

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, March 12, 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, Matt Gonzalez, Mark Leno, Sophie Maxwell, Gavin Newsom, Aaron Peskin, Leland Y. Yee.

Members Absent: Chris Daly, Tony Hall, Jake McGoldrick, Gerardo Sandoval.

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 2:04 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Daly, Hall, McGoldrick, Newsom, Sandoval - 5.

Quorum present.

Supervisor Daly was excused. (See infra.)

Supervisor Hall was excused. (See infra.)

Supervisor McGoldrick was excused. (See infra.)

Supervisor Newsom was noted present at 2:17 p.m.

Supervisor Sandoval was excused. (See infra.)

Supervisors Daly, Hall, McGoldrick and Sandoval Excused from Attendance

Supervisor Leno, seconded by Supervisor Peskin, moved to excuse Supervisors Daly, Hall, McGoldrick and Sandoval from attending today's meeting. The motion carried by the following vote:

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

Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Leno, moved to APPROVE the January 22 and January 29, 2001 Meeting Minutes. The motion carried by the following vote:

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

Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

AGENDA CHANGES

The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled or considered differently.

Supervisor Peskin indicated the matter relating to business tax litigation, File 010434. (See infra.)

Supervisor Leno indicated the matter relating to library fines and fees, File 002067. (See infra.)

Supervisor Yee indicated the matter relating to commending Elaine Chao, File 010184. (See infra.)

CONSENT AGENDA

Recommendations of the Audit, Labor and Government Efficiency Committee

010220 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Donald Herbert Holcomb against the City and County of San Francisco for \$1,125,000.00; the lawsuit was filed on September 19, 1999 in San Francisco, Case No. 309395; entitled Donald Herbert Holcomb, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 45-01

FINALLY PASSED

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.

Ordinance No. 39-01

FINALLY PASSED

Recommendations of the Finance Committee

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; placing \$1,781,912 on reserve. (Controller)

(Fiscal impact.)

Ordinance No. 44-01

FINALLY PASSED

**010270 [Appropriation, funding for earthquake relief to India]
Mayor, Supervisors Peskin, Newsom**

Ordinance appropriating \$100,000 from the General Fund Reserve for the Indo-American Trade and Commerce Council's Gujarat Earthquake Relief Fund for fiscal year 2000-01.

**Ordinance No. 47-01
FINALLY PASSED**

**010273 [Appropriation, funding the increase of services of the Budget Analyst]
Supervisors Ammiano, Gonzalez, Hall**

Ordinance appropriating \$218,208 of the General Reserve Fund to fund the increase of services provided by the Board of Supervisors' Budget Analyst for fiscal year 2000-01.

(Fiscal impact.)

**Ordinance No. 48-01
FINALLY PASSED**

**010204 [Lease of Property for the Visitacion Valley Branch Library]
Resolution authorizing the lease of real property at 45 Leland Avenue for the Library. (Real Estate Department)
Resolution No. 211-01
ADOPTED**

Recommendations of the Housing, Transportation and Land Use Committee

**001901 [Speed limit reduction, portion of Brazil and Persia Avenues]
Supervisors Newsom, Hall, Sandoval**

Ordinance amending the San Francisco Traffic Code, lowering the speed limit on portions of Brazil and Persia Avenue, from 30 MPH to 25 MPH. (Parking and Traffic Department)

(DPT Order No. 2096.)

Supervisor Sandoval requested to be added as co-sponsor.

**Ordinance No. 41-01
FINALLY PASSED**

**001903 [Commercial vehicle weight restriction on portion of Mendell Street]
Supervisors Newsom, Sandoval**

Ordinance adding Section 28.5.52 to the San Francisco Traffic Code, establishing a commercial vehicle weight restriction on a portion of Mendell Street. (Parking and Traffic Department)

(DPT Order No. 2095.)

Supervisor Sandoval requested to be added as co-sponsor.

