

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, May 7, 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
10:00 AM

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, 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 - 3.

Quorum present.

Supervisor Maxwell was noted present at 2:00 p.m.

Supervisor McGoldrick was noted present at 2:00 p.m.

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

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor McGoldrick, moved to approve the March 19, 2001 Meeting Minutes. The motion carried by the following vote:

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

Privilege of the Floor

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

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

Introduction of Guests

Supervisor Yee introduced, welcomed and presented a commendation to Millie Valdes on the occasion of her retirement from the Mayor's Office of Neighborhood Services. She has served under Mayor Frank Jordan, Art Agnos and Willie L. Brown, Jr. for a total of 26 years of service to the City and County of San Francisco.

CONSENT AGENDA

Recommendations of the Audit, Labor and Government Efficiency Committee

010552 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Yvette Augmon, et al. against the City and County of San Francisco for \$103,000.00; the lawsuit was filed on October 29, 1999 in United States District Court, Case No. C99-4779 MMC; entitled Yvette Augmon et al. v. City and County of San Francisco. (City Attorney)

Ordinance No. 77-01
FINALLY PASSED

010556 [MOU Amendment No. 2 - Carpenters, Local 22]

Supervisor Newsom

Ordinance implementing Amendment No. 2 to the 1997-2001 Memorandum of Understanding between the Carpenters, Local 22 and the City and County of San Francisco by adding a new section to Article III.E. Additional Compensation which provides for the pass-through of State of California funds to certain represented classes working at Skilled Nursing Facilities. (Human Resources Department)

Ordinance No. 78-01
FINALLY PASSED

010557 [MOU Amendment No. 2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

Supervisor Newsom

Ordinance implementing Amendment No. 2 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 by adding a new section to Article III.E. Additional Compensation which provides for the pass-through of State of California funds to certain represented classes working at Skilled Nursing Facilities. (Human Resources Department)

Ordinance No. 79-01
FINALLY PASSED

010558 [MOU Amendment No. 5 - Laborers International Union, Local 261]

Supervisor Newsom

Ordinance implementing Amendment No. 5 to the 1997-2001 Memorandum of Understanding between the Laborers International Union, Local 261 and the City and County of San Francisco by adding a new section to Article III.E. Additional Compensation which provides for the pass-through of State of California funds to certain represented classes working at Skilled Nursing Facilities. (Human Resources Department)

Ordinance No. 80-01
FINALLY PASSED

**010559 [MOU Amendment No. 2 - International Union of Operating Engineers Stationary Engineers, Local 39]
Supervisor Newsom**

Ordinance implementing Amendment No. 2 to the 1998-2001 Memorandum of Understanding between the International Union of Operating Engineers Stationary Engineers, Local 39 and the City and County of San Francisco by adding a new section to Article III.C. Special Pay Provisions which provides for the pass-through of State of California funds to certain represented classes working at Skilled Nursing Facilities. (Human Resources Department)

**Ordinance No. 81-01
FINALLY PASSED**

**010560 [MOU Amendment No. 1 - Painters Union District Council #8, Local 4]
Supervisor Newsom**

Ordinance implementing Amendment No. 1 to the 1997-2001 Memorandum of Understanding between the Painters Union District Council #8 for Local 4 and the City and County of San Francisco by adding a new section to Article III.E. Additional Compensation which provides for the pass-through of State of California funds to certain represented classes working at Skilled Nursing Facilities. (Human Resources Department)

**Ordinance No. 82-01
FINALLY PASSED**

**010562 [MOU Amendment No. 4 - International Brotherhood of Electrical Workers, Local 6]
Supervisor Newsom**

Ordinance implementing Amendment No. 4 to the 1997-2001 Memorandum of Understanding between the International Brotherhood of Electrical Workers, Local 6 and the City and County of San Francisco by adding a new section to Article III.E. Additional Compensation which provides for the pass-through of State of California funds to certain represented classes working at Skilled Nursing Facilities. (Human Resources Department)

**Ordinance No. 83-01
FINALLY PASSED**

**010565 [MOU, Bricklayers, Local 3 and Hod Carriers, Local 36]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Bricklayers, Stone Masons, Terrazo Mechanics, Marble Masons, Pointers, Caulkers and Cleaners, Local 3 and Hod Carriers, Local 36 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 84-01
FINALLY PASSED**

010566 [MOU, Building Inspectors (Classes 6331 and 6333)]
Mayor, Supervisor Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the Building Inspectors' Association and the City and County of San Francisco (for Class 6331, Building Inspector and Class 6333, Senior Building Inspector) to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 85-01
FINALLY PASSED

010567 [MOU, Building Inspector (Class 6334)]
Mayor, Supervisor Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the Building Inspectors' Association and the City and County of San Francisco (for Class 6334, Chief Building Inspector) to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 86-01
FINALLY PASSED

