

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

## MEETING MINUTES

**Tuesday, December 16, 2003 2:00 PM**  
**Legislative Chamber - Second Floor**  
**City Hall, 1 Dr. Carlton B. Goodlett Place**  
**San Francisco, CA 94102-4689**

### Regular Meeting

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

*Gloria L. Young, Clerk of the Board*

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

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

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

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

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

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
4:00 PM

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 PM

Wednesday  
9:30 AM

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

**Members Present:** Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Newsom was noted absent.*

*Supervisor Newsom was excused from attending meeting. (See Infra)*

*Quorum present.*

## APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Peskin, moved to approve November 18, 2003 Meeting Minutes. The motion carried by the following vote:

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

## CONSENT AGENDA

### Recommendations of the Finance and Audits Committee

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

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

Ordinance No. 282-03  
FINALLY PASSED

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

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

(Public Benefit Recipient.)

**Resolution No. 809-03**

**ADOPTED**

**Recommendations of the Rules Committee****031790 [Settlement of Lawsuit - Mamei Wei]**

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

(Public Benefit Recipient.)

**Ordinance No. 283-03**

**FINALLY PASSED**

**031799 [Settlement of Lawsuit - Curtis McGlothin]**

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

(Public Benefit Recipient.)

**Ordinance No. 285-03**

**FINALLY PASSED**

**031807 [Settlement of Lawsuit - Teresa Lau]**

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

(Public Benefit Recipient.)

**Ordinance No. 284-03**

**FINALLY PASSED**

**031855 [Settlement of Lawsuit - Poppie Kouremetis]**

Ordinance authorizing the settlement of lawsuit filed by Poppie Kouremetis against the City and County of San Francisco for \$95,000; the lawsuit was filed on May 13, 2002, in San Francisco Superior Court and was removed to United States District Court, Case No. C02-02980 MEJ, entitled Kouremetis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

**PASSED, ON FIRST READING**

**031912 [Settlement of Lawsuit - Leo Rivkin]**

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

(Public Benefit Recipient.)

**PASSED, ON FIRST READING**

**031913 [Settlement of Lawsuit - Janet Prieto]**

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

(Public Benefit Recipient.)

**PASSED, ON FIRST READING**

**031946 [Settlement of Lawsuit - Billy Clark]**

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

(Public Benefit Recipient.)

**PASSED, ON FIRST READING**

**031576 [Appointment]**

Resolution appointing LeConte Dill and Gloria Thornton, terms ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.

LeConte Dill, (residency requirement waived) succeeding Ann Togia, resigned, seat 1, must be a representative of a community-based organization that provides advocacy related to asthma issues in San Francisco and is a voting member; for the unexpired portion of a two year term ending June 30, 2005.

Gloria Thornton, succeeding Carla Furtado, resigned, seat 11, must be a representative of MediCal Managed Care Insurers and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

**Resolution No. 799-03**

**ADOPTED**

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

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

Absent: 1 - Newsom

**Severed from Consent Agenda**

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

**031882 [Review of Concession Opportunity]  
Supervisor Peskin**

Resolution authorizing the Director of the Department of Administrative Services to issue a request for proposals for the award of an agreement for use of sites owned or occupied by the City and County of San Francisco for beverage vending services.

**Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Resolution be RE-REFERRED to the Finance and Audits Committee. The motion carried by the following vote:**

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

*Supervisor Daly requested the following items be severed so that they could be considered separately.*

**031923 [Certification to Accompany Application for State Grant for construction of an Ingleside Branch Library]  
Mayor, Supervisors Sandoval, Daly, Hall**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

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

**Resolution No. 804-03**

**ADOPTED by the following vote:**

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

**031924 [Certification to Accompany Application for State Grant for construction of a new Ortega Branch Library]  
Mayor, Supervisor Ma**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

**Resolution No. 805-03**

**ADOPTED by the following vote:**

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

**031925 [Certification to Accompany Application for State Grant for construction of a Portola Branch Library]  
Mayor, Supervisor Maxwell**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

**Resolution No. 806-03**

**ADOPTED by the following vote:**

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

**031926 [Certification to Accompany Application for State Grant for Richmond Library Expansion and Renovation]**  
**Mayor, Supervisor McGoldrick**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

**Resolution No. 807-03**

**ADOPTED by the following vote:**

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

Noes: 1 - Daly

Absent: 1 - Newsom

**031927 [Certification to Accompany Application for State Grant for construction of a Visitacion Valley Branch Library]**  
**Mayor, Supervisor Maxwell**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

**Resolution No. 808-03**

**ADOPTED by the following vote:**

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

Noes: 1 - Daly

Absent: 1 - Newsom

## NEW BUSINESS

## REGULAR AGENDA

### Recommendations of the Finance and Audits Committee

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

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

(Fiscal impact; No Public Benefit Recipient.)

