

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Monday, September 23, 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 McGoldrick -1

Quorum present.

Supervisor McGoldrick was noted present at 2:03 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Peskin, moved to approve meeting minutes of August 12, 2002. The motion carried by the following vote:

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

AGENDA CHANGES

COMMUNICATIONS

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Leno, 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: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee

Absent: 1 - McGoldrick

Supervisor Hall introduced, welcomed and presented a Certificate of Honor to students from St. Gabriel's School founders of the "Cuz We Care" program.

Supervisor Ammiano introduced and welcomed members of the "Green Fleets Team."

Supervisor Leno introduced, welcomed and presented a Certificate of Honor to Randy Zurcher.

CONSENT AGENDA

Recommendations of the Rules and Audits Committee

021530 [Settlement of Lawsuit - Mary Lou Cordero]

Ordinance authorizing settlement of the lawsuit filed by Mary Lou Cordero against the City and County of San Francisco for \$100,000; the lawsuit was filed on August 27, 2001, in the San Francisco Superior Court, Case No. 324-064; entitled Mary Lou Cordero v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

021532 [Settlement of Grievance - Gabriel Castillo]

Ordinance authorizing settlement of the grievance (ERD No. 83-02-0790) of Gabriel Castillo against the City and County of San Francisco for \$93,938.15 (including \$72,427.50 to Castillo as back wages; \$16,392.08 to the City's Retirement System to make up shortages in Castillo's retirement account; \$3,938.15 to the City's Retirement System as reimbursement for withholding tax and health coverage premiums; and \$1,180.42 as a lump sum payment to Castillo). Other material terms of said settlement are Castillo shall not seek future employment with the City and he shall release all claims relating to his dismissal as a 2320 Registered Nurse. Castillo shall also return all uncashed pension warrants in the amount of \$19,625.24 to the Office of the City Attorney. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

021452 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by Elizabeth Clot against San Francisco for \$75,000; claim was filed on July 12, 2002. (City Attorney)

(Public Benefit Recipient.)

Resolution No. 654-02

ADOPTED

011570 [Appointment]

Resolution appointing Richard Castro and Carl Rose, terms ending June 30, 2003, to the Asthma Task Force, residency requirement waived. (Clerk of the Board)

Carl Rose (residency requirement waived), succeeding Ben Loewy, seat 13, must be a representative of lung health/asthma-specific organization, for the unexpired portion a two-year term ending June 30, 2003; Richard Castro, succeeding John Balmes, seat 19, must be an individual who is an academic researcher or educator concerned with asthma issues, for the unexpired portion a two-year term ending June 30, 2003.

Resolution No. 652-02

ADOPTED

021547 [Appointment]

Resolution appointing Toye Moses, term ending September 4, 2006, to the Delinquency Prevention Commission.

Toye Moses, new position, seat 8, must be nominated by District 8 Supervisor for a new 4-year term ending September 4, 2006.

Resolution No. 656-02

ADOPTED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****From the Clerk**

021241 [Appeal, Conditional Use, 1598 Dolores Street]

Motion approving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Leno, seconded by Supervisor Maxwell, moved an amendment of the whole.

Amendment passed by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin

Noes: 5 - Daly, Hall, Newsom, Sandoval, Yee

Motion as amended failed adoption by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin

Noes: 4 - Daly, Newsom, Sandoval, Yee

Supervisor Hall, seconded by Supervisor Yee, moved to rescind the previous vote.

Motion carried by the following vote:

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

Motion as amended failed adoption by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin

Noes: 5 - Daly, Hall, Newsom, Sandoval, Yee

Supervisor McGoldrick noted absent at 2:25 p.m.

Supervisor Newsom noted absent at 3:55 p.m.

Supervisor Leno, seconded by Supervisor Maxwell, moved to continue this matter to September 30, 2002.

Motion to continue carried by the following vote:

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

Absent: 2 - McGoldrick, Newsom

Continued to September 30, 2002

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

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin

Noes: 4 - Daly, Hall, Sandoval, Yee

Absent: 2 - McGoldrick, Newsom

021242 [Appeal, Conditional Use, 1598 Dolores Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 30, 2002

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

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin

Noes: 4 - Daly, Hall, Sandoval, Yee

Absent: 2 - McGoldrick, Newsom

021243 [Findings - 1598 Dolores Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1058C, on property located 1598 Dolores Street, for action by the Board at its next meeting.