010568 [MOU, Carpenters, Local 22]
Mayor, Supervisor Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the Carpenters, Local 22 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 87-01
FINALLY PASSED

010569 [MOU, Cement Masons, Local 580]
Mayor, Supervisor Newsom

Ordinance adopting and implementing the Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 88-01
FINALLY PASSED

**010571 [MOU, Glaziers, Local 718]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Glaziers, Architectural Metal and Glass Workers, Local 718 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 89-01
FINALLY PASSED**

**010572 [MOU, International Alliance of Theatrical Stage Employees, Local 16]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the International Alliance of Theatrical Stage Employees, Local 16 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 90-01
FINALLY PASSED**

**010573 [MOU, Institutional Police Officers' Association]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the San Francisco Institutional Police Officers' Association and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 91-01
FINALLY PASSED**

**010574 [MOU, Ironworkers, Local 377]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the International Association of Bridge, Structural Ornamental, Reinforced Iron Workers, Riggers and Machinery Movers, Local 377 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 92-01
FINALLY PASSED**

**010575 [MOU, Laborers, International Union, Local 261]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Laborers International Union, Local 261 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 93-01

FINALLY PASSED

**010576 [MOU, Operating Engineers, Local 3]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 94-01

FINALLY PASSED

**010577 [MOU, Painters, Local 4]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Painters Union District Council #8 for Local 4 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 95-01

FINALLY PASSED

**010578 [MOU, Pile Drivers, Local 34]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local 34 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

Ordinance No. 96-01

FINALLY PASSED

**010579 [MOU, Plasterers' and Shophands', Local 66]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Plasterers' and Shophands', Local 66 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 97-01
FINALLY PASSED**

**010580 [MOU, Plumbers, Local 38]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local #38 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 98-01
FINALLY PASSED**

**010581 [MOU, Roofers, Local 40]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the United Union of Roofers, Waterproofers and Allied Workers, Local 40 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 99-01
FINALLY PASSED**

**010582 [MOU, Sheet Metal Workers, Local 104]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Sheet Metal Workers International Union, Local 104 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 100-01
FINALLY PASSED**

**010583 [MOU, Stationary Engineers, Local 39]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the International Union of Operating Engineers, Stationary Engineers, Local 39 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 101-01
FINALLY PASSED**

**010584 [MOU, Supervising Probation Officers, Local 3]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between Operating Engineers, Local 3 Bargaining for Supervising Probation Officers and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 102-01
FINALLY PASSED**

**010585 [MOU, Teamsters, Local 350]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Sanitary Truck Drivers and Helpers, Teamsters, Local 350 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 103-01
FINALLY PASSED**

**010586 [MOU, Teamsters, Local 853]
Mayor, Supervisor Newsom**

Ordinance adopting and implementing the Memorandum of Understanding between the Teamsters, Local 853 and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003.

(Fiscal impact.)

**Ordinance No. 104-01
FINALLY PASSED**

**010587 [MOU, Unrepresented Employees]
Mayor, Supervisor Newsom**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in classes not represented by an employee organization, and establishing Working Schedules and Conditions of Employment and Methods of Payment, effective July 1, 2001.

(Fiscal impact.)

**Ordinance No. 105-01
FINALLY PASSED**

010611 [Settlement of Lawsuit]

Ordinance authorizing settlement of all claims against the City and County of San Francisco in a lawsuit filed by Lupe Cortez for \$30,000. The lawsuit was filed on November 19, 1999, in Superior Court, Case No. 308-016, entitled Lupe Cortez, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are that defendants Hawk Ling Lou and the Ketty F. Lou Revocable Trust will settle plaintiff's claims against them in this matter also for \$30,000. (City Attorney)

**Ordinance No. 106-01
FINALLY PASSED**

010612 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Carolyn L. Stowers against the City and County of San Francisco for \$77,000; the lawsuit was filed on April 14, 1999 in the United States District Court, Northern District of California; Case No. C99-1857-VRW; entitled Carolyn L. Stowers, et al.; v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 107-01
FINALLY PASSED**

Recommendations of the Finance Committee

**010550 [Appropriation, funding for a new facility for Extended Opportunity Program and Services]
Supervisors Gonzalez, Newsom, Leno, Sandoval**

Ordinance appropriating \$700,000 of interest earned from 1997A General Obligation Bond Issue for Education to fund the construction of a new facility for the Extended Opportunity Program and Services (EOPS) for the San Francisco Community College for fiscal year 2000-01. (Controller)

(Fiscal impact.)

Supervisor Newsom requested to be added as co-sponsor.

