

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 18, 2002 2:00 PM

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

Regular meeting

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick

City and School District Committee

Supervisors Ammiano, Leno, Wynns, Mar

Finance Committee

Supervisors Peskin, Daly, Maxwell

Health and Human Services Committee

Supervisors Daly, Leno, Maxwell

Neighborhood Services and Recreation Committee

Supervisors Newsom, Leno, McGoldrick

Public Works and Public Protection Committee

Supervisors Sandoval, Yee, Gonzalez

Rules and Audits Committee

Supervisors Hall, Gonzalez, Sandoval

Transportation and Commerce Committee

Supervisors McGoldrick, Hall, Ammiano

Meeting Days

2nd, 3rd and 4th Tuesday
1:00 PM

3rd Wednesday
3:00 PM

Wednesday
12:30 PM

1st and 3rd Thursday
1:00 PM

2nd and 4th Thursday
2:00 PM

1st and 3rd Tuesday
10:00 AM

1st and 3rd Tuesday
1:00 PM

2nd and 4th Thursday
9:30 AM

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

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

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

Supervisors Maxwell, McGoldrick, Sandoval, Yee - 4.

Quorum present.

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

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

Supervisor Sandoval was noted present at 2:05 p.m.

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

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Gonzalez, moved to approve the January 28 and February 4, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Newsom, Peskin

Absent: 4 - Maxwell, McGoldrick, Sandoval, Yee

Privilege of the Floor

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

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

Introduction of Guests

Supervisor Hall introduced, welcomed and presented a Certificate of Honor to Sgt. Joe Hennon, New York City Police Department.

Supervisor Sandoval presented a commendation to Ken Harrison, San Francisco Sheriff's Department.

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.

There were none.

CONSENT AGENDA

Recommendation of the Finance Committee

020244 [Lease Agreement - Breda Transportation, Inc.]

Resolution approving a lease agreement with Breda Transportation, Inc. and the City and County of San Francisco operating by and through the San Francisco Port Commission for shed space, loading dock space and office space at Pier 80, San Francisco, California. (Port)

Resolution No. 180-02

ADOPTED

Recommendations of the Rules and Audits Committee

011741 [Catastrophic Sick Leave Ordinance]

Supervisors Ammiano, Sandoval

Ordinance repealing Section 16.9-29 of the San Francisco Administrative Code and replacing it with new Section 16.9-29A to authorize the transfer of vacation and sick leave credits to a pool of catastrophically ill employees and to individual catastrophically ill employees, and adding new Section 16.9-29B to authorize the transfer of vacation credits to individual employees with catastrophically ill family members.

Ordinance No. 34-02

FINALLY PASSED

011875 [Amendments to Conflict of Interest Code]

Ordinance amending Article III, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by adding Sections 3.1-168, 3.1-218, 3.1-423 and 3.1-424, amending Sections 3.1-109, 3.1-110, 3.1-170, 3.1-175, 3.1-215, 3.1-365, 3.1-410 and 3.1-435, and repealing Section 3.1-355 to update the list of designated officials who must file financial disclosure statements and to modify the applicable disclosure requirements. (City Attorney)

Ordinance No. 35-02

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules and Audits Committee

012088 [Appointment]

Resolution appointing Michael Garcia, term to be determined, to the Ethics Commission.

Michael Garcia, new position, seat 1, must be a representative of the general public, term to be determined. (Supervisor Sandoval dissenting in Committee.)

The Deputy City Attorney advised this matter should be acted upon by motion rather than a resolution.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Motion be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:

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

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

Recommendation of Transportation and Commerce Committee

001262 [Inclusionary Affordable Housing Program]
Supervisors Leno, Gonzalez, Maxwell, Peskin

Ordinance amending the San Francisco Planning Code to amend the variance provisions of Section 305, to add Sections 315 to 315.9 to establish requirements for all residential developments of 10 units or more to provide inclusionary housing units, and making findings.

(Supervisor Hall dissenting in Committee.)