Continued to September 30, 2002

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

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin

Noes: 4 - Daly, Hall, Sandoval, Yee

Absent: 2 - McGoldrick, Newsom

From the Clerk**021245 [Appeal, Conditional Use, 2863 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 30, 2002

CONTINUED by the following vote:

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

Absent: 2 - McGoldrick, Newsom

021246 [Appeal, Conditional Use, 2863 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to September 30, 2002

CONTINUED by the following vote:

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

Absent: 2 - McGoldrick, Newsom

021247 [Findings - 2863 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0408C, on property located 2863 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to September 30, 2002

CONTINUED by the following vote:

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

Absent: 2 - McGoldrick, Newsom

From Rules and Audits Committee "Without Recommendation"

**020597 [Establishing Board of Supervisors Regular Meeting Days]
Supervisors Gonzalez, Newsom, Daly**

Resolution establishing Tuesdays at 2 p.m. as the regular meeting days and times of the Board of Supervisors, beginning on February 4, 2003; rescinding Resolution No. 186-87, effective January 28, 2003, which established Mondays at 2 p.m. as the days and times of regular meetings of the Board of Supervisors.

Continued to September 30, 2002

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

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

**020618 [Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of February 2, 2003.]
Supervisors Gonzalez, Daly**

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2 p.m., instead of Mondays at 2 p.m., effective the week of February 2, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

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

Continued to September 30, 2002

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

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

Recommendation of the Transportation and Commerce Committee

**021191 [Zoning Map Amendment in connection with Laguna Honda Replacement Project]
Supervisors Hall, Newsom**

Ordinance amending Zoning Map Sheet 6H of the City and County of San Francisco for property located at Assessor's Block 2842 to change the height district classification from 80D to 90D and a portion of the area designated as OS to 90D; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Companion measure to File 021183.)

Ordinance No. 201-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendation of the Public Works and Public Protection Committee

021454 [UCSF Mission Bay Campus - Utility Crossings and an at grade pedestrian crossing]
Supervisor Leno

Resolution granting revocable permission to Regents of the University of California to occupy a portion of the public right-of-ways to construct, install and maintain utility crossings and joint trenches on future 4th and Owens Streets, and on future South Common Street, for providing various services to the new UCSF Mission Bay Campus; and to construct and maintain an at grade pedestrian crossing at a future mid-block signalized intersection on future 4th Street at future private 14th Street and making findings of consistency with the City General Plan and eight priority policies of the City Planning Code Section 101.1. (Public Works Department)

Supervisor Yee requested that this item be continued to September 30, 2002.

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

Ayes: 7 - Ammiano, Gonzalez, Hall, Newsom, Peskin, Sandoval, Yee

Noes: 3 - Daly, Leno, Maxwell

Absent: 1 - McGoldrick

Recommendations of the Rules and Audits Committee

021260 [Citizens Advisory Committee for Natural Areas Program]
Supervisor Yee

Resolution establishing a Board of Supervisors Citizens Advisory for the Recreation and Parks Natural Areas Program.

Supervisor Gonzalez presented an amendment of the whole bearing new title.

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

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

Supervisor McGoldrick noted present at 3:33 p.m.

Resolution establishing a Board of Supervisors Citizens Advisory Committee of twelve members for the Recreation and Parks Natural Areas Program; establishing a sunset date of December 1, 2003.

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

Resolution No. 653-02

ADOPTED AS AMENDED by the following vote:

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

**021531 [Settlement of Lawsuit - Silvia Landau]
Supervisor Gonzalez**

Ordinance authorizing settlement of the lawsuit filed by Silvia Landau against the City and County of San Francisco for \$73,000; the lawsuit was filed on April 27, 2000 in San Francisco Superior Court, Case No. 311768, entitled Silvia Landau v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

9/18/02 Supervisor Sandoval dissenting in committee.

PASSED ON FIRST READING by the following vote:

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

021546 [Appointment]

Resolution appointing Terry Giovannini, term ending April 29, 2006, to the Children and Families Trust Fund Commission.

Terry Giovannini, succeeding Margaret Brodtkin, Seat 5, shall represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies, for a new four-year term ending April 29, 2006.

9/18/02 Supervisor Gonzalez dissenting in committee.

Amended on line 3 by replacing "Terry Giovannini" with "Margaret Brodtkin" (New Title). Further amended on line 10 by replacing "Terry Giovannini, succeeding Margaret Brodtkin, Seat 5" with "Margaret Brodtkin, succeeding herself, Seat 5".