**Ordinance No. 75-01
FINALLY PASSED**

**010551 [Appropriation, funding for modification, maintenance and repair at the Main Library]
Supervisor Leno**

Ordinance appropriating \$1,408,983 for modification, maintenance, and repair of the Main Library as recommended by the January 2000 Post Occupancy Evaluation (POE) Report for the Public Library for fiscal year 2000-01; placing \$300,000 on reserve. (Controller)

(Fiscal impact.)

Supervisor Leno requested to be added as sponsor.

Ordinance No. 76-01

FINALLY PASSED

**010618 [Appropriation, funding for Homeless Prenatal Program for Fiscal Year 2000-01.]
Supervisors Gonzalez, Sandoval, Newsom, Daly**

Ordinance appropriating \$60,000 from the General Fund Reserve to support the Homeless Prenatal Program in order to provide housing placement services for the homeless, through the Department of Human Services for fiscal year 2000-2001.

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

Ordinance No. 108-01

FINALLY PASSED

**010620 [Interdepartmental Jurisdictional Transfer]
Supervisors Peskin, Gonzalez, Daly, Leno, Newsom, Sandoval**

Ordinance transferring jurisdiction over certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, excluding the subsurface thereof, and a portion of Block 203, Lot 14, from the Department of Public Works to the Recreation and Park Commission; and providing that no building, improvement or structure may be constructed on the surfaces of such parcels and adjoining Assessor's Block 202, Lot 18.

Supervisors Daly, Leno, Newsom, Sandoval requested to be added as co-sponsor.

Ordinance No. 109-01

FINALLY PASSED

010654 [Lease of City-owned land to S.J. Amoroso Properties]

Resolution authorizing a ten year lease of Public Utilities Commission land between the City and County of San Francisco and S. J. Amoroso Properties, in Santa Clara County. (Public Utilities Commission)

Resolution No. 364-01

ADOPTED

Recommendation of the Housing, Transportation and Land Use Committee

010670 [Grant, State Transportation Improvement Program]
 Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$500,000 from the California Transportation Commission's State Transportation Improvement Program (STIP) for the Illinois Street Intermodal Bridge over Islais Creek, and foregoing the reimbursement of indirect costs. (Port)

Resolution No. 345-01
 ADOPTED

Recommendation of Rules Committee

002065 [Asthma Task Force]
 Supervisors Maxwell, Leno, Newsom

Ordinance amending Chapter 19A of the San Francisco Administrative Code by adding Article II to establish an Asthma Task Force.

Ordinance No. 72-01
 FINALLY PASSED

The foregoing items were acted upon by the following vote:
 Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

010814 [Findings for the Tentative/Parcel Map Appeal for 692-696 De Haro Street]
 Motion adopting findings related to the appeal of the decision of the Director of Public Works approving a Tentative/Parcel Map to legalize a proposed subdivision creating three lots in Assessor's Block 4031, Lot 26, at 692-696 De Haro Street. (Clerk of the Board)

(Companion measure to Files 010661, 010662, 010663, 010664.)

Motion No. M01-58
 APPROVED by the following vote:
 Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendations of the Finance Committee**002196 [Information on general advertising sign]
Supervisors Leno, Peskin, Gonzalez**

Ordinance amending the San Francisco Planning Code by adding Section 604.1 to require general advertising signs to bear the name of the sign company, permit number and permitted sign dimensions, requiring existing signs to comply within twelve months with one six-month extension, providing for an identifying number in lieu of the permit number for a sign that existed in its current location on or before the Planning Department's May/June 1966 general advertising sign inventory volumes, and establishing an additional penalty of \$1,000 a day for providing knowingly false, inaccurate or misleading information on the sign.

From Planning Commission Resolution No. 16112 adopted 3/15/01 recommending adoption of the proposed ordinance. Certificate of Determination of Exemption/Exclusion from Environmental Review dated 02/02/01.

Supervisor Yee, seconded by Supervisor Daly, moved to refer this matter back to the Planning Commission and the Housing, Transportation and Land Use Committee.

Motion failed adoption by the following vote:

Ayes: 5 - Supervisors Daly, Gonzalez, Hall, Sandoval, Yee

Noes: 6 - Supervisors Ammiano, Leno, Maxwell, McGoldrick, Newsom, Peskin

Ordinance No. 73-01

FINALLY PASSED by the following vote:

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

**001391 [Enforcement of Sign Regulations]
Supervisors Leno, Peskin, Gonzalez**

Ordinance amending the San Francisco Planning Code by amending Section 176 and adding Section 610 to substantially increase the penalties for violation of regulations governing general advertising signs; amending Article XIII of the San Francisco Administrative Code to add Section 10.100-166 to establish a Planning Code Enforcement Fund and authorize the administrative penalties and fees collected pursuant to Section 610 and penalties and fees recovered by the City Attorney in a sign abatement action to be used to fund sign regulation enforcement activities.