*The Board reviewed this matter with the Budget Analyst and a Member of the Airport Commission. Supervisor Sandoval, seconded by Supervisor Ma, moved to refer this matter to Committee.*

*Motion failed by the following vote:*

*Ayes: 5 - Dufty, Hall, Ma, Maxwell, Sandoval*

*Noes: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin*

*Absent: 1 - Newsom*

*Supervisor Hall, seconded by Supervisor Maxwell, moved to continue to January 27, 2004.*

*Motion failed by the following vote:*

*Ayes: 4 - Dufty, Hall, Ma, Maxwell*

*Noes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval*

*Absent: 1 - Newsom*

**NOT ADOPTED** by the following vote:

*Ayes: 4 - Dufty, Hall, Ma, Sandoval*

*Noes: 6 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin*

*Absent: 1 - Newsom*

**031828 [Airport Revenue Bonds]**

Resolution approving the issuance of up to \$225,000,000 additional aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving the issuance of San Francisco International Airport Second Series Variable Rate Revenue Bonds for the purpose of financing or refinancing certain capital improvements at San Francisco International Airport, including by refunding outstanding 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving the maximum interest rates thereon; Approving the forms of certain documents relating to the Bonds; Approving XI Capital Assurance Inc. as a provider of bond insurance and reserve fund Surety Bonds and the forms of certain documents relating thereto; and Approving certain amendments to the 1991 Master Resolution. (Airport Commission)

**Resolution No. 800-03**

**ADOPTED by the following vote:**

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

**031884 [Expend Federal Funds - Fiscal Year 2003 Lead Hazard Reduction Demonstration Grant Program] Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$2,600,000, which includes indirect costs of \$30,000.

(No Public Benefit Recipient.)

**Supervisor Sandoval, seconded by Supervisor Daly, moved that this Resolution be RE-REFERRED to the Finance and Audits Committee. The motion carried by the following vote:**

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, Sandoval  
Noes: 2 - McGoldrick, Peskin  
Absent: 1 - Hall  
Excused: 1 - Newsom

**Recommendations of the 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]  
Supervisors Peskin, Daly, McGoldrick, Gonzalez, Sandoval, Ammiano**

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.

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

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

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

- 031832 [Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As a Landmark Under Planning Code Article 10]**  
**Supervisors Daly, Peskin, Gonzalez**

Ordinance Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As Landmark No. 238 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

(No Public Benefit Recipient.)

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

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

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

- 031566 [Interim Controls Regulating Certain Industrially-Zoned Properties on Third Street Between Islais Creek and Paul Avenue]**  
**Supervisors Maxwell, Gonzalez**

Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005; Block 4881, Lots 012, 018, 022, and 024; Block 4912, Lot 006; Block 4940, Lots 012A, 012B, and 024; Block 5211, Lots 027 and 028; Block 5217, Lot 001; Block 5225, Lot 010; Block 5226, Lots 025, and 028; Block 5235, Lots 003 and 011; Block 5242, Lots 021, 022, 023, 024, and 042; Block 5253, Lots 003, 008, 029, 030, 031, 032, 033, and 034; Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036; Block 5272, Lots 045 and 048; Block 5279, Lots 001, 002 and 003; Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030; Block 5418, Lots 001, 002, and 010; Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018; Block 5421, Lot 011; Block 5429, Lot 002; Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1.

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

**Resolution No. 820-03**

**ADOPTED by the following vote:**

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

### **Recommendations of the Rules Committee**

- 031503 [New administrative debarment procedure]**  
**Supervisors Peskin, McGoldrick, Gonzalez**

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

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

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

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

**031534 [Appointment]**

Resolution appointing F.X. Crowley, term ending January 31, 2005, to the Golden Gate Bridge, Highway and Transportation District.

F.X. Crowley, succeeding Robert McDonnell, deceased, seat 2, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2005.

Supervisor Dufty dissenting in committee.

*Continued to January 13, 2004*

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

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

**031864 [Appointment, Public Utilities Commission]**

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

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.  
Transmittal date - November 20, 2003.

