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, September 17, 2002 2:00 PM

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

Rescheduled Meeting

TOM AMMIANO, PRESIDENT CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO, SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE

Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

| Committee Membership | Meeting Days |
|--|-------------------------------------|
| Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday 1:00 PM |
| City and School District Committee Supervisors Ammiano, Leno, Wynns, Mar | 3rd Wednesday 3:00 PM |
| Finance Committee Supervisors Peskin, Daly, Maxwell | Wednesday 12:30 PM |
| Health and Human Services Committee Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday 1:00 PM |
| Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday 2:00 PM |
| Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday 10:00 AM |
| Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday 1:00 PM |
| Transportation and Commerce Committee | 2nd and 4th Thursday |

Supervisors McGoldrick, Hall, Ammiano

9:30 AM

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake

McGoldrick, Gavin Newsom, Leland Y. Yee.

Members Absent: Mark Leno, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Leno, Peskin and Sandoval - 3

Supervisors Leno and Peskin excused. (See infra) Supervisor Sandoval was noted present at 2:04 p.m.

Quorum present.

Supervisors Leno and Peskin Excused from Attendance

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

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee Absent: 3 - Leno, Peskin, Sandoval

Privilege of the Floor

Supervisor Yee, seconded by Supervisor Newsom, 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: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to representatives of the "People with Disabilities Foundation".

APPROVAL OF MEETING MINUTES

Supervisor Daly, seconded by Supervisor Maxwell, moved to approve the minutes of the Board of Supervisors of July 8, July 15, July 22, July 29 and August 5, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee Absent: 3 - Leno, Peskin, Sandoval

AGENDA CHANGES

Clerk of the Board informed the Board that File Nos. 021241, 021242, 021243, 021245, 021246 and 021247 may be continued. (See Infra)

CONSENT AGENDA

Recommendations of the Rules and Audits Committee

021288 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Percival Agoncillo against the City and County of San Francisco for \$62,500; the lawsuit was filed on November 17, 1999 in San Francisco Superior Court, Case No. 307-953; entitled Percival Agoncillo v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

Ordinance No.

187-02

FINALLY PASSED

021323 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Lee Reese against the City and County of San Francisco for \$72,500.00; the lawsuit was filed on February 23, 2000 in Superior Court, Case No. 310-163; entitled Lee Reese v. California Bethel AME-Church, Inc., City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No.

195-02

FINALLY PASSED

021449 [Settlement of Lawsuit]

Ordinance authorizing offer of settlement of the lawsuit filed by Dillingham Construction N.A., Inc. against the City and County of San Francisco for \$350,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid through the release of such monies from the retention account for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No.

200-02

FINALLY PASSED

Recommendations of the Transportation and Commerce Committee

021316 [Federal Grant - Municipal Transportation Agency]

Supervisor Newsom

Resolution authorizing the Municipal Transportation Agency Board to accept and expend \$50,000 of Federal Assistance for Emergency Preparedness Drills, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

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

Resolution No.

639-02

ADOPTED

021317 [Accept - Expend Local Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$514,664 of Carl Moyer Program funds for Municipal Railway Transit Project. (Municipal Transportation Agency)

(Public Benefit Recipient.)

Resolution No.

640-02

ADOPTED

021360

[State grant funds of \$100,000 for a study of the coastal erosion occurring at Ocean Beach and potential methods of control]

Supervisors McGoldrick, Newsom

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$100,000 from the Coastal Resources Grant Program for the Ocean Beach Erosion Control Project in the City and County of San Francisco.

(No Public Benefit Recipient.)

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

Resolution No.

641-02

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

021241 [Appeal, Conditional Use, 1598 Dolores Street]

Motion approving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 23, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee Absent: 3 - Leno, Peskin, Sandoval

021242 [Appeal, Conditional Use, 1598 Dolores Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 23, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee Absent: 3 - Leno, Peskin, Sandoval

021243 [Findings - 1598 Dolores Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1058C, on property located 1598 Dolores Street, for action by the Board at its next meeting.

