

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

## MEETING MINUTES

Monday, July 29, 2002 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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**TOM AMMIANO, PRESIDENT**  
**CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,**  
**SOPHIE MAXWELL, JAKE MCGOLDRICK, GAVIN NEWSOM,**  
**AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE**  
*Gloria L. Young, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick

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

Supervisors Ammiano, Leno, Wynns, Mar

##### **Finance Committee**

Supervisors Peskin, Daly, Maxwell

##### **Health and Human Services Committee**

Supervisors Daly, Leno, Maxwell

##### **Neighborhood Services and Recreation Committee**

Supervisors Newsom, Leno, McGoldrick

##### **Public Works and Public Protection Committee**

Supervisors Sandoval, Yee, Gonzalez

##### **Rules and Audits Committee**

Supervisors Hall, Gonzalez, Sandoval

##### **Transportation and Commerce Committee**

Supervisors McGoldrick, Hall, Ammiano

#### Meeting Days

2nd, 3rd and 4th Tuesday  
1:00 PM

3rd Wednesday  
3:00 PM

Wednesday  
12:30 PM

1st and 3rd Thursday  
1:00 PM

2nd and 4th Thursday  
2:00 PM

1st and 3rd Tuesday  
10:00 AM

1st and 3rd Tuesday  
1:00 PM

2nd and 4th Thursday  
9:30 AM

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

Volume 97 Number 29

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

*Supervisors McGoldrick, Sandoval - 2.*

*Quorum present.*

*Supervisors McGoldrick, Sandoval were noted present at 2:01 p.m.*

## APPROVAL OF MEETING MINUTES

*Motion to approve the May 20 and May 28, 2002 Meeting Minutes.*

**Supervisor Leno, seconded by Supervisor Maxwell, moved to approve meeting minutes of May 20 and May 28, 2002. The motion carried by the following vote:**

**Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee**

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## Privilege of the Floor

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

**Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee**

## **Appointment of President Pro Tempore**

*At the request of the President, Supervisor Sandoval assumed the Chair so the President could introduce guests.*

*The President resumed the Chair shortly thereafter.*

## **Introduction of Guests**

*President Ammiano introduced, and welcomed the following representatives of Turkey as representatives of the International Diplomacy Council:*

*Mr. Yildiray Arikan, Mr. Cengi Varnatpu, Ms. Cihan Sincar and Mr. Mehmet Yasar Cerci.*

## **CONSENT AGENDA**

### **Recommendations of the Finance Committee**

#### **021137 [Contracting out of Facility Security Services]**

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

(Fiscal impact; Public Benefit Recipient)

**Resolution No. 515-02**

**ADOPTED**

#### **021188 [Contracting out Shuttle Bus Service]**

Resolution approving retroactively, the Controller's certification that shuttle bus services for San Francisco International Airport's Long-Term Parking Lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees. (Airport Commission)

(Fiscal impact.)

**Resolution No. 517-02**

**ADOPTED**

#### **021199 [Contracting out Paratransit Services]**

Resolution concurring retroactively, with the controller's certification that paratransit services for the Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by city and county employees. (Municipal Transportation Agency)

(Fiscal impact.)

**Resolution No. 518-02**

**ADOPTED**

**Recommendation of the Health and Human Services Committee**

**021138 [Develop and implement plans for public health preparedness and response to bioterrorism]  
Supervisor Newsom**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of \$204,352 from the State of California Department of Health Services (CDHS), to further develop and implement plans for public health preparedness and response to bioterrorism and to enter into an agreement for the use of these funds; for the period of February 15, 2002 through August 31, 2003. (Public Health Department)

**Resolution No. 516-02**

**ADOPTED**

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**Recommendation of the Finance Committee**

