

# 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, July 15, 2003 2:00 PM  
Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

### Regular Meeting

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

*Gloria L. Young, Clerk of the Board*

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

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

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

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

##### **City Services Committee**

Supervisors Dufty, Ma, Newsom

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

Supervisors Peskin, Sandoval, McGoldrick

##### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

##### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

#### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
4:00 PM

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 p.m.

Wednesday  
9:30 AM

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

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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

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

*Supervisors Ammiano, Hall, Ma, Newsom - 4*

*Quorum present.*

*Supervisors Ammiano, Hall, Ma, and Newsom were noted present at 2:03 p.m.*

## AGENDA CHANGES

*Supervisor Daly requested that File Nos. 030786, 030787, 030788, 030791, 031183 and 031184 to be heard out of order.*

## CONSENT AGENDA

### Recommendations of Finance and Audits Committee

030884 [Lease of Real Property]  
Resolution authorizing a lease renewal at 44 Gough Street for the Department of Human Resources. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 462-03

**ADOPTED**

031017 [Lease of Real Property]  
Resolution authorizing a lease of approximately 51,119 square feet of space at 1650 Mission Street for the Department of Human Services for a term of five years. (Real Estate Department)

(No fiscal impact; Public Benefit Recipient.)

Resolution No. 467-03

**ADOPTED**

**031018 [Lease of Real Property]**

Resolution authorizing a lease of approximately 13,706 square feet of space at 1650 Mission Street for the Department of Building Inspection for a term of five years. (Real Estate Department)

(Public Benefit Recipient.)

**Resolution No.** 468-03

**ADOPTED**

**031120 [Contracting Out Airport Information Booth Services]**

Resolution approving the Controller's Certification that Airport Information Booth Services at San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by City employees at currently budgeted. (Airport Commission)

(Public Benefit Recipient.)

**Resolution No.** 470-03

**ADOPTED**

**031121 [Contracting Out Shuttle Bus Service]**

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

(Public Benefit Recipient.)

**Resolution No.** 471-03

**ADOPTED**

**031122 [Modification to the Professional Services Agreement for Construction Management Services for the AirTrain System at SFO]**

Resolution approving Modification No. 8, the Close-out Modification, of Professional Services Agreement for Contract No. 5700CM – Construction Management Services for the AirTrain System with PGH Wong Engineering/Luster Construction Management, in the amount of \$650,000, for a new total contract amount of \$33,497,367. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

**Resolution No.** 472-03

**ADOPTED**

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget Committee

**030803 [Appropriation - \$6,000,000 for the Public Education Programs]  
Supervisors Daly, Ma, Dufty**

Ordinance appropriating \$2,000,000 of Delinquent Payroll Tax Revenue and \$4,000,000 from the State Revenue Stabilization Reserve for a total of \$6,000,000 for public education programs for fiscal year 2002-03.

(Fiscal impact; Supervisors Peskin and Maxwell dissenting in committee.)

**TABLED by the following vote:**

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

**030916 [Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]  
Supervisors Peskin, Daly**

Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.

**Ordinance No.** 185-03

**FINALLY PASSED by the following vote:**

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

**030980 [Establishing an Administrative Services Vehicle Leasing Program Fund]  
Mayor, Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund. (Mayor)

**Ordinance No.** 186-03

**FINALLY PASSED by the following vote:**

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

**030982 [Setting Controller's fees for issuing a property tax certificate or a replacement W-2 form]**  
**Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 8.41, to authorize the Controller to collect a fee of \$40 for issuing a property tax certificate under Government Code Section 66492 and a fee of \$20.00 for issuing a replacement W-2 form. (Mayor)

**Ordinance No.** 188-03

**FINALLY PASSED by the following vote:**

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

**030986 [Patient Rates, Fiscal Year 2003-04]**  
**Mayor**

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, 2003. (Mayor)

**Ordinance No.** 189-03

**FINALLY PASSED by the following vote:**

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

**030991 [Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**  
**Mayor**

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

(Supervisor Peskin dissenting in Committee.)

*Supervisor Sandoval, seconded by Supervisor Daly, moved an amendment of the whole.*

*Motion failed by the following vote:*

*Ayes: 5 - Daly, Dufty, Gonzalez, Maxwell, Sandoval*

*Noes: 6 - Ammiano, Hall, Ma, McGoldrick, Newsom, Peskin*

*Supervisor Maxwell, seconded by Sandoval, moved amendment of the whole as further amended.*

**Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 6 - Daly, Dufty, Gonzalez, Ma, Maxwell, Sandoval

Noes: 5 - Ammiano, Hall, McGoldrick, Newsom, Peskin

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

Ayes: 6 - Daly, Dufty, Gonzalez, Ma, Maxwell, Sandoval

Noes: 5 - Ammiano, Hall, McGoldrick, Newsom, Peskin

**030988 [Setting Administrative Fee for Tow of Vehicles]****Mayor**

Ordinance approving administrative fee of \$194 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles. (Mayor)