From Planning Commission Resolution No. 16055 adopted 12/14/00, recommending adoption of proposed ordinance with deletion of reference to graffiti removal. Certificate of Determination of Exemption/Exclusion from Environmental Review dated 01/05/01.

Ordinance No. 71-01

FINALLY PASSED by the following vote:

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

002218 [South of Market General Advertising Sign Amendment]
Supervisors Leno, Peskin, Gonzalez

Ordinance amending the San Francisco Planning Code by amending Sections 607.2, 803.3 and 803.4 to clarify that general advertising signs are prohibited in the South of Market Zoning Districts, except in the South of Market General Advertising Special Sign District or where a permit was approved by the City prior to January 1, 2001. (Planning Department)

Supervisor Daly, seconded by Supervisor Yee, moved to re-refer this matter to the Housing, Transportation and Land Use Committee.

Motion failed adoption by the following vote:

Ayes: 4 - Supervisors Daly, Hall, Sandoval, Yee

Noes: 7 - Supervisors Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin

Ordinance No. 74-01

FINALLY PASSED by the following vote:

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

Noes: 1 - Daly

010454 [Health Service System]
Supervisors Leno, Daly

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.)

(Pursuant to Charter Section A8.423, this matter requires nine votes for passage.)

Ordinance No. 110-01

FINALLY PASSED by the following vote:

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

Noes: 2 - Hall, Yee

010515 [Fees for licenses or permits for inspections by the Department of Public Health effective July 1, 2001]
Supervisor Gonzalez

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)

Supervisor Maxwell moved to continue consideration to May 21, 2001.

Supervisor Maxwell, seconded by Supervisor Leno, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

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

Absent: 2 - Newsom, Yee

Recommendation of the Housing, Transportation and Land Use Committee

010487 [Double Parking]
Supervisor Newsom

Ordinance amending Traffic Code Section 53 to extend the ordinance to October 31, 2001.

PASSED, ON FIRST READING by the following vote:

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

NEW BUSINESS**Recommendations of the Finance Committee**

010105 [Geographic Information System Data License Fees]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 8.40 to ratify all fees previously collected by the City under the City's Geographic Information System ("GIS") data license agreements, entered into since July 1, 1998, and before the effective date of this ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

010588 [Appropriation, funding for Geographic Data Services Program]
Supervisor Leno

Ordinance appropriating \$37,600 of Geographic Information System License Fee Revenues for the development and administration of the Geographic Data Services Program for the Department of Public Works for fiscal year 2000-01. (Mayor)

(Companion measure to File 010105.)

PASSED, ON FIRST READING by the following vote:

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

010363 [Acquisition of Noise Easements for South S.F. Unified School District]

Resolution authorizing the acquisition of six noise easements for schools owned by the South San Francisco Unified School District. (Real Estate Department)

Resolution No. 360-01

ADOPTED by the following vote:

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

**010590 [Instant Run Off Voting]
Supervisors Leno, Ammiano**

Resolution urging the Department of Elections and the Budget Analyst to provide pertinent information regarding the cost savings and other logistical specifics of instant run off voting to support the Board of Supervisors consideration of a charter amendment for the November 2001 ballot.

Resolution No. 362-01

ADOPTED by the following vote:

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

010652 [Withdrawal of five (5) property owners in the City of Pacifica from noise insulation program and delivery of quitclaim deeds to said property owners]

Resolution authorizing the conveyance of five (5) quitclaim deeds to property owners in the City of Pacifica to rescind Grants of Easement (noise easement deeds) previously acquired by San Francisco. (Real Estate Department)

Resolution No. 363-01

ADOPTED by the following vote:

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

010660 [Extension and Renewal of Nine (9) Existing Leases for Public Health]

Resolution authorizing extension on a month-to-month basis, not to exceed twelve months, of certain existing leases of real property required by the Department of Public Health. (Real Estate Department)

Resolution No. 365-01

ADOPTED by the following vote:

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

010666 [2001 Affordable Housing Bond Sale]

Resolution authorizing and directing the sale of not to exceed \$40,000,000 of City and County of San Francisco General Obligation Bonds (Affordable Housing) Series 2001C and City and County of San Francisco Taxable General Obligation Bonds (Affordable Housing) Series 2001D; prescribing the form and terms of said Bonds; authorizing the execution, authentication and registration of said Bonds; providing the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; approving the forms of Official Notice of Sale of Bonds and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form and execution of the Official Statement relating thereto; approving the form of the Continuing Disclosure Certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds. (Mayor)

Resolution No. 343-01

ADOPTED by the following vote:

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

010669 [Agreement of Purchase and Sale for Real Estate at 30 Van Ness Avenue (Certificates of Participation, Series 200A and Taxable Series 2001B)]