Supervisor McGoldrick moved to amend on Page 29, line 25, delete "solely"; after "to" insert "(1)"; on Page 30 line 1, replace "subjection" with "subject"; Page 30, line 1, after "Section" insert "and (2) pay the expenses of the Mayor's Office of Housing in connection with monitoring and administering compliance with the requirements of the Program. Monitoring and administrative expenses shall be appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing."

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

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

Supervisor Daly moved to amend on Page 34, line 23 after "housing" add "The Mayor's Office of Housing shall also study the cost of developing market-rate housing and the market price for sale and rental of such housing. Based on this data, the Mayor's Office of Housing shall determine the median and average profit margins for developers of for-profit housing. The Mayor's Office shall also make a determination whether levels of affordability can be increased pursuant to Finding J."

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

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

Supervisor Leno moved to amend on Page 15, line 5 replace "city" with "City".

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

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

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

The roll was then called on the pending ordinance as amended.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance Committee

- 020051 [Amending Article 2.4 of the Public Works Code and Sections 10-100.230 and 11.9 of the Administrative Code Concerning Excavation in the Public Right-of-Way; Proposed Increases in Certain Fees]**
Supervisors Peskin, Maxwell

Ordinance amending Sections 2.4.2, 2.4.4, 2.4.10, 2.4.20.1, 2.4.20.2, 2.4.20.3, 2.4.23, 2.4.40, 2.4.41, 2.4.42, 2.4.45, 2.4.46, 2.4.50, 2.4.53, 2.4.55, 2.4.70, 2.4.80, 2.4.81, 2.4.83, and 2.4.85 of Article 2.4 of the Public Works Code, adding Sections 2.4.20.4 to Article 2.4 of the Public Works Code, and amending Sections 10.100-230 and 11.9 of the Administrative Code to modify and adopt new definitions; modify and adopt new procedures for permit application submission, permit conditions, and permit modifications; modify fees for administration of permit applications and inspection of excavations; provide for a report to the Board of Supervisors about such fees; create a process for inspection fee refunds; modify procedures for assessing penalties; establish a utility conditions permit fee; and make technical conforming amendments. (Public Works Department)

(Companion measure to Files 020133, 020134.)

PASSED ON FIRST READING by the following vote:

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

- 020133 [Funding to improve services of the Street Construction Coordination Center]**
Supervisors Peskin, Maxwell

Ordinance appropriating \$66,255 from Excavation Fees to increase services of the Street Construction Coordination Center for the Public Works Department for fiscal year 2001-02. (Public Works Department)

(Companion measure to Files 20051 and 020134.)

PASSED ON FIRST READING by the following vote:

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

- 020134 [Public Employment]**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of four positions at the Department of Public Works. (Human Resources Department)

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

020246 [Safety Retirement]

Resolution implementing MOU provision and authorizing an amendment to correct an error in the contract between the Board of Administration of the Public Employees' Retirement System and the Board of Supervisors of the City and County of San Francisco. (Human Resources Department)

Resolution No. 181-02

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**020391 [Women's History Month]**

Supervisor Ammiano

Women's History Month Recognition Ceremony.

The 2002 Women Making History Honorees are:

*Josse Andrei, honored by Supervisor Gonzalez;
Sasha Bitner, honored by Supervisor Ammiano;
Irene A. Crescio, honored by Supervisor Maxwell;
Tho T. Do, honored by Supervisor McGoldrick;
Minnie Goldrath, honored by Supervisor Sandoval;
Norma Hotaling, honored by Supervisor Newsom;
Jean Kortum, honored by Supervisor Peskin;
Jane Kwong, honored by Supervisor Yee;
Andrea R. Martin, honored by Supervisor Leno;
Judith Terracina, honored by Supervisor Hall;
Doris Ward, honored by Supervisor Daly.*

FILED.