Continued to September 23, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee Absent: 3 - Leno, Peskin, Sandoval

From the Clerk

021245 [Appeal, Conditional Use, 2863 California Street]

Motion approving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Newsom requested this item to be continued to September 23, 2002.

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

021246 [Appeal, Conditional Use, 2863 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Newsom requested this item to be continued to September 23, 2002.

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

021247 [Findings - 2863 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0408C, on property located 2863 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Newsom requested this item to be continued to September 23, 2002.

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

Recommendations of the Finance Committee

021404 [Setting San Francisco's fiscal year 2002-2003 property tax rate and establishing pass-through rate for residential tenants]

Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for City and County purposes and establishing passthrough rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2003. (Controller)

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

Ordinance No.

196-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

021405 [Setting San Francisco Community College District's fiscal year 2002-2003 property tax rate to be included in the City's overall property tax rate]

Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2003. (Controller)

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

Ordinance No.

197-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

021406 [Setting San Francisco's Unified School District's fiscal year 2002-2003 property tax rate to be included in the City's overall property tax rate]

Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2003. (Controller)

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

Ordinance No.

198-02

FINALLY PASSED by the following vote:

021407 [Rescind funding for the Art Commission for municipal symphony concerts using property tax revenue] Supervisor Gonzalez

Ordinance rescinding \$31,964 in appropriation authority for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2002-03. (Controller)

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

Ordinance No. 199-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

Recommendation of the Health and Human Services Committee

012186 [Regulation of Diesel Backup Generators] Supervisors Maxwell, Daly, Gonzalez

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.

Ordinance No. 202-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

Recommendations of the Public Works and Public Protection Committee

021095 [Notification of Solicitations] Supervisors Sandoval, Daly

Ordinance amending the San Francisco Administrative Code by amending Section 12 D.A. 9. to require that all contract awarding authorities submit current bids, requests for proposals and solicitations to the Purchaser of Supplies of the City and County of San Francisco and cause to be posted on a Purchaser's website certain information concerning current bids, requests for proposals and solicitations.

Ordinance No. 189-02

FINALLY PASSED by the following vote:

021201 [Building Code]

Supervisor Sandoval

Ordinance repealing the San Francisco Building Code and adopting, in its entirety, a new San Francisco Building Code. (Building Inspection Department)

(Companion measure to File 021202.)

Ordinance No.

190-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

021203 [Electrical Code]

Supervisor Sandoval

Ordinance repealing the San Francisco Electrical Code and adopting, in its entirety, a new San Francisco Electrical Code. (Building Inspection Department)

(Companion measure to File 021204.)

Ordinance No.

191-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

021205 [Housing Code]

Supervisor Sandoval

Ordinance repealing the San Francisco Housing Code and adopting, in its entirety, a new San Francisco Housing Code. (Building Inspection Department)

(Companion measure to File 021206.)

Ordinance No.

192-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

021207 [Mechanical Code]

Supervisor Sandoval

Ordinance repealing the San Francisco Mechanical Code and adopting, in its entirety, a new San Francisco Mechanical Code. (Building Inspection Department)

(Companion measure to File 021208.)

Ordinance No.

193-02

FINALLY PASSED by the following vote:

021209 [Plumbing Code]

Supervisor Sandoval

Ordinance repealing the San Francisco Plumbing Code and adopting, in its entirety, a new San Francisco Plumbing Code. (Building Inspection Department)

(Companion measure to File 021210.)

Ordinance No.

194-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

Recommendation of the Rules and Audits Committee

020942 [Settlement of Lawsuit]

Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by Cecelia Wade against the City and County of San Francisco for \$350,000; the lawsuit was filed on July 11, 2001 in the San Francisco Superior Court and later was transferred to the District Court of the Northern District of California, Case No. C01-3165; entitled Cecelia Wade, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

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

Ordinance No.