**021169 [Affordable Housing Bonds Special Election]  
Mayor, Supervisors Ammiano, Daly, McGoldrick, Leno, Sandoval, Maxwell, Newsom**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco (the "City") on November 5, 2002, for the purpose of submitting to the qualified voters of the City a proposition for the issuance of bonds by the City (or one of its agencies, departments or enterprises) in the principal amount of Two Hundred Fifty Million Dollars (\$250,000,000) to finance the acquisition, construction and/or rehabilitation of housing affordable to low- and moderate-income households and financial assistance to low- and moderate-income first-time homebuyers and authorizing landlords to passthrough fifty percent (50%) of the resulting property tax increase to residential tenants; finding that the estimated cost of the project is and will be too great to be paid out of the ordinary annual income and revenue of the City and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of and the manner of holding the special election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on the bonds and providing for the levy and collection of taxes to pay both principal and interest therefor; prescribing notice to be given of the special election; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the special election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and imposing certain limitations on the use of bonds proceeds. (Mayor)

(Fiscal impact.)

**Ordinance No. 166-02**

**FINALLY PASSED** by the following vote:

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

### **Recommendations of the Budget Committee**

**020958 [Public Employment, Fiscal Year 2002-03]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2003, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

(Fiscal impact; Companion measure to Files 020956, 020957.)

**Ordinance No. 175-02**

**FINALLY PASSED** by the following vote:

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

**020957 [Government Funding for Fiscal Year 2002-03]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2003. (Mayor)

(Fiscal impact; Companion measure to Files 020956, 020958.)

**Ordinance No.** 174-02

**FINALLY PASSED** by the following vote:

Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Gonzalez

**021076 [Street fairs fees]**

**Mayor**

Ordinance amending Traffic Code Section 806 to charge street fairs where alcoholic beverages are served the full cost of police services, subject to a graduated series of caps based on attendance, to eliminate ISCOTT's authority to waive payment of the cost of police services for those street fairs, and to provide for annual adjustments of these fees and caps to reflect changes in the Consumer Price Index. (Mayor)

**Ordinance No.** 171-02

**FINALLY PASSED** by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Recommendation of the Finance Committee****021185 [Emergency Response Fee Amendments]**

**Supervisors Daly, Ammiano, Gonzalez, McGoldrick, Sandoval, Leno**

Ordinance amending Section 755 of the San Francisco Business and Tax Regulations Code by increasing the Emergency Response Fee rates for standard telephone access lines from \$1.00 to \$1.25 per month, for trunk lines from \$7.50 to \$9.38 per month, and for high capacity trunk lines from \$135 to \$168.75 per month.

**Ordinance No.** 173-02

**FINALLY PASSED** by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Hall, Newsom, Yee

**From the Clerk**

**021286 [Adopting findings related to the conditional use appeal on property located at 2001 - 37th Avenue (aka Rivera Street)]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2001.1203C (which approved the installation of six antennas mounted within fiberglass screens, and three equipment cabinets installed inside the existing rooftop penthouse on a St. Ignatius College Preparatory building as part of a wireless telecommunications network operated by Cingular Wireless) for property in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District which is located at 2001 - 37th Avenue (aka 2750 Rivera Street), west side between Ortega and Quintara Streets (Lot 6 in Assessor's Block 2094). (Clerk of the Board)

(Companion measure to Files 021160, 021161, 021162, 021163.)

*Supervisor Peskin, seconded by Supervisor Daly, moved an amendment of the whole bearing same title.*

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Motion No.** M02-120

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Recommendation of the Public Works and Public Protection Committee**

**021135 [Fire Code]**

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

**Ordinance No.** 172-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**PUBLIC COMMENT**

- Abadalah Megahed; homelessness*
- Richard Robertson; homelessness*
- Tom McDonagh; old theatres*
- Ernestine Weiss; bond issues*
- James Chaffe; Public Library*

**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.*

**021309 [Legislative Analyst Request - Two-Year Budgeting]  
Supervisors Maxwell, Newsom**

Motion asking the Legislative Analyst to report on the practice by local governments to operate on a two-year budget cycle. Please provide potential benefits of such practice, as well as examples of municipalities that prepare two-year budgets.

**APPROVED** by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**CLOSED SESSION**

**CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff**

**021190 [Closed Session - Status of Potential AT&T Merger Litigation]**

Motion that the Board of Supervisors convene in closed session for the purpose of discussing the status of the potential AT&T merger litigation.