PUBLIC COMMENT

*Abdallah Megahed, advocating for the homeless;
Gerald, Local 37;
Francisco Naverro, Francisco Rosales, Male speaker, janitors;
Male speaker, homeless;
Julia Roth, problem of homelessness;
Leeshai Lamish, Female speaker, Chun Lee, supporting Falun Gong;
Eunice Booker, lien against house, minor code violation removal;
Rev. J. D. Benson, homelessness;
Joshua Kaufman, lack of money is not a crime;
Dennis Senatee, homeless, subsidized housing;
James Chaffee, San Francisco Library Foundation;
Rev. Mackwitter Green, homeless.*

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

020321 [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 lawsuits involving challenges to the City's Minority/Women/Local Business Utilization Program:

Coral Construction, Inc. v. San Francisco
San Francisco Superior Court No. 319549
Date Filed: 9/12/00

San Francisco v. Scott
Santa Clara County Superior Court, No. 787-323
Date Filed: 9/21/99 (City Attorney)

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

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

Recess

The Board recessed at the hour of 5:17 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 5:33 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee - 10.

Noted absent: Supervisor McGoldrick -1.

Quorum present.

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 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:

Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee;
Deputy City Attorneys Randy Riddle, Mara Rosales, Ted Lakey;
Gloria L. Young, Clerk of the Board;
Gregoire Hobson, Deputy Clerk.

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

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

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.

**020394 [Commend - Delancey Street Foundation]
Supervisors Sandoval, Daly, Newsom**

Resolution commending Delancey Street Foundation on their 30-year anniversary of service to the community.
Supervisors Daly, Newsom requested to be added as co-sponsors.

Resolution No. 182-02

ADOPTED

**020421 [Positive Pedaler Day]
Supervisor Ammiano**

Resolution declaring March 20, 2002 "Positive Pedaler Day" in San Francisco.

Resolution No. 184-02

ADOPTED

**020422 [SFSKIDS.com Day]
Supervisor Ammiano**

Resolution declaring March 14, 2002 "SFSKIDS.com Day" in San Francisco.

Resolution No. 185-02

ADOPTED

**020425 [Senate Bill 1528]
Supervisor Newsom**

Resolution urging the State Legislature to adopt Senate Bill 1528 introduced by Senator Edward Vincent, relating to an act to amend Section 22435.7 of the Business and Professions Code, relating to shopping carts.

Resolution No. 186-02

ADOPTED

**020428 [Commend - Youth Leadership Institute]
Supervisors Leno, Newsom**

Resolution commending the Youth Leadership Institute on its 10th Anniversary.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 189-02

ADOPTED

**020429 [Commend - Out in the Cold]
Supervisors Leno, Newsom**

Resolution commending the directors, producers and sponsors of "Out in the Cold," a documentary film about runaway gay, lesbian, bisexual and transgender youth in America.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 190-02

ADOPTED

**020433 [Commend - Miss Teen Chinatown]
Supervisors Sandoval, Newsom**

Resolution commending the Miss Teen Chinatown Contest on April 6, 2002.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 179-02

ADOPTED

020396 [Final Map for a 11 Unit Mixed Use Condominium Project]

Motion approving Final Map of 3365 20th Street, a Mixed Use Condominium Project, being a subdivision of Lot 33, Assessor's Block No. 3611, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,428; District 9.)

Motion No. M02-43

APPROVED

020397 [SF Youth Commission and two City staff members attendance at the Global Youth Service Day event in Taiwan]

Motion authorizing the attendance of three members of the San Francisco Youth Commission, and two City staff members, at the April 26-28, 2002, Global Youth Service Day event in Taiwan. (Clerk of the Board)

Motion No. M02-44

APPROVED

020403 [Needle Exchange Emergency]

Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

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

Motion No. M02-45

APPROVED

020423 [Audit, Affordable Housing and Homeownership Bond Program]

Supervisor Newsom

Motion directing the Budget Analyst to prepare an audit of the \$100 Million authorized by the voters in November of 1996 under the Affordable Housing and Homeownership Bond Program, otherwise known as Proposition A.

Motion No. M02-46

APPROVED

020436 [Budget Analyst Review of November 1996's Proposition A]

Supervisor Hall

Motion requesting that the Budget Analyst undertake an expedited review of November 1996's Proposition A by auditing already expended and/or committed funds.