188-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

NEW BUSINESS

Recommendation of the Neighborhood Services and Recreation Committee

021312 [Liquor License Transfer, 638 Fourth Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license and Type 42 on-sale beer and wine public premises license from 766 Harrison Street to 638 Fourth Street to Todd F. Zucker for dba "K&L Wine Merchants" will serve the public convenience and necessity 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 conditions.

Resolution No.

638-02

ADOPTED by the following vote:

From Rules and Audits Committee "Without Recommendation"

020618

Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of February 2, 2003.

Supervisor Gonzalez

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2 p.m., instead of Mondays at 2 p.m., effective the week of February 2, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

Continued to September 23, 2002

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

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

020597

[Establishing Board of Supervisors Regular Meeting Days]

Supervisors Gonzalez, Newsom, Daly

Resolution establishing Tuesdays at 2 p.m. as the regular meeting days and times of the Board of Supervisors, beginning on February 4, 2003; rescinding Resolution No. 186-87, effective January 28, 2003, which established Mondays at 2 p.m. as the days and times of regular meetings of the Board of Supervisors.

Continued to September 23, 2002

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

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

Recommendations of the Transportation and Commerce Committee

021183 [CEQA Findings for the Laguna Honda Replacement Project]

Supervisors Hall, Newsom

Resolution adopting environmental findings pursuant to the California Environmental Quality Act and State Guidelines in connection with adoption of a Zoning Map Amendment for the Laguna Honda Hospital Replacement Project.

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

Resolution No. 637-02

ADOPTED by the following vote:

021191 [Zoning Map Amendment in connection with Laguna Honda Replacement Project] Supervisors Hall, Newsom

Ordinance amending Zoning Map Sheet 6H of the City and County of San Francisco for property located at Assessor's Block 2842 to change the height district classification from 80D to 90D and a portion of the area designated as OS to 90D; 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.

(Companion measure to File 021183.)

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

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdalah Megahed; homelessness and peace issues Ms. Miller; homelessness issues Male speaker; quality of Democracy Rubin Goodman; City Street cleaners issues John Kelly; homelessness relating to the elderly Daryl Bishop; City construction contract James Chaffee; SF Public Library issues Roger Baisley; SF PTA school traffic 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.

021527 [Legislative Analyst Request] Supervisor Daly

Motion asking the Legislative Analyst to address San Francisco's criminal justice system with a specific analysis of race, ethnicity, age, sexual orientation and neighborhood of participants. Contrast San Francisco's offender profile with that of other major American cities. Describe prevention and community organizing programs that keep people from the criminal justice system. Analyze rehabilitation programs for cost effectiveness and efficacy.

APPROVED by the following vote:

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.

021511 [Commend Chinatown Child Development Center]

Supervisors Yee, Daly, Gonzalez

Resolution commending the excellent work of the Chinatown Child Development Center and congratulating CCDC on the occasion of its 30th Anniversary.

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

Resolution No.

642-02

ADOPTED

021512 [Congratulating Superintendent Ackerman and Board of Education for improved academic performance]

Supervisors Ammiano, Newsom, McGoldrick, Daly

Resolution congratulating Superintendent Ackerman and the Board of Education for their steadfast commitment to improving the quality of San Francisco's public schools; and supporting their proven efforts to raise academic performance and improve San Francisco's public schools.

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

Resolution No.

643-02

ADOPTED

021513 [Support UC Davis Researcher, Bin Han]

Supervisor Sandoval

Resolution supporting UC Davis researcher Bin Han in his pursuance of justice in the face of wrongful accusations of embezzlement and espionage.

Resolution No.

644-02

ADOPTED

021515 [Marina District Pedestrian Safety]

Supervisor Newsom

Resolution urging the Municipal Transportation Agency Board of Directors to take all necessary steps in mitigating unsafe traffic conditions in the Marina District, specifically at the corner of Lombard and Fillmore Streets, including consideration of the installation of a countdown light, and the installation of a lit crosswalk at this intersection and working with the Office of the City Attorney and the San Francisco Police Department in concert for a unified and collaborative effort to make safer streets and ensure maximum pedestrian safety.

