

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, October 15, 2002 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Committee Membership

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.

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.

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 Supervisor was noted absent:

Supervisor Daly - 1

Quorum present.

Supervisor Daly was noted present at 2:01 p.m.

APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Leno, moved approved the meeting minutes of August 26, 2002 and September 17, 2002. The motion carried by the following vote:

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

AGENDA CHANGES

The Clerk of the Board informed the Board that File No. 021458 will need to be continued.

Privilege of the Floor

Supervisor McGoldrick, 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 to the following guests. The motion carried by the following vote:

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

Supervisor McGoldrick presented a Certificate of Honor for the San Francisco Giants as the National League Pennant Winners.

Supervisor Ammiano introduced and welcomed representatives from Tanzania Grassroots Democracy.

CONSENT AGENDA

Recommendation of the Rules and Audits Committee

021535 [Settlement of Unlitigated Contractual Dispute]
Supervisor Gonzalez

Ordinance authorizing settlement of the unlitigated contractual dispute between the City and County of San Francisco and Health Management Systems, Inc. for a \$550,000 payment to the City and amendment to the contract. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No. 213-02
FINALLY PASSED

Recommendation of the Finance Committee

021417 [Eliminating the Mayor's Office Cash Revolving Fund]
Mayor

Ordinance amending the San Francisco Administrative Code by repealing Section 10.148, to eliminate the Mayor's Office cash revolving fund. (Mayor)

Ordinance No. 211-02
FINALLY PASSED

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

**021526 [New Mission Bay Branch Library]
Mayor**

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with the Redevelopment Agency of the City and County of San Francisco for the purchase of a new Mission Bay Branch Library of the San Francisco Public Library to be constructed and located on land that is referred to herein as Parcel N3a-1 fronting on 4th Street between Berry Street and the Mission Creek Channel within the Mission Bay North Redevelopment Plan Area; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.
(Mayor)

(Fiscal impact.)

Ordinance No. 212-02

FINALLY PASSED by the following vote:

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

Recommendations of the Public Works and Public Protection Committee

**020155 [Building and Planning Code Amendment]
Supervisors Yee, Sandoval, Leno**

Ordinance amending San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages and making findings.

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

PASSED ON FIRST READING by the following vote:

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

**020784 [Resource Conservation - Batteries]
Supervisors Sandoval, McGoldrick, Yee, Gonzalez, Daly**

Ordinance amending the Resource Conservation Ordinance, Chapter 21A of the Administrative Code, to require the purchase and use of rechargeable batteries by City departments and to require other practices that will increase battery recycling by the City.

Ordinance No. 210-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance Committee

021579 [Prevailing Wage]

Resolution fixing the highest general prevailing rate of wages for various crafts and kinds of labor, and for janitorial services, as paid for similar work in private employment in the City and County of San Francisco, at the rates certified to the Board by the Civil Service Commission on September 16, 2002. (Civil Service Commission)

(No Public Benefit Recipient.)

Resolution No. 715-02

ADOPTED by the following vote:

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

021458 [Amend Police Code Section 1070.16]

Supervisors Leno, Daly

Ordinance amending San Francisco Police Code Section 1070.16 to allow adults over the age of 18 into after hours premises.

Continued to October 28, 2002.

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

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

021459 [Amend Police Code Sections 1060.28 and 1070.27]

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.28 and 1070.27 to require places of entertainment and after hours premises with a dance floor and a capacity of 500 persons or more to provide or sell at a reasonable cost earplugs to patrons.

PASSED ON FIRST READING by the following vote:

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

021460 [Amend Police Code Sections 1060.5 and 1070.5]

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.5 and 1070.5 to require 30 days notice of permit application for place of entertainment and after hours premises.

