

# 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 25, 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 7

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisor was noted absent:*

*Supervisor McGoldrick - 1*

*Quorum present.*

*Supervisor McGoldrick was excused from attending today's meeting. (See Infra)*

### Supervisor McGoldrick Excused from Attendance

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

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

## APPROVAL OF MEETING MINUTES

Supervisor Newsom, seconded by Supervisor Daly, moved to approve January 27, 2003 Meeting Minutes. The motion carried by the following vote:

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

### Privilege of the Floor

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

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

Supervisors Maxwell introduced, welcomed and presented a Certificate of Honor to members of the Les Percussions De Guinee.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Leroy Moore in recognition of Black History Month.

Supervisor Hall introduced, welcomed and presented Certificates of Honor to Gloria L. Young, Clerk of the Board, Gerald Green, Director of Planning, Jesse Williams, Juvenile Probation Services, Mohammed Nuru, Deputy Director of Operations of Department Public Works, Anthony L. Wagner, Administrator, Department of Public Health, Ted Frazier, Associate Pastor of the Voice of the Pentecost Church in recognition of Black History Month.

Supervisor Sandoval introduced, welcomed and presented Certificates of Honor to Marleen Luke and Yuen Mei Wong in recognition of Chinese New Year.

## CONSENT AGENDA

### Recommendation of the Neighborhood Services and Recreation Committee

030214 [Accept-Expend Gift]  
Supervisors Dufty, Ma, McGoldrick, Newsom

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of \$52,000 from the Friends and Foundation of the San Francisco Public Library for the James C. Hormel Gay and Lesbian Center. (Public Library)

(No Public Benefit Recipient.)

Resolution No. 119-03  
ADOPTED

### Recommendations of the Rules Committee

021589 [Appointment]  
Resolution appointing Norman Yee, term ending April 29, 2006 to the Children and Families Trust Fund and Commission.

Norman Yee, succeeding Francisco Ramos-Gomez, term expired, Seat 8, shall represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for the unexpired portion of a four-year term ending April 29, 2006.

Resolution No. 112-03  
ADOPTED

**021639 [Appointment]**

Resolution appointing Francine Braae, term ending October 1, 2003, to the Safe Haven for Newborns Task Force.

Francine Braae, new position, seat 1, must be a representative from the community with expertise in the area of domestic violence, for the unexpired portion of a one-year term ending October 1, 2003.

**Resolution No.** 113-03

**ADOPTED**

**030169 [Appointment]**

Resolution appointing Joseph Berger (residency requirement waived) and Steve Trent, terms ending June 30, 2004, to the Union Square Business Improvement District Advisory Board.

Joseph Berger, (residency requirement waived) succeeding Michael Cassidy, resigned, seat 2, must be property owner within the Business Improvement District for the unexpired portion of a 5 year term expiring June 30, 2004.

Steve Trent, succeeding Mark Heinzelman, deceased, seat 3, must be property owner within the Business Improvement District for the unexpired portion of a 5 year term expiring June 30, 2004.

**Resolution No.** 117-03

**ADOPTED**

**030174 [Appointment]**

Resolution appointing John Gressman (residency requirement waived), Robert Lull and Tracey Faulkner, terms ending January 15, 2006 to the Health Authority.

John Gressman, (residency waiver required) succeeding himself, term expired, seat 5, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for a 3 year term ending January 15, 2006.

Robert Lull, succeeding himself, term expired, seat 8, must be physician, and nominee of SF Medical Society, or any successor organization, for a 3 year term ending January 15, 2006.

Tracey Faulkner, succeeding Frederick Hobson, resigned, seat 11, must be a nominee of Health Authority Beneficiary Advisory Committee, at least one of whom shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for a 3 year term ending January 15, 2006.

**Resolution No.** 118-03

**ADOPTED**

**030252 [Appointment]**

Resolution appointing Levi Nnaemeda, term ending December 31, 2004 to the Development Disabilities Board.

Levi Nnaemeda, succeeding Theresa Gallegos, term expired, seat 1, represents general public, for the unexpired portion of a 3 year term ending December 31, 2004.

**Resolution No.** 120-03

**ADOPTED**

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

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

Excused: 1 - McGoldrick

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of 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.)