**Supervisor Newsom, seconded by Supervisor Daly, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee



*Recess*

The Board recessed at the hour of 3:17 p.m. to convene in closed session pursuant to the above motion.

*Reconvening of the Board*

The Board at the hour of 4:43 p.m. reconvened.

*Calling the Roll*

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.

*Quorum present.*

*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 pending litigation.

*Persons in attendance:*

Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;  
Dennis Herrera, City Attorney  
Ted Lakey, Deputy City Attorney;  
William Sanders, Deputy City Attorney  
Lisa Gelb, Deputy City Attorney;  
Julia Friedlander, Deputy City Attorney;  
Brian Roberts, Principal Policy Analyst, DTIS;  
Lewis Loeven, Director, DTIS;  
Denise Brady, Deputy Director, DTIS;  
Gloria L. Young, Clerk of the Board;  
Kay Gulbengay, Deputy Clerk;  
Victor Young, Assistant Clerk.

*The meeting was informational only and no action was taken.*

**HEARD IN CLOSED SESSION by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Continued to August 5, 2002 meeting.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[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 anticipated litigation listed above.*

**Supervisor Newsom, seconded by Supervisor McGoldrick, moved Not to Disclose Closed Session Deliberations. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**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.*

**021299 [Urging the Presidio Trust Management to have independent verification]  
Supervisor Yee**

Resolution urging the Presidio Trust Management to have an independent verification and examination of their financial model and all assumptions and data underlying that model by an independent Certified Public Accountant or a Certified Accounting Firm.

**Resolution No. 528-02**

**ADOPTED**

**021300 [Reaffirming the importance of CEDAW]  
Supervisors Yee, Daly, Peskin, Newsom**

Resolution reaffirming the importance of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and urging Senators Boxer and Feinstein to make every effort to ensure Senate ratification of CEDAW.

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

**Resolution No. 519-02**

**ADOPTED**

**021302 [Extending the operations of the SRO Task Forces to August 31, 2003]  
Supervisors Ammiano, Daly, Peskin**

Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through August 31, 2003.

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

**Resolution No. 520-02**

**ADOPTED**

**021303 [Establishing a Work Group to End the Exploitation of Youth]  
Supervisors Ammiano, Daly, Peskin**

Resolution approving the formation of a work group to assess the needs of sexually exploited and abused youth.

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

**Resolution No. 521-02**

**ADOPTED**

**021304 [Commending Ingleside Presbyterian Church and Reverend Roland Gordon]  
Supervisors Sandoval, Hall**

Resolution commending Ingleside Presbyterian Church and Reverend Roland Gordon on the occasion of Ingleside Presbyterian Church's 95th anniversary and Reverend Roland Gordon's 24th pastoral anniversary.

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

**Resolution No. 522-02**

**ADOPTED**

**021305 [Commending Henry J. Leigh]  
Supervisors Maxwell, Leno, Newsom**

Resolution commending Henry J. Leigh, upon his retirement, for his 32 years of dedication and service to the City and County of San Francisco.

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

**Resolution No. 523-02**

**ADOPTED**

**021306 [Commending Glynn Moses]  
Supervisors Maxwell, Leno, Newsom**

Resolution commending Glynn Moses, upon her retirement, for her 33 years of dedicated service at the San Francisco General Hospital Community Health Network.

*Supervisors Leno and Newsom added as co-sponsors.*

**Resolution No. 524-02**

**ADOPTED**

**021307 [Commemorating the 30th anniversary of Title IX of the Education]  
Supervisors Leno, Maxwell, Daly, Newsom**

Resolution commemorating the 30th anniversary of Title IX of the Education Amendments of 1972, the federal law that prohibits sex discrimination in education including athletic programs and opportunities.

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

**Resolution No. 525-02**

**ADOPTED**

**021308 [Directing the Budget Analyst to conduct a management audit of the SF Airport Development Bureau]  
Supervisors Peskin, Ammiano, Leno, McGoldrick, Daly, Gonzalez, Newsom**

Motion amending the Schedule of Audits for the Budget Analyst and directing the Budget Analyst to conduct a management audit of the San Francisco International Airport's Airfield Development Bureau and to perform this management audit as the next priority assignment.