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

Ayes: 6 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Peskin

Noes: 4 - Gonzalez, Hall, Sandoval, Yee

Absent: 1 - Newsom

Motion to refer to committee failed by the following vote:

Ayes: 4 - Gonzalez, Maxwell, Sandoval, Yee - 4

Noes: 6 - Ammiano, Daly, Hall, Leno, McGoldrick, Peskin

Absent: 1 - Newsom

Supervisor Hall, seconded by Supervisor Gonzalez, moved to rescind the previous vote

Motion to rescind failed by the following vote:

Ayes: 5 - Gonzalez, Hall, Maxwell, Sandoval, Yee

Noes: 5 - Ammiano, Daly, Leno, McGoldrick, Peskin

Absent: 1 - Newsom

Resolution appointing Margaret Brodtkin, term ending April 29, 2006, to the Children and Families Trust Fund Commission.

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

Resolution No. 655-02

ADOPTED AS AMENDED by the following vote:

Ayes: 6 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Peskin

Noes: 4 - Gonzalez, Hall, Sandoval, Yee

Absent: 1 - Newsom

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdalla Megahed: stop the war
Reuben David Goodman; assaults and abuse of homeless
Richard Robinson; homelessness
Bob Tom Kastl; Fleet Week and free transportation for military
John M. Kelly; insufficient funding for DNA lab
Alvin Jones; housing issues
Francis Da Costa; general issues
Andrew Bozeman; Bayview Hunters Point

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021536 [Closed Session - Anticipated Litigation as Plaintiff or Defendant]

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)

TABLED.

[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.

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.

021552 [Oppose Federal Intervention Collective Bargaining - International Longshore and Warehouse Union]
Supervisors Sandoval, Newsom, Yee, McGoldrick, Maxwell, Ammiano, Daly, Gonzalez, Leno, Peskin

Resolution opposing Federal intervention in the collective bargaining process between the International Longshore and Warehouse Union and the Pacific Maritime Association in San Francisco.

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

Resolution No. 657-02

ADOPTED

021553 [Commend Developing Environments Artists]
Supervisors Daly, Sandoval

Resolution commending the Developing Environments Artists in the Royce Artists Building on their 30th year anniversary.

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

Resolution No. 658-02

ADOPTED

021554 [Support Proposition 50, Clean Water and Coastal Protection Bond]
Supervisors Daly, Sandoval, Peskin

Resolution supporting Proposition 50, the Clean Water and Coastal Protection Bond.

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

Resolution No. 659-02

ADOPTED

021555 [Extend Juvenile Justice Advisory Committee]
Supervisor Gonzalez

Resolution extending the Juvenile Justice Advisory Committee's term of operation for an additional six months.

Resolution No. 660-02

ADOPTED

**021556 [Declare October 20 - 26 National Operator Appreciation Week]
Supervisors Yee, Sandoval**

Resolution declaring October 20 - October 26 as National Operator Appreciation Week.

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

Resolution No. 661-02

ADOPTED

**021557 [Support Assembly Bill 117, Community Choice Bill]
Supervisors Ammiano, Daly**

Resolution supporting Assembly Bill 117, the Community Choice Bill.

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

Resolution No. 673-02

ADOPTED

**021558 [Support Proposition 47, Kindergarten-University Public Education Facilities Bond Act]
Supervisors Ammiano, Sandoval, Daly**

Resolution supporting Proposition 47, the Kindergarten-University Public Education Facilities Bond Act of 2002.

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

Resolution No. 662-02

ADOPTED

**021559 [Honor Reverend Louis Vitale]
Supervisors Ammiano, Newsom, Sandoval, Leno, Daly, Gonzalez**

Resolution honoring Reverend Louis Vitale who has devoted over 40 years of his life to the service of others by declaring September 29th, 2002 as Fr. Louis Vitale Day.

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

Resolution No. 663-02

ADOPTED

**021560 [Commend Sheldon Rizen]
Supervisors Ammiano, Sandoval**

Resolution commending Mr. Sheldon Rizen, an outstanding educator for the San Francisco Unified School District (SFUSD) and declaring September 28th, 2002 as Mr. Sheldon Rizen Day in the City and County of San Francisco.

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

Resolution No. 664-02

ADOPTED

**021561 [Commend City CarShare's Electrical Car Sharing Service]
Supervisors Newsom, Sandoval, Leno, Peskin, Daly, Gonzalez**

Resolution commending City CarShare on its launch of electric car sharing service in San Francisco.