**Ordinance No.** 190-03**FINALLY PASSED** by the following vote:

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

**030992 [Amending Administrative Code Section 10.100-218.]****Mayor**

Ordinance amending Administrative Code Section 10.100-218 to (1) permit unencumbered tobacco settlement revenues received by the City and deposited into the Tobacco Settlement Revenue Sub-account prior to the date of issuance of the City's bonded indebtedness authorized by the voters pursuant to Proposition A of November of 1999 to be used for a transfer to the General Fund in fiscal year 2003-2004 for the payment of certain Department of Public Health expenses and (2) provide a guarantee of payment from the City's General Fund in the event that less than \$100,000,000 of tobacco settlement revenues are available to be expended on the Laguna Honda Hospital reconstruction project. (Mayor)

**Ordinance No.** 191-03**FINALLY PASSED** by the following vote:

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

**From the Budget Committee "Without Recommendation"****030981 [Increasing the Emergency Response Fee imposed on telephone subscribers]****Mayor**

Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Sections 753 and 755 to increase the per-line Emergency Response Fee imposed on telephone subscribers, as well as the maximum total fee that may be imposed on a subscriber. (Mayor)

**Ordinance No.** 187-03**FINALLY PASSED** by the following vote:

Ayes: 7 - Ammiano, Daly, Duffy, Hall, Ma, Maxwell, Newsom

Noes: 4 - Gonzalez, McGoldrick, Peskin, Sandoval

**Recommendations of the Land Use Committee****021586 [Acceptance of Street for Maintenance Purposes]**

Ordinance accepting for maintenance purposes Illinois Street from 25th Street to Marin Street, subject to specified limitations, pursuant to California Streets and Highways Code section 1806, San Francisco Administrative Code section 1.52, and Department of Public Works Order No. 173,794. (Public Works Department)

(No fiscal impact; No Public Benefit Recipient.)

**Ordinance No.** 182-03**FINALLY PASSED** by the following vote:

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

- 030678 [Prohibiting subsurface development on property adjacent to the Embarcadero, owned by the City and dedicated as open space]**  
**Supervisor Peskin**

Ordinance prohibiting subsurface development on certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, and a portion of Block 203, Lot 14, partial jurisdiction over which has previously been transferred from the Department of Public Works to the Recreation and Park Commission, and transferring to the Recreation and Park Commission the subsurface area of property previously transferred.

**Ordinance No.** 184-03

**FINALLY PASSED by the following vote:**

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

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

- 030652 [Amendments to the Municipal Elections Code]**

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Section 930 to: conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

**Ordinance No.** 183-03

**FINALLY PASSED by the following vote:**

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

- 030994 [Filing Electronic Copies of Campaign Statements]**  
**Supervisor Ammiano**

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from \$10 per day to \$25 per day.

**Ordinance No.** 192-03

**FINALLY PASSED by the following vote:**

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

**030740 [Amending Rule 4.29 at Board of Supervisors meetings]  
Supervisor Gonzalez**

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

*Continued to July 22, 2003*

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

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

*Recess*

*The Board recessed at the hour of 9:02 p.m.*

*Reconvening of the Board*

*The Board at the hour of 9:19 p.m. reconvened.*

*Calling the Roll*

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

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

*Quorum present.*

*Supervisor Sandoval noted present at 9:22 p.m.*

**031101 [Adding Rule 1.10 to the Rules of Order]  
Supervisors Gonzalez, Dufty, Newsom, Peskin**

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter; and urging the circulators of initiative ballot measures to participate in public hearings on their measures at the Board of Supervisors.

(No fiscal impact.)

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:**

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



**030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]  
Supervisor Newsom**

Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

(No fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Charter Amendment be **RE-REFERRED** to the Rules Committee. The motion carried by the following vote:

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

**020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]  
Supervisors Ammiano, Gonzalez, Newsom, Dufty, Hall, Sandoval**

Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/18/03 Amendment of the whole bearing same title.

**ORDERED SUBMITTED** by the following vote:

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

**030812 [Charter Amendment - Designating the Controller as City Services Auditor]  
Supervisors McGoldrick, Peskin, Ma, Dufty, Maxwell, Sandoval, Hall**

Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

**ORDERED SUBMITTED** by the following vote:

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

**030741 [Charter Amendment - Commission on the Environment]  
Supervisors Maxwell, Gonzalez, Sandoval**

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

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

**From the Rules Committee With Recommendation "Do Not Submit"**

- 030865 [Charter Amendment -Transferring the Police Department's functions, assets and operations to the Sheriff]  
Supervisor Daly

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

**NOT ORDERED SUBMITTED** by the following vote:

Ayes: 3 - Daly, Gonzalez, Peskin

Noes: 8 - Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Sandoval

- 030866 [Charter Amendment - Establishing an Elected Rent Board]  
Supervisor Daly

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

*Continued to July 22, 2003*

Supervisor Daly, seconded by Supervisor Sandoval, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

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

**From the Rules Committee "Without Recommendation"**

- 030859 [Charter Amendment - Police Commission; Office of Citizen Complaints; Police Misconduct]  
Supervisors Ammiano, McGoldrick, Gonzalez

Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.

(Supervisor Hall dissenting in Committee.)