**Ordinance No. 42-01
FINALLY PASSED**

**010078 [Speed limit regulations along Alemany Boulevard]
Supervisors Newsom, Sandoval**

Ordinance amending the San Francisco Traffic Code, clarifying the speed limit regulations for Alemany Boulevard. (Parking and Traffic Department)

(DPT Order No. 2144)

Supervisor Sandoval requested to be added as co-sponsor.

Ordinance No. 43-01

FINALLY PASSED

010250 [Building Code amendment, exiting from Group R occupancy buildings]

Ordinance amending Section 1004.2.3.2 of the San Francisco Building Code by repealing Exception 7 dealing with exiting from Group R occupancy buildings. (Building Inspection Department)

Ordinance No. 46-01

FINALLY PASSED

Recommendations of the Rules Committee

010263 [Appointment]

Resolution appointing Levi Rena Stolove, LeChara Johnson, and Melenie Eleneke, terms ending June 1, 2002, to the Transgender Civil Rights Implementation Task Force; residency requirement waived.

(Levi Rena Stolove, succeeding L. J. Irving, [Seat 8, must be a member of the transgender community] for unexpired portion of a two-year term ending June 1, 2002;

LeChara Johnson, succeeding Jo Ellen Fisher, [Seat 9, must be a member of the transgender community] for unexpired portion of a two-year term ending June 1, 2002;

Melenie Eleneki (residency requirement waived), succeeding Dominique Rosa Leslie, [Seat 11, must be a member of the transgender community] for unexpired portion of a two-year term ending June 1, 2002.)

Resolution No. 215-01

ADOPTED

010264 [Appointment]

Resolution appointing Leon Winston, term ending October 1, 2001, to the Drug Abuse Advisory Board.

(Leon Winston, succeeding Marillac Mayorga, [Seat 3, must represent the public at large] for the unexpired portion of a three-year term ending October 1, 2001.)

Resolution No. 216-01

ADOPTED

010311 [Appointment]

Resolution appointing Carla Hollis, term ending January 31, 2003, and Michael Thompson, term ending January 31, 2005, to the Veterans Affairs Commission.

(Carla Hollis, succeeding Leonard Grube, [Seat 1, must be a member at-large] for the unexpired portion of a four-year term ending January 31, 2003;
Michael Thompson, succeeding Veronika Cauley, [Seat 2, must be a member at-large] for a new four-year term ending January 31, 2005.)

Resolution No. 217-01

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance Committee

002067 [Library Fines and Fees]

Ordinance amending the San Francisco Administrative Code by adding Section 8.21-2 to authorize the Library Commission to charge certain fines and fees for the use of library materials and services and ratifying prior fines and fees. (Public Library)

(Supervisor Gonzalez dissenting in Committee.)

Supervisor Gonzalez, seconded by Supervisor Yee, moved that the Board take public comment on this matter, concerning additional information submitted by the Library, at the March 19, 2001 Board meeting.

There being no objection, motion adopted.

Supervisor Leno requested this matter be continued to March 19, 2001.

Supervisor Leno, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

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

Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

NEW BUSINESS

Recommendations of the Finance Committee

**010276 [Appropriation, funding various streets and roads rehabilitation project]
Mayor, Supervisor Newsom**

Ordinance appropriating \$9,021,349 to fund various local streets and roads rehabilitation projects for the Department of Public Works for fiscal year 2000-01.

(Fiscal impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Peskin, Yee
Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

**010315 [Appropriation, funding for the emergency physician services to indigent persons]
Supervisors Leno, Newsom**

Ordinance appropriating \$1,203,219 of Emergency Medical Services Appropriation (EMSA) funds to provide emergency physician services to indigent persons to the Department of Public Health for fiscal year 2000-01. (Public Health Department)

(Fiscal impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Peskin, Yee
Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

002187 [Contract between the Dept. of Public Health and Health Advocates, LLP to provide uncompensated care recovery services]

Resolution authorizing the Director of Public Health and the Purchaser to execute a contract between the City and County of San Francisco and Health Advocates, LLP to provide uncompensated care recovery services. (Public Health Department)

Resolution No. 208-01

ADOPTED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Peskin, Yee
Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