Resolution No.

646-02

ADOPTED

021516 [Designate Southeast Corner of Filbert and Grant "Poet's Corner"] Supervisors Peskin, Gonzalez, Daly, Newsom

Resolution designating the southeast corner of Filbert and Grant in North Beach as the official Poet's Corner of the City of San Francisco beginning on Sunday, September 22, 2002, and to honor the contribution of poets past and present by approving the installation of a commemorative plaque at this location.

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

Resolution No.

647-02

ADOPTED

021517 [Commend Anti-Hate Campaign]

Supervisors Daly, Newsom

Resolution supporting the citywide "Anti-Hate Campaign."

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

Resolution No.

648-02

ADOPTED

021518 [Commend Family Connections, San Bruno Merchants, St. Elizabeth Chapter of SF] Supervisor Maxwell

Resolution to commend Family Connections, San Bruno Merchants Association, the St. Elizabeth Chapter of the San Francisco Organizing and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.

Resolution No.

649-02

ADOPTED

021519 [Support SEIU's "Principles for a More Secure San Francisco"]

Supervisor Daly

Resolution supporting SEIU's five-point plan.

Resolution No.

650-02

ADOPTED

021520 [Commend "Daughters of Charity" 150 years]

Supervisors Yee, Newsom

Resolution commending the Daughters of Charity for One Hundred Fifty Years of Service.

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

Resolution No.

651-02

ADOPTED

021540 [Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 2999 Pacific Avenue, A Residential Condominium Project, being a resubdivision of Lots 80, 81, 82, 83, 84, and 85 in Assessor's Block No. 976, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,683; District 2.)

Motion No.

M02-158

APPROVED

021500 [Final Map for an 8 Unit Live/Work Condominium Project]

Supervisor Daly

Motion approving Final Map of 428 8th Street, a Live/Work Condominium Project, being a subdivision of Lot 70, Assessor's Block No. 3757, and adopting findings pursuant to City Planning Code Section 101.1.

(DPW Order No. 173,688; District 6.)

Motion No.

M02-155

APPROVED

[Needle Exchange Emergency] 021528

Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

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

Motion No.

M02-156

APPROVED

021539 [Final Map for a 6 Unit Live/Work Condominium Project]

Motion approving Final Map of 475 Hampshire Street, a Live/Work Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3973, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,689; District 9.)

Motion No.

M02-157

APPROVED

020702 [Final Map for a 9 Unit Live/Work Condominium Project]

Motion approving Final Map of 637 Natoma Street, a Live/Work Condominium Project, being a subdivision of Lot 200, Assessor's Block No. 3727, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,704; District 6; No Public Benefit Recipient.)

951

Motion No.

M02-153

APPROVED

020756 [Final Map for a 15 Unit Commercial/Residential Condominium Project]

Motion approving Final Map of 741 & 745 Clement Street, a Commercial/Residential Condominium Project, being a merger and subdivision of Lots 31 and 31A Assessor's Block No. 1440, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,706; District 1; No Public Benefit Recipient.)

Motion No.

M02-154

APPROVED

The foregoing items were acted upon by the following vote:

Severed from Adoption Without Reference to Committee

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

Supervisor Sandoval requested that the following Supervisors be added as co-sponsors: Ammiano, Daly, Gonzalez, Maxwell and Yee.

021514 [Oppose Social Security Administration's No-Match Policy]

Supervisors Sandoval, Gonzalez, Daly

Resolution opposing the Social Security Administration's "No-Match" letter policy and urging local employers to adopt a code of conduct towards no match letters.

Resolution No. 645-02 ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee Absent: 2 - Leno, Peskin

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.