*Supervisor Dufty, seconded by Supervisor Newsom, moved an amendment of the whole.*

*Motion failed by the following vote:*

*Ayes: 5 - Dufty, Hall, Ma, Newsom, Peskin*

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

**ORDERED SUBMITTED** by the following vote:

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

Noes: 4 - Dufty, Hall, Ma, Newsom

## Appointment of President Pro Tempore

*At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

*The President resumed the Chair shortly thereafter.*

**030848 [General Assistance-In-kind Assistance]  
Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin**

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

**REFERRED to the Finance and Audits Committee by the following vote:**

Ayes: 6 - Dufty, Hall, Ma, Newsom, Peskin, Sandoval  
Noes: 5 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick

**030871 [General Assistance - In- Kind Assistance]  
Supervisors Daly, Ma, Maxwell**

Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

*Supervisor Peskin requested to hear File No. 030871 out of order.*

**Ordinance No.** 193-03

**FINALLY PASSED by the following vote:**

Ayes: 7 - Ammiano, Daly, Gonzalez, Ma, Maxwell, Peskin, Sandoval  
Noes: 4 - Dufty, Hall, McGoldrick, Newsom

## **NEW BUSINESS**

### Recommendations of the Budget Committee

**030786 [Annual Budget, Fiscal Year 2003-04]**  
Motion approving Annual Budget for City and County of San Francisco for Fiscal Year 2003-2004. (Mayor)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

*Combined with File No. 030791*

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

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

**030787 [Government Funding, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

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

*Motion carried by the following vote:*

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

*Supervisor Peskin, seconded by Supervisor Daly, moved to further amend to remove \$15,000 placed on reserve on the Mayor's Criminal Justice Department's budget.*

*Motion carried by the following vote:*

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

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

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

*Combined with File No. 031183*

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

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

**030788 [Public Employment, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

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

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

*Combined with File No. 031184*

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

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

**Recommendations of the Finance and Audits Committee**

**021948 [Repealing Police Code Section 162 - Regulating Fortunetellers]  
Supervisors Peskin, Ma**

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 and 2.27 setting forth permit and licensing fees.

(Supervisor Sandoval dissenting in Committee.)

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

Ayes: 8 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin  
Noes: 3 - Duffy, Hall, Sandoval

**030379 [CEQA Findings for Cruise Terminal Mixed-Use Project]**

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including a statement of overriding considerations, in connection with the proposed mixed-use Cruise Terminal Project, located on Pier 30-32, a condominium tower on a portion of Seawall Lot 330, and a public open space project in the location of Pier 34 and 36, in the Port of San Francisco, City and County of San Francisco. (Port)

**Resolution No.** 461-03

**ADOPTED by the following vote:**

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

**031229 [Appropriating Funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32]**

Ordinance appropriating \$9,324,000 in sales proceeds from the Seawall Lot 330 and \$20,376,000 from the condo sales proceeds for a total of \$29,700,000 for the development of the Brannan Street Wharf and the Pier 30-32 Cruise Terminal Project, for Port for fiscal year 2003-2004, placing \$29,700,000 on reserve by the Finance and Audits Committee. (Port)

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

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

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

Ordinance appropriating funds payable to the Port of San Francisco from the sale and development of land located at the corner of Beale and Bryant Streets on Seawall Lot 330 towards costs of the Brannan Street Wharf and Piers 30-32 Cruise Terminal Project and authorizing expenditure of such funds in accordance with certain contractual agreements and placing funds on reserve. (Port)

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

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

- 030371 [Agreement to Sell approximately 22,600 sq. ft. of unimproved real property located at Beale and Bryant Streets and to Lease Piers 30-32 to San Francisco Cruise Terminal, LLC]**  
Resolution approving and authorizing an Agreement with San Francisco Cruise Terminal, LLC for the Sale of approximately 22,000 square feet of real property located at the corner of Beale and Bryant Streets on Seawall Lot 330; approving and authorizing a 66-year Lease with San Francisco Cruise Terminal, LLC for Piers 30-32; adopting findings that the conveyance is consistent with the City's General Plan and eight Priority Policies of City Planning Code Section 101.1; authorizing expenditure of proceeds received under the Sale Agreement towards costs of the Brannan Street Wharf and Piers 30-32 Cruise Terminal Project; and authorizing the Port's Executive Director and the City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Port)

(Public Benefit Recipient; companion measure to File 030379.)

**Resolution No.** 460-03

**ADOPTED** by the following vote:

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

- 030633 [Giving the Executive Director of the Department of Parking and Traffic Authority to Promulgate Regulations Regarding Parking Revenue Equipment]**  
**Supervisor Peskin**

Ordinance amending Section 4910 of the Police Code to vest authority to promulgate regulations regarding parking revenue equipment in the Executive Director of the Department of Parking and Traffic, instead of in the Tax Collector.

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

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

- 031050 [Purchase of Property located at 201 Leland Avenue, San Francisco for the Public Library]**  
**Mayor, Supervisors Peskin, Sandoval, Newsom**

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate for the City purchase of real property and improvements located at 201 Leland Avenue, San Francisco subject to a short term lease with the Seller, for use as the Visitacion Valley Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Mayor)

(Fiscal impact; Public Benefit Recipient.)

**Resolution No.** 469-03

**ADOPTED** by the following vote:

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

### **Recommendations of the Land Use Committee**

**030040 [Planning Code Section 249.24 - Jackson Square Special Use District]  
Supervisors Peskin, Newsom**

Ordinance amending the Planning Code to add section 249.24 to establish the Jackson Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show the boundaries of this District, requiring that within this District ground floor office use be subject to conditional use authorization as specified, requiring that within this District adult entertainment enterprises be prohibited, modifying the abandonment period for permitted conditional uses in this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

(Planning Commission Resolution Nos. 16577 and 16578 recommending approval of proposed legislation with modifications, dated May 8, 2003.)