- 010221 [Establishing monthly contributions to Health Service System by the City and County, Unified School District, and Community College]**
Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)
The Clerk stated this matter requires 9 votes for passage and should be continued to March 19, 2001.
Supervisor Leno, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Peskin, Yee
Absent: 5 - Daly, Hall, McGoldrick, Newsom, Sandoval

Recommendations of the Economic Vitality, Small Business and Social Policy Committee

- 010035 [Liquor License, 2496 3rd Street]**
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license in exchange for a Type 47 on-sale general eating place liquor license to Michael D. Apicelli for the Dogpatch Saloon located at 2496 3rd Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.
Resolution No. 209-01
ADOPTED by the following vote:
Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval
- 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)
Resolution No. 210-01
ADOPTED by the following vote:
Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval
- 010184 [Commendation]**
Supervisors Yee, Hall
Resolution commending Elaine Chao for her continued work on behalf of Asian Americans and her new position as Secretary of Labor.
Supervisor Yee requested this matter be continued to March 19, 2001.
Supervisor Yee, seconded by Supervisor Leno, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval

010258 [Grant funds for Juvenile Probation's Repeat Offender Prevention Program]

Resolution authorizing the Chief Probation Officer for the Juvenile Probation Department to accept and expend a supplemental grant in the amount of Four Hundred Eighty-Three Thousand Seven Hundred Fifty Two Dollars (\$483,752), from the State of California Board of Corrections for the Repeat Offender Prevention Program. (Juvenile Probation Department)

Resolution No. 212-01

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval

010259 [Contract with California Youth Authority for Diagnostic and Treatment Services for Juvenile Wards of the Court]

Resolution authorizing the Chief Probation Officer of the Juvenile Probation Department to renew a contract with the California Youth Authority for diagnostic and treatment services and for temporary detention not to exceed 90 days. (Juvenile Probation Department)

Resolution No. 213-01

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval

010260 [Contract with California Youth Authority for Emergency Services for Juvenile Wards of the Court]

Resolution authorizing the Chief Probation Officer of the Juvenile Probation Department to renew a contract with the California Youth Authority for emergency custody of juvenile wards of the Court from the County of San Francisco. (Juvenile Probation Department)

Resolution No. 214-01

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval

Recommendation of Neighborhood Services and Parks Committee**001758 [Underground District No. 357]
Supervisors Yee, Newsom**

Ordinance creating Underground District No. 357 on lower Great Highway from Sloat Boulevard to Taraval Street.

Supervisor Newsom requested to be added as co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 4 - Daly, Hall, McGoldrick, Sandoval

Recommendation of Rules Committee

010312 [Appointment]

Resolution appointing Supervisor Chris Daly, term ending February 1, 2005, to the Bay Area Air Quality Management District Board of Directors.

(Supervisor Chris Daly, vacant seat, [Seat No. 2, must be a member of the Board of Supervisors or the Mayor] for a new four year term ending February 1, 2005.)

Resolution No. 218-01

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin, Yee

Absent: 4 - Daly, Hall, McGoldrick, Sandoval

PUBLIC COMMENT

Abdalla Megahed, animal care, homeless issue;

Eula Walters, keep Davis Street closed, suggest alternative route;

Ollie Duffy, in favor of special elections to fill vacancies;

Ernestine Weiss, oppose live-work low density housing, supports high density housing, more senior housing, oppose Davis Street opening;

James Pye, urge more housing;

Anna Donally, supports more lesbian, gays, transgender in the judicial system;

Female speaker, traffic patterns;

Robert Pender, Park Merced tenant, submitting remarks made in committee in writing;

Edmund, religious rights of homeless persons;

Dr. Galen Maria Christina, need for housing;

Gilbert Criswell, supports Naked Supervisor Day, conduct of City Attorney's office;

Norman Rolfe, supports keeping Davis Street closed;

Male speaker, single room occupancy tenant, general assistance funding;

Roger Brennan, opposes office development in South of Market.

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.

**010424 [Legislative Analyst Request]
Supervisors Newsom, Hall**

Motion asking the Legislative Analyst to study Municipal Power Authorities in other jurisdictions so that it may be compared and contrasted with the Municipal Utility District measure on the November Ballot.