PASSED ON FIRST READING by the following vote:

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

021461 [Amend Police Code Section 1024]

Supervisors Leno, Daly, Gonzalez

Ordinance amending Section 1024 of the San Francisco Police Code to remove references to "moral character" of applicant and to allow Chief of Police to consider criminal and permit history of applicant in determining whether to grant or deny application.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Health and Human Services Committee

- 020348 [Request an ABAWD (Able Bodied Adults without Dependents) Waiver from the State Department of Social Services]**
Resolution authorizing the Department of Human Services to request an ABAWD Waiver from the State Department of Social Services. (Human Services Department)
- (No Public Benefit Recipient.)
- Resolution No.** 713-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
- 020964 [Mental health services from the San Francisco Public Health to the Comprehensive Asian Preschool Services (CAPS) Project]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into an agreement in the amount of \$33,000 with Asian American Recovery Services, Inc. (AARS), the primary contractor, to continue participating in the implementation of the Comprehensive Asian Preschool Services (CAPS) project; for the period of August 6, 2002, to December 31, 2002. (Public Health Department)
- (No Public Benefit Recipient.)
- Resolution No.** 709-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
- 021159 [Participate in development of a system to provide early and accurate detection of biological threats]**
Resolution authorizing the City and County of San Francisco, Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$33,440 with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, to participate in the development of a system to detect biological threats; for the period of February 10, 2002 to February 11, 2003. (Public Health Department)
- (No Public Benefit Recipient.)
- Resolution No.** 710-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
- 021252 [Support Implementation of a federally mandated evaluation system]**
Resolution authorizing the San Francisco Department of Public Health, AIDS Office (DPHAO) to enter retroactively into an agreement with the California Department of Health Services Office of AIDS (OA), the primary contractor, and expend funds in the amount of \$25,310 for evaluation services; for the period of July 1, 2002 to December 31, 2002. (Public Works Department)
- (No Public Benefit Recipient.)
- Resolution No.** 711-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021542 [Refugee County Plan]

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

(Public Benefit Recipient.)

Resolution No. 714-02

ADOPTED by the following vote:

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

Recommendation of the Rules and Audits Committee**021609 [Planning Commission - Alternative Review Process]
Supervisors Peskin, McGoldrick**

Reenactment of emergency ordinance amending the San Francisco Planning Code by amending Section 306, and amending the San Francisco Administrative Code by amending Sections 2A.53 and 31.04, to provide for an alternative process to Planning Commission review where the Planning Commission is unable to meet because a majority of its members has not been appointed; adopting declaration of emergency under Charter Section 2.107; and setting forth period of time within which this reenacted emergency ordinance shall be operative.

Supervisor Peskin moved an amendment of the whole bearing same title.

Continued to October 21, 2002 with pending amendment of the whole.

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

Supervisor Gonzalez, seconded by Supervisor Sandoval, moved that this Ordinance be **CONTINUED**. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole**

(Pending approval of File No. 021709)

**021581 [Hearing - Bay Area Sports Organizing Committee/Approving the First Amendment to the BASOC Agreement]
Supervisor Ammiano**

Hearing to consider legislation amending Resolution No. 910-01, commending the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the competition for 2012 Olympic Games, and approving the First Amendment to the BASOC Agreement.

(Companion measure to Files 021688, 021709.)

Ann Cribbs, Bay Area Sports Organizing Committee (BASOC); Member of the 1984, 1988 Fencing Olympic Team; Stan Warren, Golden Gate Council; Walter Johnson, Labor Council; Gene Dermody, Past President, Federation of Gay Games; Colin Schmidt, Bay Area Scores; Stephen Cornell, District Merchants Council/Small Business; Member of BASOC, Rosie Cassals, Executive Member of BASOC; 1968 Olympic Team Member; Reuben David Goodman; Max Baer, SF Giants and Member of BASOC; Ryan Chamberlain, Member of BASOC; Rob Wyker, Member of BASOC.

Public Hearing held.

President declared the public hearing closed.

Committee of the Whole Rise and Report Without Recommendation

**021688 [Amend Res. No. 910-01 Efforts of the San Francisco Bay Area - Olympic Games]
Supervisors Peskin, Leno, Newsom, Hall, McGoldrick, Sandoval**

Resolution amending Resolution No. 910-01, commending the efforts of the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the USOC's competition to select a U.S. Candidate City for the 2012 Olympic Games; removing the qualification that the City's obligations under the Joinder Agreement are contingent upon BASOC not being in default of any of its obligations under the BASOC Agreement; approving and authorizing the Mayor to execute such agreements, including a Host City Agreement, as are consistent with the terms and conditions included in the Host City Agreement issued by the IOC for the 2008 Olympic Games, should the International Olympic Committee (IOC) choose San Francisco in 2005 as the Host City for the 2012 Summer Olympic Games; and approving the First Amendment to the BASOC Agreement giving the City the right to require BASOC to fund any bid deposit.