*Supervisor Daly discussed with the City Attorney the issues relating to the appointment process and validity of the appointment.*

*Supervisor Gonzalez reviewed with the Deputy City Attorney the process regarding a member not voting on an item if present in the Chamber.*

**Motion No. M03-219**

**APPROVED by the following vote:**

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

*Recess*

*The Board recessed at the hour of 3:40 p.m.*

*Reconvening of the Board*

*The Board at the hour of 3:45 p.m. reconvened.*

*Calling the Roll*

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

*Supervisors Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval - 9*

*Quorum present.*

*Supervisor Maxwell noted present at 3:52 p.m.*

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

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

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

Excused: 1 - Newsom

*Supervisor Hall introduced, welcomed and presented a Certificate of Honor to Karin Carlson, Mayor's Board Liason.*

*Mayor Willie Brown, Jr. spoke in the recognition of Ms. Carlson.*

031999

**[Third Annual Youth Recognition Day]**

Third Annual Youth Recognition Day Presentation. (Clerk of the Board)

*Speakers:*

*Jesse Cottrell, Chair of the San Francisco Youth Commission*

*Commissioner Mar, Member of the Board of Education*

*Britt Benson (Supervisor Ma)*

*Jasmine Marshall (Supervisor Maxwell)*

*Robert Daniel Wong (Supervisor McGoldrick)*

*Daniel Panko (Supervisor Newsom) presented by Supervisor Dufty*

*Melanie Lee Seto (Supervisor Peskin)*

*Ricardo Iraheta (Supervisor Sandoval)*

*Vinia Ramos-Castro (Supervisor Ammiano)*

*Andy Shie Kee Wong (Supervisor Daly)*

*Antonio Alonzo Ayala (Supervisor Dufty)*

*Deborah Falch (Supervisor Hall)*

*Marquez Shaw (Supervisor Gonzalez)*

**FILED.**

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

**031888 [Public Hearing]**

Hearing of persons interested in or objecting to proposed Resolution establishing the modification and renewal of an assessment district known as the Union Square Business Improvement District, ordering the levy and collection of assessments against property located in that district for fiscal years 2004-2005 through 2008-2009, approving an agreement with the Union Square Business Improvement District, Inc. to provide services within the District, repealing Resolution No. 1066-98, creating the Union Square Business Improvement District Advisory Board, and making environmental findings. (Clerk of the Board)

(Companion measure to File 031815.)

*Supporting Union Square Business Improvement District*

*Leigh Ann Baughman, Union Square  
Mary McCue, Yerba Buena Gardens  
Anson Lee, Ellis - O'Farrell Parking Corporation  
Wes Tyler, Chancellor Hotel  
Ken Cleaveland, BOMA/SF*

*Opposing Union Square Business Improvement District  
David Blatteis, P.T. Huo Corporation, unfair tax should be based on property size  
The President declared the Public Hearing Closed.  
Representative of the Department of the Elections gave the results of the Election.  
HEARD AT PUBLIC HEARING.*

**031815 [Modification and renewal of the Union Square Business Improvement District]  
Supervisor Peskin**

Resolution establishing the modification and renewal of an assessment district known as the Union Square Business Improvement District, ordering the levy and collection of assessments against property located in that district for fiscal years 2004-2005 through 2008-2009, approving an agreement with the Union Square Business Improvement District, Inc. to provide services within the District, repealing Resolution No. 1066-98, creating the Union Square Business Improvement District Advisory Board, and making environmental findings.

(Fiscal impact.)

*Crispin Tirso, Department of the Elections, reported to the Board the results of the Union Square Business Improvement District Election.*

*Supervisor Peskin, seconded by Supervisor Ammiano, moved an amendment of the whole.*

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

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

**Resolution No. 798-03**

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

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

*Mike Farrah, Legislative Aide to Supervisor Newsom informed the Board that Supervisor Newsom was unable to attend today's meeting due to transition matters. Supervisor Newsom will be in attendance at the January 6, 2004 meeting*

**Supervisor Newsom Excused from Attendance**

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

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

Absent: 1 - Newsom

**SPECIAL ORDER 4:30 P.M.****031840 [Appeal, Final Mitigated Negative Declaration - 701 Lombard Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 15, 2003, approving a final mitigated negative declaration for the proposed condominium project located at 701 Lombard Street, on Assessor's Block 074, Lot 001. (Appellant: Susan Brandt-Hawley, attorney, on behalf of Telegraph Hill Dwellers.)

(Appeal filed November 6, 2003 by Susan Brandt-Hawley, attorney, on behalf of the Telegraph Hill Dwellers; companion measure to Files 031841, 031842, 031860, 031861, 031862, 031863.)

*Susan Brandt-Hawley, Attorney for appellant*

*Support of appellant:*

*Julie Christiansen, Jean Milligan, Joe Butler, Mikel Olman, Mr. Wong, Mark Bruno, Vice President, Telegraph Hill Dwellers, Karen Pasiani, Local Attorney, Mary Liffian, Paul Scott*

*Paul Maltzer, Environmental Officer, Planning Department and Larry Badinder, Acting Planning Director reviewed with the Board the Planning Department's recommendation.*

*Jim Reuben, Attorney for project sponsor*

*Sal Busalacchi, Starchild, Patricia Franklin, Keith Wilson, Lynn Jefferson, North Beach Neighbor, Brian O'Flynn, project sponsor, Joe O'Donoghue*