**FINALLY PASSED** by the following vote:

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

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

**030093 [Funding for the sale of lease-revenue bonds for citywide equipment]  
Mayor**

Ordinance appropriating \$4,200,633 from the sale of lease-revenue bonds by the San Francisco Finance Corporation to fund purchase of equipment citywide for fiscal year 2002-03; placing \$455,000 on reserve. (Mayor)

(Fiscal impact.)

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

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

**030159 [Appropriate bond interest earnings for construction of the Asian Art Museum]  
Supervisors Sandoval, Newsom**

Ordinance appropriating \$2,251,170 in interest income from the 1994 Asian Art Museum Relocation Project Bond - Series 1996E and \$1,491,120 in interest income from the 1994 Asian Art Museum Relocation Project Bond - Series 1999D for a total of \$3,742,290 for construction costs to seismically upgrade and make various improvements and build outs to the Old Main Library building for the Asian Art Museum for fiscal year 2002-03. (Controller)

(Fiscal impact; No Public Benefit Recipient.)

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

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

**030167 [Patient Rates]**

Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2002, and to revise the passport application fee effective upon approval of this ordinance. (Public Health Department)

(No Public Benefit Recipient.)

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

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

**030131 [2003 Finance Corporation Equipment Program]  
Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 10 (Series 2003A Bonds) between the City and the County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$11,750,000; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith. (Mayor)

(Fiscal impact.)

**Resolution No.** 109-03

**ADOPTED** by the following vote:

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

**030147 [Public Auction of Tax-defaulted Property]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

(No Public Benefit Recipient.)

**Resolution No.** 116-03

**ADOPTED** by the following vote:

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

**Recommendations of the Neighborhood Services and Recreation Committee****021940 [Liquor License, 77 Natoma Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Jennifer L. Rogers and Kerri L. Stephens for "Varnish Fine Art LLC" located at 77 Natoma Street (District 6), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

**Resolution No.** 114-03

**ADOPTED** by the following vote:

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

**022024 [Liquor License Transfer, 1737 Post Street]**

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 22 Peace Plaza to 1737 Post Street, Japanese Cultural Center (District 5), to Jay Naganuma for Maruwa Foods Company of America for the purpose of upgrading its current Type 20 off-sale beer and wine alcoholic beverage control license, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 115-03

**ADOPTED by the following vote:**

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

**Recommendations of the Rules Committee****Supervisor Gonzalez Excused from Voting**

Supervisor Sandoval, seconded by Supervisor Maxwell, moved to excuse Supervisor Gonzalez from voting on this matter. The motion carried by the following vote:

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

**030213 [Appointment]**

Resolution appointing Supervisor Matt Gonzalez, term ending June 30, 2003 to the Association of Bay Area Governments Executive Board.

Supervisor Matt Gonzalez, succeeding Supervisor McGoldrick, resigned, seat 2, must be a member of the Board of Supervisors, for the unexpired portion of a 2 year term ending June 30, 2003.  
Supervisor Gonzalez excused from the vote.

**Resolution No.** 102-03

**ADOPTED by the following vote:**

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

**Supervisor Ma Excused from Voting**

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisor Ma from voting on this matter. The motion carried by the following vote:

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



**030215 [Appointment]**

Resolution appointing Supervisor Fiona Ma, term ending June 30, 2003 to the Association of Bay Area Governments Executive Board.

Supervisor Fiona Ma, succeeding Supervisor Gavin Newsom, resigned, seat 6, alternate position in odd numbered years, must be a member of the Board of Supervisors, for the unexpired portion of a 2-year term ending June 30, 2004.

*Amended on page 1, line 3, by replacing "June 30, 2004" with "June 30, 2003"; and further amended on page 1, line 9, by replacing "Supervisor Newsom" with "Supervisor Daly"; and by replacing "Seat 6" with "Seat 1"; and by deleting "alternate position in odd-numbered years" and on page 1, line 11, by replacing "June 30, 2004 with "June 30, 2003." (New Title)*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

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

*Continued to March 4, 2003 For Adoption Without Committee Reference Agenda*

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

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

**ROLL CALL FOR INTRODUCTIONS****PUBLIC COMMENT**

*Abdulla Megaheed; SFPD issues*

*Richard Robertson; homeless issues*

*Male Speaker; general issues*

*Female Speaker; request help regarding Charles Lee, an immigrant citizen, being detained in China*

*Jim Corrigan; SFPD issues and closing of fire stations*

*Steve Espas; request help regarding Charles Lee, an immigrant citizen, being detained in China*

