

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, February 5, 2001 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

Audit, Labor and Government Efficiency Committee
Supervisors Newsom, Daly, McGoldrick

City and School District Committee
Supervisor Maxwell, Supervisor Ammiano, Commissioner Wynns, Commissioner Mar

Economic Vitality, Small Business and Social Policy Committee
Supervisors Sandoval, Newsom, Maxwell

Finance Committee
Supervisors Leno, Peskin, Gonzalez

Housing, Transportation and Land Use Committee
Supervisors McGoldrick, Daly, Peskin

Neighborhood Services and Parks Committee
Supervisors Yee, Hall, Sandoval

Public Health and Environment Committee
Supervisors Maxwell, Yee, Leno

Public Utilities and Deregulation Committee
Supervisors Daly, Gonzalez, Ammiano

Rules Committee
Supervisors Gonzalez, Hall, Ammiano

Meeting Days

2nd & 4th Tuesday
1:00 PM

Call of the Chair

1st & 3rd Tuesday
10:00 AM

Wednesday
10:00 AM

2nd & 4th Thursday
1:00 PM

1st & 3rd Tuesday
1:00 PM

2nd & 4th Tuesday
10:00 AM

Call of the Chair

1st & 3rd Thursday
1:00 PM

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, Sophie Maxwell, Jake McGoldrick, Mark Leno, 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 Supervisors were noted absent:

Supervisors Maxwell, McGoldrick - 2.

Quorum present.

Supervisor Maxwell was noted present at 2:02 p.m.

Supervisor McGoldrick was noted present at 2:02 p.m.

COMMUNICATIONS

The Clerk read communication from the Department of Elections, dated January 31, 2001, indicating the District 7 Recount has officially ended as of Tuesday, January 30, 2001. There will not be a re-certification of the Official Statement of Vote for the December 12, 2000 Municipal Run-off Election.

Privilege of the Floor

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

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

Introduction of Guests and Presentation Made

Supervisor Yee introduced and welcomed the winners of the Fifth Annual 2000-2001 Ability Awards Poster Contest, sponsored by the Independent Living Resource Center, San Francisco Chinese Services. The first place honor was awarded to ten year old, Victor Shiu.

CONSENT AGENDA

Recommendations of the Finance and Labor Committee

- 010041 [Memorandum of Understanding Amendment No. 3 - Electrical Workers, Local 6]
Ordinance implementing Amendment No. 3 to the 1997-2001 Memorandum of Understanding between the International Brotherhood of Electrical Workers, Local 6 and the City and County of San Francisco reconfirming the agency shop provision thereof effective July 1, 2000. (Human Resources Department)
- Ordinance No. 22-01
FINALLY PASSED
- 010042 [Memorandum of Understanding Amendment No. 3 - Glaziers, Local 718]
Ordinance implementing Amendment No. 3 to the 1997-2001 Memorandum of Understanding between the Glaziers, Architectural Metal and Glass Workers, Local Union 718 and the City and County of San Francisco reconfirming the agency shop provision thereof effective July 1, 2000. (Human Resources Department)
- Ordinance No. 23-01
FINALLY PASSED
- 010043 [Memorandum of Understanding Amendment No. 4 - Laborers, Local 261]
Ordinance implementing Amendment No. 4 to the 1997-2001 Memorandum of Understanding between the Laborers International Union, Local 261 and the City and County of San Francisco reconfirming the agency shop provision thereof effective July 1, 2000. (Human Resources Department)
- Ordinance No. 24-01
FINALLY PASSED
- 010044 [Memorandum of Understanding Amendment No. 3 - Machinists, Local 1414]
Ordinance implementing Amendment No. 3 to the 1997-2001 Memorandum of Understanding between the Machinists Union, Local 1414, International Association of Machinists and Aerospace Workers, Machinists Automotive Trades District Lodge 190 and the City and County of San Francisco reconfirming the agency shop provision thereof effective July 1, 2000. (Human Resources Department)
- Ordinance No. 25-01
FINALLY PASSED
- 010045 [Memorandum of Understanding Amendment No. 2 - Pile Drivers, Local 34]
Ordinance implementing Amendment No. 2 to the 1997-2001 Memorandum of Understanding between the Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34 and the City and County of San Francisco reconfirming the agency shop provision thereof effective July 1, 2000. (Human Resources Department)
- Ordinance No. 26-01
FINALLY PASSED

010046 [Memorandum of Understanding Amendment No. 1 - Plumbers, Local 38]
Ordinance implementing Amendment No. 1 to the 1997-2001 Memorandum of Understanding between the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local No. 38 and the City and County of San Francisco reconfirming the agency shop provision thereof effective July 1, 2000. (Human Resources Department)

Ordinance No. 27-01
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Transportation and Land Use Committee

002106 [Urban Forestry Council]
Supervisors Leno, Katz, Bierman

Ordinance amending San Francisco Administrative Code Chapter 5 by adding Article XXIII to create an Urban Forestry Council and to delineate powers and duties for such Council.