Supervisors Leno, Newsom, Hall, McGoldrick and Sandoval requested to be added as co-sponsors.

Resolution No. 691-02

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

021635 [Public Hearing - Appeal, Minor Sidewalk Encroachment, 1901 Hyde Street]

Hearing appealing the decision of the Department of Public Works by its letter dated September 13, 2002, disapproving Minor Sidewalk Encroachment Permit No. 02MSE-342 to legalize the construction of a trash can storage enclosure on Green Street within the public sidewalk right-of-way, and the existing menu board advertising Frascati Restaurant at 1901 Hyde Street.

(Appeal filed September 26, 2002 by Rebekah and Rich Wood; companion measure to Files 021636 and 021637; District 2.)

Appellants: Rich and Rebekah Wood, Owners of Frascati Restaurant

Nick Elsner, Representative of the Department of Public Works.

Reuben David Goodman; support of the appellant

A rebuttal period was allowed.

President then declared the public hearing closed.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)**021636 [Appeal, Minor Sidewalk Encroachment-1901 Hyde Street]**

Motion disapproving the decision of the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and granting an Encroachment Permit. (Clerk of the Board)

Supervisor Yee, seconded by Supervisor Hall, moved Continued to October 28, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Hall, Leno, McGoldrick, Newsom, Peskin, Yee

Noes: 2 - Gonzalez, Maxwell

Absent: 1 - Sandoval

021637 [Appeal, Minor Sidewalk Encroachment-1901 Hyde Street]

Motion affirming the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and denying an Encroachment Permit. (Clerk of the Board)

Supervisor Yee, seconded by Supervisor Hall, moved Continued to October 28, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Hall, Leno, McGoldrick, Newsom, Peskin, Yee

Noes: 2 - Gonzalez, Maxwell

Absent: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Louis Calabro; Europhobia
Abdalla Megahed; stop the war
John Kelly; Drug and Alcohol treatment
James Chaffee; SF Public Library
Veronica Cauley; Commissioner Veterans Affairs; jobs for transgenders; Memorial for Officer John Woods
Reuben David Goodman; First Amendment rights
John Jenkel; national political issues
Youth Commissioner; Appreciation of the Relocation of Phoenix School

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation Plaintiff or Defendant

021718 [Anticipated Litigation - Construction-Related Disputes]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

This closed session would be permitted by Government Code Section 54956.9(b) (1) and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

Supervisor Peskin, seconded by Supervisor Leno, moved to convene in closed session. The motion carried by the following vote:

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

021578 [Anticipated Litigation - AT&T Broadband et al.]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and AT&T Broadband et al. regarding compliance with the City's cable television franchise and AT&T Broadband's proposed merger with Comcast. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).

Supervisor Peskin, seconded by Supervisor Leno, moved Continued to November 12, 2002. The motion carried by the following vote:

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

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

021683 [Existing Litigation - California Rifle and Pistol Association, California Sporting Goods Association, John Doe, and Richard Roe V. City and County of San Francisco]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of the City's assault weapons ban.

California Rifle and Pistol Association, California Sporting Goods Association, John Doe, and Richard Roe V. City and County of San Francisco, San Francisco Board of Supervisors, Terence Hallinan, Fred Lau, San Francisco Police Department, Gloria Young, and Does 1-25
San Francisco Superior Court No. 403-224, filed 1/8/02

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

Supervisor Peskin, seconded by Supervisor Gonzalez, moved to convene in closed session. The motion carried by the following vote:

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

Heard in Closed Session

Recess

The Board recessed at the hour of 5:27 p.m. to convene in closed session pursuant to above motion.

Reconvening of the Board

The Board at the hour of 5:47 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, McGoldrick, Newsom, Peskin - 9

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 Sections 54956.9 (a) and 54956.9 (b) and (c) for the purpose of conferring with, or receiving advice from the City Attorney regarding pending and existing litigation.