Motion No. M02-48

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed From For Adoption Without Committee Reference

020376 [Performance Audit Schedule]
Supervisor Hall

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Supervisor Ammiano requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.

Supervisor Ammiano moved to amend on Page 1, line 23, after "progress" insert "best practices for hiring and contracting to carry out the Public Utilities Commission Capital Improvement Program, including current obstacles to expedite hiring".

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

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

Supervisor Hall moved to amend on Page 2, line 3, after "Controls" insert "November 1996 Proposition A".

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

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

Motion No. M02-42

APPROVED AS AMENDED by the following vote:

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

020417 [SEIU Local 1877 Janitors]
Supervisors Sandoval, Daly

Resolution urging San Francisco International Airport (SFO) to retain approximately 50 SEIU Local 1877 janitors responsible for the cleaning and maintenance of SFO parking garages.

Supervisor Sandoval requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 183-02

ADOPTED by the following vote:

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

**020426 [Appointment - Regional Aviation Work Group]
Supervisor Peskin**

Resolution appointing Supervisor Jake McGoldrick to the Federal Aviation Administration (FAA) sponsored Regional Aviation Work Group, and appointing Supervisor Aaron Peskin as his alternate. This Work Group will advise the FAA Office of System Capacity with a comprehensive assessment of commercial air traffic routes and procedures and resulting environmental effects on the Bay Area.

Supervisor Peskin requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.

Supervisor Sandoval, seconded by Supervisor Leno, moved to excuse Supervisors McGoldrick and Peskin from voting on this item.

There being no objection, the motion to excuse Supervisors McGoldrick and Peskin from voting was adopted.

The roll was then called on the pending resolution.

Resolution No. 187-02

ADOPTED by the following vote:

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

**020427 [Dept. of Elections to Rectify Shortcomings]
Supervisors Yee, Gonzalez, Peskin**

Resolution directing the Department of Elections to rectify shortcomings in the Electoral Process made evident in the March 5 Primary Elections, and to report its plans and timetable for rectification of these shortcomings to the Board of Supervisors.

Supervisor Gonzalez requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.

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

Resolution No. 188-02

ADOPTED by the following vote:

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

**020435 [Budget Analyst - Best Practices for Issuance of Debt for Capital Improvements]
Supervisor Ammiano**

Motion directing the Board of Supervisors Budget Analyst, in conjunction with the Office of the Legislative Analyst, to review the best practices for financing large capital improvement projects at municipal utilities in the State of California and at state agencies performing similar utility construction projects; directing the Budget Analyst, in consultation with the Mayor's Office of Public Finance, to interview analysts at bond rating agencies to determine the outlook for the San Francisco Public Utilities Commission ("PUC") bond ratings for the Water and Clean Water enterprises, and to determine recommended steps to improve bond ratings for the water and sewer enterprises; directing the Budget Analyst to calculate potential savings in potential interest payments for the PUC's proposed capital improvement program if bond ratings for the Water and Clean Water enterprises increase to their former levels; and directing the Budget Analyst to report back to the Board of Supervisors by May 31, 2002.

Supervisor Ammiano requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.

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

President Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

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

Motion directing the Board of Supervisors Budget Analyst, in conjunction with the Office of the Legislative Analyst and the San Francisco Public Utilities Commission ("PUC"), to review the best practices for financing large capital improvement projects at municipal utilities in the State of California and at state agencies performing similar utility construction projects; directing the Budget Analyst, in consultation with the Mayor's Office of Public Finance and the PUC, to interview analysts at bond rating agencies to determine the outlook for PUC bond ratings for the Water and Clean Water enterprises, and to determine recommended steps to improve bond ratings for the water and sewer enterprises; directing the Budget Analyst to calculate potential savings in potential interest payments for the PUC's proposed capital improvement program if bond ratings for the Water and Clean Water enterprises increase to their former levels; and directing the Budget Analyst to report back to the Board of Supervisors by May 31, 2002.

