

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, February 18, 2003 2:00 PM

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

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

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

City Services Committee

Supervisors Dufty, Ma, Newsom

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Dufty, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 p.m.

Wednesday
9:30 AM

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

Volume 98 Number 6

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On call of the roll, the following Supervisor was noted absent:

Supervisor McGoldrick - 1

Quorum present.

Supervisor McGoldrick was noted present at 2:06 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Peskin, moved to approve January 21, 2003 Meeting Minutes. The motion carried by the following vote:

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

Absent: 1 - McGoldrick

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Dufty, moved to suspend the Rule 4.28 of the Rules of Order of the Board of Supervisors. The motion carried by the following vote:

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

Absent: 1 - McGoldrick

Members of the Board Supervisors introduced, welcomed and presented Certificates of Honor to the following individuals in recognition of Black History Month:

Joe Tasby J. III, Kyra Worthy, Joyce Armstrong, Dorris Vincent, Rosemary Rothstein, Ron Dicks, Barbara Brown, Gaylon Logan, Joyce Armstrong, Dwayne Jones, Gregory Richardson, Beverly Williams, Benita Grayson, Bethola Harper, Cynthia Wilks and Lorraine Bender.

COMMUNICATIONS

There were none.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance Committee

- 021913 [Expanding eligibility for the heart trouble and pneumonia presumption to certain members of the Police Department and Fire Department]
Supervisors McGoldrick, Peskin, Daly, Maxwell, Sandoval, Hall, Gonzalez

Ordinance amending section 16.86 of the San Francisco Administrative Code to provide that certain prior service in another police or fire department shall be counted toward qualification for the heart trouble and pneumonia presumption.

(Fiscal impact.)

Ordinance No. 29-03

FINALLY PASSED by the following vote:

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

- 021995 [Revising administration of Police Emergency Alarm Ordinance]
Mayor, Supervisors Daly, Gonzalez, Peskin, Maxwell

Ordinance amending the San Francisco Police Code by amending Sections 3702, 3707 through 3710, and 3711 through 3720, by adding Sections 3710.1 through 3710.9 and a new Section 3721, and by re-numbering current Section 3721 as Section 3722, to give the Director of Emergency Communications responsibility for administering the substantive provisions of the Police Emergency Alarm Ordinance and to provide for billing and collection of license and license renewal fees by alarm companies. (Mayor)

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

Ordinance No. 30-03

FINALLY PASSED by the following vote:

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

**022029 [To appropriate funding to accelerate a business tax collection program]
Supervisors McGoldrick, Peskin, Daly, Gonzalez, Newsom, Ma, Maxwell**

Ordinance appropriating \$119,652 of Business Tax Revenues to the Treasurer/Tax Collector for the purpose of accelerating a business tax and penalties collection program, for fiscal year 2002-03.

(Fiscal impact.)

Ordinance No. 31-03

FINALLY PASSED by the following vote:

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

Called from Finance Committee by Supervisor Daly

**020549 [Special Use District to allow an approved live/work project convert to residential]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create the Fourth and Freelon Streets Special Use District encompassing the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street and by adding Section 263.16 to create special height and bulk exceptions for the Fourth and Freelon Streets Special Use District, which would allow previously approved but unbuilt live/work units to convert to market-rate residential units and additional market-rate residential units to be constructed with an allowable increase in height from 50' to 85' and a dwelling unit density governed by the permissible building envelope; provided that (i) the developer shall construct at the developer's sole expense, on land owned or purchased by the developer in either the South of Market Area or the North of Market Residential Special Use District, off-site affordable rental housing with square footage equal to 15% of the total residential units to be constructed offset by the cost of land acquisition, with a minimum of 56 units constructed of no less than 400 square feet each, (ii) the units shall be rental units affordable to low- and lower income households with income not exceeding 50% of San Francisco's median income, which shall remain affordable for a period of 50 years from their date of initial occupancy, and (iii) upon completion, land title shall be transferred to and the off-site affordable housing building shall be owned, managed and operated by a nonprofit housing organization. If the nonprofit housing organization is dissolved, the affordable housing building and land shall be transferred to another nonprofit housing organization or, if no such organization can be found, shall revert to the City. Approval of the market rate housing project shall be through a conditional use authorization with payment of a \$10,000 fee if application is made within one year.