*Rebuttal Period:*

*Susan Brandt-Hawley, Attorney for appellant*

*The President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

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

**031841 [Finding appeal of the negative declaration for 701 Lombard Street untimely]**

Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street not timely filed. (Clerk of the Board)

*Speakers on the question of the timeliness of the filing of the appeal.*

*Susan Brandt-Hawley, Attorney for appellant*

*Jim Reuben, Attorney for project sponsor*

*The Board reviewed with the Deputy City Attorney and Planning Department representatives the appeal process.*

*Joe O'Donoghue, Residential Builders, support of project sponsor*

*Mr. Demoulliear, support of project sponsor, Patricia Franklin, Brian O'Flynn, project sponsor, Sal Busalacchi, opposed to appeal, Paul Scott, President of Telegraph Hill Dwellers, support of appeal, Starchild, Libertarian, opposed to appeal, Kerry Mallen, support of project sponsor, Male speaker, support of appeal, Chuck Clemens, support of project sponsor, female speaker, support of project sponsor, Joan Wood, support of appeal, Keith Wilson, support of project sponsor, female speaker, support of project sponsor, Rick Hills, Mr. Turner support of project sponsor*

*The President declared the Public Hearing Closed.*

*Rebuttal Period:*

*Susan Brandt-Hawley, Attorney for the appellant*

**TABLED by the following vote:**

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

Noes: 4 - Dufty, Gonzalez, Hall, Ma

Excused: 1 - Newsom

**031842 [Finding the negative declaration appeal for 701 Lombard Street timely]**

Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street timely filed. (Clerk of the Board)

**Motion No.** M03-207

**APPROVED by the following vote:**

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

Noes: 4 - Dufty, Gonzalez, Hall, Ma

Excused: 1 - Newsom

**(Only one of the following two motions should be adopted.)****031861 [Affirm adoption of the negative declaration for 701 Lombard Street]**

Motion affirming Planning Department adoption of the final negative declaration for 701 Lombard Street. (Clerk of the Board)

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

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

Noes: 4 - Dufty, Hall, Ma, Maxwell

Excused: 1 - Newsom

**031862 [Reversing adoption of the negative declaration for 701 Lombard Street]**

Motion reversing the Planning Department adoption of the final negative declaration for 701 Lombard Street. (Clerk of the Board)

**Motion No.** M03-209

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

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

Noes: 4 - Dufty, Hall, Ma, Maxwell

Excused: 1 - Newsom

**031863 [Preparation of findings to reverse adoption of the negative declaration for 701 Lombard Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department adoption of the negative declaration for 701 Lombard Street. (Clerk of the Board)

**Motion No.** M03-210

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

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

Noes: 4 - Dufty, Hall, Ma, Maxwell

Excused: 1 - Newsom

**031860 [Preparation of findings related to the timeliness of the negative declaration appeal for 701 Lombard Street]**

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 701 Lombard Street. (Clerk of the Board)

**Motion No.** M03-208

**APPROVED** by the following vote:

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

Noes: 4 - Dufty, Hall, Ma, Maxwell

Excused: 1 - Newsom

**SPECIAL ORDER 4:30 P.M.****031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]**

**Supervisor Peskin**

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.

*Continued to January 13, 2004*

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

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

Noes: 4 - Dufty, Hall, Ma, Maxwell

Absent: 1 - Newsom

**SPECIAL ORDER 6:00 P.M.**

**031905 [Public Hearing - Appeal of Categorical Exemption - 937-939 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 30, 2003, approving a Certificate of Determination of Exemption/Exclusion from Environmental Review for the proposed condominium project located at 937-939 Jackson Street, on Assessor's Block 191, Lot 28. (Appellants: Rick Riley, Kevin Cheng, Deborah Goiten Goodyear, Irine Lew, Kwong Young Fong, Yick Q. Fong, Florence F. Wong, Lee Q. Fong, Grace S. Fong.)

(Appeal filed November 17, 2003; companion measure to Files 031906, 031907, 031908.)

*Kevin Cheng, Appellant*

*Support of appellant:*

*Rick Riley, Elaine Jackson, Male Speaker, Kim Trong, Stella Chung, Edwin Wong, Roger Miller, Grace Wong, Female Speaker, Jesse Lai, Irene Lew*

*Paul Maltzer, Environmental Officer, and Tammy Chan, Planning Department Representatives reviewed with the Board the Planning Commission's recommendation.*

*Jim Reuben, Attorney for Project Sponsor*

*Support of Project Sponsor*

*Project sponsor, Brian O'Flynn*

*The President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

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

**031906 [Affirming the categorical exemption issued for 937-939 Jackson Street]**

Motion affirming the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion. (Clerk of the Board)