Motion No. M02-47

APPROVED AS AMENDED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**011575 [Rent Ordinance Amendments]
Supervisor Daly**

Ordinance amending the Rent Ordinance (Administrative Code Chapter 37, Residential Rent Stabilization and Arbitration Ordinance) by amending Sections 37.9B and 37.10A to provide additional protections to tenants, and to conform to state law regarding misdemeanor violations, as follows: (1) Require the Rent Board to record owner move-in eviction notices with the County Recorder; (2) Require any eviction notice to be in writing and filed with the Rent Board; (3) Subject vacated units to the future use restrictions stated in the Rent Ordinance, regardless of any agreement made between the landlord and the vacating tenant; (4) Require a tenant to be represented by independent counsel in a judicially supervised settlement agreement, in order to waive any tenant rights under the Rent Ordinance; (5) Prohibit settlement agreement clauses that bar an evicted tenant from cooperation with a governmental investigation or proceeding; (6) Require the seller of a property to give written notice to the buyer disclosing the reason for the most recent termination of tenancy for every residential unit to be delivered vacant at the close of escrow; and (7) Conform misdemeanor provisions to state law (\$1,000 fine plus possible imprisonment in County Jail for up to six months).

8/27/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

2/1/02, TRANSFERRED to Health and Human Services Committee. New committee structure.

3/18/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance, approved as to form, bearing same title.

3/18/02, ASSIGNED to Health and Human Services Committee.

**020197 [Golf Fund]
Supervisors Hall, Daly**

Ordinance amending Chapter 10, Article XIII of the San Francisco Administrative Code by adding Section 10.100-256 thereto, establishing a San Francisco Recreation and Parks Golf Fund.

2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

3/18/02, SUBSTITUTED. Supervisor Hall submitted a substitute ordinance bearing same title.

3/18/02, ASSIGNED to Finance Committee.

**020443 [Requirements for Automatic Sprinklers in Residential Hotels]
Supervisor Newsom**

Ordinance amending the San Francisco Fire Code Section 9001.1.3 and the San Francisco Housing Code Section 904 to modify the requirements regarding installation of automatic sprinkler systems in residential hotels, as defined in the ordinance; providing findings as to local conditions pursuant to the California Health and Safety Code; and making this Ordinance retroactive to June 30, 2002.

3/18/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 4/17/2002. 3/25/02, Referred to Building Inspection Commission.

4/24/02, Letter from BIC recommending approval of the ordinance.

**020444 [Secondary Units]
Supervisor Peskin**

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

3/18/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/17/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

Resolutions

**020445 [Sale of Real Property]
Supervisor Maxwell**

Resolution authorizing and approving the transfer of the real property located in the City of San Francisco by and between the City and County of San Francisco, for the Department of Public Health, as Seller, and Visitation Valley Community Center, Inc., as Buyer; authorizing and approving the conveyance of the real property located at Assessor's Block 6237, Lots 009 through 013, commonly known as 50 Raymond Avenue; adopting findings that such conveyance is consistent with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1; and adopting findings that such conveyance is categorically exempt from compliance with the California Environmental Quality Act.

3/18/02, RECEIVED AND ASSIGNED to Finance Committee.

**020446 [Mission District Interim Controls]
Supervisor McGoldrick**

Resolution amending the Mission District Interim Controls by amending subsection (a) to allow a "community service" office use in areas zoned M-1 and M-2 in the area bounded by Guerrero Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway and to amend the definition of "community service" to include a nonprofit labor organization.

(Certificate of Exemption/Exclusion from Environmental Review dated 4/23/02)

3/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 3/22/02 - Transmitted to Director of Planning for environmental review.

**020447 [Congestion Pricing Program]
Supervisors Sandoval, Gonzalez, Daly, McGoldrick, Peskin**

Resolution urging the Legislature of the State of California or, in the alternative, the nine Bay area counties that compose the Metropolitan Transportation Commission to pass legislation establishing a congestion pricing program for the San Francisco-Oakland Bay Bridge.

3/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020448 [California Debt Limit Allocation Committee]
Mayor**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates. (Mayor)

3/18/02, RECEIVED AND ASSIGNED to Finance Committee.