*Mark Greenberg; Taxi Commission decision regarding distribution of taxi medallions*

*Ron Walter; Taxi Commission decision regarding distribution of taxi medallions*

*Ruth Gravis; Chair of Taxicab Workers; Taxi Commission decision regarding distributions of taxi medallions*

*John Creedon, Scomas Restaurant; regarding resolutions relating to labeling seafood and protection of*

*Chilean Sea Bass*

*Female Speaker; regarding resolutions relating to labeling seafood and protection of Chilean Sea Bass*

*Female Speaker; general issues*

*Male Speaker; Member of the Taxi Commission*

**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.*

**Items 19 through 30****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.

**Resolution No.** 121-03

**ADOPTED**

**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.

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

**Resolution No.** 122-03

**ADOPTED**

**030228 [Final Map for a 135 Unit Residential Condominium Project]**

Motion approving Final Map of Oceanview Village, 3995 Alemany Boulevard, a Residential / Commercial Condominium Project, being a subdivision of Airspace, Lot 9 in Assessor's Block No. 7126A, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,952; District No. 11.)

**Motion No.** M03-32

**APPROVED**

**030229 [Final Map for a 57 Unit Condominium Project]**

Motion approving Final Map of Oceanview Village, 3981 Alemany Boulevard, a Residential Condominium Project, being a subdivision of Lot 14 in Assessor's Block No. 7126A, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,953; District No. 11.)

**Motion No.** M03-33

**APPROVED**

**030230 [Final Map for a 135 Unit Residential Condominium Project]**

Motion approving Final Map of Oceanview Village, 8300 & 8400 Oceanview Terrace, a Residential Condominium Project, being a subdivision of Lot 15 in Assessor's Block No. 7126A, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,954; District No. 11.)

**Motion No.** M03-34

**APPROVED**

**030231 [Final Map for a 90 Unit Residential Condominium Project]**

Motion approving Final Map of Oceanview Village, 8200 Oceanview Terrace, a Residential Condominium Project, being a subdivision of Lot 16 in Assessor's Block No. 7126A, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order 173,955; District No. 11.)

Motion No. M03-35

**APPROVED**

**030234 [Final Map for a 90 Unit Mixed Use Condominium Project]**

Motion approving Final Map of Oceanview Village, 8100 Oceanview Terrace, a Residential Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 7126A, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,956; District 11.)

Motion No. M03-36

**APPROVED**

**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)

Motion No. M03-38

**APPROVED**

The foregoing items were acted upon by the following vote:

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

Excused: 1 - McGoldrick

**Severed from For Adoption Without Committee Reference**

*Supervisor Dufty requested that this matter be severed so that it could be 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 spate of Noe Valley Neighborhood Home Burglaries.

*Supervisor Dufty requested this matter be Referred to Committee.*

**REFERRED to the City Services Committee.**

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

**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.

*Supervisor Peskin requested this matter be Referred to Committee.*

**REFERRED to the City Services Committee.**

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

**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.

*Supervisor Newsom requested that this matter be Referred to Committee.*

**REFERRED to the City Services Committee.**

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

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

Motion extending time for negotiations pursuant to Charter Section 11.100. (Mayor)

**Motion No.** M03-37

**APPROVED by the following vote:**

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

Excused: 1 - McGoldrick

## IMPERATIVE AGENDA

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

*[Serious Injury Finding]*

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

*[Purely Commendatory Finding]*

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

**Supervisor Ammiano, seconded by Supervisor Daly, moved ADOPTION of the Commentary Finding Act. The motion carried by the following vote:**

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

Excused: 1 - McGoldrick

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

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

Excused: 1 - McGoldrick

**030306 [Gladys H. Dardon Day]  
Supervisor Maxwell**

Resolution to proclaim February 27, 2003 as Gladys H. Dardon Day in the City and County of San Francisco.

**Resolution No. 123-03**

**ADOPTED by the following vote:**

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

Excused: 1 - McGoldrick

**030307 [Commend Les Percussions De Guinee]  
Supervisor Maxwell**

Resolution commending and welcoming Les Percussions De Guinee to the City and County of San Francisco.