(1/2/2001 - Supervisor Yee dissenting in Board.)

Ordinance No. 21-01

FINALLY PASSED by the following vote:

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

**001955 [Grant funds for the construction of the K-Ingleside light rail line and Ocean Avenue serving the Municipal Railway]
Supervisor Newsom**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$7,000,000 of State assistance for Ocean Avenue and K-Ingleside street, sidewalk, and transit improvements. (Public Transportation Commission)

Supervisor Sandoval moved to amend by adding the following: "Whereas, Muni and other City departments will work diligently with members of the community to pursue funding for additional improvements to Ocean Avenue during and after the Ocean Avenue Reconstruction and Improvement Project".

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

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

Resolution No. 81-01

ADOPTED AS AMENDED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance and Labor Committee

002145 [S. F. International Airport Advertising Program Lease]

Resolution approving San Francisco International Airport Advertising Program Lease between Transportation Media, Inc. (a division of Eller Media) and the City and County of San Francisco, acting by and through its Airport Commission; requiring notice to the Finance Committee of any proposed advertising program expansion. (Airport Commission)

Resolution No. 82-01

ADOPTED by the following vote:

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

010053 [Lease of property at 1421 Broderick Street for Department of Public Health to operate a residential care facility for persons who need 24-hour care and supervision]

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as tenant, and Seto Family Trust, as landlord, for the property located at 1421 Broderick Street. (Real Estate Department)

Resolution No. 83-01

ADOPTED by the following vote:

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

010104 [Settlement of Grievance, Local 21]

Resolution authorizing settlement of the grievance filed by Glenn Alston and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO ("Local 21"), on behalf of 16 Civilian Fire Inspectors pursuant to the Memoranda of Understanding between Local 21 and the City and County of San Francisco in the aggregate amount of \$81,625.52. (Human Resources Department)

Resolution No. 84-01

ADOPTED by the following vote:

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

PUBLIC COMMENT

Abdalla Megahed, human rights advocate, homeless issues;
Ernestine Weiss, eviction issues, revise Ellis Act, urge creation of Municipal Utility District, animal owners, Planning Commission meetings location and time;
Michael Petrelis, urge commute sentence of gay man on death row, HIV statistics on Andrew Sullivan.com, HIV Stops with Me;
Jim, loss of long time work space in garage, eviction under Ellis Act;
Abel, Sara, Julian, campaign for public power now;
Mary Gold, housing, energy emergency, incentives to homeowners to use alternative energy source, State rebate, capital improvement, no to State buyout;
Dave Pasquerlli, HIV statistics, AIDS not caused by virus, January 19, 2001 closed door meeting on HIV statistics, needs independent body to conduct research on statistics;
Michael Bellafontaine, HIV test and statistics, racial profiling;
Jerry Levy, Grocery Outlet closure;
Katherine Powell, supports takeover of PG&E, use of solar power;
Jim Reid, Grocery Outlet closure to make way for Best Buy, urge using site for affordable housing;
Male speaker, recommends Charter changes, make Supervisors full time, \$250,000 annually, plus health benefits;
Noele, Alan, Autism/Asperger's Syndrome Coalition for Education Networking;
Anastasia, Controller's audit found additional funding, health care, San Francisco Law Library need space, Proposition H landlord issues;
Mark Dunop, support standard of conduct for Redevelopment Agency commissioners and commendation for James Morales;
Edmund, African American History Month, I am Who I am, African Women wear Hats, Jewish American Prince;
Cindy, muzzle law.

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.

**010193 [Legislative Analyst Request]
Supervisor McGoldrick**

Motion asking the Legislative Analyst to prepare jurisdictional analysis of comprehensive long-range planning processes which include significant neighborhood and community input.

APPROVED by the following vote:

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

**010198 [Legislative Analyst Request]
Supervisors Sandoval, Newsom, Hall**

Motion asking the Legislative Analyst to provide general research and analysis on San Francisco policy regarding business tax relief for businesses that are negatively impacted by major street, sidewalk and transit improvements, including, but not limited to, street repaving, redirection of traffic and public transportation, and loss of parking. Requesting the Legislative Analysts to provide comparative information on other cities' laws and policies regarding business tax relief for businesses that are negatively impacted by major street, sidewalk and transit improvements.

Supervisor Hall requested to be added as co-sponsor.

APPROVED by the following vote:

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

**010199 [Legislative Analyst Request]
Supervisor Daly**

Motion asking the Legislative Analyst to look into and study the working conditions for young temporary workers, especially in the IT (Information Technology) industry.