**020449 [April 2002 IHSS Public Authority Awareness Month]
Supervisors Ammiano, Sandoval, McGoldrick, Daly, Peskin**

Resolution declaring April 2002, IHSS Public Authority Awareness and Registration for Services of Latino Consumers and Worker Opportunities Month.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020450 [March 2002 Professional Social Work Month]
Supervisors Ammiano, McGoldrick, Daly, Peskin**

Resolution proclaiming the Month of March 2002 Professional Social Work Month and further to call upon all Californian's to join with the social work profession in support of appropriate programs, ceremonies, and activities designed to achieve its goals.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020451 [Honoring Deputy Sheriff Kenneth Harrison]
Supervisors Ammiano, Hall, Peskin, Newsom**

Resolution honoring Deputy Sheriff Kenneth Harrison for successfully completing his satellite assignment at City Hall and furthermore proclaiming March 18, 2002 Deputy Kenneth Harrison Day in the City and County of San Francisco.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020452 [National and State Housing Efforts]
Supervisors Daly, Peskin**

Resolution supporting national and state housing efforts identified at the San Francisco Summit on Homelessness, and urging swift action.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020453 [Proposition B Implementation Plan Date]
Supervisors Leno, Daly, Peskin, Newsom**

Resolution urging the San Francisco Public Utilities Commission to complete its implementation plan of Propositions B and H by April 15, 2002.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020454 [Passage of SB 1856]
Supervisors Leno, McGoldrick, Daly, Peskin**

Resolution urging the California State Legislature to pass SB 1856, the California High-Speed Passenger Train Bond Act of 2002.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020455 [Musee Mecanique]
Supervisors Newsom, McGoldrick, Hall, Peskin**

Resolution urging the National Park Service to find a sufficient alternative location for Musee Mecanique until renovations are complete at the Cliff House.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020456 [Commend - Phoenix Streets]
Supervisor Gonzalez**

Resolution commending San Francisco Deputy Public Defender Phoenix Streets.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020457 [Commend - Lake Merced Stakeholders]
Supervisors Hall, Newsom**

Resolution commending the San Francisco Public Utilities Commission, the City of Daly City, the Olympic Club, the Lake Merced Golf and County Club, and the San Francisco Golf Club for their work in finalizing landmark agreements that have set in motion a plan to restore Lake Merced.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020458 [Commend - Delancey Street Foundation]
Supervisors Leno, Daly, Newsom**

Resolution commending the Delancey Street Foundation on its 30th anniversary and commending Executive Director Mimi Silbert on the occasion of her 60th birthday.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020459 [Commend - National Professional Social Workers Month]
Supervisors Maxwell, Daly**

Resolution commending the recognition of National Professional Social Worker Month.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020460 [Commend - J. Weldon Smith]
Supervisor Newsom**

Resolution commending J. Weldon Smith on his retirement after serving 15 years as Director of the Museum of Craft and Folk Art.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020286 [State grant for renovation of Harding Park and Fleming Golf Courses]
Supervisors Hall, Daly**

Resolution authorizing the City and County of San Francisco to accept and expend State grant funds under the Per Capita Grant Program, in the amount of \$8,111,000, and under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program Block Grant, in the amount of \$5,016,627, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

2/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

2/20/02, TRANSFERRED to Finance Committee.

3/18/02, SUBSTITUTED. Supervisor Hall submitted a substitute resolution bearing same title.

3/18/02, ASSIGNED to Finance Committee.

**020201 [PGA Tour Championship at Harding Park Golf Course]
Supervisor Hall**

Resolution approving and authorizing a Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

2/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

2/20/02, TRANSFERRED to Finance Committee.

3/18/02, SUBSTITUTED. Supervisor Hall submitted a substitute resolution bearing same title.

3/18/02, ASSIGNED to Finance Committee.

Requests for Hearing

**020461 [Draft 311 and Customer Relationship Management Proposal]
Supervisor Newsom**

Hearing to discuss the draft copy of the 311 and Customer Relationship Management Proposal as presented by the Emergency Communications Department and the Department of Telecommunications and Information Services.