Persons in attendance:

*Supervisors Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, McGoldrick, Newsom, Peskin
Dennis Herrera, City Attorney
Ted Lakey, Deputy City Attorney
Jo Heper, Deputy City Attorney
Wayne Snodgrass, Deputy City Attorney
Edward Harrington, Controller
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk*

Hearing Held.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[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 McGoldrick, seconded by Supervisor Peskin, moved not to disclose its closed session deliberations. The motion carried by the following vote:

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

**021689 [Support SFFD - National Fire Prevention Week - 10/12/02]
Supervisors Sandoval, Newsom, McGoldrick**

Resolution supporting the San Francisco Fire Department Open House for National Fire Prevention Week taking place on Saturday, October 12, 2002.

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

Resolution No. 716-02

ADOPTED

**021690 [Recognize Dr. Harry Weinstein]
Supervisors Ammiano, Sandoval, McGoldrick**

Resolution in recognition of Dr. Harry Weinstein for his excellence in teaching, research and community leadership in the field of home health.

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

Resolution No. 717-02

ADOPTED

**021691 [Urge INS to reunite the family and change procedures and rules]
Supervisors Ammiano, Daly, Peskin, Sandoval, McGoldrick**

Resolution urging the Immigration and Naturalization Service (INS) to do what is necessary to reunite the family and urging the INS and Department of Justice to change their procedures and rules so that similar separations do not occur in the future.

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

Resolution No. 718-02

ADOPTED

021692 [Commend SF Food Bank]
Supervisors Leno, Daly, Peskin, Sandoval, Newsom, McGoldrick

Resolution commending the San Francisco Food Bank for over 15 years of service to feeding the hungry members of the San Francisco community.

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

Resolution No. 719-02

ADOPTED

021693 [Commend Jewish Bulletin of Northern California]
Supervisors Leno, Peskin, Newsom, McGoldrick

Resolution commending the Jewish Bulletin of Northern California for printing gay and lesbian union announcements since 1997 and for recently deciding to include them under the same heading of "Weddings" with heterosexual marriage announcements.

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

Resolution No. 720-02

ADOPTED

021694 [Commend California Outdoor Rollerskating Association]
Supervisor Leno

Resolution commending the California Outdoor Rollerskating Association for their public service and their efforts in promoting San Francisco as the host city for the Olympic Games in 2012.

Resolution No. 721-02

ADOPTED

021695 [Commend Elton John AIDS Foundation]
Supervisors Leno, Newsom, Sandoval

Resolution commending the Elton John AIDS Foundation and declaring Wednesday, October 16th, 2002, Elton John AIDS Foundation Day in the City of San Francisco.

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

Resolution No. 722-02

ADOPTED

021696 [Commend Tenderloin Neighborhood Development Corporation]
Supervisors Leno, Daly, Maxwell, Newsom, Peskin, McGoldrick, Sandoval

Resolution commending Tenderloin Neighborhood Development Corporation (TNDC) for their commitment to providing affordable housing in downtown San Francisco.

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

Resolution No. 723-02

ADOPTED

**021697 [Commend Producers Of Civil Wrongs and Rights: Fred Korematsu Story]
Supervisors Leno, Newsom, Gonzalez, Peskin, Sandoval, McGoldrick**

Resolution commending the producers, director, and editors of the documentary film, Of Civil Wrongs and Rights: The Fred Korematsu Story, on their Emmy Awards for film direction and editing.

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

Resolution No. 724-02

ADOPTED

**021698 [Commend North of Market Planning Coalition]
Supervisors Daly, McGoldrick, Sandoval**

Resolution commending the North of Market Planning Coalition for 25 years of advocacy for the diverse North of Market community.