APPROVED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

**010425 [Legislative Analyst Request]
Supervisors Maxwell, Leno, Newsom**

Motion asking the Legislative Analyst to research the use and impact of diesel fuel in the City and County of San Francisco, and to research possible alternatives to diesel use.

Supervisor Newsom requested to be added as co-sponsor.

APPROVED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

**010428 [Legislative Analyst Request]
Supervisor Leno**

Motion asking the Legislative Analyst to report on the amounts, types and sources of funds given by selected California municipalities to other municipalities around the world that have been hit by earthquakes, as well as any criteria they use to determine which cities to aid and to what degree.

APPROVED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

**010410 [Release of Lori Berenson]
Supervisors Daly, Gonzalez, Leno**

Resolution urging the Peruvian government to release Lori Berenson and allow her to return to the United States immediately; calling upon the appropriate committees to investigate potential legislative remedies to be in effect until Ms. Berenson is released; and calling on President George W. Bush to do everything.

Resolution No. 219-01

ADOPTED

**010411 [Lesbian, Gay, Bisexual and Transgender Judges]
Supervisors Daly, Leno, Ammiano**

Resolution urging Governor Gray Davis to combat homophobia in the judicial system by appointing qualified lesbian, gay, bisexual and transgender Californians as judges.

Resolution No. 220-01

ADOPTED

**010412 [Funding for affordable housing]
Supervisors Daly, Sandoval**

Resolution endorsing the Senior Action Network's Two Bits for Housing campaign, and urging Mayor Brown to include General Fund support in the amount of \$36,000,000 for new affordable housing development in the City's Fiscal Year 2001-2002 budget.

Supervisor Sandoval requested to be added as co-sponsor.

Resolution No. 227-01

ADOPTED

**010413 [Domestic Partner Ceremony]
Supervisors Leno, Ammiano, McGoldrick, Maxwell**

Resolution authorizing the County Clerk to issue honorary certificates of commitment to each of the domestic partnership couples that participates in the March 29, 2001 domestic partnership ceremony who do not qualify for official domestic partnership certificates because of their residence and/or work status and authorizing he County Clerk to accept donations made to the City and County of San Francisco for these honorary certificates by persons participating in the domestic partnership ceremony.

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

Resolution No. 221-01

ADOPTED

**010414 [State legislation, SB 987, Bilingual Services Act]
Supervisors Leno, Gonzalez, Sandoval, Yee, Newsom**

Resolution urging the California legislature to pass Senate Bill 987 to amend the Dymally-Alatorre Bilingual Services Act and to budget sufficient funds to ensure that state and local agencies charged with implementing the provisions of the Dymally-Alatorre Bilingual Services Act have the financial resources to do so.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 222-01

ADOPTED

**010415 [State Legislation, ABX1 1, solar and wind power]
Supervisors Leno, Newsom**

Resolution urging the California State Legislature to pass ABX1 1 which will raise the threshold for net metering eligibility from 10 kilowatts to 1 megawatt to increase incentives for larger solar and wind power systems in California.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 223-01

ADOPTED

**010416 [Zellerbach Family Fund, family literacy program]
Supervisors Maxwell, Newsom**

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$32,900 from the Zellerbach Family Fund for providing a family literacy program for women prisoners in the county jail.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 224-01

ADOPTED

**010417 [Riordan High School]
Supervisors Newsom, Hall, Leno**

Resolution congratulating Riordan high school varsity basketball team on its win of the West Catholic Athletic League title and the CCS-division 3 title.

Resolution No. 225-01

ADOPTED

**010426 [Extending Time for Negotiations - Employee Relations Division]
Supervisor Newsom**

Motion extending time for negotiations pursuant to Charter Section 11.100.

Motion No. M01-27

APPROVED

**010427 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, 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.

Motion No. M01-28

APPROVED

010430 [Final Map of a new 26 unit Live/Work Condominium Project]

Motion approving Final Map of 2130 Harrison Street, a Live/Work Condominium Project, being a subdivision of Lot 25, Assessor's Block No. 3573, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 172,824.)