3/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020462 [Area Median Income Statistics]
Supervisor Gonzalez**

Hearing related to Area Median Income statistics produced by the U.S. Department of Housing and Urban Development for the purpose of determining qualifications for federal, state, and local housing programs; the inaccuracy of these statistics in illustrating accurate income levels in San Francisco; and whether the City and County of San Francisco can better set area median income levels for use in determining income qualifications of housing programs.

3/18/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Motions

**020463 [Extending Budget Analyst agreement for two years (through 2005)]
Supervisor Ammiano**

Motion approving an Agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") for two years (January 1, 2004 through December 31, 2005) with three additional two-year options for extension being given to the City (for a total possible term of eight years, through December 31, 2011), at an annual cost of \$2,090,339, as may be adjusted annually.

(Fiscal impact.)

3/18/02, RECEIVED AND ASSIGNED to Finance Committee.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

020323 [Amending the San Francisco Fire Code to increase fees for services]

Ordinance amending Section 106 of the San Francisco Fire Code to increase Fees for Fire Department Services, to become operative on its effective date or on July 1, 2002 whichever is later. (Fire Department)

3/8/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 4/17/2002.

**020390 [Administrative Code Revision: Health Service System]
Supervisor McGoldrick**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Human Resources Department)

(Fiscal impact.)

3/11/02, RECEIVED AND ASSIGNED to Finance Committee.

PROPOSED RESOLUTIONS**020388 [Contracting out Janitorial Services]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees. (Parking and Traffic Department)

3/13/02, RECEIVED AND ASSIGNED to Finance Committee.

020400 [Grant - Resident Opportunities and Self Sufficiency (ROSS)]

Resolution authorizing the Department of Human Services to retroactively accept and expend a grant in the amount of \$400,000 from the San Francisco Housing Authority to provide construction related apprenticeship activities to San Franciscans residing in San Francisco Housing Authority developments. (Human Services Department)

3/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020395 [Gift - SF Public Library]

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of \$150,100 from the Friends and Foundation of the San Francisco Public Library for the Ocean View Art Project and for the James C. Hormel Gay and Lesbian Center. (Public Library)

3/13/02, RECEIVED AND ASSIGNED to Finance Committee.

PROPOSED MOTIONS**020392 [Webpage Enhancement and Maintenance for the Board of Supervisors]**

Supervisor Sandoval

Motion amending Rules of Order of the Board of Supervisors by adding Rule 6.22, which will direct the Clerk of the Board of Supervisors to provide and maintain enhancements to the Webpage of the Board of Supervisors, and allow individual Supervisors privately to maintain a linked Webpage to be used in furtherance of the conduct of the City's business.

3/13/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Requests Granted

From: Supervisor Ammiano

To: City Attorney

Requesting/Inquiring: To review the proposed Charter Amendment establishing a Municipal Water and Power Agency and the draft Electricity Resource Plan to provide advice as to how the proposed measure could be amended to meet the goals of the proposed Plan.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation which would amend the Elections Code to require that the San Francisco Voter's Handbook identify the authors of local ballot measures if they are sponsored by the Board of Supervisors.

From: Supervisor McGoldrick

To: Director, Redevelopment Agency

Requesting/Inquiring: To prepare a report analyzing the effect on the Agency's effectiveness in carrying out its mission of Supervisor Daly's proposal for restructuring the Agency and its Commission.

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To investigate and report on the feasibility of a 4-way stop sign at the intersection of Madrid and Brazil Streets.

In Memoriams

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

Thomas French (Supervisor Newsom)

Judy Hoosman (Supervisor Maxwell)

ADJOURNMENT

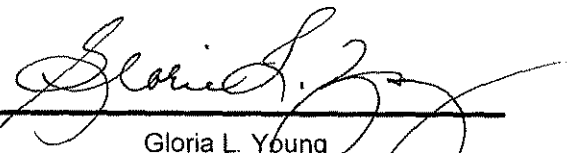
There being no further business, the Board at the hour of 5:35 p.m. adjourned.

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 May 20, 2002.

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



Gloria L. Young
Clerk of the Board