**Resolution No. 124-03**

**ADOPTED by the following vote:**

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

Excused: 1 - McGoldrick

## **OFF-AGENDA LEGISLATION**

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

### **Ordinances**

**030301 [Clerical Corrections to Article 10a of the Bus. & Tax Reg. Code]  
Supervisor Peskin**

Ordinance amending Article 10a of the San Francisco Business and Tax Regulations Code by making clerical corrections to Sections 750, 751, 753 and 755.1 and amending Section 10.100-67 of the San Francisco Administrative Code by making clerical corrections to omit text intended to be deleted by Ordinance Number 71-02.

2/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030315 [Fleet Management Program]  
Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by repealing existing Section 4.10-1 and adding a new Section 4.10-1, to place all City general purpose vehicles under the jurisdiction of the Director of Administrative Services as part of a comprehensive fleet management program.

2/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/27/2003.

**030326 [Prohibiting the use of mobile telephones at public performance]  
Supervisors Daly, Peskin**

Draft ordinance amending Police Code by adding a new Article 50 to prohibit the use of mobile telephones in places of public performance.

2/25/03, RECEIVED AND ASSIGNED to City Services Committee.

**030325 [Residential Rent Ordinance: conform to State Ellis Act amendments]  
Supervisor Peskin**

Ordinance (1) conforming the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) to State law amendments to the Ellis Act (California Government Code Sections 7060 et seq.), by amending Section 37.9A to provide that, for new tenancies established after December 31, 2002, the same rent control restrictions that were in effect for the unit at the time a notice of intent to withdraw the unit from the rental or leased housing market was filed with the Rent Board remain in effect for any and all new or subsequent tenancies established during the five year period after filing the notice of intent, and for the five year period following actual withdrawal of the unit from the rental or leased housing market; (2) amending Section 37.9A to provide that half of the required relocation payment due to low-income, elderly or disabled tenants is due within fifteen (15) days of the landlord's receipt of the tenant's notice of entitlement, and the remaining half is due when the tenant vacates the unit; (3) amending Section 37.9A to require that an owner notify the Rent Board if the owner disputes a tenant's claim of entitlement to one-year notice due to being elderly or disabled; and, (4) conforming numbering.

2/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/27/2003.

**030328 [Settlement of Unlitigated Claim]  
Supervisor Hall**

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of two coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to HMSHost Corporation, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.



**Resolutions****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 spate of Noe Valley Neighborhood Home Burglaries.

2/11/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

2/18/03, AMENDED. Amended on page 1, line 5, to replace "spade" with "spate". (New Title)

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

2/18/03, CONTINUED. Continued to February 25, 2003

2/25/03, REFERRED to City Services Committee.

Supervisor Dufty requested this matter be Referred to Committee.

**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.

2/25/03, REFERRED to City Services Committee. Supervisor Peskin requested this matter be Referred to Committee.

**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.

2/25/03, REFERRED to City Services Committee. Supervisor Newsom requested that this matter be Referred to Committee.



**030300 [Certification to Accompany Application for State Grant for Richmond Library Expansion and Renovation]****Mayor**

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. (Mayor)

(No Public Benefit Recipient.)

2/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the March 19, 2003.

**030304 [Municipal Transportation Agency leveraged lease-leaseback financing]****Mayor**

Resolution authorizing the San Francisco Municipal Transportation Agency to proceed with Tranche 2 of the Breda light rail vehicle leveraged lease-leaseback transaction without an obligation to pay broken-deal costs. (Mayor)

(No Public Benefit Recipient.)

2/25/03, RECEIVED AND ASSIGNED to Land Use Committee.

**030316 [Accept- Expend State Grant - Port Commission]****Supervisors Maxwell, Newsom**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of \$143,200 from the State of California San Francisco Bay Natural Resources Protection Trust for the Pier 94 Wetlands Enhancement Project.

(No Public Benefit Recipient.)

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030317 [Urge Governor Davis to sign AB4X, Stage III Child Care Funding]****Supervisors Ma, Newsom, Ammiano, Dufty, Peskin, Daly**

Resolution urging Governor Gray Davis to support California's young children, working parents, and small and large businesses by ensuring continued funding for Stage III Child Care by signing AB4X.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030318 [Commend International Women's Day]****Supervisors Ma, Peskin, Newsom, Daly**

Resolution commending International Women's Day.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030319 [Support SB 50 and AB 83]  
Supervisor McGoldrick**

Resolution Supporting SB 50 and AB 83 Regulating Bottled Water within California.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030329 [Accept-Expend State Grant - Recreation and Park Department]  
Supervisors Maxwell, Newsom**

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the total amount of \$200,000 from the California Department of Parks and Recreation under the Fiscal Year 2000 Park Bond Act: Regional Youth Soccer and Baseball Facilities for the renovation of the Soccer Field at Youngblood Coleman Recreation Center.