Motion No. M01-29

APPROVED

010431 [Final Map for a 16 unit Live/Work Condominium Project]

Motion approving Final Map of 1000 Pennsylvania Avenue, a Live/Work Condominium Project, being a subdivision of Lot 42, Assessor's Block No. 4224, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 172,821.)

Motion No. M01-30

APPROVED

010432 [Final Map of a new 10 unit Residential/Commercial Condominium Project]

Motion approving Final Map of 3439 Sacramento Street, a Residential/Commercial Condominium Project, being a subdivision of Lot 47, Assessor's Block No. 1020, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 172,823.)

Motion No. M01-31

APPROVED

010435 [Final Map, Planned Development, Mission Bay]

Motion approving Final Map, Planned Development, Mission Bay (Blocks N3 and N3A), an 11 Lot Subdivision, being Phase 1 of a Subdivision of Lot 1 in Assessor's Blocks 8704, 8705, 8707 and 8708 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order No. 172,820.)

Motion No. M01-32

APPROVED

The foregoing items were acted upon by the following vote:

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

Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

Severed From For Adoption Without Committee Reference Agenda**010434 [Business tax litigation between the City and various plaintiffs]**

Supervisor Peskin

Motion approving in principle settlement of business tax litigation between the City and various plaintiffs.

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

SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.

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

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

Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

IMPERATIVE AGENDA

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

[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 Peskin, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

[Purely Commendatory Finding]

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

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

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

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

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

Imperative Resolutions

010450 [Davis Street Opening]
Supervisors Peskin, Leno, Ammiano

Resolution urging the Department of Public works to delay construction related to the opening of Davis Street until March 26, 2001, during which time the City Attorney is requested to determine whether the deletion of this project from Embarcadero Roadway Project will sacrifice State and Federal funding to the City and County of San Francisco.

Supervisors Peskin, Leno and Ammiano presented for immediate adoption.

Supervisor Leno moved technical amendment to page one, line 17, to correct the word "being" to read "begin".

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

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

Resolution No. 228-01

ADOPTED AS AMENDED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

010451 [Proclamation]
Supervisors Maxwell, Leno

Resolution declaring March 15, 2001 as "Urban Girls Services Day" in San Francisco.

Resolution No. 226-01

ADOPTED by the following vote:

Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 5 - Daly, Hall, McGoldrick, Sandoval, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

- 010437 [Settlement of business tax lawsuits; authorization to make binding settlement offers; authorization to settle unlitigated claims]**
Supervisors Peskin, Leno, Hall, McGoldrick, Maxwell, Yee

Ordinance authorizing settlement of the lawsuits filed by Eastman Kodak Company and General Motors Corporation versus the City and County of San Francisco by payment of a total amount not to exceed \$129,000, plus interest; the Eastman Kodak lawsuit was filed on April 22, 1999 in San Francisco Superior Court, Case No. 302983 (Court of Appeal No. A091910), entitled Eastman Kodak Company v. City and County of San Francisco; the General Motors lawsuit was filed on February 24, 1999 in San Francisco Superior Court, Case No. 301510 (Court of Appeal A091914), entitled General Motors Corporation v. City and County of San Francisco; the other material terms of the settlements are that the settlements shall include any claims for the 2000 tax year, plaintiffs shall not file any claims for refunds otherwise due pursuant to any repeal of the gross receipts tax ordinance for the 2000 tax year, the plaintiffs shall agree to join in an application for a stipulated reversal of the trial court decisions pursuant to California Code of Civil Procedure Section 128; authorizing the City Attorney to make offers to allow judgment pursuant to California Code of Civil Procedure Section 998 in various business tax cases, for a total amount not to exceed \$64,061.917; and further authorizing settlement of unlitigated claims, for a total amount not to exceed \$718,871.

3/7/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

3/12/01, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

3/12/01, TRANSFERRED to Finance Committee.