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

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

**030909 [Street Artist Space Regulations]**

Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations. (Arts Commission)

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

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

**031019 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]**

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

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

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

**030940 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway  
(Assessor's Block 8706, Lot 2)]**

Resolution declaring the intention of the Board of Supervisors to vacate two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2) within the Mission Bay North Redevelopment Project Area; setting the hearing date for August 19, 2003, at 4:00 P.M., for all persons interested in the proposed vacation of the easement areas; and adopting findings that the vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting DPW Order No. 174,111; and authorizing other official acts in connection with this Resolution. (Public Works Department)

**Resolution No.** 465-03

**ADOPTED by the following vote:**

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



**030947 [Mission Bay Street Vacation a portion of Berry Street at Sixth Street]**

Resolution declaring the intention of the Board of Supervisors to vacate a portion of Berry Street at Sixth Street within the Mission Bay North Redevelopment Project Area; setting the hearing date for August 19, 2003, at 4:00 P.M., for all persons interested in the proposed vacation of said street area; and adopting findings that the proposed vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1 and the Mission Bay North Redevelopment Plan. (Public Works Department)

No Public Benefit Recipient; DPW Order No. 174,110.)

**Resolution No.** 466-03

**ADOPTED by the following vote:**

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

**030197 [Supporting Senate Bill 915 and Senate Bill 916]  
Supervisors Newsom, Peskin, Sandoval**

Resolution supporting Senate Bill 915 and Senate Bill 916, approving the Water Transit Authority's Implementation and Operations Plan, supporting allocation of new bridge toll revenue for the Port of San Francisco's downtown ferry facilities, and adopting a position supporting proposed amendments to Senate Bill 916 for the City and County of San Francisco.

*Amended on page 3, line, 6, after "(2)" by inserting "in order to identify that this is a single project".*

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

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

**Resolution No.** 459-03

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

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

**From the Land Use Committee "Without Recommendation"****031186 [Support Senate Bill 915]  
Supervisors Newsom, Peskin**

Resolution supporting Senate Bill 915, approving the Water Transit Authority's Implementation and Operations Plan.

**Supervisor Newsom, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion carried by the following vote:**

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

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

**030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]  
Supervisor Ammiano**

Charter amendment (Fifth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

*The President inquired if there was anyone present who wished to address the Board.  
Supervisor Dufty, seconded by Supervisors Newsom and Hall, called for the question.  
Motion failed by the following motion:*

*Ayes: 5 - Ammiano, Dufty, Hall, Maxwell, Newsom  
Noes: 5 - Daly, Gonzalez, McGoldrick, Peskin, Sandoval  
Absent: 1 - Ma*

*Supervisor Daly, seconded by McGoldrick, moved to further amend on pages 7 and 8, to insert in front of the word "crime" to insert the word "felony" and (A) to replace "Mayor" with "an appointing officer"; inserting "(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the official was convicted warrants removal."; insert "(B) For the purposes of this subsection, the Mayor shall act as the appointing authority for any elective official."; (i) after "moral turpitude" by inserting "and"; on page 8, (i) after "moral turpitude" by inserting "and"; (ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal."*

**Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Charter Amendment be AMENDED. The motion carried by the following vote:**

**Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin  
Noes: 5 - Dufty, Hall, Ma, Newsom, Sandoval**

Charter amendment (Sixth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

*Continue to July 22, 2003 with the Board Sitting as a Committee of the Whole.*

**Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:**

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

**030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]**

Charter amendment (Third Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

*The President inquired if there was anyone present who wished to address the Board.*

**ORDERED SUBMITTED by the following vote:**

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

030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]  
Supervisors Gonzalez, Sandoval

Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

7/8/03 Amendment of the whole bearing same title.

Supervisor Hall, seconded by Supervisor Daly, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

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

## SPECIAL ORDER 3:00 P.M.

*Appointment of President Pro Tempore*

*At the request of the President, Supervisor Ammiano, assumed the Chair.*

*Supervisor Gonzalez noted present at 4:52 p.m.*

*Supervisor Ammiano noted absent at 4:53 p.m.*

*Supervisor Ammiano noted present at 4:57 p.m.*

*Supervisor Newsom noted absent at 4:57 p.m.*

*Supervisor Dufty noted absent at 5:00 p.m.*

*Supervisor Dufty noted present at 5:09 p.m.*

*Supervisor Daly noted absent at 5:10 p.m.*

*Supervisor Newsom noted present at 5:13 p.m.*

*Supervisor Daly noted present at 5:15 p.m.*

**030896 [Public Hearing - Appeal, Determination of Exemption of Environmental Review - Secondary Units Legislation]**

Hearing of persons interested in or objecting to the decision of the Planning Department Environmental Review Officer dated April 23, 2003, granting the Secondary Units Legislation (Board of Supervisors File No. 021598), a Statutory Exemption from the California Environmental Quality Act under State CEQA Statutes, Section 2108017; State CEQA Guidelines, Section 15282(i) and General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3)).

(Appeal filed May 14, 2003 by Preserve our Neighborhood; May 20, 2003 by Bud Wilson; June 2, 2003 by Coalition for SF Neighborhoods; Planning Case No. 2002.0418E.)