(No Public Benefit Recipient.)

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030330 [Zero Emission Vehicles]  
Supervisor Daly**

Resolution urging the California Air Resources Board to (1) maintain the state's zero-emission vehicle (ZEV) production requirement, (2) prevent a near term "ZEV blackout" where no ZEVs are actually required, and (3) provide stronger incentives for high quality hybrid EVs that will provide real "pure zero emission" miles and accelerate the introduction of ZEVs.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030331 [Woodburning]  
Supervisor Daly**

Resolution urging the residents of the City and County of San Francisco to eliminate or reduce wood burning in residential fireplaces and wood burning stoves as a way to reduce toxic air pollution during the winter months.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030332 [Support Assembly Bill 45]  
Supervisor Daly**

Resolution supporting Assembly Bill 45, regulating the use of mobile telephones while operating a motor vehicle.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing**

**030302 [Budget Updates]  
Supervisors Daly, Peskin**

Hearing to consider budget updates from the Mayor, Controller, Budget Analyst, Legislative Analyst, and City Departments.

2/25/03, RECEIVED AND ASSIGNED to Budget Committee.

**030303 [Status of Hospital Liaison Program of the Public Guardian's Office]  
Supervisor Dufty**

Hearing to review the status of the "Hospital Liaison Program" in the Public Guardian's Office.

2/25/03, RECEIVED AND ASSIGNED to City Services Committee.

**030308 [California High School Exit Examination]  
Supervisors Ammiano, Ma, Maxwell**

Hearing to consider the District's efforts to help students meet the requirements of the California High School Exit Examination (CHSEE) pursuant to Education Code Section 6080, the potential impacts of the California High School Exit Examination on various student populations including English language learners, and alternative assessment methodologies under consideration by the District, including assistance from the City Attorney to review legal issues surrounding the CHSEE.

2/25/03, RECEIVED AND ASSIGNED to City and School District Select Committee.

**030309 [SFUSD's Early Childhood Development Program]  
Supervisors Ammiano, Ma, Maxwell**

Hearing to consider the San Francisco Unified School District's Early Childhood Development Program, including the State and Title I Preschool and the District's full-day preschool program, and objectives of the SFUSD's Excellence for All Five Year Comprehensive Plan related to literacy, kindergarten transition, and academic success and to review the potential impact of the Governor's proposal to reroute Early Childhood Development funding and responsibility from school districts to counties.

2/25/03, RECEIVED AND ASSIGNED to City and School District Select Committee.

**030310 [SFUSD Facilities Master Plan]  
Supervisors Ammiano, Ma, Maxwell, Dufty**

Hearing to consider the San Francisco Unified School District Facilities Master Plan, including assistance currently being provided by the City Architect to complete the plan, and how best to leverage the 2004 series of statewide education facilities bonds, if approved by voters.

2/25/03, RECEIVED AND ASSIGNED to City and School District Select Committee.

**030311 [Cost-cutting efforts of the SFUSD]  
Supervisors Ammiano, Ma, Maxwell**

Hearing to consider recent cost-cutting efforts of the San Francisco Unified School District and the impact of state budget cuts on the District.

2/25/03, RECEIVED AND ASSIGNED to City and School District Select Committee.

**030312 [Cost-cutting proposals]  
Supervisors Ammiano, Ma, Maxwell**

Hearing to consider cost-cutting proposals by City Departments that could affect the delivery of services to children, including potential cuts to Stage 3 childcare (administered in conjunction with City welfare to work programs) as proposed by Governor Davis.

2/25/03, RECEIVED AND ASSIGNED to City and School District Select Committee.

**030314 [Financial impact of the War on Iraq to the City's Budget]  
Supervisor Sandoval**

Hearing to discuss the financial impact of the War on Iraq to the City's Budget, specifically the Police Department, Fire Department and the Office of Emergency Services.

2/25/03, RECEIVED AND ASSIGNED to Budget Committee.