**TABLED by the following vote:**

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

Absent: 1 - Ammiano

Excused: 1 - Newsom

**031907 [Disapproving the categorical exemption issued for 937-939 Jackson Street]**

Motion disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion. (Clerk of the Board)

**Motion No. M03-211**

**APPROVED by the following vote:**

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Dufty, Hall, Ma

Excused: 1 - Newsom

- 031908 [Preparation of findings to disapprove categorical exemption issued for 937-939 Jackson Street]**  
Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion. (Clerk of the Board)

**Motion No.** M03-212

**APPROVED by the following vote:**

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

Absent: 1 - Ammiano

Excused: 1 - Newsom

## COMMITTEE REPORTS

- 031901 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2003-04]**

**Supervisors Dufty, Gonzalez**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2003-04 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2003-04. (Public Health Department)

(No Public Benefit Recipient.)

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

**Resolution No.** 803-03

**ADOPTED by the following vote:**

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

Excused: 1 - Newsom

- 031929 [San Francisco Law Library Justice Center]**

**Mayor, Supervisor Gonzalez**

Resolution in support of the San Francisco Law Library Justice Center at 525 Golden Gate Avenue.

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

*Continued to January 13, 2004*

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

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick, Peskin

Noes: 3 - Hall, Ma, Sandoval

Excused: 1 - Newsom

**031881 [2004-2007 Children's Service Allocation Plan]**  
**Supervisors Daly, Maxwell**

Resolution approving the Children's Services Allocation Plan for the Children's Fund in accordance with Section 16.108 of the San Francisco Charter.

**Resolution No. 801-03**

**ADOPTED by the following vote:**

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

**031873 [Memorandum of Understanding - Police]**  
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association (Police) to be effective July 1, 2003 through June 30, 2005.

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

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

**031874 [Memorandum of Understanding - Fire]**  
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association (Fire) to be effective July 1, 2003 through June 30, 2005.

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

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

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

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

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

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

**031897 [Grant of Federal Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,475,374 of New Start Federal Capital Assistance for the Third Street - Phase II, Central Subway project, excluding administrative overhead costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

**Resolution No. 802-03**

**ADOPTED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdullah Megaheed; general issues*  
*Robert Pender, Park Merced issues*  
*Male Speaker, Tenderloin issues*  
*Joe O'Donoghue, Residential Builders, affordable housing issues*  
*Rusty Holden, support Item 58*  
*Bill Boreman, support Item 58*  
*Resident of Cow Hollow, support Item 58*  
*Resident of Cow Hollow, support Item 58*  
*Jackie Brison, SF Inner Faith Council, shelter for men only*  
*Male Speaker, general issues*

## 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.*

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

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

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

**Resolution No. 810-03**

**ADOPTED**

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

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

**Resolution No. 811-03**

**ADOPTED**

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

Resolution urging the California Public Utilities Commissioners not to authorize a multi-year Electricity Procurement for San Francisco Ratepayers.

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

**Resolution No. 812-03**

**ADOPTED**

**032001 [Yellow Zone Conversion]**  
**Supervisor Ammiano**

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

**Resolution No. 813-03**

**ADOPTED**

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

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

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

**Resolution No. 814-03**

**ADOPTED**

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

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

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

**Resolution No. 815-03**

**ADOPTED**

**032005 [Commending Seva Foundation]**  
**Supervisors McGoldrick, Peskin**

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

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

**Resolution No. 816-03**

**ADOPTED**

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

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

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

**Resolution No. 817-03**

**ADOPTED**

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

Resolution urging support for "Hearts in San Francisco", a temporary public art installation.

**Resolution No. 818-03**

**ADOPTED**

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

Resolution urging the Department of Parking and Traffic and the San Francisco Police Department and all other relevant city agencies to review the "Community Action Plan for Safer Streets in the Excelsior" and work with the Excelsior Street Safe project and community residents to implement the Plan's recommendations.

**Resolution No. 819-03**

**ADOPTED**

**031909 [Final Map for a 80 Unit Residential / Commercial Condominium Project (821 Folsom Street)]**  
Motion approving Final Map of Shipley Square, A Residential / Commercial Condominium Project, being a subdivision of Lot 393 in Assessor's Block No. 3752, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,546; District 6.)