*Mr. Bill Yeats on behalf of the Preserve Our Neighborhood, Appellant*  
*Bud Wilson, Appellant*

*Dave Pischoff, support of appellant*  
*Rondal Chum, Lakeshore Acres*  
*Judy Berkowitz, SF Neighborhoods*  
*Female Speaker, support of appellant*  
*Joan Girarda, SF Neighborhoods Council, Marina Association*  
*Marilyn Mamino, support of appellant*  
*Lynn Mintz, SF Neighborhoods, support of appellant*  
*Dorothy Curtis, Merced Manor, support of appellant*  
*Bernard Crottie, Merced Manor, support of appellant*  
*Karen Niglio, Merced Manor, support of appellant*  
*Male Speaker, Merced Manor, Preserve our Neighborhoods, support of appellant*  
*Barbara Austin, Francisco Heights, support of appellant*  
*Maria Souza, Member of the Richmond District Planning Association, support of appellant*  
*Don Harnes, Merced Manor, support of appellant*  
*Dick Allen, Member of Golden Gate Heights Association*  
*Harold Hiroshikado, support of appellant*  
*Dan Lieberson, SF Miraloma Improvements Club, support of appellant*  
*Tony Sacco, Outer Mission Terrace Association, support of appellant*  
*Barbara, President of SF Coalition for SF Neighborhoods*  
*Eileen Volken, SF Parkside Action*  
*Francisco Di Costa, support of appellant*  
*Anne Marie Conroy, Preserve Our Neighborhoods, support of appellant*  
*Richard, support of appellant*  
*Doug Comstock, support of appellant*  
*Mary Anne Woods, support of appellant*  
*Jose Morales, support of appellant*  
*Linda Chapman, support of appellant*

*Gerald Green, Director of the Department of Planning and Lisa Gibson, Environmental Division of Department of Planning reviewed with the Board the Planning Commission's recommendations.*

*Board Members reviewed and discussed issues with representatives of the Planning Department and the Deputy City Attorney.*

*Kate White, support of Planning Department's decision and sponsor*  
*Jeffrey Chong, support of Planning Department's decision and sponsor*  
*Jessie Laurentz, People with Disabilities, support of Planning Department's decision and sponsor*  
*Ernestine Wiess, support of Planning Department's decision and sponsor*  
*Vernon Jenkins, support of Planning Department's decision and sponsor*  
*Shannon Dodge, support of Planning Department's decision and sponsor*  
*Female Speaker, support of Planning Department's decision and sponsor*

*A rebuttal period was allowed.*

*Mr. Bill Yeats, support of appellants*

*The President inquired if there was anyone present who wished to address the Board.*

*There being no response, the President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

*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.*

### **From the Clerk**

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

**030897 [Affirming the exemption/exclusion issued for Secondary Unit Ordinance]**

Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Motion No. M03-110**

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

Ayes: 6 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin  
Noes: 5 - Hall, Ma, McGoldrick, Newsom, Sandoval

**030898 [Disapproving the statutory exemption/exclusion issued for the Secondary Unit Ordinance]**

Motion disapproving the determination by the Planning Department that the Secondary Unit Ordinance is statutorily exempt/excluded from environmental review. (Clerk of the Board)

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

Ayes: 6 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin  
Noes: 5 - Hall, Ma, McGoldrick, Newsom, Sandoval

**030899 [Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act. (Clerk of the Board)

**Motion No. M03-111**

**APPROVED by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.**

*Supervisor Newsom noted absent at 7:55 p.m.*

*Supervisor Newsom noted present at 8:15 p.m.*

*Supervisor McGoldrick noted absent at 8:22 p.m.*

*Supervisor McGoldrick noted present at 8:35 p.m.*

**031134 [Public Hearing - Appeal, Conditional Use, 270-284 Valencia Street/17 Brosnan Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16579 dated May 15, 2003, approving Conditional Use Application No. 2002.0333C approving a conditional use authorization under (1) Planning Code Section 215, allowing the construction of 28 dwelling units in a C-M District; (2) Under Board of Supervisors' Resolution 500-02, allowing the construction of a housing project fewer than 25-percent below market rate units and; (3) Board of Supervisors' Resolution 500-02, allowing the demolition of a building in the Northeast Mission Industrial Zone that has contained Production, Distribution and Repair (PDR) businesses since August 5, 1999, on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets; Lot 9, in Assessor's Block 3533.

(Appeal filed June 24, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to Negative Declaration adopted and issued on January 16, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 [Determining Significant Effect], 15065 [Mandatory Findings of Significance], and 15070 [Decision to Prepare a Negative Declaration]; companion measure to Files 031135, 031136, 031137, 031138; District 6.)