### Motions

**030299 [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.

2/25/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030305 [Budget Direction to the Clerk of the Board of Supervisors and City Departments]  
Supervisors Ammiano, Daly, Peskin**

Motion directing the Clerk of the Board of Supervisors to identify and recommend to the Budget Committee potential cuts equaling 10 and 20% of the Board of Supervisors budget, directing the Budget Analyst to develop a budget justification and staffing analysis in consultation with the Fire Department to transfer Chief's Aides to firefighting or other appropriate positions within the Fire Department, directing the Budget Analyst to contact elected officials and department heads in General Fund supported City departments to request proposed cuts equaling 10 and 20% of General Fund supported costs for positions earning more than \$90,000 annually and non-essential functions within their administrative budgets, and urging the Director of Human Resources to expand planned job placement assistance programs for City employees who are laid off during the budget process to meet the needs of professional staff, including identifying potential job opportunities in non-General Fund departments and other government agencies.

2/25/03, RECEIVED AND ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the March 6, 2003 meeting.

**030313 [Legislative Analyst Request]  
Supervisors Ammiano, Ma, Maxwell, Dufty, Newsom**

Motion requesting the Office of the Legislative Analyst, in consultation with the San Francisco Unified School District, research and report on existing SFUSD teacher salaries compared to California and national averages, adjusted to reflect the cost of living in the Bay Area, and on teacher housing initiatives, including housing subsidies, employed by other jurisdictions.

2/25/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration March 4, 2003.



## PROPOSED ORDINANCES

**030207 [2161 Sutter Street - Zoning Map Change]**

Ordinance amending the San Francisco Planning Code by adopting changes in property use classification as an amendment to the Zoning Map of the City and County of San Francisco for property described as Assessor's Block 0682, Lot 005, approximately 5,156 square feet in area, from an NC-2 (Small-Scale Neighborhood Commercial) District to an RM-3 (Residential, Mixed, Moderate Density) District and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

(Planning Commission Resolution No. 16514 adopting the proposed Planning Code and Zoning Map amendments on January 23, 2003; Motion No. 16515 approving Conditional Use Application No. 2001.1058C on January 23, 2003; Final Mitigated Negative Declaration adopted and issued on July 12, 2002; No Public Benefit Recipient).

2/13/03, RECEIVED AND ASSIGNED to Land Use Committee.

**030246 [Surcharge on taxi trips originating at Airport]**

Ordinance amending Section 1135 of the Police Code to provide \$2 surcharge on taxi fares for trips originating at San Francisco International Airport. (Taxi Commission)

(No Public Benefit Recipient.)

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

## PROPOSED RESOLUTIONS

**030233 [Provide car seats and information to pregnant and parenting teens]  
Supervisors Dufty, Ma**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a new grant in the amount of \$2,500 from the State of California Department of Health Services (CDHS), to implement a car seat bank program; for the period of December 15, 2002 through January 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

2/13/03, RECEIVED AND ASSIGNED to City Services Committee.

2/21/03, REFERRED TO DEPARTMENT. Referred to Youth Commission for review and comment.

*Supervisor Dufty requested to be added as sponsor.*

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

**030235 [Cover the Uninsured Week]**  
**Supervisors Dufty, Ma**

Resolution endorsing and supporting Cover the Uninsured Week, encouraging San Franciscans to attend the week's events to offer ideas and recommendations to address the problem of the uninsured, and proclaiming March 10 through 16 "Cover the Uninsured Week" in San Francisco. (Public Health Department)

(No Public Benefit Recipient.)

2/14/03, RECEIVED AND ASSIGNED to City Services Committee.

*Supervisor Dufty requested to be added as sponsor.*

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

**030243 [Ratify Port Emergency Repair Contract]**

Resolution ratifying San Francisco Port Commission emergency contract for recovery and repair of marine vessel known as Drydock #1. (Port)

(Fiscal impact; No Public Benefit Recipient.)

2/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

**030247 [Accept-Expend Federal Grant]**  
**Supervisors Dufty, Ma, Newsom**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the U.S. Department of Justice - Office of Community Oriented Policing for a project entitled "COPS-MORE 2002; Crime Analysis Hardware and Software". (Police Department)

(No Public Benefit Recipient.)

2/14/03, RECEIVED AND ASSIGNED to City Services Committee.