**Motion No. M02-121**

**ADOPTED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Severed From For Adoption Without Committee Reference****Suspend Rule 4.37 of the Rules of Order of the Board of Supervisors**

Supervisor Gonzalez, seconded by Supervisor Peskin, moved to suspend the Rules of Order of the Board of Supervisors to move amendments to the following items. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021123 [Negotiations Regarding GCIU Local 4N and Independent/SF Examiner IU Local 4N and the Examiner/Independent]  
Supervisors Ammiano, Daly, Gonzalez

Resolution regarding negotiations between GCIU Local 4N and the SF Examiner/Independent.

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

Supervisor Gonzalez, seconded by Supervisor Peskin, 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, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution No. 514-02

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021298 [Expedite process for open seats on Planning Commission and Board of Appeals]  
Supervisor Peskin

Resolution to expedite the process of appointing the remaining four seats of the Planning Commission and the three seats on the Board of Appeals.

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

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

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

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

Resolution No. 527-02

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021301 [Opposing S2633 and HR3782]  
Supervisors Leno, Daly, Gonzalez

Resolution urging the U.S. Senate to oppose the RAVE Act, S2633 (Reducing America's Vulnerability to Ecstasy Act) and urging the House of Representatives to oppose HR3782 sponsored by Congressman Doug Ose (D-CA).

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

*Supervisor Hall requested this matter be continued to August 5, 2002.*

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

CONTINUED.

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Serious Injury Finding]*

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

Supervisor Leno, seconded by Supervisor Newsom, moved **ADOPTION** of the serious injury finding. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[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 Leno, seconded by Supervisor Newsom, moved **ADOPTION** of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**021335**    **[\$1.15 Million Grant Application from BAAQMD to Improve Air Quality]**  
**Supervisor Ammiano**

Resolution authorizing the City Administrator to apply for a grant in the amount of \$1.15 million from the Bay Area Air Quality Management District for the purpose of implementing programs to improve air quality.

Resolution No.    503-02

**ADOPTED** by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

**Ordinances****021337 [Amending Building Code Section 2903 regarding single Stall Bathrooms in Public Accommodations]  
Supervisor Leno**

Ordinance amending Section 2903 of the Building Code to require that single accommodation sanitary facilities in public accommodations bear signage indicating that they are usable by either sex.

7/29/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 8/28/2002.

8/6/02, Transmitted to Building Inspection Commission for review and comment.

**021338 [Third Street Alcohol Restricted Use District]  
Supervisor Maxwell**

Ordinance adding Section 782 to the Planning Code to create a Third Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheet 8SU and 10SU of the City and County of San Francisco to indicate the boundaries of the Third Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/29/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 8/28/2002. 8/6/02 - Transmitted to Planning Commission for public hearing and recommendation.

**021339 [Financial Information Privacy]  
Supervisor Peskin**

Ordinance amending the San Francisco Business and Tax Regulations Code to enact a new Article 20 to provide for the protection of private financial information.

7/29/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 8/28/2002.

**021356 [Prohibiting temporary exchanges or reclassifications to Deputy Director, or equivalent classifications or policy-making or policy-implementing positions that report directly to a Department Head, without approval of the Board of Supervisors]  
Supervisors Peskin, Ammiano, Daly, Gonzalez, Sandoval, McGoldrick**

Draft ordinance amending Section 10.1 of the Administrative Provisions of the Annual Appropriation Ordinance to prohibit temporary exchanges or reclassifications of employee positions compensated at more than \$100,000 annually without approval by the Board of Supervisors.

7/29/02, RECEIVED AND ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the August 13, 2002 meeting.

**Resolutions**

**021335 [S1.15 Million Grant Application from BAAQMD to Improve Air Quality]  
Supervisor Ammiano**

Resolution authorizing the City Administrator to apply for a grant in the amount of \$1.15 million from the Bay Area Air Quality Management District for the purpose of implementing programs to improve air quality.

7/29/02, ADOPTED.

7/30/02, APPROVED.