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

Resolution No. 725-02

ADOPTED

**021685 [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.

Motion No. M02-177

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Yee

Absent: 2 - McGoldrick, Sandoval

Severed From For Adoption Without Committee Reference Agenda

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

**021709 [Committee of the Whole - 2012 Olympic Bid]
Supervisor Peskin**

Motion scheduling a Committee of the Whole on October 15, 2002, at 3:00 PM to consider legislation amending Resolution No. 910-01, commending the efforts of the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the competition to select a U. S. Candidate City for the 2012 Olympic Games, removing the qualification that the City's obligations under the agreement are contingent upon BASOC not being in default of any of its obligations under the agreement, approving and authorizing the Mayor to execute agreements consistent with the terms and conditions in the Host City Agreement issued for the 2008 Olympic Games, and approving the First Amendment to the BASOC Agreement giving the City the right to require BASOC to fund any bid deposit.

Motion No. M02-178

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

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

IMPERATIVE AGENDA

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

[Purely Commendatory Finding]

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

Supervisor Leno, seconded by Supervisor Maxwell, moved ADOPTION of the commendary finding. The motion carried by the following vote:

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

[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 Maxwell, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

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

021725 [Commending San Francisco Giants]

Supervisors McGoldrick, Peskin, Ammiano, Yee, Leno, Hall, Daly, Maxwell, Newsom, Gonzalez, Sandoval

Resolution commending 2002 National League Pennant Winners the San Francisco Giants.

Resolution No. 726-02

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances**021726 [Regulation of mobile storage containers on the public right-of-way]
Supervisor Sandoval**

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

10/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/14/2002.

**021727 [Authorization for the use of identification numbers in lieu of permit numbers for lawfully erected general advertising signs]
Supervisor Leno**

Ordinance amending San Francisco Planning Code Chapter 6, Section 604.1(c), to modify the authority of the Director of the Planning Department to approve the use of identification numbers in lieu of the required permit numbers for general advertising signs, by deleting language that restricts the use of the substitute identification numbers to general advertising signs that existed at their current locations at the time of the Department's 1966 sign inventory.

10/15/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/14/2002.

Resolutions**021725 [Commending San Francisco Giants]
Supervisors McGoldrick, Peskin, Ammiano, Yee, Leno, Hall, Daly, Maxwell, Newsom, Gonzalez,
Sandoval**

Resolution commending 2002 National League Pennant Winners the San Francisco Giants.

10/15/02, ADOPTED.

**021728 [Accept-Expend State Grant - \$598,628]
Mayor**

Resolution authorizing the Mayor's Criminal Justice Council to retroactively accept and expend a grant in the amount of \$598,628 from the Office of Criminal Justice Planning (OCJP) for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Incentive Block Grant program (JAIBG), (Mayor)

(Public Benefit Recipient.)

10/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**021729 [Accept-Expend Federal Grant - \$599,102]
Mayor**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$599,102 from the Office of Justice Programs (OJP), Violence Against Women Office (VAWO) for the purpose of encouraging policies that treat domestic violence and sexual assault as serious violations of criminal law. (Mayor)

(Public Benefit Recipient.)

10/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**021730 [Nature by Design Environmental Trade Show]
Supervisors Yee, Daly**

Resolution inviting San Francisco and Bay Area residents to attend the Nature by Design Environmental Trade Show at City Hall from 10 AM to 3 PM on Sunday, October 27, 2002.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021731 [Prohibit City employees from using cell phone while driving city vehicles]
Supervisors Sandoval, Daly**

Resolution urging Mayor Brown to make the prohibition of cell phone use while driving city vehicles a top priority in the coming negotiations between the City and various organizations representing City employees.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021732 [Extend Potrero Power Plant Citizens Advisory Task Force]
Supervisor Maxwell**

Resolution extending the Potrero Power Plant Citizens Advisory Task Force timeline to November 1, 2003, and expanding its composition.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021733 [Urge DPT Expand Page Street Mini-Circle from Scott to Fillmore]
Supervisor Gonzalez**

Resolution urging the Department of Parking and Traffic to pursue, wherever possible, funding for the purpose of expanding the Page Street Mini-Circle project from Scott Street to Fillmore Street.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021734 [Commend President Jimmy Carter]
Supervisors McGoldrick, Leno, Daly**

Resolution commending former President Jimmy Carter for receiving the 2002 Nobel Peace Prize.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021735 [Commend Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter]
Supervisors Sandoval, Daly**

