previously included in the Code regarding woodburning appliances, Section 101.20, by adding provisions previously included in the Code regarding the operation of the Central Permit Bureau, Section 106.1, by deleting provisions regarding permit requirements that were previously removed from the Code, Section 106.3.2, by adding provisions previously included in the Code regarding submittal documents for permit applications, Section 103.3.1, 103.3.2, 103.3.3, 103.3.4, and 103.3.5 by deleting provisions regarding unlawful residential demolition and adding the provisions regarding unlawful residential demolition that were previously included in the Code, Section 205 by deleting the definition of demolition, by amending Figure 16B-1, Sections 105.4.2, 105.4.3.1, 107.1.1, 108.5.6, 1003.3.3.2, 1001A, 1304.A.1, 1307A.2, 1311A.1, 1313A.3, 1314A.2, 1316A.1, 1308A.3, 1605.4.3, 1604B.2.3, 1605B.3, 1605B.8, 1606B, 1604C, 1608C.5, 1611C.3.1, 1611C.4.2, 1611C.6.1, 1611C.6.2, 1611C.2.2.2, Table 16C-D, 1701.5, 3403.2.1.2, 3407.1, 3407.2.3, 3407.4.3, 3407.5.3.4, 3407.5.3.5, 3408.3.2, 1605.4.3, 1605.5, 106.4.4, 409.9.1, 1602C.6.1, 1602C.6.2, 3303.9.2, 3403.2.1.1, and 1605.4.1 to correct typographical errors, and making 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.

**Ordinance No.** 245-03

**FINALLY PASSED**

**031490 [Angle Parking]  
Supervisor Daly**

Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties. (Parking and Traffic Department)

(No Public Benefit Recipient.)

*Supervisor Daly requested to be added as sponsor.*

**Ordinance No.** 246-03

**FINALLY PASSED**

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

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

## REGULAR AGENDA

### NEW BUSINESS

#### Recommendations of the City Services Committee

030801 [311/ Customer Relationship Management System]  
Supervisors Newsom, Daly, Gonzalez

Resolution urging the Department of Telecommunications and Information Systems (DTIS) to pursue all options necessary to develop a 311/Customer Relationship Management System; and urging DTIS and the Emergency Communications Department to continue to coordinate their respective efforts toward developing a project plan for implementing a 311/Customer Relationship Management System for the City and County of San Francisco.

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

**Resolution No.** 694-03

**ADOPTED by the following vote:**

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

031196 [CitiStat management strategy]  
Supervisors Newsom, Dufty, Ma, Daly, Gonzalez

Resolution urging the Department of Telecommunications and Information Services to investigate the feasibility of implementing a CitiStat management strategy for the City and County of San Francisco.

*Supervisors Daly and Gonzalez requested to be added as a co-sponsors.*

**Resolution No.** 695-03

**ADOPTED by the following vote:**

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

#### Recommendations of the Finance and Audits Committee

*Supervisor Ammiano noted present at 2:12 p.m.*



**031462 [Appropriate funding for the Day Laborer Program]  
Supervisors Ammiano, Daly**

Ordinance re-appropriating \$75,000 from FY 2002-2003 and \$90,000 FY 2003-2004 from the Mayor's Office to the Immigrant Rights Commission, Administrative Services Department, to fund the Day Laborer Program for fiscal year 2003-04.

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

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031276 [Approving ballot and hearing procedures for renewal of the Union Square Business Improvement District]  
Supervisors Peskin, Dufty, Newsom, Hall**

Resolution establishing ballot and hearing procedures governing ballots cast by property owners of property located within the boundaries of the Business Improvement District known as the "Union Square Business Improvement District" for the purpose of deciding whether to renew the assessment for the Union Square Business Improvement District for an additional five year term.

*Continued to October 21, 2003*

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031277 [Authorize renewal and modification of the Union Square Business Improvement District]  
Supervisors Peskin, Dufty, Newsom, Hall**

Resolution declaring the intention of the Board of Supervisors to authorize renewal and modification of boundaries of a property-based business improvement district known as the "Union Square Business Improvement District," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

*Continued to October 21, 2003 with pending amendment.*

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

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**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 \$45,000,000 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.