**Motion No. M03-213**

**APPROVED**

**031954 [Final Map for a 16 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 68 Harriet Street, A Live/Work Condominium Project, being a subdivision of Lot 184 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

**Motion No. M03-214**

**APPROVED**

**031955 [Final Map for a 16 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 175 Russ Street, A Live/Work Condominium Project, being a subdivision of Lot 185 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

**Motion No. M03-215**

**APPROVED**

**031956 [Final Map for a 21 Unit Mixed-Use Condominium Project]**

Motion approving Final Map of 350 Alabama Street, a Mixed-Use Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Motion No. M03-216

**APPROVED**

**031963 [Final Map for an 8 Unit Residential Condominium Project]**

Motion approving Final Map of Killarney Court # 1 – 8, 843 South Van Ness Avenue, A Residential Condominium Project, being a subdivision of Lot 22 in Assessor's Block No. 3594, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Motion No. M03-217

**APPROVED**

**031976 [Needle Exchange Emergency]**

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

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

Motion No. M03-218

**APPROVED**

The foregoing items were acted upon by the following vote:

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

Absent: 2 - McGoldrick, Sandoval

Excused: 1 - Newsom

**Severed from Without Committee Reference Agenda**

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

**032004 [Support HR 3171 and SB 1552]**

**Supervisor McGoldrick**

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

**REFERRED to the Rules Committee.**

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

**032018 [Charlotte Mailliard Shultz Staircase Renaming]**

**Supervisors Peskin, Dufty, Hall**

Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.

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

**REFERRED to the Rules Committee.**

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

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

Resolution urging the San Francisco delegation to the California Assembly and Senate to oppose Governor Arnold Schwarzenegger's proposed budget cuts to critical health and human services.

**REFERRED to the Rules Committee.**

## **OFF-AGENDA LEGISLATION**

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

#### **Ordinances**

- 030423 [Establishing the powers and duties of the Small Business Commission]  
Supervisor Daly**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.240, to list the powers and duties of the Small Business Commission, and by repealing Sections 5.120, 5.121, and 5.122, dealing with the former Small Business Commission, and by re-numbering Section 10.100-129 as Section 10.100-333, and providing that the ordinance shall only take effect if a charter amendment creating a Small Business Commission in the Charter is adopted at the November 2003 election.

(Fiscal impact; Companion measure to File 030426.)

3/18/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/17/2003.

3/25/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance, correcting an error in the short title.

3/25/03, ASSIGNED to Rules Committee.

3/28/03, REFERRED TO DEPARTMENT. Referred to Small Business Commission.

12/16/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing same title.

12/16/03, ASSIGNED to Rules Committee.

- 032024 [Designation of Acting Mayors]  
Supervisor Daly**

Draft Ordinance amending the San Francisco Administrative Code, by adding Section 2A.11, to require the Mayor to inform the Board of Supervisors in writing when leaving the state for more than 24 hours, to require the Mayor to designate Acting Mayors in writing and inform the Clerk of the Board of such designations, to require Acting Mayors to report on any official actions taken, and to require the members of the Board to receive training on emergency operations.

12/6/03, RECEIVED AND ASSIGNED to Rules Committee.

**032025 [Clean Village Ordinance]  
Supervisor Daly**

Draft ordinance adding Administrative Code Chapter 92 to declare San Francisco a "Clean Village," require that City-owned or leased buildings and human services organizations funded with public funds make restroom facilities available to members of the public, and establish a pilot public hygiene program; adding Health Code Sections 286.1 to 286.3 to prohibit public urination and defecation; amending Health Code Section 580 to clarify the definition of Responsible Party; amending Health Code Section 581 to define used hypodermic syringes as a nuisance; amending Public Works Code Section 174 to assign responsibility for the removal of hypodermic syringes and human excrement to the Department of Public Works; adding Park Code Section 3.19 to establish operating hours for restroom facilities operated by the Recreation and Park Department; amending Health Code Section 596 to establish penalties and outline enforcement; making findings; and setting effective dates.

12/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**032029 [Extended Hours Permits]  
Supervisor Dufty**

Draft ordinance amending Section 1070.19 of the Police Code to permit bona fide public eating places or places of entertainment that have no liquor license to apply for and receive an extended hours permit from the Entertainment Commission.

12/16/03, RECEIVED AND ASSIGNED to City Services Committee.

**032030 [Zoning - Allow Tourist Hotels of 75 Rooms or Less in the SSO District]  
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Section 818 and adding Section 818.78 to Table 818 to allow a tourist hotel of 75 rooms or less as a principal permitted use in the SSO (Service/Secondary Office District); adopting findings.

12/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

**032031 [Limited Equity Conversions]  
Supervisor Daly**

Ordinance approving a method for Community Land Trusts to convert existing residential buildings to limited-equity condominiums.

12/16/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 1/15/2004.

## **Resolutions**

**032009 [Implementation of AB 117]  
Supervisor Gonzalez**

Resolution supporting AB 117 which concerns community aggregation of power by local agencies.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032027 [Adopting the recommendations of the City Non-profit Contracting Task Force]  
Supervisors Maxwell, Dufty, Ma**

Resolution adopting the recommendations of the City Non-Profit Contracting Task Force.  
12/16/03, RECEIVED AND ASSIGNED to Rules Committee.