Resolution commending the Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter for their efforts to end domestic violence in honor of National Domestic Violence Awareness Month. 10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021736 [Commend organizers of San Francisco Tenant Leadership Summit]
Supervisor Daly**

Resolution commending the organizers of the San Francisco Tenant Leadership Summit for bringing together community members and organizations to address the major issues affecting San Francisco's tenant community. 10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021746 [Ford Motor Company - Th!nk electric cars]
Supervisors Newsom, Daly, Gonzalez**

Resolution urging the Ford Motor Company to fulfill its obligations to the letter of the law and the spirit of the California Air Resources Board Zero Emissions Vehicle Mandate and to explore every avenue available to ensure the continued production of Th!nk City electric vehicles so that they may continue to be offered for sale in San Francisco.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**021737 [Water Main Rupture near Bacon Street]
Supervisor Ammiano**

Hearing to consider the rupture in the water main near Bacon Street on October 13, 2002.
10/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**021738 [Events at Thurgood Marshall High School]
Supervisor Ammiano**

Hearing of the Joint Board of Education/Board of Supervisors Committee to consider the events at Thurgood Marshall High School on October 11, 2002.
10/15/02, RECEIVED AND ASSIGNED to City and School District Committee.

021744 [Etrans, LLC Franchise Proposal]

Hearing to consider Etrans, LLC Franchise Proposal to the City and County of San Francisco for an electric utility franchise agreement, pursuant to Chapter 11, Article 1, Section 11.12 of the San Francisco Administrative Code. (Clerk of the Board)

(Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)

10/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021745 [Gtrans, LLC Franchise Proposal]

Hearing to consider Gtrans, LLC Franchise Proposal to the City and County of San Francisco for a gas utility franchise agreement, pursuant to Chapter 11, Article 1, Section 11.12 of the San Francisco Administrative Code. (Clerk of the Board)

(Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)

10/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Motions**021739 [Rescind M02-169 - Approving Mayor's Nomination, Michael Antonini to Planning Commission]
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval**

Motion rescinding Motion No. M02-169 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021740 [Rescind M02-170 - Approving Mayor's Nomination, Shelley Bradford Bell to Planning Commission]
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval**

Motion rescinding Motion No. M02-170 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021741 [Rescind M02-171 - Approving Mayor's Nomination, Edgar Boyd to Planning Commission]
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval**

Motion rescinding Motion No. M02-171 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot.

10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021742 [Assessment of Cost of Proposition O]
Supervisor McGoldrick**

Motion directing the Budget Analyst to assess the cost per person to residents of San Francisco if voters approve Proposition O on the November ballot.

10/15/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021743 [Legislative Analyst Request]
Supervisor Sandoval**

Motion asking the Legislative Analyst to conduct a survey of all city departments to: (1) determine their use of Geographic Information Systems (GIS); (2) determine whether the Board of Supervisors, city departments, and the public has access to or could have access to such GIS systems; (3) research the possible linkage of all such systems.

10/15/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 21, 2002.

PROPOSED ORDINANCES

021679 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Robin Dubner against the City and County of San Francisco for \$205,000; the lawsuit was filed on 12/31/97 in the U.S. District Court, Case No. 98-1075; entitled Robin Dubner v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

10/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

**021585 [Treatment on demand substance abuse services and evaluation in San Francisco]
Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$1,000,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to continue treatment on demand services and evaluation and to enter into an agreement for the use of these funds; for the period of August 1, 2002, to July 31, 2003. (Public Health Department)

10/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

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

021674 [Plans for public health preparedness and response to bioterrorism]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant allocation in the amount of \$766,187 from the 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 July 1, 2002 to June 30, 2003. (Public Health Department)

10/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**021675 [Street Artist Winter Holiday Spaces]
Supervisor Leno**

Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2002, beginning on November 15, 2002 and ending on January 15, 2003. (Arts Commission)

10/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

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

Requests Granted

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To amend Ordinance Nos. 88-96, 281-96, 271-97 and 427-97, which amended the San Francisco Police Code to prohibit tour buses on El Camino del Mar between the Presidio (approximately 290 feet east of 25th Avenue) and Legion of Honor Drive and 25th Avenue between Lake Street and El Camino del Mar, to provide that this prohibition on tour buses shall expire on December 31, 2007.