**021336 [Consolidation of BART Election - 11/5/02]  
Supervisor Ammiano**

Resolution consolidating the Bay Area Rapid Transit Election for Director's Seat in District 8 and Special District Election for a Seismic Safety Bond to be held in the City and County of San Francisco on November 5, 2002 with the General Municipal Election scheduled for the same date, and providing that the election shall be the same as for the General Municipal Election.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021340 [Accept and Expend a Gift from Tides Foundation]  
Supervisors McGoldrick, Leno, Newsom**

Resolution accepting and expending a gift in place valued at approximately \$150,000 from the Tides Foundation to the Recreation and Park Department for the National AIDS Memorial Grove.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021341 [Proclamation]  
Supervisors Ammiano, Daly**

Resolution declaring the week of August 3 through August 11, 2002 as Go Congress Week in the City and County of San Francisco.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021342 [Honoring Patricia Walkup]  
Supervisors Gonzalez, Leno, Daly, Newsom, Peskin, McGoldrick, Ammiano, Maxwell**

Resolution honoring Patricia Walkup, founder and past President of the Hayes Valley Neighborhood Association.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021343 [Prohibition on the Sale of Naming Rights]  
Supervisors Gonzalez, Hall, Daly, McGoldrick, Sandoval**

Resolution urging the Recreation and Park Commission to adopt a policy prohibiting the sale or lease of naming rights of any publicly-owned facility or open space and declaring that such policy is in the public interest and shall be adopted by the City and County of San Francisco and applied to all publicly-owned property.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021344 [Acknowledging Third Baptist Church]  
Supervisors Maxwell, Newsom**

Resolution acknowledging the spiritual leadership and dedication provided by Third Baptist Church and for its numerous contributions to the people of the City and County of San Francisco on the occasion of its sesquicentennial anniversary of service.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021345 [Urging the National Park Service, GGNRA, maintain the present configuration of the USSSF Memorial Monument.]  
Supervisors Yee, Sandoval**

Resolution urging the National Park Service, Golden Gate National Recreation Area, to maintain the present configuration of the USS San Francisco Memorial Monument, and urging the National Park Service to approve the erection of two additional historical plaques.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021346 [Proclamation]  
Supervisors Yee, McGoldrick, Peskin, Newsom**

Resolution proclaiming October 12, 2002 as Green Apple Books Day and celebrating the 35th Anniversary of Green Apple Books.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**021347 [Commending Nikkei]  
Supervisor Peskin**

Resolution commending the accomplishments of Nikkei in San Francisco and throughout the nation and welcoming the Nikkei visitors attending the Topaz reunion.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



**021348 [Commending Shanghai Festival]  
Supervisors Yee, Leno, Hall, Newsom**

Resolution commending the Shanghai Festival and proclaiming the fourth week of December 2002 as Shanghai Festival Week.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021350 [Appointment - Telecommunications Commission]  
Mayor, Supervisor Daly**

Resolution approving the Mayor's appointment of Sunil V. Daluvoy to the Telecommunications Commission, for the term ending July 1, 2003. (Mayor)

7/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021357 [Commending La Raza Centro Legal]  
Supervisor Daly**

Resolution commending La Raza Centro Legal for their outstanding commitment to the San Francisco day labor population and for their tremendously successful administration, management and operation of the San Francisco day labor program.

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Requests for Hearing

**021351 [CALWORKS Program]  
Supervisor Newsom**

Hearing to discuss the CalWORKS program currently administered by the Department of Human Services (DHS), including, but not limited to: (1) Number of CalWORKS clients to be affected by the expiration of this program; and (2) Any proposed plans by DHS to transition clients to other social services.

7/29/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**021352 [Toxic Wastes on the Presidio]  
Supervisor Newsom**

Hearing to discern: (1) the practice of toxic wastes being dumped onto the Presidio, including but not limited to paint, solvents, diesel fuel and raw sewage; and (2) the presence of toxic materials on the Presidio.

7/29/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**021353 [Preliminary Financial Projections for 2003-04]  
Supervisors Peskin, Maxwell**

Hearing on the preliminary financial projections for the 2003-2004 Budget of the City and County of San Francisco.