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

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

[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.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinance

021503 [Amend Subdivision Code Section 1308]

Supervisors McGoldrick, Ammiano, Gonzalez

Ordinance amending the San Francisco Subdivision Code by amending Section 1308 to provide that a tenant may also be an owner of record of the property and to remove the requirement that a tenant have an exclusive right to occupy a unit; amending Section 1316 to address the formation of tenancies in common in buildings of seven units or more; and making this Ordinance retroactive to November 1, 2002.

8/26/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

9/16/02, TRANSFERRED to Transportation and Commerce Committee.

9/17/02, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

9/17/02, ASSIGNED to Transportation and Commerce Committee.

Resolutions

O21552 [Oppose Federal Intervention Collective Bargaining - International Longshore and Warehouse Union] Supervisors Sandoval, Newsom, Yee, McGoldrick, Maxwell, Ammiano, Daly, Gonzalez, Leno, Peskin

Resolution opposing Federal intervention in the collective bargaining process between the International Longshore and Warehouse Union and the Pacific Maritime Association in San Francisco.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT

BOARD MEETING.

021553 [Commend Developing Environments Artists] Supervisors Daly, Sandoval

Resolution commending the Developing Environments Artists in the Royce Artists Building on their 30th year anniversary.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021554 [Support Proposition 50, Clean Water and Coastal Protection Bond] Supervisors Daly, Sandoval

Resolution supporting Proposition 50, the Clean Water and Coastal Protection Bond. 9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021555 [Extend Juvenile Justice Advisory Committee]

Supervisor Gonzalez

Resolution extending the Juvenile Justice Advisory Committee's term of operation for an additional six months. 9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021556 [Declare October 20 - 26 National Operator Appreciation Week]

Supervisors Yee, Sandoval

Resolution declaring October 20 - October 26 as National Operator Appreciation Week. 9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021557 [Support Assembly Bill 117, Community Choice Bill]

Supervisors Ammiano, Daly

Resolution supporting Assembly 117, the Community Choice Bill.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021558 [Support Proposition 47, Kindergarten-University Public Education Facilities Bond Act] Supervisors Ammiano, Sandoval, Daly

Resolution supporting Proposition 47, the Kindergarten-University Public Education Facilities Bond Act of 2002.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021559 [Honor Reverend Louis Vitale]

Supervisors Ammiano, Newsom, Sandoval, Leno, Daly, Gonzalez

Resolution honoring Reverend Louis Vitale who has devoted over 40 years of his life to the service of others by declaring September 29th, 2002 as Fr. Louis Vitale Day.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021560 [Commend Sheldon Rizen]

Supervisors Ammiano, Sandoval

Resolution commending Mr. Sheldon Rizen, an outstanding educator for the San Francisco Unified School District (SFUSD) and declaring September 28th, 2002 as Mr. Sheldon Rizen Day in the City and County of San Francisco.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021561 [Commend City CarShare's Electrical Car Sharing Service] Supervisors Newsom, Sandoval, Leno, Peskin, Daly, Gonzalez

Resolution commending City CarShare on its launch of electric car sharing service in San Francisco. 9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021562 [Commend Family Connections, San Bruno Merchants, Portola Community for San Bruno Avenue Festival Davl

Supervisors Maxwell, Sandoval, Leno

Resolution to commend Family Connections, San Bruno Merchants Association and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021563 [Commend DTIS launch of new SFGTV] Supervisors Daly, Sandoval

Supervisors Daily, Sandovan

Resolution commending the Department of Telecommunications and Information Services on the occasion of the launch of SFGTV.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021564 [Commend Martina Gillis]

Supervisors Ammiano, Sandoval, Leno, Daly

Resolution of appreciation and recognition of Martina Gillis for her vision, leadership, and years of commitment on behalf of the people of the City and County of San Francisco.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021571 [Appointment - Telecommunications Commission] Mayor

Resolution approving the Mayor's appointment of Elizabeth A. Inadomi to the Telecommunications Commission, for the term ending July 1, 2005. (Mayor)

9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021572 [Accept - Expend Federal Grant] Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$1,609,555 from the U.S. Department of Justice, Bureau of Justice Assistance, to administer the Local Law Enforcement Block Grant Program. (Mayor)

(Public Benefit Recipient.)