APPROVED by the following vote:

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

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

010081 [Existing Litigation]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the plaintiffs and claimants, various businesses, are, in sum, challenging the constitutionality of the City's business taxing system. These plaintiffs and claimants are also seeking reimbursement of tax payments made to the City:

Eastman Kodak Company v. San Francisco
San Francisco Superior Court No. 302-983
Date filed: 4/22/99

General Motors Corporation v. San Francisco
San Francisco Superior Court No. 301-510

EOP-580 California Street, L.L.C., et al. v. San Francisco
San Francisco Superior Court No. 315-704

General Motors Corporation, et al. v. San Francisco
San Francisco Superior Court No. 312-487

Hewlett-Packard, et al. v. San Francisco
San Francisco Superior Court No. 306-787

The Neiman Marcus Group, Inc. v. San Francisco
San Francisco Superior Court No. 310-061

Panther Creek Leasing, Inc. et al. v. San Francisco
San Francisco Superior Court No. 307-873

Providian Financial Corporation, et al. v. San Francisco
San Francisco Superior Court No. 316-461

Signature Network, Inc., et al. v. San Francisco
San Francisco Superior Court No. 312-489

Union Pacific Railroad Co., et al. v. San Francisco
San Francisco Superior Court No. 309-421

Various other related cases and claims against San Francisco filed by other businesses.

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

Supervisor Hall, seconded by Supervisor Peskin, moved to excuse Supervisor Newsom from participating in this matter. The motion carried by the following vote:

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

Present:

Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee;
Louise Renne, City Attorney;
Malcolm Carson, Deputy City Attorney;
Joe Quinn, Deputy City Attorney;
Julie van Nostern, Deputy City Attorney;
Ted Lakey, Deputy City Attorney;
Karen Snell, outside counsel;
Ed Harrington, Controller;
Susan Leal, Treasurer;
Gloria L. Young, Clerk of the Board;
Jean Lum, Deputy Clerk.
Tape Nos. 01 004; 01 005; 02 006
HEARD IN CLOSED SESSION.

Supervisor Peskin requested this matter be continued to February 26, 2001

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Peskin, Sandoval
Absent: 1 - Yee
Excused: 1 - Newsom

Recess

The Board recessed at the hour of 4:05 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 5:06 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval - 9.

Noted absent: Supervisors Newsom, Yee - 2.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (c) and Administrative Code Section 67.10(d) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

The meeting was informational only and no action was taken.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Leno, seconded by Supervisor Sandoval, moved not to disclose any information revealed in its closed session deliberation. The motion carried by the following vote:

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

Absent: 1 - Yee

Excused: 1 - Newsom

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.

010164 [Office of Ratepayer Advocates]

Supervisors Gonzalez, Sandoval, McGoldrick, Peskin, Daly

Resolution urging Governor Gray Davis to appoint a director to the state's Office of Ratepayer Advocates.

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

Resolution No. 85-01

ADOPTED

010165 [Lowell High School]

Supervisors Hall, Newsom

Resolution urging the San Francisco Unified School District to consider every alternative to using Eucalyptus Drive and 25th Avenue as routes of entrance and exit for construction and delivery vehicles during the construction of the new Science/Academic wing at Lowell High School.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 86-01

ADOPTED

010166 [Extension of Planning Commission Review Period]

Supervisor Leno

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to adopt an inclusionary affordable housing program.

Resolution No. 87-01

ADOPTED

**010167 [Power generating assets]
Supervisors McGoldrick, Gonzalez, Peskin, Daly**

Resolution calling for Governor Davis, the California Legislature, and the California Public Utilities Commission to require that any financial assistance to utilities in the form of taxpayer monies or rate increases be accompanied by a transfer of equivalent interests in power generating assets to the State of California.

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

Resolution No. 88-01

ADOPTED

**010168 [Antitrust violation, natural gas suppliers]
Supervisors McGoldrick, Peskin, Daly**

Resolution urging the City Attorney to instigate an investigation into possible monopolization, collusion, and fraud by suppliers of natural gas.

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

Resolution No. 89-01

ADOPTED

**010169 [Uninsured children funding]
Supervisors Sandoval, Gonzalez, McGoldrick, Newsom**

Resolution urging the Department of Public Health to calculate the amount of money spent annually on uninsured children residing in the City of San Francisco.

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

Resolution No. 105-01

ADOPTED

**010170 [Bond Oversight Committee]
Supervisors Yee, McGoldrick**

Resolution urging the San Francisco Public Library to create a Bond Oversight Committee for the Branch Library Bond, and requesting the San Francisco Public Library issue reports to the Board of Supervisors, the Budget Analyst's Office, the Controller, and the Mayor's Office of Public Finance on a quarterly basis which detail all expenditures from the bond funds by facility and by individual projects.