Ordinance No. 27-03

FINALLY PASSED by the following vote:

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

**020550 [Zoning Map Amendment]
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification and the height and bulk designation of the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street.

(Final Environmental Impact Report, dated September 7, 2000)
(12/9/02 in Board: Supervisor Daly submitted a substitute ordinance bearing same title.)

Ordinance No. 28-03

FINALLY PASSED by the following vote:

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

Recommendations of Rules and Audits Committee**030154 [Supervisors limited to three unexcused absences from Committee in a six-month period]
Supervisor Peskin**

Motion amending the Rules of the Board of Supervisors to provide that if a Supervisor has more than three unexcused absences from a Committee during a six-month period, the Supervisor shall have vacated the Committee position, and the President shall be requested to fill the Committee vacancy.

NOT APPROVED by the following vote:

Ayes: 4 - Daly, Hall, Ma, Peskin

Noes: 7 - Ammiano, Duffy, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval

**030076 [Supervisors serving on outside Boards and Commissions]
Supervisors Gonzalez, Daly**

Motion amending Rule 6.15 of the Rules of Order of the Board of Supervisors to provide that before a Supervisor may be appointed to a second outside Board of Commission (excluding the San Francisco LAFCO and the Transportation Authority) every other Supervisor shall have been given the opportunity to serve on at least one outside Board or Commission.

Amended on page 1, line 17 after "appointed to a" by inserting "a first term of"

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

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

Motion amending Rule 6.15 of the Rules of Order of the Board of Supervisors to provide that before a Supervisor may be appointed to a second outside Board or Commission (excluding the San Francisco LAFCO and the Transportation Authority) every other Supervisor shall have been given the opportunity to serve on at least one outside Board or Commission.

Motion No. M03-28

APPROVED AS AMENDED by the following vote:

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

030176 [Appointment, Public Utilities Commission]

Motion approving the Mayor's re-appointment of Ashok Bhatt to the Public Utilities Commission, for the term ending January 15, 2007. (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. Companion measure to Files 030177 and 030178.

Transmittal date - January 30, 2003.

Motion No. M03-29

APPROVED by the following vote:

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

NEW BUSINESS

Recommendation of the Finance Committee

030031 [Establishing Monthly Contribution Amount]

Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

(No Public Benefit Recipient.)

Resolution No. 103-03

ADOPTED by the following vote:

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

COMMITTEE REPORTS

From the Finance Committee

030132 [Funding for the investigation and litigation against Tutor-Saliba Construction]

Supervisors Peskin, Daly, Ammiano, Gonzalez, McGoldrick, Maxwell

Ordinance appropriating, retroactive to July 1, 2002, \$2,500,000 of Airport fund balance for investigation and litigation expense by the City Attorney against Tutor-Saliba Construction for fiscal year 2002-03.

(Fiscal impact.)

Supervisor Hall moved to continue this matter until the Director of the Airport is available and to hold a joint meeting with the Board of Supervisors and the Airport Commission.

Motion failed for lack of a second.

Supervisors Ammiano, Gonzalez, McGoldrick and Maxwell requested to be added as co-sponsors.

Supervisor Newsom noted absent at 7:00 p.m.

PASSED ON FIRST READING by the following vote:

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

Absent: 1 - Newsom

030145 [Contingency Fee Agreement]
Supervisors Peskin, Daly, Ammiano, Gonzalez, Newsom, McGoldrick, Maxwell

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

(Fiscal impact; Companion measure to File 030132.)

Supervisors Ammiano, Gonzalez, Newsom, McGoldrick and Maxwell requested to be added as co-sponsors.