*David Ortega, Appellant*

*Male Speaker, support of appellant*

*Ms. Terry, resident of Brosnan Street, support of appellant*

*Male Speaker, support of appellant*

*Alexandra Quantino, support of appellant*

*Connie Pang, Brosnan Street resident, support of appellant*

*Gerald Green, Director of the Department of Planning reviewed with the Board the Planning Commission's decision.*

*Brian Spiers, Project Sponsor*

*John Goldman, Architect for project sponsor*

*Philip Lesser, Mission Merchants Association, support of project sponsor*

*Dennis Carlin, support of project sponsor*

*Robert Dreshner, Carpenter's Union, support of project sponsor*

*Victor Quan, support of project sponsor*

*Jose Morales, general remarks housing issues*

*Board Members reviewed and discussed issues with representatives of the Planning Department and the Deputy City Attorney.*

*A rebuttal period was allowed.*

*David Ortega, Appellant*

*The President inquired if there was anyone present who wished to address the Board.*

*There being no response, the President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

*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.*

### **From the Clerk**

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

**031135 [Appeal, Conditional Use - 270-284 Valencia Street/17 Brosnan Street]**

Motion approving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Motion No.** M03-113

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

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

**031136 [Appeal, Conditional Use - 270-284 Valencia Street/17 Brosnan Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Daly, seconded by Supervisor McGoldrick, moved to amend the Planning Department's decision. Motion failed by the following vote:*

*Ayes: 1 - Daly*

*Noes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval*

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

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

**031128 [Environmental Review - 270-284 Valencia Street/17 Brosnan Street]**

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property 270-284 Valencia Street/17 Brosnan Street. (Clerk of the Board)

**Motion No.** M03-112

**APPROVED by the following vote:**

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

**031137 [Findings - 270-284 Valencia Street/17 Brosnan Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, for action by the Board at its next meeting. (Clerk of the Board)

**Motion No.** M03-114

**APPROVED by the following vote:**

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

## COMMITTEE REPORTS

### From the Budget Committee

**030791 [Budget Hearing and Review, FY 2003-04]**

Motion approving the Annual Budget for San Francisco Airport for Fiscal Year 2003-2004.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

*Combined with File No. 030786*

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

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

**031183 [Government Funding-SF Airport, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the San Francisco Airport for fiscal year ending June 30, 2004.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

*Combined with File No. 030787*

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

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

**031184 [Public Employment-SF Airport, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the San Francisco Airport for Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

*Combined with File No. 030788*

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

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



**030903 [IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]  
Supervisors Dufty, Newsom**

Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of \$56,318,103.

(Fiscal impact; No Public Benefit Recipient.)

**Resolution No.** 463-03

**ADOPTED by the following vote:**

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

**030904 [Child Care Services Contract Approval - Children's Council of San Francisco]  
Supervisors Dufty, Newsom**

Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of \$104,579,925.

(Fiscal impact; No Public Benefit Recipient.)

**Resolution No.** 464-03

**ADOPTED by the following vote:**

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

### From the Rules Committee

**031185 [Appointment]**

Resolution appointing Phyllis Smith, term ending November 30, 2004, to the Ballot Simplification Committee.

Phyllis Smith, succeeding Allyson Washburn, term expired, seat 3, must represent the League of Women Voters for the unexpired portion of a two year term ending November 30, 2004.

**Resolution No.** 473-03

**ADOPTED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdullah Megaheed; homeless issues  
Daryl Fisher; File 031182*

**APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST**

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**031204 [Legislative Analyst Request]  
Supervisor Gonzalez**

Motion requesting the Legislative Analyst to describe current public restroom requirements for business of various sizes and uses for San Francisco and other major cities.

**APPROVED** by the following vote:

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

**From the City Services Committee "Without Recommendation"****030737 [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]  
Supervisors McGoldrick, Daly**

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

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

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

## CLOSED SESSION

### City as Defendant

031172 [Closed Session - Anticipated Litigation As Defendant]  
Supervisor McGoldrick

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 that, based on existing facts and circumstances, there is significant exposure to litigation against the City (City anticipated to be a defendant) regarding the proposed ordinance to preserve the emergency nature of the City's shelter system, to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

This closed session would be permitted by Government Code Section 54956.9(b) (1), and San Francisco Administrative Code Section 67.10(d) (2), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City if litigation is filed.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Litigation be TABLED. The motion carried by the following vote:

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

## 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 70 through 81

031216 [Authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds]  
Supervisors Gonzalez, Dufty

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

Resolution No. 474-03

ADOPTED

- 031217 [Urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33]  
Supervisor Hall**

Resolution urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33 during the seismic retrofitting of Station 33 as well as assuring the residents of the re-opening of the station after the retrofit.

**Resolution No. 482-03**

**ADOPTED**

- 031219 [Urging San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33]  
Supervisors Sandoval, Gonzalez, McGoldrick, Ammiano, Peskin**

Resolution urging the San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33.

**Resolution No. 484-03**

**ADOPTED**

- 031220 [Recognizing the Vietnamese Heritage and Freedom Flag]  
Supervisors Ma, Daly, Dufty, Peskin, Newsom**

Resolution recognizing the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American community.

**ADOPTED**

- 031221 [Proclaiming August 2003 as Child Support Awareness Month]  
Supervisors Maxwell, Dufty, Newsom**

Resolution proclaiming August 2003 as Child Support Awareness Month in the City and County of San Francisco.

**Resolution No. 475-03**

**ADOPTED**

- 031222 [Commending MSNBC]  
Supervisors Ammiano, Peskin, Dufty**

Resolution commending MSNBC for firing Michael Savage for anti-gay comments.

**Resolution No. 476-03**

**ADOPTED**

- 031223 [Recognize, commend and honor Enid Ng Lim]  
Supervisors Dufty, Ma, Peskin, Newsom**

Resolution to recognize, commend and honor Enid Ng Lim for her lifetime of civic and community service.