Supervisor McGoldrick requested to be added as co-sponsor.

Resolution No. 106-01

ADOPTED

**010172 [Parkside Elementary School and Childcare Center]
Supervisors Yee, Newsom**

Resolution urging the San Francisco Unified School District to make the rebuilding of Parkside School and construction of a new childcare center at Parkside School a top priority.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 90-01

ADOPTED

**010173 [Standards of Conduct for Redevelopment Agency Commission]
Supervisors Ammiano, McGoldrick, Daly**

Resolution urging the San Francisco Redevelopment Agency (SFRA) Commission to adopt a policy requiring all SFRA Commissioners to disclose any communications that they have with developers, contractors and other parties or individuals who have a matter pending before the SFRA Commission and that such a public disclosure policy require that the name(s) and the substance of the contact be divulged and that such disclosure must occur before the SFRA Commission votes on the matter; and further urging the SFRA Commission to adopt a policy that is based upon SFRA staff evaluation and recommendation as well as public input which would require the public offering of all SFRA property for development and that such a process be uniform and implemented fairly.

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

Resolution No. 108-01

ADOPTED

**010174 [Prohibit selling of naming rights of public transit stations]
Supervisors Ammiano, Newsom, Peskin**

Resolution urging the Board of Directors of BART and the Municipal Transportation Authority to prohibit the selling of the naming rights of any public transit stations, especially the Embarcadero, Montgomery, Powell and Civic Center stations, to any private entity, corporation or individual.

Supervisor Peskin requested to be added as co-sponsor.

Resolution No. 109-01

ADOPTED

**010175 [San Francisco Day Laborer Program]
Supervisors Ammiano, Daly**

Resolution urging the Director of the Department of Human Services to permanently locate the San Francisco Day Laborer Program at the 3120 Mission Street site and to negotiate with the current owners of the Department's intentions.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 110-01

ADOPTED

**010176 [India Earthquake]
Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee**

Resolution urging President Bush, the United States Senate and the House of Representatives to use all available resources and funds to augment and expedite existing relief efforts to earthquake victims and their families in the western state of Gujarat, India; and further wishing to express condolences to family members of those who have passed away in Bhuj, Ahmedbad, Anjar and other villages impacted by the earthquake as well as sympathy and a speedy recovery to those who have been injured by the earthquake; and further expressing sympathy to those living in the San Francisco Bay Area who have relatives in Gujarat, India that have been impacted by the earthquake.

Resolution No. 91-01

ADOPTED

010177 [Grocery Outlet]
Supervisors Ammiano, Peskin, Daly

Resolution urging Best Buy Electronics to investigate ways to maintain the continued operation of the Grocery Outlet and further urging the owners of Grocery Outlet to consider the option of remaining at the current site and renegotiate with Best Buy Electronics to work out an amenable solution.

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

Resolution No. 92-01

ADOPTED

010178 [Equity for Filipino Veterans of World War II]
Supervisors Daly, Sandoval, Newsom, McGoldrick, Peskin

Resolution urging President Bush and the United States Congress to amend the 1946 Rescission Act to provide equity for Filipino veterans of World War II.

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

Resolution No. 93-01

ADOPTED

010179 [Generic Pharmaceuticals to Sub-Saharan Africa]
Supervisors Daly, McGoldrick

Resolution urging President Bush to retain May 10, 2000 Executive Order entitled "Access to HIV/AIDS Pharmaceuticals and Medical Technologies."

Supervisor McGoldrick requested to be added as co-sponsor.

Resolution No. 94-01

ADOPTED

010180 [Gujarat Earthquake]
Mayor, Supervisors Peskin, Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee

Resolution extending condolences and greatest sympathy to the people of India and those affected by the Gujarat earthquake, and further urging the citizens of San Francisco to donate resources and assistance to relief efforts established for India as a result of this natural disaster.

Resolution No. 95-01

ADOPTED

010181 [Commendation]
Supervisors Leno, Newsom, Daly, McGoldrick, Maxwell

Resolution commending Timothy Leifield for his years of leadership at the Stop AIDS Project.

Resolution No. 96-01

ADOPTED

**010182 [Commendation]
Supervisor McGoldrick**

Resolution commending James Morales, the Executive Director of the Redevelopment Agency, for proposing Standards of Conduct for the Redevelopment Agency Commission and supporting the agency in adopting such standards of conduct.

Resolution No. 97-01

ADOPTED

**010183 [Commendation]
Supervisors Yee, McGoldrick, Peskin**

Resolution commending Norm Mineta for his continued work on behalf of Asian Americans and on his appointment to the post of Secretary of Transportation.

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

Resolution No. 98-01

ADOPTED

**010185 [Commendation]
Supervisors Yee, Hall**

Resolution commending Walgreens for its involvement in the Clean City Summit.