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft legislation to create a set of protocols and procedures establishing a reimbursement mechanism so that the Department of Public Works may recoup its costs for the clean up of all properties leased by the City and County of San Francisco.

From: Supervisor Newsom

To: Department of Public Works

Requesting/Inquiring: To report on the current education and enforcement procedures regarding the abatement of trash and keeping clean streets.

From: Supervisor Newsom

To: Department of Public Works

Requesting/Inquiring: To report on the current workforce availability on Sundays, and what measures may be taken to increase the size or deployment of this workforce.

From: Supervisor Newsom

To: Director, Department of Public Works

Requesting/Inquiring: To report on the current follow-up protocols for 28-CLEAN staff to call back members of the public who have called them to report litter and/or graffiti.

From: Supervisor Newsom

To: Department of Administrative Services- Real Estate Division

Requesting/Inquiring: To report on any existing or proposed guidelines for maintenance of any properties that are leased by the City and County of San Francisco. Specifically, is this a current guideline incorporated into a lease agreement, if not, please explain the rationale for its omission.

From: Supervisor Newsom

To: Police Department

Requesting/Inquiring: To report on the current or planned back-up procedures (or set of protocols) for the Department of Public Works' enforcement of citation efforts for illegal dumping or throwing trash on the streets in the City and County of San Francisco.

From: Supervisor Newsom

To: Chief Earl Sanders, Police Department,

Requesting/Inquiring: To report on the annual number of citations issued for either littering or illegal dumping in the City and County of San Francisco; and what is the total amount of fees collected for these citations.

From: Supervisor Newsom

To: Port of San Francisco

To: San Francisco Housing Authority

To: Municipal Transportation Authority

To: Department of Parking and Traffic

To: Public Utilities Commission

To: San Francisco Unified School District

Requesting/Inquiring: To report on any existing or proposed measures to reimburse the Department of Public Works to clean trash or abate graffiti from any properties leased by the City to their agency.

From: Supervisor Newsom

To: Public Utilities Commission

To: Department of Public Health

To: Recreation and Park Department

To: Department of the Environment

Requesting/Inquiring: To report on any existing or planned departmental activities in response to the West Nile Virus.

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: To draft an amendment to Section 16.86 of the Administrative Code related to qualifying for the "Heart Presumption" set out in Section 16.85

From: Supervisor Sandoval

To: Department of Parking and Traffic

To: John V. Gunther

1920A Ocean Avenue

San Francisco, CA 94127

Requesting/Inquiring: To report on the feasibility of installing "2 Hour Parking Limit" signs on Ocean Avenue from Junipero Serra to Phelan Avenue as soon as possible, even if parking meters in that area have not yet been installed.

From: Supervisor Sandoval

To: Department of Parking and Traffic

Requesting/Inquiring: To report on the feasibility of establishing a stop sign at the intersection of Huron Avenue and Lawrence Street.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation requiring that the San Francisco purchasing office be required to purchase paper with 100% post consumer product instead of 30%.

From: Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

To: Sheriff Department

Requesting/Inquiring: To report on the charges, surcharges, and taxes for prisoners' use of telephones in the San Francisco Jail, where such funds received by the Sheriff's department are directed, and the current status of the contract for telephone service.

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To consult with the San Francisco Public Utilities Commission to develop proposed steps for expecting damage claims arising from the water main rupture on October 13, 2002.

In Memoriams

Peter Henschel (Supervisor Peskin)

Chief Thomas J. Cahill (Entire Board)

Nicholas A. Sapunar (Supervisor Hall)

ADJOURNMENT

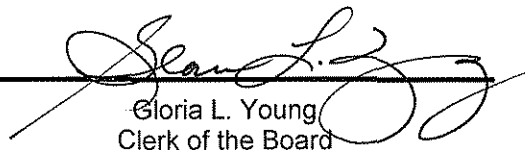
There being no further business, the Board at the hour of 5:50 p.m. adjourned.

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 November 12, 2002.

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


Gloria L. Young
Clerk of the Board

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