- 010452 [Library Fee Amnesty Program]**
Supervisors Yee, Hall, Sandoval, Daly

Ordinance amending the San Francisco Administrative Code by adding Section 8.21-3 to authorize the Library Commission to establish a Library fee amnesty program to take place during a two-week period prior to July 1, 2001, whereby the Library Commission, after notice and public hearing, is authorized to waive all fees charged for overdue San Francisco Public Library materials based on a finding that this amnesty program is likely to promote the return of needed Library materials or promote the increased use of the Library.

3/12/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

- 010453 [Biodiesel Fuel]**
Supervisors Leno, Maxwell, Newsom

Draft ordinance directing MUNI, San Francisco Airport, the Department of Public Works, and the Recreation and Parks Department to report whether their departmental use of diesel fuel could be met by biodiesel fuel, and directing the Department of the Environment to report on the potential impact of such changes.

3/12/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

- 010454 [Health Service System]**
Supervisor Leno

Ordinance amending Chapter 16, Article XV, of Part I of the San Francisco Municipal Code (Administrative Code) by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal impact.)

3/12/01, RECEIVED AND ASSIGNED to Finance Committee.

Resolutions**010455 [Interim Controls, Mission District]
Supervisor Ammiano**

Resolution adopting interim controls that would, in the Mission District in the area bounded by Guerrero Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway, prohibit tourist hotels, prohibit demolition of a residential use except to construct affordable housing, require mandatory discretionary review and sign posting for a change of use, require all new market-rate housing projects or conversions to market-rate housing to obtain conditional use authorization and allow other types of housing as a permitted use, prohibit an office or information technology use in excess of 1,500 gross square feet in areas zoned M (Industrial), and require conditional use authorization for a utility installation in areas zoned C (Commercial); that would, in the Valencia Street and 24th Street - Mission NCDs, prohibit conversions or demolitions of residential uses, prohibit information technology uses, and require conditional use for a business or professional service use of more than 2,000 square feet above the 1st story unless it is a community service; that would, in the Valencia Street NCD, permit use sizes up to 2,000 square feet as a principal use, require a conditional use for use sizes above 2,000 square feet, and prohibit new tourist hotels; that would, on Mission Street from 15th Street to Cesar Chavez Street zoned NC-C, permit use sizes up to 2,999 square feet as a principal use, require conditional use for use sizes above 2,999 square feet, require all lots over 40,000 square feet to obtain a conditional use authorization for all uses, prohibit conversions or demolition of residential uses, prohibit an administrative service use unless it is a community service and authorize a community service on all stories, and prohibit an information technology use on the 1st and 2nd stories and permit it as a principal use on the 3rd story and above; that would, in the Northeast Mission Industrial Zone (NEMIZ), prohibit any office or information technology use in excess of 1,500 gross square feet unless it is a community service, and prohibit new live/work projects and all conversions of live/work to office; adopting findings.

3/12/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee. 03/16/01 - Transmitted to Planning Department for environmental review.

**010456 [Interim Controls, Internet Services Exchanges]
Supervisors Maxwell, Ammiano, Leno, McGoldrick**

Resolution imposing interim zoning controls defining internet services exchanges, including internet services exchanges within the utility installation use category, establishing a requirement for a conditional use authorization for internet services exchanges in C-1, C-2, C-3-G, C-3-S, C-M, M-1, M-2, SLI and SSO zones exclusive of lots under the jurisdiction of the San Francisco Port Commission or in a redevelopment project area with an adopted redevelopment plan under the jurisdiction of the San Francisco Redevelopment Agency Commission up to a six month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

3/12/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee. 03/16/01 - Transmitted to Planning Department for environmental review.

**010457 [State Legislation, SB 23x, Municipal Utility Districts]
Supervisors Gonzalez, Daly**

Resolution declaring the City and County's official position on California State Senate Bill 23x (SB 23x) and its support of amending SB 23x to make it apply to Municipal Utility Districts formed after January 1, 2001, and to include a declaration that if the majority of voters in a municipality included in a proposed Municipal Utility District, which includes the City and County, oppose the formation of the district, but the voters within the City and County approve the formation, the Board of Supervisors of the City and County shall order and declare the district created and established only in the City and County.