Supervisor Hall requested to be added as co-sponsor.

Resolution No. 99-01

ADOPTED

**010186 [Commendation]
Supervisor Ammiano**

Resolution commending Autism/Asperger's Syndrome Coalition for Education Networking and Development (AASCEND) on the great occasion of their second annual conference, "Share the Journey" on February 10, 2001 in the City and County of San Francisco.

Resolution No. 100-01

ADOPTED

**010187 [Proclamation]
Supervisors Ammiano, Daly**

Resolution proclaiming February 7, 2001 as Carolyn Nielsen Day in the City and County of San Francisco.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 101-01

ADOPTED

010188 [Commendation]
Supervisor Daly

Resolution commending Laura Thomas and the San Francisco Department of Public Health for the successful application for Ryan White CARE Act Title 1 funding.

Resolution No. 102-01
ADOPTED

010206 [Commendation]
Supervisors Sandoval, Hall, Daly, Newsom

Resolution commending the San Francisco Piper's Club for its continuing efforts to educate San Francisco residents about the Uilleann Pipes, encouraging the learning of the instrument, and helping to preserve it from extinction.

Supervisors Hall, Daly, Newsom requested to be added as co-sponsors.

Resolution No. 103-01
ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed From For Adoption Without Committee Reference Agenda

010171 [Clean Streets Initiative]
Supervisor Yee

Resolution establishing the Clean Streets Initiative.

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

SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.

Resolution No. 107-01
ADOPTED by the following vote:

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

010184 [Commendation]
Supervisor Yee

Resolution commending Elaine Chao for her continued work on behalf of Asian Americans and her new position as Secretary of Labor.

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

SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.

Supervisor Daly and Supervisor Ammiano requested this matter be sent to committee.

REFERRED to the Economic Vitality, Small Business and Social Policy Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**010224 [Automatic Sprinklers in Residential Hotels]
Supervisors Newsom, Daly**

Ordinance amending the San Francisco Fire Code by adding Section 900.1.3 and the San Francisco Housing Code by amending Section 904, to require the installation of automatic sprinkler systems in residential hotels, as defined in the ordinance.

2/5/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010225 [Western Systems Power Pool]
Mayor, Supervisor Newsom**

Ordinance amending Ordinance No. 54-92 to increase the authority of the Public Utilities Commission to approve agreements with the Western System Power Pool from one year to periods not to exceed five years.

2/5/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**010226 [Tenancies In Common]
Supervisor Daly**

Draft ordinance amending Part II, Chapter XIII of the San Francisco Municipal Code (Subdivision Code) by amending Sections 1302, 1308, 1388, and 1396, and by adding Section 1316, to prohibit tenancies-in-common where an exclusive right of occupancy exists but is not specified in the deed, to amend the annual condominium conversion requirements pertaining to tenants and owner occupants, to amend the definition of tenant, to exempt certain tenancies-in-common from the annual limit on condominium conversions, to create a special lottery process for purchasing tenants; and to amend other definitions to implement these measures.

2/5/01, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 3/7/2001.

Resolutions

**010227 [State Legislation, AB 25]
Supervisors Leno, Maxwell, Ammiano, McGoldrick, Newsom, Daly**

Resolution urging the California Assembly to pass AB 25 the Equal Benefits Ordinance.

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 010228 [Santa Clara County BART Buy In]**
Supervisors McGoldrick, Gonzalez, Daly, Peskin, Leno, Maxwell, Newsom

Resolution declaring City policy that San Francisco should share in any "Buy In" funds made available by Santa Clara County as part of its agreements with the Bay Area Rapid Transit District to extend BART to San Jose, that such moneys should be used to help fund San Francisco's voter-approved rail extension projects, urging further progress on the Geary Corridor fixed guideway project, and establishing principles for agreement regarding the San Jose extension and other BART extensions.

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 010229 [St. Mary's Medical Center Psychiatric Programs]**
Supervisors Ammiano, Gonzalez, Maxwell, Daly

Resolution urging Catholic Healthcare West and the administration of St. Mary's Medical Center to take all steps necessary to maintain the Adult Psychiatric Partial Hospitalization and AfterCare Intensive Outpatient programs and urging the Director of Public Health to investigate whether such closures are subject to hearings of the San Francisco Health Commission pursuant to Proposition Q.

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 010230 [State administered long-term energy contracts]**
Supervisors Ammiano, Peskin, Daly

Resolution urging San Francisco's State Assembly, State Senate Delegations and City Lobbyist to oppose the State of California entering into any long-term state energy contracts that would in any way preclude, restrict, or inhibit San Francisco from developing its own power generation capabilities and selling that power to San Francisco residents and businesses.