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

Resolution No. 665-02

ADOPTED

**021562 [Commend Family Connections, San Bruno Merchants, Portola Community for San Bruno Avenue Festival Day]
Supervisors Maxwell, Sandoval, Leno**

Resolution to commend Family Connections, San Bruno Merchants Association and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.

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

Resolution No. 666-02

ADOPTED

**021563 [Commend DTIS launch of new SFGTV]
Supervisors Daly, Sandoval**

Resolution commending the Department of Telecommunications and Information Services on the occasion of the launch of SFGTV.

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

Resolution No. 667-02

ADOPTED

**021564 [Commend Martina Gillis]
Supervisors Ammiano, Sandoval, Leno, Daly**

Resolution of appreciation and recognition of Martina Gillis for her vision, leadership, and years of commitment on behalf of the people of the City and County of San Francisco.

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

Resolution No. 668-02

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 2 - McGoldrick, Newsom

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 Daly, seconded by Supervisor Gonzalez, moved. The motion carried by the following vote:

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

Absent: 2 - McGoldrick, Newsom

[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 Daly, seconded by Supervisor Gonzalez, moved. The motion carried by the following vote:

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

Absent: 2 - McGoldrick, Newsom

021595 [Commend LIKHA Filipino Folk Ensemble]

Supervisors Daly, Sandoval, Leno

Resolution commending LIKHA Filipino Folk Ensemble for their 10th Anniversary Concert "Dekada, Celebrating a Decade of Philippine Dance and Music", and their continuing efforts in educating the public about Filipino culture through ethnic dance and music.

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

Resolution No. 669-02

ADOPTED by the following vote:

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

Absent: 2 - McGoldrick, Newsom

[Serious Injury Finding]

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

Supervisor Leno, seconded by Supervisor Daly, moved. The motion carried by the following vote:

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

Absent: 2 - McGoldrick, Newsom

[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 Daly, moved. The motion carried by the following vote:

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

Absent: 2 - McGoldrick, Newsom

021596 [Urging Governor Davis to sign AB 2651]

Supervisors Leno, Peskin, Ammiano

Resolution urging Governor Gray Davis to sign AB 2651 (Chu) which would prohibit discrimination and harassment against foster youth and foster parents based on sexual orientation, gender identity and HIV/AIDS status.

Resolution No. 670-02

ADOPTED by the following vote:

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

Absent: 2 - McGoldrick, Newsom

021597 [Urging the U.S. Congress to Oppose War with Iraq]

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

Resolution urging the U.S. Congress to oppose military action in Iraq.

Supervisor Hall requested this item be referred to Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**021598 [Ancillary Units]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area on a lot within 1250 feet of a Primary Transit Street or Transit Center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities and to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; and by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; adopting findings.

9/23/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/23/2002.

**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.

9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. Sponsor requests this item be scheduled for consideration at the October 1, 2002 meeting.

Resolutions

**021595 [Commend LIKHA Filipino Folk Ensemble]
Supervisors Daly, Sandoval, Leno**

Resolution commending LIKHA Filipino Folk Ensemble for their 10th Anniversary Concert "Dekada, Celebrating a Decade of Philippine Dance and Music", and their continuing efforts in educating the public about Filipino culture through ethnic dance and music.

9/23/02, ADOPTED. Supervisor Leno requested to be added as a co-sponsor.

**021596 [Urging Governor Davis to sign AB 2651]
Supervisors Leno, Peskin, Ammiano**

Resolution urging Governor Gray Davis to sign AB 2651 (Chu) which would prohibit discrimination and harassment against foster youth and foster parents based on sexual orientation, gender identity and HIV/AIDS status.

9/23/02, ADOPTED.

**021597 [Urging the U.S. Congress to Oppose War with Iraq]
Supervisors Leno, Peskin, Ammiano, Daly, Sandoval, McGoldrick, Gonzalez**

Resolution urging the U.S. Congress to oppose military action in Iraq.

9/23/02, REFERRED to Rules and Audits Committee.

**021599 [Approval of Ferry Building Sublease Agreement]
Supervisor Peskin**

Resolution approving Sublease between Ferry Building Associates, LLC, as sublandlord, and San Francisco Port Commission, as subtenant, for the Port Commission Hearing Room and Ancillary Premises, located in the Ferry Building.

(Fiscal impact; No Public Benefit Recipient.)

9/23/02, RECEIVED AND ASSIGNED to Finance Committee.