**032028 [Lease of Real Property]  
Supervisor Maxwell**

Resolution authorizing a lease of approximately 8,105 square feet of space at 10 United Nations Plaza for the Department of Child Support Services for a term of six years.

(Public Benefit Recipient.)

12/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**032034 [Gift in Place to Recreation and Park Department, \$288,355]  
Supervisors Hall, Maxwell, Ma**

Resolution accepting and expending a gift in place valued at \$288,355 from the friends of Recreation and Parks to the Recreation and Park Department for Lake Merced.

(No Public Benefit Recipient.)

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032035 [Biosciences Task Force]  
Supervisor Maxwell**

Resolution adding one additional member to the existing San Francisco Biosciences Task Force formed by Board Resolution No. 217-03.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032036 [Acknowledgement of Congresswoman Pelosi's Support of Central Subway]  
Supervisors Peskin, Dufty, Maxwell, Ma, Daly, Ammiano**

Resolution acknowledging and commending House Democratic Leader Nancy Pelosi for her role in securing federal funding essential to the Central Subway, Phase II of the Third Street Light Rail project, and other transportation infrastructure projects that will benefit San Francisco and the region.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032037 [Commending John Arntz and the Department of Elections]  
Supervisors Peskin, Ma, Dufty, Hall**

Resolution commending John Arntz and the Department of Elections for their exemplary professionalism in conducting three elections in three months.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032038 [Accept and Expend Gift - Levi Strauss Foundation]  
Supervisor Hall**

Resolution retroactively accepting and expending a gift in the amount of \$12,500 from the Levi Strauss Foundation.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032039 [Accept-Expend Grant - Public Defender, \$15,000]  
Supervisor Sandoval**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$15,000 from the VanLobenSels/RembeRock Foundation for a social worker position dedicated to working with female juvenile offenders.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032040 [Accept-Expend Grant - Public Defender, \$40,000]  
Supervisor Sandoval**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$40,000 from the San Francisco Foundation for a social worker position dedicated to working with female juvenile offenders.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032041 [Importation of prescription medications from Canada by or for members of the City's Health Service System and citizens of San Francisco]  
Supervisor Sandoval**

Resolution urging the City's Health Service System to explore the feasibility and cost effectiveness of the importation of prescription medications from Canada by or for members of the City's Health Service System and citizens of the City and County of San Francisco.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**032042 [Extending the meetings of the Homeless Senior Task Force]  
Supervisor Daly**

Resolution amending Resolution No. 682-02 to extend the meetings of the Homeless Senior Task Force for an additional six months.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Motion**

- 032022 [Needle Exchange Emergency]**  
**Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**

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

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 032032 [Requesting the Office of the Controller to conduct a management audit of the Department of Recreation and Park's Aquatics Program]**  
**Supervisor Maxwell**

Motion requesting the Office of the Controller to conduct a management audit of the Department of Recreation and Park's Aquatics Program.

12/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Hearing**

- 032023 [Annual Review and Approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines and Draft Budget]**  
**Supervisor Daly**

Hearing to consider the annual review and approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines and Draft Budget prior to submittal to the Mayor.

12/16/03, RECEIVED AND ASSIGNED to Budget Committee.

- 032033 [2002 San Francisco Hospital Charity Care Report]**  
**Supervisor Maxwell**

Hearing on the 2002 San Francisco Hospital Charity Care Report Summary and to report on the amount of charity care provided since the passage of the Ordinance in July of 2001.

12/16/03, RECEIVED AND ASSIGNED to City Services Committee.

### **PROPOSED ORDINANCES**

- 032026 [Clerk of the Board of Supervisors - Amendments to fees charged by the Clerk]**

Ordinance amending Section 8.37 of the San Francisco Administrative Code to increase current fees, add new fees, and repeal other fees charged by the Clerk of the Board of Supervisors, including an increase in conditional use appeal filing fees; imposing new fees for environmental and tentative map appeals to the Board of Supervisors; increasing temporary street closure denial appeal fees; imposing new fees for encroachment permit appeals to the Board of Supervisors; imposing new fees for Landmark appeals to the Board of Supervisors; and adding fees for copies of audio tape recordings of Board and Committee meetings, and for requesting that staff of the Clerk's Office conduct research of Board Supervisors records; providing for an annual adjustment by the Controller based on the CPI. (Clerk of the Board)

12/16/03, RECEIVED AND ASSIGNED to Budget Committee.

## PROPOSED RESOLUTIONS

**031910 [Contracting out Janitorial Services]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed at the Permit Center at 1660 Mission Street and at 25 Van Ness Avenue by private contractor for lower cost than similar work services performed by City and County employees. (Real Estate Department)

(Public Benefit Recipient.)

12/8/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031950 [Accept-Expend State Grant]**

**Supervisor Duffy**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the California Office of Traffic Safety (OTS) for a project entitled "You Drink & Drive, You Lose" national campaign. (Police Department)

(No Public Benefit Recipient.)