**Resolution No. 679-03****ADOPTED by the following vote:**

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

Noes: 2 - Daly, Gonzalez

**031548 [Purchase from the S.F.Unified School District of Real Property located at 380 Bacon St., San Francisco for the Public Library]****Mayor, Supervisor Ammiano**

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and the San Francisco Unified School District (the "Seller" or "District"), for the purchase of real property and improvements located at 380 Bacon St., San Francisco (being a portion of Block 5983), for use as the Portola Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

(Fiscal impact; No Public Benefit Recipient.)

**Resolution No. 681-03****ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**Recommendations of the Land Use Committee****030999 [Lot Line Selection for Vacant Lots Abutting Two or More Streets]  
Supervisor McGoldrick**

Ordinance amending Planning Code Section 130 to require that before a lot owner may elect which lot line is to be the front lot line of the lot for purposes of the yard and setback requirements the lot must not only abut on two or more streets, but must also be vacant, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031100 [Planning Code Amendment--Mining Exchange Building Setback]  
Mayor, Supervisor Hall**

Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)

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

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031368 [Zoning Map Amendment in connection with Seawall Lot 330]**

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient; Companion measure to File 031369.)

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031369 [General Plan Amendment in connection with Seawall Lot 330]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient.)

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**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 8.77 acre site located between Maryland Street, Cesar Chavez Street, and 24th Street, on the eastern portion of the Western Pacific parcel; and adopting findings that the approved actions are consistent with the City's General Plan and eight Priority Policies of City Planning Code Section 101.1. (Port)

(No Public Benefit Recipient.)

**Resolution No.** 676-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031099 [CEQA Findings - Office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park]**

**Mayor, Supervisor Hall**

Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act ("CEQA") and state guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.

(No fiscal impact.)

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

**Resolution No.** 672-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031098 [Expansion of Saint Mary's Square Park]**

**Mayor, Supervisor Hall**

Resolution in conjunction with the development of the office projects at 350 Bush Street and 500 Pine Street: (i) approving the conveyance of a parcel of property to the city, which parcel shall be improved and maintained as a public park at no cost to the city, pursuant to the terms of established documentation developed by the City Attorney's Office and the projects' sponsors (ii) authorizing execution of documentation implementing conveyance of the property and the effectuation of the transactions contemplated therein (iii) providing that, following the execution of the documentation and the conveyance, the property shall be under the jurisdiction of the Recreation and Park Commission to be administered by the San Francisco Recreation and Park Department and (iv) authorizing the Mayor's Office of Housing to accept and expend a voluntary contribution \$1,000,000 for the acquisition or construction of permanent affordable single room occupancy housing in San Francisco.

(No fiscal impact.)

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

**Resolution No.** 671-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

## Recommendations of the Rules Committee

*Supervisor Ammiano noted absent at 2:46 p.m.*

**031502 [Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 15]  
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, 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 one.

*Supervisor Hall, seconded by Supervisor Peskin, moved to amend by restoring one of the tenant representative seats.*

**AMENDED by the following vote:**

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

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 15 members by eliminating seats for the affordable housing developers, financial expert, 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.

*Supervisor Daly moved to amend by requiring \$2,950,000 from the sale of this property be taken from the Open Park Space Fund and given to either the Department of Public Works or another appropriate agency for housing for the homeless.*

*Motion failed for lack of a second.*

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

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

**031545 [Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers  
Construction Company]  
Supervisors Hall, Dufty**

Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement.

(Public Benefit Recipient.)

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

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

**Supervisors Gonzalez and Ma Excused From Voting**

Supervisor Ammiano, seconded by Supervisor Peskin, moved to excuse Supervisors Gonzalez and Ma from voting on this matter. The motion carried by the following vote:

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

Excused: 2 - Hall, Ma

**031646 [Appointment]**

Resolution appointing Fiona Ma and Matt Gonzalez terms ending June 30, 2005 to the Association of Bay Area Governments Executive Board.

Fiona Ma, succeeding herself, term expired, seat 1, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

Matt Gonzalez, succeeding himself, term expired, seat 2, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

**Resolution No.** 682-03

**ADOPTED by the following vote:**

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

Excused: 2 - Gonzalez, Ma

**SPECIAL ORDER 4:00 P.M.***Recess*

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

*Reconvening of the Board*

*The Board at the hour of 4:06 p.m. reconvened.*

*Calling the Roll*

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

*Supervisors Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin - 6*

*Quorum present.*

*Supervisors Ammiano, McGoldrick, Newsom, Sandoval were noted present at 4:08 p.m.*

**(This matter may be continued.)**

## Board of Supervisors Sitting as a Committee of the Whole

### 031552 [Hearing - Acquisition of Property by Eminent Domain - 701 Lombard Street]

Hearing of persons interested in or objecting to proposed resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. (Clerk of the Board)

(Companion measure to Files 031550, 031551, 031552.)