9/17/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Request for Hearing

021565 [Interim Management Letters, City's 2001-2002 Audit]

Supervisor Hall

Hearing to consider the Interim Management Letters for the City and County of San Francisco as presented by the City's external auditors for the fiscal year 2001-2002 audit.

9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. Sponsor requests this item be scheduled for consideration at the October 1, 2002 meeting.

021566 [Small Business Concerns re: PG&E]

Supervisor Daly

Hearing to discuss small business concerns about PG&E, including high cost of service and poor customer service.

9/17/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021567 [Violence on Young Children]

Supervisor Ammiano

Hearing on San Francisco's strategy to reduce the incidence and impact of violence on young Children. 9/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration at the November 7, 2002 meeting.

021568 [Office of Citizen Complaints 2001 Annual Report]

Supervisor Ammiano

Hearing on the 2001 Annual Report of the Office of Citizen Complaints. 9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Motion

021570 [Waiver Permitting City Employees to Serve as Field Election Deputies and Otherwise Assist the Department of Elections on November 5, 2002.]

Supervisor Ammiano

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit employees of the Controller's Office and the City Attorney's Office and civil servants working for City departments, other than departments whose elective officer is standing for election on November 5, 2002, to serve as Field Election Deputies and otherwise assist the Department of Elections on November 5, 2002.

9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED ORDINANCES

021530 [Settlement of Lawsuit - Mary Lou Cordero]

Ordinance authorizing settlement of the lawsuit filed by Mary Lou Cordero against the City and County of San Francisco for \$100,000; the lawsuit was filed on August 27, 2001, in the San Francisco Superior Court, Case No. 324-064; entitled Mary Lou Cordero v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

9/3/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021531 [Settlement of Lawsuit - Silvia Landau] Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by Silvia Landau against the City and County of San Francisco for \$73,000; the lawsuit was filed on April 27, 2000 in San Francisco Superior Court, Case No. 311768, entitled Silvia Landau v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

9/18/02 Supervisor Sandoval dissenting in committee.
9/3/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021532 [Settlement of Grievance - Gabriel Castillo]

Ordinance authorizing settlement of the grievance (ERD No. 83-02-0790) of Gabriel Castillo against the City and County of San Francisco for \$93,938.15 (including \$72,427.50 to Castillo as back wages; \$16,392.08 to the City's Retirement System to make up shortages in Castillo's retirement account; \$3,938.15 to the City's Retirement System as reimbursement for withholding tax and health coverage premiums; and \$1,180.42 as a lump sum payment to Castillo). Other material terms of said settlement are Castillo shall not seek future employment with the City and he shall release all claims relating to his dismissal as a 2320 Registered Nurse. Castillo shall also return all uncashed pension warrants in the amount of \$19,625.24 to the Office of the City Attorney. (City Attorney)

(Public Benefit Recipient.)

9/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

020348 [Request an ABAWD (Able Bodied Adults without Dependents) Waiver from the State Department of Social Services]

Resolution authorizing the Department of Human Services to request an ABAWD Waiver from the State Department of Social Services. (Human Services Department)

(No Public Benefit Recipient.)

9/9/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021508 [Agreement with the State of California for the Third Street Light Rail Project and supplement to the Freeway Maintenance Agreement]

Resolution authorizing the Director of Transportation to execute a cooperative agreement with the State of California Department of Transportation (Caltrans) and the Director of Public Works to execute a supplement to the Freeway Maintenance Agreement with the State of California, Department of Transportation (Caltrans). (Municipal Transportation Agency)

(No Public Benefit Recipient.)