**Resolution No. 477-03**

**ADOPTED**

**031224 [Honoring the 150th anniversary of the Archdiocese of San Francisco]  
Supervisors Hall, Peskin, Newsom**

Resolution commending and honoring the 150th anniversary of the Archdiocese of San Francisco on July 29, 2003.

Resolution No. 478-03  
**ADOPTED**

**031225 [Apply For-State/Regional Grant]  
Supervisor Ammiano**

Resolution authorizing the City Administrator to apply for a grant in the amount of \$864,000 from the Bay Area Air Quality Management District for the purpose of implementing programs to improve air quality.

(No Public Benefit Recipient.)

Resolution No. 479-03  
**ADOPTED**

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

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

**Severed From Without Committee Reference Agenda**

*Supervisor Daly requested that this matter be severed so that it could be considered separately.  
Supervisor Peskin requested to vote on File No. 031218 (Item No. 73) before File Nos. 030379, 031229 and 030371 (Item Nos. 34, 35, 36)*

**031218 [Supporting Assembly Bills 906, 121, and 471 to prohibit cruise ships pollution]  
Supervisors Daly, Peskin, McGoldrick**

Resolution supporting Assembly Bills 906, 121 and 471 to prohibit cruise ship pollution in California.

*The President inquired if there was anyone present who wished to address the Board.  
There being no response, the President declared the Public Comment closed.*

Resolution No. 483-03  
**ADOPTED by the following vote:**

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

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

**031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors]  
Supervisors Sandoval, Daly, Peskin**

Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.

[No fiscal impact.]

*Continued to July 22, 2003*

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

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

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

**031157 [Port Management Audit]  
Supervisors Daly, Peskin**

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.

[No fiscal impact.]

Motion No. M03-115

APPROVED by the following vote:

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

## PROPOSED ORDINANCES

### Introduced by Supervisors or Mayor

#### Ordinances

**031238 [Establishing a Department of Human Services Care Fund]  
Supervisors Hall, Newsom, Peskin**

Draft ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, appropriating funds to the Fund, making it City policy to appropriate funds in the future, limiting the uses of the Fund, and providing for appropriations from the Fund in excess of a set cap.

(Fiscal impact.)

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031239 [Amending Planning Code Re: CUAs for 50,000 Square Foot Plus Retail Uses]  
Supervisor Gonzalez**

Ordinance adding section 121.5 of the Planning Code and amending sections 218, 814.31, 815.31, 816.31, 817.31, and 818.31 of the Planning Code to require that all retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SSO, and SPD zoning districts which are 50,000 square feet or larger may only be permitted as a conditional use, providing additional criteria for the Planning Commission's review of such conditional use applications, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/15/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031240 [Establishing Cash for Care Special Account]  
Supervisor McGoldrick**

Ordinance amending Section 10.100 of the San Francisco Administrative Code to establish the Cash for Care Special Account to receive, administer and fund programs for the homeless of San Francisco.

(Fiscal impact.)

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031241 [Expanding Eligibility to Participate in Annual Joint Fundraising Drive]  
Supervisor McGoldrick**

Ordinance amending Section 16.93-2 of the San Francisco Administrative Code to allow the Cash for Care Special Account to participate in the annual joint fundraising drive.

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031242 [Participation in the Supportive Transitional Emancipation Program for foster youth]  
Supervisor Daly**

Ordinance adding Article III to Chapter 20 of the San Francisco Administrative Code to establish participation in the Supportive Transitional Emancipation Program (STEP), in which eligible foster youth may receive financial support while participating in an educational or training program, or any activity consistent with their transitional independent living plan up to 21 years of age pursuant to section 11403.1 of the Welfare and Institutions Code.

7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

**031244 [Glen Park Branch Library]  
Supervisor Dufty**

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031245 [Amendment No. 1 to 2003-2005 MOU, Cement Masons, Local 580]  
Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2003-2005 Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco by amending Article III.O. to correct a clerical omission by inserting a Long-Term Disability provision. (Mayor)  
7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**020061 [Banner Regulations]  
Supervisor Newsom**

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit and finding that the Ordinance is exempt/excluded from environmental review.

1/14/02, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 2/13/2002.

1/28/02, TRANSFERRED to Public Works and Public Protection Committee. new committee structure, 2/1/02.

7/2/02, TRANSFERRED to Neighborhood Services and Recreation Committee.

1/31/03, REFERRED TO DEPARTMENT. Referred to the Planning Department for Environmental Review.

2/12/03, RESPONSE RECEIVED. Certificate of Determination of Exemption/Exclusion from Environmental Review received from the Planning Department.

2/13/03, TRANSFERRED to City Services Committee. New committee structure.

7/15/03, SUBSTITUTED. Supervisor Newsom submitted a substitute ordinance bearing new title.

7/15/03, ASSIGNED to City Services Committee.

## **Resolutions**

**031237 [Implement Regulations for Section 17001.51 of the California Welfare and Institutions Code and Residency Requirements]  
Supervisors Hall, Newsom**

Resolution urging the Department of Human Services to implement regulations for Section 17001.51 of the California Welfare and Institutions Code, which allows for the screening of alcohol and substance abuse, urging the Department to implement regulations strengthening the residency requirements for GA, CALM, PAES, and SSIP recipients, and urging the Department to hold hearings with the Human Services Commission before implementing these new regulations.