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 010231 [Transbay Terminal Joint Exercise of Powers Agency]**
Mayor, Supervisor Ammiano

Resolution authorizing the City and County of San Francisco to form a joint powers agency for the purpose of developing, designing, constructing and operating a new intermodal transit facility on and adjacent to the site of the existing Transbay Terminal, approving a form of the agreement creating the joint exercise of powers agency, urging the Bay Area Toll Authority to allocate funds to the development project, and urging the State Legislature to appropriate funds and transfer real property to support development of the new transit facility.

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 010232 [Ellis Act Revisions]**
Supervisors Daly, Ammiano, Gonzalez, McGoldrick

Resolution urging members of the State Legislature to introduce amendments to the Ellis Act to prevent evictions.

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**010132 [Lake Merced Task Force Report]
Supervisor Hall**

Hearing to provide the Board of Supervisors an opportunity to receive a status report from the Lake Merced Task Force on its work to address the problems at Lake Merced and to receive a report from Cal Trout to explain its filing of an administrative petition against Daly City, and various golf courses and cemeteries surrounding Lake Merced.

1/22/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

2/5/01, SUBSTITUTED. Supervisor Hall submitted a substitute hearing text.

2/5/01, ASSIGNED to Neighborhood Services and Parks Committee.

**010233 [Transportation Safety Study]
Supervisor Leno**

Hearing to consider a transportation safety study for Market Street extending from Van Ness to Embarcadero.

2/5/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010234 [Hunters Point Shipyard Environmental Clean-up]
Supervisors Maxwell, Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval,
Yee**

Hearing on the implementation of Proposition P: Declaration of Policy Supporting Environmental Clean-up to Residential Levels for the Hunters Point Shipyard.

2/5/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Sponsor requests this item be scheduled for consideration at the March 27, 2001 meeting.

**010235 [Planning Department Fee Tracking System]
Supervisors McGoldrick, Gonzalez**

Hearing to consider the practices of the Planning Department in tracking and collecting affordable housing fees, transit impact fees, childcare fees, and the like.

2/5/01, RECEIVED AND ASSIGNED to Finance Committee.

**010236 [Port Contract Practices]
Supervisor McGoldrick**

Hearing to consider the contracting practices at the Port, with focus on the Pier 30-32 project for a cruise terminal.

2/5/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010237 [Emergency Room Admissions]
Supervisor Newsom**

Hearing to discern the increase in emergency room admission and what can be done to accommodate need while reducing the number of admissions if possible, also to explore the issue of diversion management.

2/5/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

**010238 [Warehouse-style Store Safety Issues]
Supervisor Ammiano**

Hearing to consider customer and worker safety issues related to large, warehouse-style stores, including, but not limited to, height policies for stacked stock, maintenance of stacked stock, and forklift use during store hours.

2/5/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

**010239 [St. Mary's Medical Center]
Supervisor Ammiano**

Hearing to consider proposed closure of St. Mary's Medical Center Adult Psychiatric Partial Hospitalization and AfterCare Intensive Outpatient programs.

2/5/01, RECEIVED AND ASSIGNED to Finance Committee.

**010240 [Native American Cultural Center]
Supervisor Ammiano**

Hearing to consider progress on planning for the Native American Cultural Center.

2/5/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

**010241 [Community Land Trusts]
Supervisors Daly, Gonzalez, Maxwell**

Hearing to study how community land trusts would assist in easing our housing crisis.

2/5/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010242 [Public Utilities Commission]
Supervisor Gonzalez**

Hearing to discuss the appointment process, structure, and overall effectiveness of the San Francisco Public Utilities Commission.

2/5/01, RECEIVED AND ASSIGNED to Rules Committee.

Motions

**010243 [Rules of Order Amendment]
Supervisors Peskin, Ammiano, Maxwell**

Motion amending the Rules of Order of the Board of Supervisors of the City and County of San Francisco to establish a new process for the Board's consideration of Mayoral appointments to the Planning Commission, the Board of Appeals, and the Public Utilities Commission, the new process requiring the Clerk of the Board to prepare and submit for Board consideration a motion approving, and another motion rejecting, each appointment made by the Mayor.

2/5/01, RECEIVED AND ASSIGNED to Rules Committee.

**010244 [Legislative Analyst Request]
Supervisor Sandoval**

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

2/5/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration February 12, 2001.

**010245 [Legislative Analyst Request]
Supervisor Sandoval**

Motion asking the Legislative Analyst to survey other cities, counties, and jurisdictions about legislation enacted regarding reasonable surcharge rates for wire transfer services, such as Western Union, and MoneyGram.

2/5/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration February 12, 2001.