3/12/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010458 [Child Internet Protection Act]
Supervisors Leno, Daly**

Resolution supporting the American Library Association legal action against the Child Internet Protection Act.

3/12/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010459 [Proclamation]
Supervisors Ammiano, Hall, Leno, Daly, Newsom, Peskin**

Resolution proclaiming Thursday, April 12, 2001, to be "Speak Up for Kids Day" at City Hall.

3/12/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010460 [Proclamation]
Supervisors Ammiano, Leno, Daly, Newsom, Peskin**

Resolution proclaiming Friday, March 16, 2001, to be "Tony Kilroy Day" at City Hall.

3/12/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010461 [Commendation]
Supervisors Newsom, Ammiano, Hall, Daly**

Resolution congratulating Sacred Heart Cathedral Preparatory girls basketball team on its win of Northern California Division III championship.

3/12/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**010462 [Special Assistant Employees]
Supervisor Peskin**

Hearing to address the growth of "Special Assistant" employees in the City and County of San Francisco.
3/12/01, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the April 4, 2001 meeting.

**010463 [Surplus Property for Housing]
Supervisor Ammiano**

Hearing on the use of federal, state, and local surplus property for much-needed housing as intended under the Federal McKinney Act, State Law SB-120 1992, and possible local legislation.
3/12/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010464 [Self-managed Shelters]
Supervisor Ammiano**

Hearing on Self-managed Shelters, a small, efficient and neighborhood-based means of providing essential services to our homeless population.
3/12/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010465 ["No Turn Away Policy," Homeless Families]
Supervisor Gonzalez**

Hearing to evaluate San Francisco's "No Turn Away Policy" in regards to homeless families which was passed by the Board of Supervisors in 1998 and to address ways which the City can support efforts to place families in permanent housing.
3/12/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**010467 [Contracting Procedures, Non-Profit Organizations]
Supervisor Maxwell**

Hearing to discuss how the City's contracting procedures with non-profit organizations can be more consistent across departments.
3/12/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

Motions**010469 [Library Fines and Fees]**

Hearing to consider additional information from the Library regarding the proposed ordinance amending the San Francisco Administrative Code to authorize the Library Commission to charge certain fines and fees for the use of library materials and services and ratifying prior fines and fees.

(March 12, 2001 - Pursuant to motion adopted by the Board, scheduled for consideration March 19, 2001. Companion measure to File 002067.)

3/12/01, ASSIGNED to Board of Supervisors. Pursuant to motion adopted in Board. Scheduled for consideration March 19, 2001, Special Order at 3:00 p.m.

**010468 [Women Making History]
Supervisor Ammiano**

Women Making History presentation.

3/12/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration as Special Order on March 19, 2001 at 3:00 p.m.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****010437 [Settlement of business tax lawsuits; authorization to make binding settlement offers; authorization to settle unlitigated claims]**

Ordinance authorizing settlement of the lawsuits filed by Eastman Kodak Company and General Motors Corporation versus the City and County of San Francisco by payment of a total amount not to exceed \$129,000, plus interest; the Eastman Kodak lawsuit was filed on April 22, 1999 in San Francisco Superior Court, Case No. 302983 (Court of Appeal No. A091910), entitled Eastman Kodak Company v. City and County of San Francisco; the General Motors lawsuit was filed on February 24, 1999 in San Francisco Superior Court, Case No. 301510 (Court of Appeal A091914), entitled General Motors Corporation v. City and County of San Francisco; the other materials terms of the settlements are that the settlements shall include any claims for the 2000 tax year, plaintiffs shall not file any claims for refunds otherwise due pursuant to any repeal of the gross receipts tax ordinance for the 2000 tax year, the plaintiffs shall agree to join in an application for a stipulated reversal of the trial court decisions pursuant to California Code of Civil Procedure Section 128; authorizing the City Attorney to make offers to allow judgment pursuant to California Code of Civil Procedure Section 998 in various business tax cases, for a total amount not to exceed \$62,888,917; and further authorizing settlement of unlitigated claims, for a total amount not to exceed \$718,871.