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

*Speakers:*

*Alice Barkley, Attorney objecting to the continuance*

*Continued to October 21, 2003 at 4:00 p.m.*

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

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

## Committee of the Whole Rise and Report Without Recommendation

### 031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]

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

*Continued to October 21, 2003 at 4:00 p.m.*

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

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

## **SPECIAL ORDER 4:00 P.M.**

### **Board of Supervisors Sitting as a Committee of the Whole**

#### **(Pending approval of File No. 031666.)**

031667 [Committee of the Whole - Human Rights Commission Appointment]  
Supervisor Peskin

Hearing to consider the Mayor's appointment of Vernon Grigg to the Human Rights Commission.  
TABLED.

### **Committee of the Whole Rise and Report Without Recommendation**

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

031663 [Appointment - Human Rights Commission]  
Motion approving the Mayor's appointment of Vernon Grigg to the Human Rights Commission for the term ending September 2, 2004. (Mayor)  
TABLED.

031664 [Appointment - Human Rights Commission]  
Motion rejecting the Mayor's appointment of Vernon Grigg to the Human Rights Commission for the term ending September 2, 2004. (Mayor)  
TABLED.

031665 [Appointment - Human Rights Commission]  
Motion taking no position concerning the Mayor's appointment of Vernon Grigg to the Human Rights Commission, for term ending September 2, 2004. (Mayor)  
TABLED.



## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdullah Megaheed; homeless and general issues*

*David Grace, Green Party representative; requesting Board not to support Fleet Week in SF*

*Male Speaker, Green Party representative; requesting Board not to support Fleet Week in SF*

*Vernon Jenkins; general issues*

*Richard Wong; dog play areas*

*Larry Evans; general issues*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

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

**031676 [Legislative Analyst Request]**  
**Supervisors Dufty, Ma, Ammiano, Gonzalez**

Motion requesting the Legislative Analyst's Office to study the non-profit collective/cooperative medical cannabis cultivation and distribution model recently employed by the Wo/men's Alliance for Medical Marijuana (WAMM) in Santa Cruz, and to analyze the feasibility and ramifications of implementing such a model in San Francisco.

*Supervisor Daly noted present at 4:29 p.m.*

**APPROVED by the following vote:**

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

Absent: 1 - Daly

## 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.*

**031674 [2003 Domestic Violence Awareness Month]  
Supervisors Newsom, Dufty, Peskin, Ma**

Resolution ratifying that the Board of Supervisors declares the month of October 2003 as "Domestic Violence Awareness Month" in the City and County of San Francisco.

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

**Resolution No. 683-03**

**ADOPTED**

**031675 [Urging 108th Congress to Tie National School Lunch Program Eligibility to Regional Indicators and To Increase California's Reimbursement Rate]  
Supervisor Maxwell**

Resolution urging 108th U.S. Congress to link National School Lunch Eligibility Criteria to Regional Poverty Indicators and to increase the Program's Reimbursement Rate.

**Resolution No. 684-03**

**ADOPTED**

**031677 [Commendation of the San Francisco Asian Peace Officers' Association]  
Supervisors Ma, Dufty, Peskin, Newsom**

Resolution commending the San Francisco Asian Peace Officers' Association for their dedication and commitment to the community.

**Resolution No. 685-03**

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031679 [Commendation of National Day of the People's Republic of China]  
Supervisors Ma, Dufty**

Resolution recognizing the contributions of the Chinese community to commerce, culture and diversity and declaring October 1, 2003 as the "54th National Day of the People's Republic of China" in the City and County of San Francisco.

**Resolution No. 687-03**

**ADOPTED**

**031681 [Commending Saint Thomas the Apostle Catholic Church]  
Supervisor McGoldrick**

Resolution commending Saint Thomas the Apostle Catholic Church for its significant contribution to the community and proclaiming October 19, 2003 Saint Thomas the Apostle Catholic Church Day.

**Resolution No. 688-03**

**ADOPTED**

**031682 [Koshland Park--Gift-in-Place]****Supervisors Gonzalez, Dufty, Peskin, Newsom**

Resolution accepting a gift in place valued at approximately \$200,000 from the Friends of Recreation and Parks, a non-profit organization, to the Recreation and Park Department of Koshland Park.