Resolution authorizing the execution and delivery of the Agreement of Purchase and Sale for Real Estate (the "Original Agreement"), as amended by a First Amendment to Agreement of Purchase and Sale for Real Estate (the "First Amendment" and together with Original Agreement, the "Purchase Agreement"), between the City and County of San Francisco (the "City"), as buyer, and the Herbst Foundation, Inc. (the "Seller"), as seller (including certain indemnities contained therein), for the purchase of real property and improvements thereon consisting of a five-story office building located at 30 Van Ness Avenue, San Francisco (collectively, the "Property"); approving the forms of an office lease between the City, as landlord, and the Seller, as tenant (the "Herbst Lease") and an office lease between the City, as landlord, and Merriman Brothers, as tenant (the "Merriman Lease") (collectively, the "Office Leases"); approving the execution and delivery of certificates of participation to finance the acquisition of and improvements to the Property; approving the form of the Project Lease between the City and a Trustee (including certain indemnities contained therein); authorizing the selection of a Trustee; approving the form of the Trust Agreement between the City and a Trustee (including certain indemnities contained therein); approving the form of the Official Notice of Sale and Notice of Intention to Sell for the Series 2001A Certificates and Taxable Series 2001B Certificates (as defined herein); approving the form of the Official Statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; authorizing the filing of a validation action validating the execution and delivery of the certificates of participation; authorizing reimbursement of certain expenditures; authorizing the payment of costs of issuance; adopting findings under the California Environmental Quality Act and findings to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith. (Mayor)

(Fiscal impact.)

Resolution No. 344-01

ADOPTED by the following vote:

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

Recommendation of the Housing, Transportation and Land Use Committee**010476 [Parking regulations, commercial vehicle with a gross weight in excess of 10,000 pounds]
Supervisors Yee, Sandoval**

Ordinance amending Traffic Code by amending Sections 63 and 63(a) thereof, relating to commercial vehicle parking in certain use districts. (Parking and Traffic Department)

PASSED, ON FIRST READING by the following vote:

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

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair for a brief period.

The President resumed the Chair shortly thereafter.

Recommendations of the Neighborhood Services and Parks Committee

010147 [Children's Services Plan]
Supervisors Newsom, Sandoval, Ammiano, Leno, Hall

Resolution approving the FY 2001-2002 update to the 2000-2002 Children's Services Plan for the San Francisco Children's Fund in accordance with Charter Section 16.108. (Mayor)

Supervisors Ammiano, Leno, Hall requested to be added as co-sponsors.

Resolution No. 359-01

ADOPTED by the following vote:

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

010555 [Major encroachment Permit, 160 Harrison Street]

Resolution granting revocable permission to Abovenet Communications, Inc. to reconstruct an existing railroad spur (elevated platform) along Main Street as access to their building located at 160 Harrison Street. (Public Works Department)

Resolution No. 361-01

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

010769 [Public Hearing]

Hearing of persons interested in or objecting to proposed resolution approving a contract for the purchase of power from Calpine Energy Services for a period not to exceed five years beginning July 1, 2001. (Clerk of the Board)

Laurie Park, Acting General Manager, Hetch Hetchy Water and Power, gave a presentation on the matter and responded to questions from the Supervisors.

The President inquired if there was anyone present who wished to address the Board on this matter.

There being no response, the President declared the public hearing on this matter closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Rise and Report Without Recommendation

010739 [Long Term Power Purchase]
Mayor

Resolution approving a contract for the purchase of power from Calpine Energy Services for a period not to exceed five years beginning July 1, 2001.

(Fiscal impact.)

On advice of the City Attorney, Supervisor Peskin moved to amend the title, line 3 by inserting "; waiving ten day rule (Administrative Code Section 67.24(a)(2))"; amend line 15 to add the following resolved clause: "Further Resolved, That the Board of Supervisors finds that, as provided in Administrative Code Section 67.24(a)(2), the public interest would unavoidably and substantially be harmed by compliance with the rule that requires this contract to have been available for public review ten days prior to May 7, in that compliance with the rule would have resulted in substantially higher rates for power acquisition."

AMENDED.

Resolution approving a contract for the purchase of power from Calpine Energy Services for a period not to exceed five years beginning July 1, 2001; waiving ten day rule (Administrative Code Section 67.24(a)(2)).

(Fiscal impact.)

A revised transaction confirmation document was submitted and is on file with the Clerk of the Board of Supervisors.