3/7/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

3/12/01, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

3/12/01, TRANSFERRED to Finance Committee.

- 010433 [Ordinance amendment to increase Consumer Protection License Fees]**
Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, and 249.1, relating to fees for licenses or permits for inspections by the Department of Public Health. (Public Health Department)
3/7/01, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 4/11/2001.

PROPOSED RESOLUTIONS

- 010400 [Placement of PVC pipes across Miramar Avenue at 1490 Ocean Avenue]**
Resolution granting revocable permission to Tosco to occupy a portion of the street area under Miramar Avenue for the purpose of installing and maintaining four (4) schedule 80 polyvinyl chloride pipe (PVC) as part of a recovery/clean up system. (Public Works Department)

(DPW Order No. 172,740.)
3/2/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.
- 010429 [Agreement, HIV Vaccine Clinical Trials]**
Resolution authorizing the San Francisco Department of Public Health, (SFDPH), subcontractor, to enter into an agreement in the amount of \$247,970 with Public Health Foundation Enterprises, Inc. (PHFE), primary contractor, to fund the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); retroactive to June 1, 2000. (Public Health Department)
3/6/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared at the March 27, 2001 meeting.
- 010436 [Federal grant for District Attorney's "Violence Against Women Vertical Prosecution" Program] Supervisor Newsom**

Resolution authorizing the District Attorney of the City and County of San Francisco to retroactively apply for, accept and expend funds made available through the Office of Criminal Justice Planning for a project entitled "Violence Against Women Vertical Prosecution" and waiving indirect costs due to funding constraints. (District Attorney)
3/7/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.
- 010438 [State grant to promote healthy eating at the local and regional levels]**
Resolution authorizing the Department of Public Health, Community Health Services, to accept retroactively and expend grant funds of \$25,000, from the California Department of Health Services for a Project LEAN Nutrition Network project and to enter into an agreement for the use of these funds; providing for ratification of action previously taken. (Public Health Department)
3/7/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.
- 010439 [Grant from the State Office of AIDS for a survey of young men residing in low-income neighborhoods]**
Resolution authorizing the Department of Public Health, AIDS Office, to accept retroactively and expend grant funds of \$50,000 from the State Office of AIDS for a survey of young low-income men and to enter into an agreement for the use of these funds; providing for ratification of action previously taken. (Public Health Department)
3/7/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

010442 [Bank ATM Fees]

Resolution criticizing the United States Comptroller of the Currency's proposed amendment to regulation 12 C.F.R. Section 7.4002(d), which would delete language requiring the Comptroller of the Currency to review National Bank Act preemption of state or local laws limiting national banks' non-interest fees on a case-by-case basis, and urging the Comptroller to withdraw the proposed change. (City Attorney)

3/6/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To expedite negotiations towards the safe and responsible re-opening of the Sierra Hotel. This 36-unit residential hotel was closed due to a quality-of-life lawsuit brought by the City Attorney. Previous negotiations with housing providers seeking to run the space have broken down.

From: Supervisor Ammiano

To: Chief Probation Officer, Juvenile Probation Department

Requesting/Inquiring: To investigate and report on the protocol in place to assist Juvenile Probation Officers and staff at the Youth Guidance Center around Gay & Lesbian, Queer and Questioning Youth Sensitivity issues.

From: Supervisor Gonzalez

To: Executive Director, Department of Parking and Traffic

Requesting/Inquiring: To conduct a traffic survey to assess the impact of placing a stop sign on the corner of Clayton and Hayes Streets.

Due: April 5, 2001.

In Memoriams

Edna Green (Supervisor Maxwell)

Gina Pennestri (Supervisor Newsom)

ADJOURNMENT

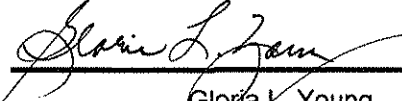
There being no further business, the Board at the hour of 4:10 p.m adjourned.

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 April 16, 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