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

**Resolution No. 689-03****ADOPTED****031683 [Urging 108th U.S. Congress to pass the AgJobs Act of 2003]****Supervisor Sandoval**

Resolution urging 108th U.S Congress to pass the AgJobs Act of 2003 for seasonal immigrant farm workers.

**Resolution No. 690-03****ADOPTED****031684 [Commending the Committee for the Confucius Memorial Ceremony]****Supervisors Ma, Peskin**

Resolution commending the Committee for the Confucius Memorial Ceremony for their dedication to recognizing the teachings of Confucius.

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

**Resolution No. 691-03****ADOPTED****031650 [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. M03-181****APPROVED****031668 [Final Map for a 7 Lot Airspace Subdivision Project]**

Motion approving Final Map of Mission Place Phase 1, 250 King Street and 260 King Street, a Subdivision of Airspace, Lot 3, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,413; District 6.)

**Motion No. M03-182****APPROVED**

**031669 [Final Map for a 130 Unit Residential Condominium Project]**

Motion approving Final Map of Mission Place Phase 2, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 5, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,414; District 6.)

**Motion No.** M03-183

**APPROVED**

**031670 [Final Map for a 96 Unit Residential Condominium Project]**

Motion approving Final Map of Mission Place Phase 3, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 6, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,415; District 6.)

**Motion No.** M03-184

**APPROVED**

**031671 [Final Map for a 65 Unit Residential Condominium Project]**

Motion approving Final Map of Mission Place Phase 4, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 7, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,416; District 6.)

**Motion No.** M03-185

**APPROVED**

**031672 [Final Map for a 6 Unit Residential Condominium Project]**

Motion approving Final Map of 3615 20th Street, a Residential Condominium Project, being a Subdivision of Lot 74, Assessor's Block No. 3608, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,422; District 9.)

**Motion No.** M03-186

**APPROVED**

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**Severed From Without Reference to Committee Agenda**

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

031666 [Committee of the Whole]

Supervisor Peskin

Motion scheduling a Committee of the Whole to consider the Mayor's appointment of Vernon Grigg to the Human Rights Commission to be held on October 7, 2003 at 4:00 p.m. (File Numbers 031663, 031664, and 031665).

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

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

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

031673 [Urging Governor Davis to sign Senate Bill 2]

Supervisor Sandoval

Resolution urging Governor Davis to sign Health Insurance Act of 2003, also known as SB 2, which would expand the current employer-based health care system to provide health coverage to over one million uninsured Californians.

*Continued to October 21, 2003*

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

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

031678 [Commemorating the 50th Anniversary of the Korean War]

Supervisors Ma, Peskin, Newsom

Resolution commemorating the 50th anniversary of the Korean War.

*Supervisor Daly, seconded by Supervisor Ma, moved to amend on page 1 line 3 by replacing "commemorating" with "honoring and remembering all Korean War Veterans and families on" (New Title); on line 17, by replacing "commemorates" with "honors and remembers all Korean War Veterans and families on".*

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

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution honoring and remembering all Korean War Veterans and families on the 50th anniversary of the Korean War.

**Resolution No.** 686-03

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

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

**031680 [Showers at Lowell High School]  
Supervisor Hall**

Resolution urging the San Francisco Unified School District to consult with, and obtain the approval of, the Crestlake Property Owners Association, the Lakeshore Acres Improvement Club, the Lakeside Homes Association, the Lakeside Property Owner's Association, the Merced Manor Property Owner's Association, the West of Twin Peaks Central Council, and the District Seven Advisory Council before implementing a plan to allow homeless individuals to use shower facilities at Lowell High School.

**REFERRED to the City and School District Select Committee.**

### **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 Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

*[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 Dufty, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031699 [Commending Lateefah Simon]  
Supervisors Daly, Dufty**

Resolution commending Lateefah Simon for her exceptional work as the Executive Director of the Center for Young Women's Development and for being named as a recipient of the 2003 John D. and Catherine T. MacArthur Foundation Fellowship.

**Resolution No.** 692-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031700 [Proclaiming October 15, 2003 National Latino AIDS Awareness Day in San Francisco]  
Supervisors Sandoval, Dufty**

Resolution proclaiming October 15, 2003 National Latino AIDS Awareness Day (NLAAD) in San Francisco and commending the San Francisco Bay Area NLAAD Committee for educating the public about this issue.