Resolution No. 346-01

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Noes: 2 - Daly, Gonzalez

Absent: 1 - Yee

PUBLIC COMMENT

Abdalla Megahed, requesting support for the homeless population;

Male speaker, traffic improvement suggestions for Sacramento Street;

Anne Halsted, Eva Libermann, Nan Roth, Stuart Morton, Ernestine Weiss, Christopher Duderstadt, support Piers 27-31 resolution opposing selection process and decision, File 010786;

Kate Gatzie, Alan, jail psychiatric worker, Jeannie, need for experienced staff and salary increase for mental health services at the jails, add back funding in the budget;

Vernon, Balboa bus service, urge public involvement in city issues;

Jess Gumban, San Francisco Unified School District pending litigation, Municipal Railway issue, misconduct of judge;

Whirlwind Dreamer, commenting on SF Weekly article regarding tobacco industry targeting gay community, corruption in politics;

Alan Duffy, oppose instant run-off;

Floyd Brown, suggest government expropriate all the luxury hotels and move the homeless into them, Muni.

CLOSED SESSION

*Conference with the City's Labor Negotiators - Collective Bargaining
City's Negotiators: Mayor and Human Resources Director
Anticipated Issues Under Negotiation*

010768 [Labor Negotiations]

Motion that the Board of Supervisors convene in closed session with the City's Labor Relations Negotiators, the Mayor and the Director of Human Relations, for the purpose of reviewing the City's positions in pending labor negotiations with organizations representing the City employee groups.

This closed session would be permitted by Government Code Section 54957.6, and San Francisco Administrative Code Section 67.8. (City Attorney)

(Organizations Representing:
Electrical Workers, Local 6;
Automotive Machinists, Local 1414;
Professional & Technical Engineers, Local 21;
Municipal Attorneys' Association;
Union of American Physicians & Dentists
Teamsters, Local 856;
TWU, Local 250-A;
Municipal Executives Association;
Deputy Sheriffs' Association;
District Attorney Investigators Association;
Probation Officers Association;
TWU, Local 200;
TWU, Local 250-A, 7410s;
Police Association;
Firefighter Association.)

Supervisor McGoldrick, seconded by Supervisor Leno, moved to convene in closed session. The motion carried by the following vote:

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

*Present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval;
Jonathan Holtzman, representing the Mayor;
Jeff Rothman, Department of Human Resources;
Phil Ginsberg, Deputy City Attorney;
Jessie Smith, Deputy City Attorney;
Ed Harrington, Controller;*

The following members of the Municipal Attorneys' Association and the Municipal Executive Associations, left the room and were not present during the discussion:

*Ted Lakey, Deputy City Attorney;
Gloria L. Young, Clerk of the Board;
Gregoire Hobson, Deputy Clerk;
Jean Lum, Deputy Clerk.
Closed Session Tape No. 01-009.*

HEARD IN CLOSED SESSION.

Recess

The Board recessed at the hour of 5:27 p.m. to convene in closed session pursuant to above motion.

Reconvening of the Board

The Board, at the hour of 6:34 p.m., reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, McGoldrick, Peskin, Sandoval, - 7.

Noted Absent: Supervisors Leno, Maxwell, Newsom, Yee - 4.

Quorum present.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board has met in closed session with the City Attorney regarding above pending labor negotiations, as permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.8.

The meeting was informational only and no action was taken.

After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

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

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

- 010783 [Graffiti stenciled on sidewalks]**
Supervisors Newsom, Peskin, Leno, Maxwell, McGoldrick, Daly, Hall

Resolution urging the City Attorney and the District Attorney to explore felony charges against International Business Machines or its representatives for stenciling San Francisco sidewalks with permanent paint; and urging the Department of Public Works to track all costs associated with the cleanup of the sidewalk graffiti.

Resolution No. 383-01

ADOPTED

- 010784 [Warden Johnston historic vessel]**
Supervisors Newsom, Peskin

Resolution urging the City and County of San Francisco to endorse and promote the return of the historic vessel known as the Warden Johnston Alcatraz Prison Launch to Alcatraz Island and San Francisco.

Supervisor Peskin requested to be added as co-sponsor.

Resolution No. 367-01

ADOPTED

- 010785 [Sierra Nevada Forest Plan Amendment Record of Decision]**
Supervisors Newsom, Leno, Peskin, McGoldrick

Resolution supporting the Sierra Nevada Forest Plan Amendment Record of Decision and the U.S. Forest Service in its efforts to protect communities, natural resources and the economies of the Sierra Nevada.

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

Resolution No. 368-01

ADOPTED

- 010786 [Piers 27-31]**
Supervisors Peskin, McGoldrick

Resolution expressing the Board of Supervisors grave concern regarding the process in which proposals were evaluated and selected by the San Francisco Port Commission for development of Piers 27-31 and condemning the use of misleading, campaign-style tactics in selection processes at the Port and other local public bodies.

Supervisor McGoldrick requested to be added as co-sponsor.

Resolution No. 384-01

ADOPTED

- 010788 [Public Hearing Approval, Public Policy Institute of California]**
Supervisor Peskin

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$40,000,000 for Public Policy Institute of California, or an affiliate.