*Supervisor Dufty requested to be added as sponsor.*

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

**Requests Granted**

*From: Supervisor Sandoval*

*To: Chief of the San Francisco Police Department*

*Captain of Taraval Police Station*

*Requesting/Inquiring: Inquiring about the procedure and protocol, what training is given to officers and how often that training is updated and the protocol between the San Francisco Police Department and the Secret Service that is used when a person is suspected of trying to use counterfeit currency.*

*From: Supervisor Daly*

*To: City Attorney*

*Requesting/Inquiring: To draft an ordinance to prohibit fingerprinting as a condition of receiving City services unless prescribed by state or federal law.*

*From: Supervisor Daly*

*To: City Attorney*

*Department of Parking and Traffic*

*Department of Public Works*

*Requesting/Inquiring:*

*To the City Attorney: Please draft an ordinance to vacate Jessie Street between 5th and 6th Street.*

*To the DPT and DPW: Please comment about the proposed street vacation on Jessie Street between 5th and 6th Street.*

*From: Supervisor Ammiano*

*To: City Attorney*

*Requesting/Inquiring: To draft a resolution establishing a Joint San Francisco Unified School District/City and County After School Programs Task Force, including, but not limited to, representatives of the SFUSD, the Department of Children, Youth and Their Families, the Department of Recreation and Parks, the Mayor's Office of Community Development, the Youth Commission and advocates for public education.*

*From: Supervisor Ammiano*

*To: City Attorney*

*Requesting/Inquiring: To draft a resolution urging that the Municipal Transportation Agency, in consultation with the SFUSD, review current expenditures, routing and vehicles used under the SFUSD's contract with Laidlaw and analyze the feasibility of the MTA providing assistance with future Requests for Proposals, contract oversight assistance, including routing oversight, and assistance with analyzing school bus emissions and alternative fuel bus technology options and urging that the MTA, in consultation with the SFUSD review MUNI routing and schedules on lines frequently used by K-12 students going to and from school.*

*From: Supervisor Ammiano*

*To: City Attorney*

*Requesting/Inquiring: To draft a resolution urging that the Department of Public Works (DPW) and the City Architect, in consultation with the SFUSD, review the SFUSD Facilities Master Plan, and suggest options for Department of Public Works or joint DPW/SFUSD management of construction projects, pursuant to the existing Memorandum of Understanding between the SFUSD and DPW or a new agreement.*

*From: Supervisor Ammiano*



*To: Library Commission*

*Requesting/Inquiring: To report to the Board of Supervisors regarding existing Library Commission support for the SFUSD and proposed programs to supplement SFUSD library staffing and provide collection support.*

*From: Supervisor Ammiano*

*To: Director, Department of Human Services*

*Requesting/Inquiring: To review the 2001 report by the Office of Legislative K-12 social worker support in the SFUSD, and requesting an update of that report including a comparison of existing levels of service to national averages for urban school districts and other school districts in the State of California, and potential funding sources for increased social work support in schools.*

*From: Supervisor Ammiano*

*To: Director, Department of Children Youth and Their Families*

*Requesting/Inquiring: To report, developed in consultation with the Department of Recreation and Parks, the Youth Commission and the SFUSD, regarding existing City and County and SFUSD after school programs and the funding guidelines for Proposition 49, the Before and After School Programs Initiative Statute.*

*From: Supervisor Ammiano*

*To: Controller*

*Requesting/Inquiring: To research and report, in consultation with the SFUSD, on existing per pupil spending in San Francisco public schools compared to national and statewide averages and alternative school financing options employed by or being considered by other jurisdictions and revenue generated, particularly within the State of California.*

*From: Supervisor Ammiano*

*To: San Francisco Unified School District*

*Requesting/Inquiring: To report and update regarding projected costs to implement Excellence for All Five Year Comprehensive Plan and related long-range planning goals of the SFUSD, including but not limited to, updates on the following issues: Low Performing Schools (including the STAR Program), Small Schools, Class-Size Reduction, programs for English Language Learners, and Gifted and Talented Educational Opportunities, including the potential for the City to assist the District in meeting these objectives.*

## **In Memoriams**

*Vicente Pascua (Entire Board)*

*John Battista Quattrin (Supervisor Hall and Supervisor Newsom)*

*Kevin C. O'Shea (Supervisor Hall and Supervisor Newsom)*

*Michael Moll (Supervisor Ma and Supervisor Daly)*

*Thomas Vigo (Supervisor Peskin)*

## ADJOURNMENT


*There being no further business, the Board at the hour of 4:18 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

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