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.



**031243 [Contingency Fee Agreement]  
Supervisor Peskin**

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

(Fiscal impact.)

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031251 [Commending Holt A. Cheng, MD]  
Supervisor Ma**

Resolution commending Holt A. Cheng, MD for his lifelong dedication and commitment to medical education and for his related work in the medical field.

7/15/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031252 [San Francisco Liberation Radio 93.7 FM and diversity in media ownership]  
Supervisors Gonzalez, Daly, Dufty, Ammiano, Peskin, Maxwell**

Resolution supporting San Francisco Liberation Radio 93.7 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.

7/15/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing**

**031246 [HIV Prevention - how to best educate and empower those under 30]  
Supervisor Dufty**

Hearing on San Francisco's HIV Prevention programs and model. Past safer sex campaigns may need updating and new approaches for individuals under 30. This hearing is to give younger individuals the opportunity to offer ideas and input to help reinvent HIV Prevention as needed.

7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

**031247 [Current roles of S.F. Commissions involved in youth-related issues]  
Supervisors Ma, Daly**

Hearing to review the current roles of San Francisco commissions which are involved in youth-related issues and to make recommendations for their future roles. The commissions shall include, but not be limited to, the Youth Commission, Children & Families Commission, Health Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Recreation and Parks Commission, Commission on the Status of Women, and the Delinquency Prevention Commission.

7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

**031248 [San Francisco Liberation Radio]  
Supervisors McGoldrick, Dufty**

Hearing to inquire into enforcement actions against San Francisco Liberation Radio by the Federal Communications Commission at a time when the FCC also is exempting large corporations from rules designed to maintain diversity in the media.

7/15/03, RECEIVED AND ASSIGNED to City Services Committee.

**031249 [Cruise Terminal at Piers 30-32]  
Supervisor Sandoval**

Hearing regarding the fiscal implications and budgetary constraints of establishing shore side power hook-ups and alternative fuel technologies related to the cruise terminal at Piers 30-32.

7/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

**Motion**

**031191 [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.

7/15/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**PROPOSED ORDINANCES**

**031177 [Settlement of Lawsuit - John Eiler]**

Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for \$300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

7/3/03, RECEIVED AND ASSIGNED to Rules Committee.

**031179 [Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]**

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed \$155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years. (City Attorney)

(Public Benefit Recipient.)

7/7/03, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS****031176 [Reduce sexual risk for HIV transmission in substance using men who have sex with men]  
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$127,961 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to reduce the sexual risk for HIV transmission in substance using men who have sex with men (SU-MSM), for the period of September 1, 2002, to August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

7/1/03, RECEIVED AND ASSIGNED to City Services Committee.

**031178 [Renew Revolving Loan Funds Agreement with State]  
Supervisor Dufty**

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of \$75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

(No Public Benefit Recipient.)

7/3/03, RECEIVED AND ASSIGNED to City Services Committee.

**031180 [Collaborative research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients, year 2]  
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$71,992 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the second year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No Public Benefit Recipient.)

7/7/03, RECEIVED AND ASSIGNED to City Services Committee.

**031181 [Emergency Repair, 30 Van Ness Avenue Roof Replacement]**

Resolution concurring with and supporting the Director of the Department of Real Estate's finding and declaration of an emergency; urging the Departments of Real Estate and Public Works to take necessary measures in the most expeditious manner to protect the safety, health, welfare, and property of the citizens and employees of the City and County of San Francisco with regard to the severe leakage and drainage problems caused by the failing roof at 30 Van Ness Avenue, at an estimated cost of \$1.1 million for a new roof. (Public Works Department)

(Fiscal impact; No Public Benefit Recipient.)

7/7/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031182 [Grants Federal Funds - Municipal Railway]  
Supervisor Dufty**

Resolution authorizing the Municipal Transportation Agency (MTA) Board of Directors to accept and expend \$990,029 of Federal Earmarked Capital Assistance for Design and Construction of Muni's Central Control Facility. (Municipal Transportation Agency)

7/7/03, RECEIVED AND ASSIGNED to City Services Committee.

**Requests Granted**

*From: Supervisor Gonzalez*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation to repeal Police Code Sections 120, 120-1, and 121.*

**In Memoriam**

*Marvin Ruiz (Supervisor Ammiano)*

*Steve Merlo (Supervisor Dufty)*

*Francisco Pedro "Peter" Gomes (Supervisor Dufty)*

*Robert J. Conley (Supervisor Dufty)*

*Ronald C. Fahey (Supervisor Dufty)*

*M. Jane (Wynne) Flaherty (Supervisor Dufty)*

*Larry Ching (Supervisor Ma)*

*Scott Adsit (Supervisor Newsom)*

## ADJOURNMENT

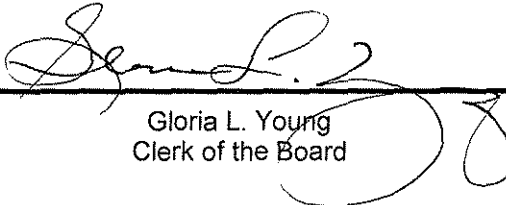
*There being no further business, the Board at the hour of 1:00 a.m. adjourned.*

*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 August 19, 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