Resolution No. 369-01

ADOPTED

**010789 [Senate Bill 244, SFO airport runway expansion]
Supervisors Daly, Peskin, Newsom, Hall**

Resolution supporting Senate Bill 244 (SB244), sponsored by State Senator Jackie Speier, to provide San Mateo County input into SFO airport runway expansion.

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

Resolution No. 385-01

ADOPTED

**010790 [AB 936, loan repayment assistance to attorneys, AB 935 debt relief to primary care medical providers]
Supervisors Gonzalez, Leno**

Resolution urging the California State Assembly to pass AB 936, a bill that would provide loan repayment assistance to attorneys working in public interest law, and to amend AB 935 to extend debt relief to primary care medical providers who serve poor communities.

Resolution No. 370-01

ADOPTED

**010791 [AB 303 grant to Daly City to construct a tertiary water plant]
Supervisors Hall, Newsom**

Resolution urging the City of Daly City to complete the 100% design of its tertiary treatment plan and move forward with its plans to seek an AB 303 Groundwater Management Grant, which will allow Daly City to move forward with its plans to construct a tertiary water plant.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 371-01

ADOPTED

**010792 [Public Hearing Approval, Brandeis Hillel Day School]
Supervisors Hall, Newsom**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$10,000,000 for Brandeis Hillel Day School, or an affiliate.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 372-01

ADOPTED

**010793 [Commendation]
Supervisors Maxwell, Peskin, Newsom, Daly**

Resolution commending the Potrero Hill Boosters Neighborhood Association for its commitment to improve and enhance its neighborhood and for its continuing efforts to strengthen their neighborhood voice in San Francisco.

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

Resolution No. 373-01

ADOPTED

**010794 [Commendation]
Supervisor Newsom**

Resolution commending the Laurel Hill Nursery School for the success of its first ever Capital Campaign, known as "Building the Future", which began in 1997, for renovations needed in order to meet current safety standards and comply with the Americans with Disabilities Act.

Resolution No. 374-01

ADOPTED

**010795 [Commendation]
Supervisors Sandoval, Newsom**

Resolution commending Anthony Sacco, on the occasion of his 75th birthday, for decades of work for San Francisco and his dedication as a community leader.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 375-01

ADOPTED

**010796 [Commendation]
Supervisors Sandoval, Leno, Ammiano, Peskin, Newsom, Hall**

Resolution commending the Latino Honor Roll Students for their academic excellence in the school year 2000-2001 and for participating in the Fifth Annual Latino Honor Roll Celebration, a march and ceremony, on April 30, 2001.

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

Resolution No. 376-01

ADOPTED

**010797 [Commendation]
Supervisors Sandoval, Daly**

Resolution commending the Healthcare Action Team for performing a street theater and rally to demonstrate the needs of low-income seniors and the In-Home Supportive Services Share-of-Cost Pilot Project.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 377-01

ADOPTED

**010798 [Commendation]
Supervisors Yee, Ammiano, Peskin, Newsom, Daly**

Resolution commending Millie Valdes on the occasion of her retirement from the Mayor's Office of Neighborhood Services after 26 years of service to the City and County of San Francisco.

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

Resolution No. 378-01

ADOPTED

**010799 [Commendation]
Supervisor Yee**

Resolution commending John Richard Lee on the event of his retirement from the Office of the Treasurer and Tax Collector after 29 years of service to the City and County of San Francisco.

Resolution No. 379-01

ADOPTED

**010810 [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. M01-57

APPROVED

010832 [Final Map for an 6 Unit Condominium Project]

Motion approving Final Map of 1143 - 1153 Leavenworth Street, a Condominium Project, being a subdivision of Lot 2, Assessor's Block No. 248, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 172,935.)

Motion No. M01-59

APPROVED

010833 [Final Map for an 8 Unit Residential Condominium Project]

Motion approving Final Map of 63 Lafayette Street, a Residential Condominium Project, being a subdivision of Lot 62, Assessor's Block No. 3511, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 172,927.)

Motion No. M01-60

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin

Absent: 3 - Newsom, Sandoval, Yee

Severed From For Adoption Without Committee Reference Agenda

010782 [Potrero Power Plant Citizen Advisory Task Force]
Supervisor Maxwell

Resolution to modify the Potrero Power Plant Citizen Advisory Task Force membership by removing City officials as voting members thereby reducing the size of the task force to eight (8) neighborhood residents and preserving the City officials in an advisory role to the Task Force.

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

SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.

Supervisor Maxwell moved to amend the title, line 5, by changing "eight (8)" to "nine (9)"; amend page 1, line 9, by changing "eight (8)" to "nine (9)"; amend page 2, line 2, by changing "seven (7)" to "eight (8)".

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

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

Resolution to modify the Potrero Power Plant Citizen Advisory Task Force membership by removing City officials as voting members thereby reducing the size of the task force to nine (9) neighborhood residents and preserving the City officials in an advisory role to the Task Force.