Resolution No. 110-03

ADOPTED by the following vote:

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

Absent: 1 - Newsom

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Ernestine Wiess; housing issues

John Zankel; against War in Iraq

Abdulla Megahed; against War in Iraq

Male Speaker; EDD issues

Peter Armour; Buena Vista Elementary School; pedestrian safety issues 24th and 25th Potrero Streets

Roger Baisley; former President of PTA traffic issues and thanked Supervisor Ammiano for efforts

David Parker; congratulated President Gonzalez on his Presidency and newly elected Supervisors Ma and

Bevan Dufty; appointment process issues proposed Charter amendment

James Chaffee; public library issues

Karen Stone; CalPine issues

Bailey Armstrong, SF Buena Vista Elementary student

Bob Armstrong, parent of SF Buena Vista Elementary students; pedestrian issues at 24th and 25th and Potrero Streets

Parent of a student at Buena Vista Elementary student; pedestrian issues at 24th and 25th and Potrero Streets

Evette Rodriguez; parent of SF Buena Vista Elementary student; pedestrian issues at 24th and 25th and Potrero Streets

Sasha Cutler, member, PTA Buena Vista Elementary School; pedestrian issues at 24th and 25th and Potrero Streets

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.

**030218 [Legislative Analyst Request]
Supervisor McGoldrick**

Motion directing the Office of Legislative Analyst to process suggestions by City employees on reducing or eliminating City expenditures and reporting their recommendations to the Finance Committee.

Motion No. M03-31

APPROVED by the following vote:

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

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

City as Plaintiff

030086 [Existing Litigation - City and County San Francisco v. Tutor Saliba Corp.]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following litigation filed by the City and County of San Francisco. The litigation involves allegations of fraudulent practices on the part of City contractors involved in building the new international terminal at San Francisco International Airport.

City and County of San Francisco, et al. v. Tutor-Saliba Corporation, et al.
U. S. District Court No. C 02 5286, filed 11/1/02

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

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

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

Motion that the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (b) & (c), and Administrative Code Section 67.10, for the purpose of conferring with, or receiving advice from, the City Attorney, regarding the proposed settlement listed above.

Recess

The Board recessed at the hour of 4:25 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 7:36 p.m. reconvened.

Calling the Roll

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

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

Quorum present.

Supervisor Newsom noted absent at 7:00 p.m.

Supervisor Daly noted absent at 7:33 p.m.

Supervisor Daly noted present at 7:38 p.m.

Report on Closed Session

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

Persons in attendance:

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

Dennis Herrera, City Attorney

Jo Hoeper, Deputy City Attorney

Gayle Gribble, Deputy City Attorney

Rob Maerz, Deputy City Attorney

Terry Stewart, Deputy City Attorney

Ted Lakey, Deputy City Attorney;

Outside Counsel Farella, Braun & Martel

Douglas Young, Alan Harris and Stephanie Powers Skaff

Jackson Wong, Acting Chief Officer, SF INT'L Airport

Mara Rosales, Deputy Director Regulations and Legislative Affairs

Commissioner Mike Strunsky, Airport Commissioner

Commissioner Larry Mazzola, Airport Commissioner

Gloria L. Young, Clerk of the Board;

Ed Harrington, Controller

Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

Heard in Closed Session.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**030225 [Medical Marijuana Awareness Week]
Supervisors Daly, Dufty**

Resolution declaring February 15 through 22, 2003 as "Medical Marijuana Awareness Week" in San Francisco.

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

Resolution No. 104-03

ADOPTED

**030238 [Commend Black History Month]
Supervisors Maxwell, Dufty, Ma, Peskin, Daly**

Resolution commending the recognition of Black History Month.

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

Resolution No. 105-03

ADOPTED

**030240 [Commend Papillon III San Francisco]
Supervisor Ma**

Resolution commending Papillon III San Francisco for its dedication and commitment to celebrating San Francisco's multicultural traditions.

Resolution No. 106-03

ADOPTED

030241 [Commend Helen Sause]
Supervisors Newsom, Dufty, Gonzalez, Daly

Resolution commending Helen Sause upon her retirement from the San Francisco Redevelopment Agency and for her numerous contributions to the City and County of San Francisco.

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

Resolution No. 107-03

ADOPTED

030242 [BART Board of Directors Appointment - District 7]
Supervisors Peskin, Maxwell, Hall, Dufty, McGoldrick, Daly, Newsom, Ma, Sandoval, Gonzalez

Resolution urging the BART Board of Directors to appoint a San Franciscan to the Board's currently vacant District 7 seat, due the essential role of San Francisco to BART and BART's critical role in San Francisco's transportation network.

Resolution No. 92-03

ADOPTED

030206 [Final Map for a 5 Unit Mixed Use Condominium Project]

Motion approving Final Map of 2801 Octavia Street / 1800 Union Street, A Mixed Use Condominium Project, being a subdivision of Lot 7 in Assessor's Block No. 530, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient.)