12/2/03, RECEIVED AND ASSIGNED to City Services Committee.

**031951 [Accept-Expend Federal Grant]**

**Supervisor Duffy**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives for a project entitled Gang Resistance Education And Training (G.R.E.A.T.) (Police Department)

(No Public Benefit Recipient.)

12/2/03, RECEIVED AND ASSIGNED to City Services Committee.

**032006 [Settlement of Charges]**

Resolution approving the settlement of California Department of Fair Employment and Housing and Equal Employment Opportunity Commission charges, filed by Ana Guevara on September 20, 2002, against the City and County of San Francisco alleging failure to reasonably accommodate and failure to engage in the interactive process under the disability laws. On September 17, 2003, Ana Guevara made a pre-litigation settlement demand to the City regarding her claims. (City Attorney)

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

**Requests Granted**

*From: Supervisor Daly*

*To: City Attorney*

*Requesting/Inquiring: To draft an ordinance based on Los Angeles' ordinance requiring the posting of health inspection results in the windows of local restaurants.*

*From: Supervisors Dufty, Hall, Sandoval, Ma, Maxwell*

*To: Airport Commission*

*Requesting/Inquiring: Inquiring whether the San Francisco Airport Commission can consider and recommend to the Board of Supervisors a revised Lease Disposition and Development Agreement for Plot 9 that reflects concerns expressed by the Board of Supervisors during consideration of File 031716 on December 16, 2003. Such amendments should include, but not be limited to, revisions of this lease agreement so the City and County of San Francisco does not receive a reduction in lease revenue in the first five years of this agreement. Further, can the Airport Commissioners outline the reasons that Airis SFO was selected for the project and respond to any of the concerns expressed in the Board of Supervisors' December 16, 2003 deliberations. Additionally, request that a copy of this letter be transmitted to Mayor-elect Gavin Newsom.*

*From: Supervisor Peskin*

*To: City Attorney*

*Requesting/Inquiring:*

- To explore the legal feasibility of establishing an independent authority to bulk purchase prescription drugs from approved pharmacies, either inside or outside the United States, for the purpose of providing the cheapest possible alternatives for San Franciscans, and;*
- Explore the implications of the recently enacted Medicare Reform legislation, adopted by United States Congress and signed by the President, as they relate to the reimportation of pharmaceuticals from foreign nations, and*
- Utilize the aforementioned authority to provide the most costly pharmaceuticals to approved retail outlets in the City and County of San Francisco.*

*From: Supervisor Peskin*

*To: Director, Department of Real Estate*

*Requesting/Inquiring: Requesting the following information regarding a new 3G cell site that Cingular Wireless has erected atop Fire Station 13:*

- When was the cell tower erected at this site?*
- What is the normal public and legislative process required before allowing a cell tower to be installed on city owned real estate?*
- Is the lease for the cell site subject to approval of the Board of Supervisors?*
- If so, when can the Board of Supervisors expect to receive the proposed lease between CCSF and Cingular for this 3G tower?*

*From: Supervisor Peskin*

*To: Fire Chief, Fire Department*

*Requesting/Inquiring: Requesting the following information regarding a new 3G cell site that Cingular Wireless has erected atop Fire Station 13:*

- What are the terms of the proposed lease with Cingular Wireless?*
- Has the Department received communications from firefighters stationed at Station 13?*
- What is the Department's response to the concerns raised by firefighters living at Station 13?*

*From: Supervisor Maxwell*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: To conduct traffic studies at the intersection of Hunters Point Blvd. And Howe Street*

and at the intersection of Hunters Point Blvd. And Innes Ave. and return with recommendations.

From: Supervisor Hall

To: Every City Department

Requesting/Inquiring: What plans or projects does your Department have that will add 5,000 new jobs to the City's workforce within the next five years at no new cost to the taxpayers of San Francisco?

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Please explain why Waller Street between Stanyan and Kezar has been closed to through traffic.

Please send a copy to the following constituent:

Mr. Dirk Schenkkam

32 Mesa Avenue

San Francisco, CA 94116

### **In Memoriams**

Bob Ross (Entire Board)

Richard Shemano (Supervisor Hall)

Bill O'Donnell (Supervisor McGoldrick)

Thelma Faltus (Supervisor Dufty)

## ADJOURNMENT

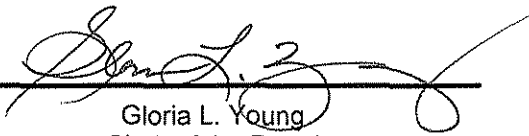
*There being no further business, the Board at the hour of 12:53 a.m. adjourned.*

*Gloria L. Young, Clerk*

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

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

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

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board