021600 [Touch Screen Voting Machines]
Supervisors Gonzalez, Peskin

Resolution urging the Department of Elections and the Elections Commission to take steps necessary to acquire touch-screen voting machines utilizing state Proposition 41 funds and federal grant funds allocated by Congress and implement the use of touch-screen voting technology at the earliest possible date.

9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021601 [Authorizing Planning Director to accept and expend a \$15,000 grant from BART]
Supervisor Leno

Resolution authorizing the Director of the Planning Department to accept and expend funds totaling \$15,000 from the Bay Area Rapid Transit (BART) for the Glen Park BART Station Area Plan Project in the City and County of San Francisco.

(No Public Benefit Recipient.)

9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. Sponsor requests this item be scheduled for consideration at the October 10, 2002 meeting, with a companion resolution in File No. 021521.

021602 [Opposing Proposition 51]
Supervisors Ammiano, Gonzalez, Daly

Resolution opposing Proposition 51 on the November 5th, 2002 Statewide ballot.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021603 [Create 12 member Homeless Senior Task Force]
Supervisors Daly, Leno

Resolution establishing a 12 member Homeless Senior Task Force.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021604 [Urge SF League of Urban Gardeners not sell the community garden on Page Street]
Supervisors Gonzalez, Daly

Resolution urging the San Francisco League of Urban Gardeners to not sell the community garden on Page Street between Buchanan and Webster, but rather to ensure that it remains as green space.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021605 [Urge Federal and State Government Action and Employer Accountability]
Supervisors Maxwell, Yee, McGoldrick, Daly, Peskin, Leno

Resolution on behalf of the former Wins Garment Workers Urging Federal and State Government Action and Employer Accountability.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021606 [Oppose UCSF subcontract custodial services]
Supervisors Sandoval, Daly, Gonzalez, Yee, Leno, Peskin, McGoldrick**

Resolution opposing the University of California at San Francisco (UCSF) decision to subcontract custodial services at UCSF Mission Bay Campus.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021607 [Urge Governor Gray Davis to sign Senate Bill 987]
Supervisors Yee, Leno**

Resolution urging Governor Gray Davis to sign into law Senate Bill 987, improving language access to government services.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021608 [Commend Wu Yee Children's Services]
Supervisors Peskin, Gonzalez, Daly, Leno, Newsom**

Resolution commending Wu Yee Children's Services' role as one of the largest comprehensive bilingual and multicultural child development providers in San Francisco and declaring September 28, 2002 "Wu Yee Children's Services Day" in San Francisco.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021610 [San Francisco Pool Hours]

Hearing regarding the reduction of pool hours at San Francisco pools.

9/23/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

021611 [Actions being implemented by the Mayor's Office to minimize the current year's (2002-03) budget deficit]

Supervisor Peskin

Hearing regarding actions being implemented by the Mayor's Office to minimize the current year's (2002-03) budget deficit, including the postponement of certain previously approved programs.

9/23/02, RECEIVED AND ASSIGNED to Finance Committee.

**021612 [Transgender Civil Rights Implementation Task Force]
Supervisor Leno**

Hearing to consider the final report and recommendations of the Transgender Civil Rights Implementation Task Force that just completed two years of groundbreaking work.

9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021613 [S. F. Children and Families Commission]
Supervisor Gonzalez**

Hearing regarding the San Francisco Children and Families Commission including, but not limited to, the requirements imposed by the state law on this commission, the composition of the commission, and the scope of work of the commission's activities.

9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021614 [Halloween Activities]
Supervisor Ammiano**

Hearing on the activities surrounding Halloween.

9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Motions

**021594 [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.

9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**021615 [Legislative Analyst Request]
Supervisor Hall**

Motion asking the Legislative Analyst to compare and contrast San Jose's recently enacted "Blight Ordinance" to San Francisco's Planning Code; compare and contrast the enforcement procedures and enforcement capabilities of the City of San Jose to the City and County of San Francisco.

9/23/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration September 30, 2002.

**021618 [Appointment, Planning Commission]
Mayor**

Motion approving the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot. (Mayor)

Michael Antonini, new position, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.