Motion No. M03-27

APPROVED

030217 [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. M03-30

APPROVED

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 Without Reference to Committee

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

030202 [US Flag Cruise Ships]
Supervisor Newsom

Resolution urging the drafting of legislation to provide for foreign-built, U.S.-flag cruise ships in the coastal United States similar to the Inouye amendment for Hawaii.

Supervisor Daly requested this matter be referred to Committee.

REFERRED to the Land Use Committee.

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

030220 [International Museum of Women]
Supervisors Daly, Dufty, Maxwell

Resolution exempting the potential lease of Pier 26 and Pier 24 annex to the International Museum of Women from the competitive bidding policy set forth in Administrative Code Section 2.6-1.

Supervisors Dufty and Maxwell requested to be added as co-sponsors.

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

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

Resolution exempting the potential lease of Pier 26 to the International Museum of Women from the competitive bidding policy set forth in Administrative Code Section 2.6-1.

Supervisor Hall requested that this matter be referred to Committee.

REFERRED to the Finance and Audits Committee.

Supervisor Dufty requested that this matter be severed and considered separately.

030226 [Commend SF Police Officers - Mission Station]
Supervisors Dufty, Hall

Resolution to commend the Officers of the San Francisco Police Department, Mission Station, for outstanding police work in apprehending a significant possible suspect in the recent spade of Noe Valley Neighborhood Home Burglaries.

Amended on page 1, line 5, to replace "spade" with "spate". (New Title)

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

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

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

Resolution to commend the Officers of the San Francisco Police Department, Mission Station, for outstanding police work in apprehending a significant possible suspect in the recent spate of Noe Valley Neighborhood Home Burglaries.

Continued to February 25, 2003

President Gonzalez, seconded by Supervisor Dufty, 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
Absent: 1 - Newsom

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

**030237 [911 Digital Technology]
Supervisors Newsom, Dufty, Ma**

Resolution urging the Office of the District Attorney, the San Francisco Police Department, the Department of Telecommunications and Information Systems, the Emergency Communications Department, and the Department on the Status of Women to collaborate in order to consider and make recommendations on the advantages of bringing 911 digital technology to the City and County of San Francisco as another viable medium of combating domestic violence.

Supervisor Gonzalez requested that this matter be referred to Committee.

REFERRED to the City Services Committee.

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

Supervisors Daly and Peskin noted absent at 8:05 p.m.

**030239 [Committee of the Whole - Presentation on Reinventing Government]
Supervisor McGoldrick**

Motion scheduling a Committee of the Whole on February 25, 2003, at 3:00 p.m. to hear Ted Gaebler, author of Reinventing Government.

NOT APPROVED by the following vote:

Ayes: 5 - Ammiano, Dufty, Maxwell, McGoldrick, Sandoval
Noes: 3 - Gonzalez, Hall, Ma
Absent: 3 - Daly, Newsom, Peskin

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

030227 [Committee of the Whole - Exploitation of Youth]

Supervisors Ammiano, Maxwell, Dufty

Motion scheduling a Committee of the Whole for February 25th, 2003, at 3:00 p.m. to hear a presentation of the recommendations from Task Force to End the Exploitation of Youth.

NOT APPROVED by the following vote:

Ayes: 5 - Ammiano, Dufty, Ma, Maxwell, McGoldrick

Noes: 3 - Gonzalez, Hall, Sandoval

Absent: 3 - Daly, Newsom, 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.

[Purely Commendatory Finding]

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

Supervisor Sandoval, seconded by Supervisor Dufty, moved ADOPTION of the Commentary Funding Act. The motion carried by the following vote:

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

Absent: 3 - Daly, Newsom, Peskin

[Brown Act Finding]

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

Supervisor Sandoval, seconded by Supervisor Daly, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

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

Absent: 3 - Daly, Newsom, Peskin

**030268 [Proclaiming February 19, 2003 Day of Remembrance in San Francisco]
Supervisor Sandoval**

Resolution proclaiming February 19, 2003 Day of Remembrance in San Francisco to commemorate the grave injustice done to Japanese Americans placed in internment camps during World War II.