8/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021533 [State grant for medical services to indigent persons] Supervisors Daly, Leno, Newsom

Resolution authorizing the Department of Public Health to accept and expend retroactively a grant allocation for up to \$4,136,456 for Fiscal Year 2002-03 funding from the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funds for medical services to indigent persons, professional services, medical services contracts, materials and supplies, facilities rental, personal services, and indirect costs in the amount of \$60,541, based on 11.8% of administrative and fiscal intermediary costs; for the period of July 1, 2002, to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

9/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be scheduled for consideration at the September 19, 2002 meeting.

021534 [Grant Federal Funds]

Resolution authorizing the Municipal Transportation Agency Board to accept and expend \$66,231,753 of Federal Formula Section 5307, Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Program (STP) Capital Assistance for San Francisco capital projects and activities, including Administrative Overhead Costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

8/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021542 [Refugee County Plan]

Resolution approving the San Francisco Federal Fiscal Year 2002 Refugee County Plan. (Private Industry Council)

(Public Benefit Recipient.)

9/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021543 [Contract funds for SFHIV Vaccine Clinical Trials Unit] Supervisors Daly, Leno

Resolution authorizing the Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$325,345 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the third year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2002 to May 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

8/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Newsom

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To evaluate the following street intersections for traffic and safety improvements:

- 1. Lombard and Broderick Streets
- 2. Octavia and Francisco Streets
- 3. Octavia and Gough Streets

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft legislation, which would:

- 1. Require the Board of Supervisors to submit for action any legislation at least 60-days prior to the last day for filing with the Department of Elections ordinances and policy declarations intended for voter approval; and
- 2. Require the Board of Supervisors to calendar such an ordinance of policy declaration for a public hearing within 15 days after such submission; and
- 3. Require the Board of Supervisors to vote to enact or reject the ordinance or policy declaration within 30 days after such submission. If rejected or amended in a manner unacceptable to the sponsor(s), the ordinance or policy declaration could then be submitted to the voters.

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft legislation adding a new section of the Police Code, (similar to Park Code, Section 4.08) which would prohibit a person from interfering with or in any manner hinder any "City or Contract" employee working on City property or attending to City streets/sidewalks.

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To report how the Department investigates citizens' complaints of Parking Control Officers and, generally, what is the department oversight process of these officers?

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: What suggestions does the Department have to improve pedestrian and vehicular safety at the intersection of Portola Drive and Claremont? What steps must be taken to make these improvements?

From: Supervisor Hall

To: City Attorney

Requesting/Inquiring: To draft legislation that will disband any commission, task force, working group, committee, etc. of the City that has not met in the last four months. Moreover, I would like the legislation to look forward by applying itself to current and future committees that are meeting or will meet, but will be forced to sunset should they not meet within four months.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation that would end any inequity that may exist in treatment of domestic partners and married couples regarding reassessment of property when one partner dies.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft an ordinance banning the sale of sexual lubricants containing the spermicide nonoxynol-9 (N-9) in the City and County of San Francisco.

From: Supervisor Maxwell

To: Director, Port of San Francisco

Requesting/Inquiring: To report on the status of toxic soil materials stored at Pier 92, specifically:

- 1. According to the Port's lease (attached), toxic soil materials have been sitting on Port Property since 1988. Why has this toxic material been left untreated for so long and what is the current status of the toxic soil materials at Pier 92?
- 2. What are your current plans to treat or clean up this toxic soil material?
- 3. Once the toxic soil has been treated, what do you plan to do with the soil?

In Memoriams

Mayor Ralph Appezzato (Entire Board)
Nanette Armenta (Supervisor Hall)
Carol Toderico (Supervisor Yee)
Sheldon Rizen (Supervisor Ammiano)
Dina Harb (Supervisor Ammiano)
Barbara Kay Pendergast (Supervisor Leno)
Robert Mason (Supervisor Leno)
Jack Harte (Supervisor Sandoval)
Steven Cannata (Supervisors Newsom, Hall, Daly)

ADJOURNMENT

There being no further business, the Board at the hour of 3:20 p.m. adjourned.

Gloria L. Young, Clerk

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

Approved by the Board of Supervisors on October 15, 2002.

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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