**010246 [Legislative Analyst Request]
Supervisor Ammiano**

Motion asking the Legislative Analyst to prepare a report, in consultation with the Director of Consumer Assurance on recommended safety standards for warehouse-style stores. The report should include review of the "CBS Evening News" and "Inside Edition" exposes of accidents at warehouse-style stores and recommendations from the American Society of Safety Engineers, the Occupational Health and Safety Administration (OSHA) and Cal-OSHA regarding storage, handling and forklift use in warehouse stores.

2/5/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration February 12, 2001.

**010247 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick**

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

2/5/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

010160 [Settlement of Litigation]

Ordinance authorizing settlement of the lawsuits filed by Golden Eagle Insurance Co. and Martha Johnson against the City and County of San Francisco for the total amount of \$150,000; the lawsuits were filed on August 17, 1998 and August 25, 1998 in San Francisco Superior Court, Case Nos. 997-242 and 997-465; entitled Golden Eagle Insurance Co. v. City and County of San Francisco, et al. and Martha Johnson v. City and County of San Francisco, et al. (City Attorney)

1/29/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee. Confidential letter dated December 6, 2000 is on file with the Clerk of the Board.

- 010208 [Government funding, Hetch Hetchy's power purchases]**
Ordinance appropriating \$25,400,000 of Hetch Hetchy Operating Fund to fund the purchase of power to meet municipal and contractual obligations for fiscal year 2000-01. (Controller)
- (Fiscal impact.)
1/31/01, RECEIVED AND ASSIGNED to Finance Committee.

PROPOSED RESOLUTIONS

- 010147 [Children's Services Plan]**
Supervisor Newsom
- Resolution approving the FY 2001-2002 to update the 2000-2002 Children's Services Plan for the San Francisco Children's Fund in accordance with Charter Section 16.108. (Mayor)
1/26/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.
Supervisor Newsom requested to be added as sponsor.
- 010159 [State grant, Long Term Care Innovation]**
Supervisor Newsom
- Resolution authorizing the Department of Aging and Adult Services to accept and expend a grant in the amount of \$1,711,753 from the California Department of Aging to develop a web-based information system for integrating community-based long term care services. (Adult and Aging Services)
1/29/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.
Supervisor Newsom requested to be added as sponsor.
- 010161 [Airport Concession Lease]**
Resolution approving the Boarding Area "F" Cosmetic and Toiletries Lease between Buth-Na-Bodhaige, Inc. dba The Body Shop, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
1/29/01, RECEIVED AND ASSIGNED to Finance Committee.
- 010201 [Contingent Fee Agreement in Electric Power Litigation]**
Resolution approving contingency fee agreement in People of the State of California by and through San Francisco City Attorney Louise H. Renne v. Dynegy Power Marketing, Inc., et al. (City Attorney)
1/31/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.
- 010202 [Lead Litigation Contingency Fee Agreement]**
Resolution approving contingency fee agreement in County of Santa Clara, et al. v. Atlantic Richfield Company, et al. (City Attorney)
1/31/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**010207 [State grant for continuation of the Public Library's Access News Program for blind and sight impaired patrons]
Supervisor Newsom**

Resolution authorizing San Francisco Public Library to accept and expend a grant of \$25,000 from California State Library, Public Library Projects for Access News Program.

1/31/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

Supervisor Newsom requested to be added as sponsor.

Requests Granted

From: Supervisor Hall

To: Chairman, Local Agency Formation Commission (LAFCo)

Requesting/Inquiring: That the Chairman of the Local Agency Formation Commission investigates and reports how boundaries for the Municipal Utility District (MUD) were drawn.

The response from the Chairman should include the following:

- a. What process was used to draw the ward boundaries for the proposed Municipal Utility District?*
- b. What considerations were used in drawing these boundaries (i.e. why were some neighborhoods grouped together, and why were some neighborhoods separated)?*
- c. How much weight was given to various geographic, ethnic and neighborhood issues in drawing the ward boundaries?*
- d. What role, if any, did Professor Richard DeLeon, of San Francisco State University have in the development of the ward boundaries?*
- e. How many, if any, neighborhood meetings were held to discuss these ward boundaries with residents in San Francisco and Brisbane?*
- f. Was there any public comment offered on the ward boundaries at meetings of the LAFCo?*
- g. Were the ward boundaries drawn up by one person in his own living room as testified to at a Finance Committee meeting last year?*
- h. Were any other ward boundary configurations considered; if so, what were they, and why were they discarded?*

Due: February 12, 2001

From: Supervisor Leno

To: Controller

Requesting/Inquiring: To investigate and report on overtime pay over the past ten years in dollar amount as well as percentage over budget for employees of the Fire Department, Police Department and Sheriff's Department.

Due: February 20, 2001

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation to move the funding and procedures for dog licenses in San Francisco from the Treasurer's Office to the Department of Animal Care and Control.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation to require that all newly constructed commercial buildings have a bicycle storage space, regardless of inclusion of a parking garage.