**Resolution No.** 693-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

#### Ordinances

**022032 [17th and Rhode Island Street Grocery Store Special Use Subdistrict]  
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title.)

(10/7/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing same title.)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.

12/30/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

8/26/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16632, adopted August 21, 2003, recommending approval, and amendment to Prohibit Nighttime Entertainment uses.

9/10/03, RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report.

9/16/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

9/16/03, ASSIGNED to Land Use Committee.

10/7/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

10/7/03, ASSIGNED to Land Use Committee.

**031701 [Distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies]  
Supervisor Peskin**

Ordinance adding Administrative Code Chapter 49A "Residential Tenant Communications" regarding a residential tenant's permissible use of common areas to distribute literature to other tenants in the building, including literature distributed on behalf of a tenants' association or other tenants' organization, where the literature relates to issues of common interest or concern to the building's tenancies; distribution may include placement of literature on or in front of tenant doors, with the distributor's name/address/telephone number plainly included for any tenant to opt out of future doorway distributions; and, the landlord may establish other reasonable requirements as to the time, place, manner, and volume, of such literature distribution.

10/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/6/2003.



**031702 [Reappropriate funding to fund Fire Engine 33]  
Supervisor Sandoval**

Ordinance reappropriating \$1,600,000 from uniform salaries and benefits from elimination of Battalion Chiefs to fund uniform salaries, premium pay, uniform overtime, fringe benefits, and materials and supplies to keep Fire Engine 33 open in fiscal year 2003-2004.

(Fiscal impact.)

10/7/03, RECEIVED AND ASSIGNED to Finance and Audits 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.

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

**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.

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

## Resolutions

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

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

10/7/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

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

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

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

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

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

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

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

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

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

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

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

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

**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.)

10/7/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031711 [Supporting European Union Efforts to Regulate Hazardous Chemicals]  
Supervisors McGoldrick, Ma**

Resolution supporting efforts in the European Union to institute an effective new policy for regulating hazardous chemicals.

10/7/03, RECEIVED AND ASSIGNED to City Services Committee.

**031712 [Accept - Expend Federal Grant]  
Mayor, Supervisor Dufty**

Resolution authorizing the Mayor of the City and County of San Francisco to accept retroactively and expend a grant in the amount of \$1,173,258 from the U.S. Department of Justice, Bureau of Justice Assistance, under the FY 2003 Local Law Enforcement Block Grants Program. (Mayor)

10/7/03, RECEIVED AND ASSIGNED to City Services Committee.

**031718 [Supporting Immigrant Pride Day 2003 in the City & County of San Francisco]  
Supervisor Gonzalez**

Resolution waiving the fees associated with Immigrant Pride Day for the San Francisco Police Department and the San Francisco Fire Departments and urging the Municipal Transportation Agency to join with the City and waive their fees in support of Immigrant Pride Day.

10/7/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031719 [Commending the Mission Council]  
Supervisor Daly**

Resolution commending the Mission Council for 25 years of delivering culturally competent, community-based services to the people of San Francisco.

10/7/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031720 [Proclaiming October 2003 Potrero Hill Month]  
Supervisor Maxwell**

Resolution proclaiming October 2003 "Potrero Hill Month" in the City and County of San Francisco.

10/7/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031680 [Showers at Lowell High School]  
Supervisor Hall**

Resolution urging the San Francisco Unified School District to consult with, and obtain the approval of, the Crestlake Property Owners Association, the Lakeshore Acres Improvement Club, the Lakeside Homes Association, the Lakeside Property Owner's Association, the Merced Manor Property Owner's Association, the West of Twin Peaks Central Council, and the District Seven Advisory Council before implementing a plan to allow homeless individuals to use shower facilities at Lowell High School.

9/30/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/7/03, REFERRED to City and School District Select Committee.

### **Requests fo Hearing**

**031713 [Mission High School Shower Program]  
Supervisor Ammiano**

Hearing of the Joint City/School District Committee to consider the feasibility of a School District Expansion of the Mission High School Shower Program.

10/7/03, RECEIVED AND ASSIGNED to City and School District Select Committee. Sponsor requests this matter be scheduled at the October 20, 2003 meeting.