9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021619 [Appointment, Planning Commission]
Mayor**

Motion rejecting the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission. (Mayor)

9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021620 [Appointment, Planning Commission]
Mayor**

Motion approving the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot. (Mayor)

Shelley Bradford Bell, new position, Seat No. 5, must be nominated by the Mayor, term to be determined by lot. 9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021621 [Appointment, Planning Commission]
Mayor**

Motion rejecting the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission. (Mayor)

9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021622 [Appointment, Planning Commission]
Mayor**

Motion approving the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot. (Mayor)

Edgar Boyd, new position, Seat No. 6, must be nominated by the Mayor, term to be determined by lot. 9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021623 [Appointment, Planning Commission]
Mayor**

Motion rejecting the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission. (Mayor)

9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021624 [Appointment, Planning Commission]
Mayor**

Motion approving the Mayor's nomination of Jeffrey Chen to Seat No. 7 of the Planning Commission, term to be determined by lot. (Mayor)

Jeffrey Chen, new position, Seat No. 7, must be nominated by the Mayor, term to be determined by lot. 9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021625 [Appointment, Planning Commission]
Mayor**

Motion rejecting the Mayor's nomination of Jeffrey Chen to Seat No. 7 of the Planning Commission. (Mayor)

9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021626 [Appointment, Board of Appeals]
Mayor**

Motion approving the Mayor's nomination of Arnold Chin to Seat No. 3 of the Board of Appeals, term to be determined by lot. (Mayor)

Arnold Chin, new position, Seat No. 3, must be nominated by the Mayor, term to be determined by lot.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021627 [Appointment, Board of Appeals]
Mayor**

Motion rejecting the Mayor's nomination of Arnold Chin to Seat No. 3 of the Board of Appeals. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021628 [Appointment, Board of Appeals]
Mayor**

Motion approving the Mayor's nomination of Kathleen Harrington to Seat No. 4 of the Board of Appeals, term to be determined by lot. (Mayor)

Kathleen Harrington, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021632 [Appointment, Board of Appeals]
Mayor**

Motion rejecting the Mayor's nomination of Kathleen Harrington to Seat No. 4 of the Board of Appeals.
(Mayor)

9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021633 [Appointment, Board of Appeals]
Mayor**

Motion approving the Mayor's nomination of Sabrina Saunders to Seat No. 5 of the Board of Appeals, term to be determined by lot. (Mayor)

Sabrina Saunders, Seat No. 5, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021634 [Appointment, Board of Appeals]
Mayor**

Motion rejecting the Mayor's nomination of Sabrina Saunders to Seat No. 5 of the Board of Appeals. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED ORDINANCES**020890 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp. against the City and County of San Francisco for Harsch's payment of \$1,464,000.00 to four affordable housing projects; the lawsuits were filed on July 19, 1994 in San Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco Superior Court, Case No. 982-474; and on February 23, 1994 in United States District Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch Investment Corp., v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

Supervisor Sandoval dissenting in committee.

9/12/02, RECEIVED AND ASSIGNED to 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.)

9/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS**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.)

9/16/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

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.)

9/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

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.)

9/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021542 [Refugee County Plan]

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

(Public Benefit Recipient.)

9/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Hall

To: City Attorney

Requesting/Inquiring: To draft a memorandum discussing the impact of the three bills, regarding Hetch Hetchy Revenue Bonds, should the Governor sign them, and to explain what, if any, avenues of litigation are available to the City and County of San Francisco to prevent the implementation of these bills.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation creating a permit for cigarette promotions in bars.

From: Supervisor Sandoval

To: Director, Department of Public Works

Requesting/Inquiring: To investigate and report on the lack of maintenance and upkeep performed on the city easement located behind the 1300 block of Cayuga Avenue.

From: Supervisor Ammiano

To: General Manager, Recreation and Parks Department

Requesting/Inquiring: Requesting assistance in following up with the Legislative Analyst's report on professional women's sports. (See attached.)

From: Supervisor Gonzalez

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney brief the Board of Supervisors in a closed session to discuss Article 35A of the Police Code.

From: Supervisor Gonzalez

To: Director, Department of Elections

Requesting/Inquiring: To report on the steps the Department of Elections is taking to implement instant run-off voting for the November 2003 general election.

In Memoriams

*Peter Antonini (Supervisor Hall)
Catherine Ring (Supervisor Hall)
Eric Weinmann (Supervisor Leno)
Harvey Milton Matthews (Supervisors Maxwell, Ammiano)*

ADJOURNMENT

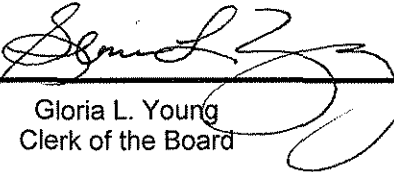
There being no further business, the Board at the hour of 6:01p.m. adjourned.

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 October 21, 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