From: Supervisor McGoldrick

To: Director, Planning Department

Requesting/Inquiring: To investigate and report how a determination is made by his office concerning "business services" classifications of development projects.

The response from the Director should include the following:

- a. Requesting a set of all of the determinations that the Planning Department has made in the past two years that certain businesses are "business service" uses*
- b. What steps has the Department taken to ensure that those businesses actually occupy the space for which you have issued determinations? With the spat of recent dot.com failures and layoffs local papers have reported that some of those businesses no longer exist. Do you require Notices of Special Restrictions to be recorded for sites for which you have made a tenant specific determination that a use is not "office use" but some other classification? If not, why not?*
- c. Requesting copies of any letters you have sent informing the landlord that they could not put in a different office or "multimedia" tenant because the company you determined to be a "business service" no longer exists either at that site or at all.*
- d. Requesting a response to the Business Times article (February 2, 2001) which reported that 250 Brannan Street (which has about 100,000 square feet of "business service" use) is currently being marketed by the developer, and if this site is being monitored by the Planning Department?*
- e. Requesting a copy on all determinations of "business service" at the time issued, and all determinations made since November 1, 2000 sent immediately.*

From: Supervisor Newsom

To: Director, Department of Public Health

Requesting/Inquiring: To investigate and report what can be done to accommodate the needs of patients visiting the emergency room, including diversion; further informing the department that this information is requested in advance of a hearing on this topic.

From: Supervisor Newsom

To: General Manager, Muni

Requesting/Inquiring: To investigate and report whether Muni can locate funds, or use uncalled contracts, to perform an extensive implementation study on centralized dispatch for taxis, under the umbrella of the paratransit program. Also inquiring whether other agencies, such as BART, could supply partial funding for this study.

From: Supervisors Peskin, Ammiano

To: City Attorney

Requesting/Inquiring: To draft legislation to amend Section 308.1B of the Planning Code to add a provision whereby a proposed amendment for conditional use that has been approved by the Planning Commission can be appealed to the Board of Supervisors if a minimum of four Supervisors subscribe to said appeal.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft legislation requiring San Francisco money wire transfer services, including Western Union, Money Gram and check cashing businesses, to set a reasonable surcharge rate, including enforcement and penalty provisions that permits individuals to pursue civil action in the event that a financial institution is in violation of the law.

From: Supervisors Yee, Ammiano

To: City Attorney

Requesting/Inquiring: To draft legislation to amend the Administrative Code to require that all contracts between the Department of Public Health and any health care provider, including non-profit and for-profit hospitals and community-based organizations, contains a provision that requires these entities to inform the Department of Public Health when they intend to eliminate or scale back any program that provides direct health care services.

From: Supervisors Ammiano, Gonzalez, Peskin, Sandoval

To: Chief Administrator, Chairman, Refuse Collection and Rate Board

Requesting/Inquiring: To investigate and report on proposed garbage rate increase.

From: Supervisor Ammiano

To: Director, Telecommunications and Information Services

To: Director, Building Inspection

Requesting/Inquiring: To report on the feasibility of establishing a program to broadcast the names of large landlords and information related to their unabated code violations on the City's government channel.

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To draft legislation establishing minimum safety standards to ensure customer safety in warehouse-style stores.

From: Supervisor Ammiano

To: Mayor Brown

cc: California Attorney General, Bill Lockyer

cc: Director, Redevelopment Agency

Requesting/Inquiring: In support of Mayor Brown's call for the Attorney General to commence an investigation into Commissioner Mark Dunlop's charge against Commissioner Leroy King, that he engaged in sexual harassment and gross misconduct in violation of the City's zero tolerance policy.

From: Supervisor Daly

To: Chief of Police

Requesting/Inquiring: To investigate and report on two violent incidents in District 6:

- 1. The murder of Vincent Hubbard at 390 Turk Street in the Tenderloin; and*
- 2. The shooting of an unknown person under the Central Freeway at the corner of Market and McCoppin.*

From: Supervisors Gonzalez, McGoldrick

To: City Attorney

Requesting/Inquiring: To send a letter to 1600 Webster Street Associates informing them that any density or use amendments to 1790 Post Street which do not reflect the original intent of the Western Addition A-2 Redevelopment Project Area will require a plan amendment from the San Francisco Redevelopment Agency Commission and approval from the San Francisco Board of Supervisors.

In Memoriams

Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:

John Brennan (Supervisor Peskin)

Kent Wheatland (Supervisor Ammiano)

Vincent Hubbard (Supervisor Daly)

ADJOURNMENT

There being no further business, the Board at the hour of 5:09 p.m. adjourned.

Gloria L. Young, Clerk

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

Approved by the Board of Supervisors on March 26, 2001.

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