Resolution No. 108-03

ADOPTED by the following vote:

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

Absent: 3 - Daly, Newsom, Peskin

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**030267 [Funding for emergency removal and repair of Drydock #1]
Supervisor Peskin**

Ordinance re-appropriating \$2,000,000 of Port surplus capital funding from projects that have been completed, funded by a grant source, or that are low priority to fund contractual obligations for emergency removal and repair of Drydock #1 for the Port or fiscal year 2002-03, allowing for retroactivity.

(Fiscal impact.)

2/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030271 [Passenger-Carrying Commercial Motor Vehicle Restrictions]
Supervisor Newsom**

Ordinance adding Sections 1184 and 1184.1 to the San Francisco Police Code to prohibit commercial motor vehicles with seating capacity for twenty-five or more passengers from certain streets and areas, and establishing 6th Avenue between Kirkham Street and Lincoln Way as a restricted area.

2/18/03, RECEIVED AND ASSIGNED to Land Use Committee.

030244 [Funding for the Municipal Transportation Agency for capital projects.]

Ordinance appropriating \$35,506,484 of Breda lease-leaseback revenue to provide funding for capital projects addressing service reliability, accessibility improvements, safety improvements, facility modifications, environmental enhancements, and capacity expansion as identified by the Municipal Transportation Agency for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

2/14/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030245 [Funding for the program management services for PUC capital projects]
Mayor**

Ordinance appropriating \$5,600,000 of fund balance from the Water Department, \$560,000 of fund balance from Hetch Hetchy, and \$840,000 of fund balance from Clean Water for a total of \$7,000,000 for program management services for the Public Utilities Commission's capital projects for fiscal year 2002-03. (Mayor)

(No Public Benefit Recipient.)

2/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

**030266 [Continuation of Public Utilities Commission's contract for Program Management Services]
Supervisor Dufty**

Resolution approving Public Utilities Commission's continuation of Agreement No. CS-524, Program Management Services, with the Water Infrastructure Partners (WIP) for a third year.

(No Public Benefit Recipient.)

2/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030268 [Proclaiming February 19, 2003 Day of Remembrance in San Francisco]
Supervisor Sandoval**

Resolution proclaiming February 19, 2003 Day of Remembrance in San Francisco to commemorate the grave injustice done to Japanese Americans placed in internment camps during World War II.

2/18/03, ADOPTED.

**030275 [Accept- Expend State Grant]
Supervisor Peskin**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of \$106,686 from the California Resources Agency - Coastal Impact Assistance Program for the Downtown Ferry Terminal Public Pier Project.

2/18/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030277 [Supporting Sustainable Harvesting and Labeling of Seafood]
Supervisor Sandoval**

Resolution supporting the promotion of sustainable harvesting and labeling of seafood in San Francisco restaurants and markets.

2/18/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030278 [Supporting Protection of Chilean Sea Bass]
Supervisor Sandoval**

Resolution urging the U.S. government to achieve greater protections for Chilean Sea Bass and urging all chefs, retailers, wholesalers and consumers to stop consuming Chilean Sea Bass until action is taken to protect Chilean Sea Bass from extinction.

2/18/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030279 [GlaxoSmithKline Boycott]
Supervisors Sandoval, Daly**

Resolution urging GlaxoSmithKline to reconsider its decision to stop distribution of prescription drugs to Canadian pharmacies that sell to U.S. customers.

2/18/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearings

**030270 [Traffic safety issues surrounding Buena Vista Elementary School]
Supervisor Ammiano**

Hearing to consider traffic safety issues surrounding Buena Vista Elementary School.

2/18/03, RECEIVED AND ASSIGNED to City and School District Select Committee. Sponsor requests this item be scheduled for consideration at the February 26, 2003 meeting.

**030272 [Earned Income Tax Credit]
Supervisor Newsom**

Hearing to review the federal program, Earned Income Tax Credit (EITC), and to discuss ways in which to pursue training of City employees in order to maximize access to the EITC for San Francisco residents, including discussion of: (1) Strategies to increase access to services for working people to assist them in claiming their earned tax credits; (2) Role of the City in increasing the flow of federal dollars to local families; (3) Consideration of input from the community service providers that currently provide these services and how the City may support their efforts; (4) How City departments will receive training on assisting eligible individual City workers to access the EITC; (5) Collaborating with the San Francisco United School District, City College of San Francisco, San Francisco State University on this outreach and educational effort; (6) Possible strategies to best reach out to the restaurant and hotel industry employees in order to assist them in claiming their earned tax credits.