**031714 [San Francisco Housing Authority]  
Supervisors Maxwell, Gonzalez, Daly**

Hearing to clarify the activities and responsibilities of the San Francisco Housing Authority with respect to the Request for Qualifications to Develop on Authority-Owned Land issued on July 28, 2003.

10/7/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031715 [Gang Violence in the City]  
Supervisors Maxwell, Dufty**

Hearing on efforts by City departments to reverse the increase in gang violence in the City.

10/7/03, RECEIVED AND ASSIGNED to City Services Committee.

### **Charter Amendments**

**031405 [Charter Amendment - Establishing a Public Education Fund]  
Supervisors Ammiano, Dufty, Daly**

Charter amendment (Third Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.

(Fiscal impact.)

8/12/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/11/2003.

9/30/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/30/03, ASSIGNED to Rules Committee. Referred to the Youth Commission on October 7, 2003.

10/7/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/7/03, ASSIGNED to Rules Committee.

## **PROPOSED ORDINANCES**

**031642 [Settlement of Lawsuit - Marie Lavin]**

Ordinance authorizing settlement of the lawsuit filed by Marie Lavin against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 5, 2001, in the San Francisco Superior Court, Case No. 402019, entitled Marie Lavin v. City and County of San Francisco, Adult Probation Department. (City Attorney)

(Public Benefit Recipient.)

9/29/03, RECEIVED AND ASSIGNED to Rules Committee.

**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. (City Administrator)

(No Public Benefit Recipient.)

9/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## PROPOSED RESOLUTIONS

- 031640 [Airport - Amendment to Concession Agreement and Lease Agreement for Rental Car Operations]**  
Resolution approving (a) Amendment No. 1 to the Concession Agreements and Lease Agreements for Rental Car Operations between Alamo Rent-A-Car, LLC, Avis Rent-A-Car System, Inc., Budget Rent-A-Car Systems, Inc., Dollar Rent-A-Car System, Inc., Enterprise Rent-A-Car Company of San Francisco, The Hertz Corporation, and Thrifty Rent-A-Car System, Inc., and the City and County of San Francisco, acting by and through its Airport Commission; and (b) Amendment No. 1 to the Lease Agreement for Rental Car Operations between National Car Rental Systems, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact; No Public Benefit Recipient.)

9/26/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031641 [Accept-Expend Federal Grant]**  
**Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$51,500 from the Environmental Protection Agency to reduce levels of mercury entering the San Francisco Bay by limiting the wastes associated with mercury amalgam fillings generated by dental offices to minimum achievable levels through a Dental Mercury Reduction Program. (Environment)

(No Public Benefit Recipient.)

9/26/03, RECEIVED AND ASSIGNED to City Services Committee.

**Requests Granted**

*From: Supervisor Daly*

*To: City Attorney*

*Requesting/Inquiring: To draft an ordinance that establishes a moratorium for off-sale liquor licenses in the City and County of San Francisco, requires that an annual inventory of off-sale liquor licenses be developed and requires that the San Francisco Police Department report on any crimes that happen on the premises of a off-sale liquor license holder to the Board of Supervisors on an annual basis.*

*From: Supervisor Daly*

*To: City Attorney*

*Requesting/Inquiring: To amend Sections 515.01 of the Business and Tax Regulations Code based on the attached document related to the Hotel Tax Allocations for Cultural Centers. (See attached.)*

*From: Supervisor Newsom*

*To: Mayor's Office of Housing*

*Requesting/Inquiring: To report on the feasibility of expanding the City's existing Teacher Home Purchase Programs. Specifically:*

*What would the City of San Francisco have to do to increase the amount of the grant received from the California Housing Finance Agency (CalHFA) towards the Extra Credit Teacher Home Purchase Program, thereby increasing the number of home loan packages available? And,*

*How much more funding is needed from CalHFA to make the program available to 100 teachers?*

*In addition to the Extra Credit Program and the HiCap Assistance Program, what is the feasibility of city-based supplemental assistance, such as a bond measure, in the form of a deferred loan to help cover down payment and closing costs?*

*How can the City ensure that the grant supplied by CalHFA is not completely used up before a reserve or additional funds are available, thereby avoiding a gap in the opportunity for teachers to take advantage of the incentive?*

*How is the current Teacher Home Purchase Program being publicized within the San Francisco Unified School District?*

**In Memoriams**

*Lt. Thomas R. Shawyer (Supervisor Dufty)*

## ADJOURNMENT


*There being no further business, the Board at the hour of 4:34 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 November 4, 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