7/29/02, RECEIVED AND ASSIGNED to Budget Committee. Sponsors request this item be scheduled for consideration at the August 13, 2002 meeting.

**021354 [Special Funds - Children's Fund and Open Space Fund]  
Supervisor Peskin**

Hearing to address the Mayor's Office use of the special funds like the Children's Fund and Open Space Fund to balance the fiscal year 2002-03 Budget. The hearing will address how revenues for these funds can be better projected; and how the City can assure the public that these funds will not be used for such purposes again.

7/29/02, RECEIVED AND ASSIGNED to Budget Committee.

### **Motions**

**021334 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

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

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021349 [Special Offsite Committee Meeting]  
Supervisor Newsom**

Motion setting a special offsite meeting of the Neighborhood Services and Recreation Committee for the purpose of receiving community input concerning items including, but not limited to, toxic waste, the PTIP and other general issues at the Presidio Trust (Thursday, August 22, 2002 - 2:00 PM, at the Presidio Trust Main Post, Officers Club, 50 Moraga Avenue).

7/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021355 [Legislative Analyst Request]  
Supervisor Daly**

Motion asking the Legislative Analyst to study the City's Natural Areas Program, contrast and compare this program to the efforts in other cities, study and report on all resolutions and ordinances concerning the program, and interviewing all the various stakeholders who are interested in or concerned about the program.

7/29/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 5, 2002. Report no later than 30 days from introduction or August 30, 2002, whichever is later.

## **PROPOSED ORDINANCES**

**021288 [Settlement of Lawsuit]**

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

(Public Benefit Recipient.)

7/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021296 [Entertainment Commission]  
Supervisors Leno, Newsom**

Ordinance amending the San Francisco Administrative Code to (i) enact a new Section 10.100-296 establishing the San Francisco Entertainment Commission Fund, and (ii) amend Section 90.9 of Chapter 90 relative to the fees for licenses and permits issued by the San Francisco Entertainment Commission.

7/22/02, RECEIVED AND ASSIGNED to Finance Committee.

## PROPOSED RESOLUTIONS

**021282 [Accept-Expend FHWA Value Pricing Pilot Program Grant]**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to accept and expend a grant in the amount of \$378,186.40 from the Federal Highway Administration and the California State Department of Transportation to assist in the development and administration of the City CarShare program. (Parking and Traffic Department)

7/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**021283 [Certification of Lower Cost Services]**

Resolution concurring with the Controller's certification that proposed services to be provided by PRWT Services, Inc. can be performed at a lower cost than similar services performed by City and County employees. (Parking and Traffic Department)

(Fiscal impact; Companion measure to File 021284.)

7/22/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the August 14, 2002 meeting.

**021284 [Extension of Agreement with PRWT Services, Inc.]**

Resolution authorizing a two-year extension of the agreement between PRWT Services, Inc. and the City and County of San Francisco. (Parking and Traffic Department)

(Fiscal impact.)

7/22/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the August 14, 2002 meeting.

**021287 [Settlement of Claim]**

Resolution approving the Settlement of Unlitigated Claim of California Department of Forestry and Fire Protection (CDF) for \$50,000.00; Claim was filed on December 28, 2001. (City Attorney)

7/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021289 [Extension of Water Department Contract with Westin Engineering, Inc. for construction support services, and assistance with claims analysis and dispute resolution or the S.F. Water Supervisory Control and Data Acquisition (SCADA) project beyond 10 years]**

Resolution pursuant to Charter Sec. 9.118 approving an extension of the term beyond ten years of San Francisco Public Utilities Commission's professional services contract number CS-460 with Westin Engineering, Inc. for construction support services in connection with the San Francisco Water Supervisory Control and Data Acquisition (SCADA) project to cover the duration of the related construction contract, including closeout of the construction contract. (Public Utilities Commission)

(Fiscal impact.)