2/18/03, RECEIVED AND ASSIGNED to City Services Committee.

**030280 [Presentation on Exploitation of Youth]
Supervisor Ammiano**

Hearing to consider the presentation of the Task Force to End the Exploitation of Youth.

2/18/03, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the February 27, 2003.

Motions**030265 [Extending Time for Negotiations]
Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100. (Mayor)
2/18/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

030269 [Canceling the March 11, 2003 Board of Supervisors Meeting]

Motion canceling the March 11, 2003, regularly scheduled meeting of the Board of Supervisors. (Clerk of the Board)
2/18/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES**030146 [Changing Official Width of Sidewalk]
Supervisor Hall**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1558 to change the official sidewalk width at the southeast and southwest corners of Woodside and Idora Avenues; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)
2/7/03, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS**030179 [Lease of Real Property]**

Resolution authorizing the exercise of a five year option to extend the lease of approximately 25,939 square feet of space at 1390 Market Street for the Department of Public Health. (Real Estate Department)

(Public Benefit Recipient.)
2/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

*From: Supervisor Ammiano
To: Police Department
Department of Parking and Traffic
Department of Public Health
Requesting/Inquiring: To send representatives to the City and School District Committee hearing on February 26, 2003 to address traffic safety issues surrounding Buena Vista Elementary School.*

*From: Supervisor Ammiano
To: Director, San Francisco Housing Authority
Requesting/Inquiring: Inquiring about the feasibility of erecting a permanent fence at the dead end of Anderson Street.*

*From: Supervisor Ammiano
To: City Attorney
Requesting/Inquiring: To report on the status of November 2002 Prop S Declaration of Policy to explore the possibility of establishing a program whereby the City would grow medical cannabis and distribute it to patients.*

*From: Supervisor Ammiano
To: Director, Parking and Traffic
Requesting/Inquiring: Requesting a response to proposed traffic safety improvements suggested by the neighborhood surrounding Buenas Vista Elementary School and parents of children at the school. (See attached.)*

*From: Supervisor Hall
To: Mayor's Office of Business and Economic Development
Requesting/Inquiring: To provide a response to the Los Angeles-based Kosmont Cos. and Rose Institute of State and Local Government report which claims San Francisco is the most expensive City in the State of California to do business.*

*From: Supervisor Hall
To: City Attorney
Requesting/Inquiring: To draft an amendment to the Minority/Women/Local Business Utilization Ordinance that will provide greater possibilities for local businesses to earn city contracts.*

*From: Supervisor Sandoval
To: BART and CALTRANS
Requesting/Inquiring: Inquiring about the feasibility of installing a fence along the St. Charles overpass leading to the Daly City BART Station for the safety of pedestrians and to prevent items from being thrown onto highway 280 from the overpass.*

Also requesting the Clerk of the Board to send a copy of the letter of inquiry and response to:

*Jenny Yan
3922 Alemany Blvd.
San Francisco, CA 94112*

*From: Supervisor Sandoval
To: MUNI*

Requesting/Inquiring: Inquiring about installing poles in the sidewalk around the ARCO gas station at the intersection of Geneva and Naples to protect pedestrians and MUNI riders waiting at the bus stop from cars exiting the gas station.

Also requesting the Clerk of the Board to send a copy of the letter and response to:

*Frank Tai
70 Oneida Avenue
San Francisco, CA 94112*

From: Supervisor Sandoval

To: Public Utilities Commission

Requesting/Inquiring: Inquiring about the reason why there is yellow water coming out of taps in homes located on Pretor Way.

In Memoriams

*Elizabeth Dominguez (Entire Board)
Morton Lieberman (Supervisor Dufty)
Hugo Enrique Ireta (Supervisor Dufty)
Dona Elsbernd (Supervisor Hall)
Maurice Eben (Supervisor Peskin)*

ADJOURNMENT


There being no further business, the Board at the hour of 8:15 p.m. adjourned.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on March 18, 2003.

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



Gloria L. Young
Clerk of the Board