7/24/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**021290 [Modification to the Professional Service Agreement for Construction Management Services for SFO AirTrain for a new total contract amount]**

Resolution approving Modification No. 7, the Close-out Modification, to Professional Services Agreement, Contract 5700CM - Construction Management Services for the AirTrain System, with PGH Wong Engineering/Luster Construction Management, in the amount of \$2,644,367 for a new total contract amount not to exceed \$32,847,364. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

7/24/02, RECEIVED AND ASSIGNED to Finance Committee.

**021291 [Accept-Expend Federal Grant]**

Resolution authorizing the Airport Commission to accept and expend a Federal Airport Improvement Program grant in the amount of \$5,291,558.00 from the U.S. Department of Transportation Federal Aviation Administration, and approving Modification Nos. 4 and 5 to Contract No. 4240.1 for preparation of environmental impact studies for the proposed runway reconfiguration project, for a total contract amount not to exceed \$19,741,558. (Airport Commission)

(Public Benefit Recipient.)

7/24/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Newsom*

*To: Acting Executive Director, Presidio Trust*

*Requesting/Inquiring: Requesting the Board of Supervisors be copied on the Presidio Trust's response to a recent letter sent to the Presidio Trust by Congressional members, Nancy Pelosi and George Miller, regarding the allegations of improper disposal of toxic materials at the Presidio.*

*From: Supervisor Sandoval*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: Regarding the absence of a street sign reading "Persia Avenue" at the intersection of Persia and Ocean Avenues.*

*From: Supervisor Sandoval*

*To: Chief, Police Department*

*To: Director, Department of Parking and Traffic*

*To: Director, Department of Public Works*

*To: Director, Bureau of Street Use and Mapping*

*Requesting/Inquiring: That the Chief of Police and the Directors of Parking and Traffic, Public Works, Bureau of Street Use and Mapping provide any information on established policies related to containerized moving and/or mobile storage companies.*

- 1. How does each department officially define mobile storage containers?*
- 2. How many permits have been issued to mobile storage companies in the last year?*
- 3. What is the time and weight limit for mobile storage container permits?*
- 4. Are customers of the mobile storage companies responsible for obtaining permits?*
- 5. Does a penalty fee structure exist to address issues related to mobile storage containers?*
- 6. Does the Department have any recommendations to address issues related to mobile storage containers?*

*From: Supervisor Sandoval*

*To: City Attorney*

*Requesting/Inquiring: To draft an ordinance that establishes a permit process to address issues related to mobile storage companies.*

*From: Supervisor Daly*

*To: Director, Department of Human Services*

*To: Director, Department of Public Health*

*To: Director, Mayor's Office on Homelessness*

*To: Director, Department of Public Works*

*To: General Manager, Public Utilities Commission*

*Requesting/Inquiring: That the Directors of Human Services, Public Health, Office on Homelessness, Public Works and the General Manager of Public Utilities Commission report on the steps taken to disband the 7th and Berry Street encampment, with a specific report on any count or census of persons at the site, including demographic information. Also, to report on the services provided to these persons. Specifically, to report on the number of homeless persons placed in housing as a result of the actions last weekend, and the complete cost of the action in terms of staff time and equipment usage.*

*From: Supervisor Daly*

*To: Chief of Police*

*To: District Attorney*

*Requesting/Inquiring: That the Chief of Police and District Attorney report on the shooting of an eight-year old at McCoppin and Valencia Streets on the evening of July 28, 2002. Specifically, to report on the efforts to apprehend the individuals involved.*

*From: Supervisor Gonzalez*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation, which would prohibit the sale or lease of naming rights to any publicly owned facility or space.*

*From: Supervisor Leno*

*To: Acting Executive Director, Presidio Trust*

*Requesting/Inquiring: To respond to accusations that former employees have made that trust officials ordered workers to bury 12 barrels of hazardous material in a 16-20 foot pit in the Presidio Park lands.*

### **In Memoriams**

*Florence Sinton (Supervisor Peskin)*

*Paul J. Walti, Sr. (Supervisor Hall)*

*Jennifer Small (The Entire Board)*

## ADJOURNMENT

*There being no further business, the Board at the hour of 4:45 p.m. adjourned.*

*Gloria L. Young, Clerk*

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

*Approved by the Board of Supervisors on September 17, 2002.*

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

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