Resolution No. 366-01

ADOPTED AS AMENDED by the following vote:

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

[Purely Commendatory Finding]

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

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

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, 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 Gonzalez, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

Imperative Resolutions

010841 [Commendation]
Supervisors Yee, Leno

Resolution commending Lydia Boesch for her community service.

Resolution No. 380-01

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

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

010842 [Commendation]
Supervisors Leno, Gonzalez, Peskin

Resolution commending Budget Analyst Harvey Rose on the occasion of his 65th birthday.

Resolution No. 381-01

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

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

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

Ordinance amending the San Francisco 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.

2/12/01, SUBSTITUTED. Supervisor Daly submitted an amendment of the whole, technical change to the title.

2/12/01, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 3/7/2001.

5/7/01, CALLED FROM COMMITTEE. Pursuant to Rule 5.32, Supervisor Daly requested this matter be called from committee and scheduled for May 14, 2001 Board meeting.

010840 [Elections Task Force]

Ordinance creating the Elections Task Force to redraw Board of Supervisor district lines pursuant to the provisions set forth in Charter Section 13.110(d) following the 2000 federal census. (Clerk of the Board)
5/7/01, RECEIVED AND ASSIGNED to Rules Committee.

**010843 [Appropriation, Gang Outreach and Youth Violence Prevention Program]
Supervisors Ammiano, Maxwell**

Ordinance appropriating \$200,000 of the General Fund Reserve to fund Gang Outreach and Youth Violence Prevention Program in the Mission and Bayview Hunters Point neighborhoods through the Mayor's Office of Criminal Justice for fiscal year 2000-01.

(Fiscal impact.)

5/7/01, RECEIVED AND ASSIGNED to Finance Committee.

**010844 [Storage Container Removal and Storage]
Supervisor Ammiano**

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works Code) by adding Article 24 Sections 1407-1414 to create procedures for removal of personal property and storage containers from public and private property and for storage of property and to encourage City departments to create additional free storage facilities.

5/7/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

**010845 [Dancehall Permits]
Supervisor Daly**

Ordinance amending San Francisco Police Code Section 1023 to exempt permitted places of entertainment and locations holding public assembly permits from the dancehall permit requirement.

5/7/01, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 6/6/2001.

**010846 [Administrative Code Amendment, Banking Services]
Supervisor Gonzalez**

Ordinance amending the San Francisco Administrative Code to add a new Chapter 12Q requiring the inclusion in agreements for banking services between the City and County of San Francisco and banks of a provision requiring the banks to cash public assistance checks without charge, regardless of whether the payee maintains an account at such bank, if the bank negotiates drafts as part of their regular banking services for its customers. 5/7/01, RECEIVED AND ASSIGNED to Rules Committee.

**010847 [Multimedia - Office Space]
Supervisors Leno, Peskin, Newsom, Ammiano, McGoldrick**

Ordinance amending the San Francisco Planning Code by amending Section 219 (Offices) to add a definition of "office" to include advertising, public relations, computer and multimedia uses, and research and development, and to exclude from the definition movie production or film studios, space in telecommunications switching facilities or internet switching stations where such use occupies not less than 90% of the entire space and those uses defined as "business services" in Section 890.111 and by amending Section 222 (Home and Business Services) and Section 890.111 (Service, Business) to exclude the "office" uses set forth in Section 219; adopting findings.

5/7/01, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 6/6/2001. 5/16/01 - Transmitted to Planning Commission for public hearing and recommendation.

**010848 [Health Plan Benefits - Contractors]
Mayor**

Ordinance amending the San Francisco Administrative Code by adding Chapter 12Q, encompassing Sections 12Q.1 through 12Q.11, to require contractors that provide services to the City or enter into certain leases with the City, and certain subcontractors, subtenants and parties providing services to tenants and subtenants on City property, with respect to covered employees, to offer health plan benefits to employees, to make payments to the City for use by the Department of Public Health, to make payments directly to employees under limited circumstances, or to participate in a health benefits program developed by the Director of Health. (Mayor) 5/7/01, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

**010849 [Prisoners with HIV]
Supervisor Leno**

Resolution urging the City Attorney to join the statewide injunction filed in U.S. District Court, San Francisco, by nine plaintiffs represented by Donald Specter of the Prison Law Office against the California State Corrections Department regarding insufficient treatment of prisoner with HIV.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010850 [Federal Energy Regulatory Commission]
Supervisors McGoldrick, Leno**

Resolution calling on the City Attorney to prosecute a lawsuit against the Federal Energy Regulatory Commission seeking enforcement of the provisions of the Federal Power Act requiring that prices for energy be set at "reasonable" rates.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010851 [Proclamation]
Supervisors Leno, Hall, Newsom**

Resolution declaring Sunday, May 20, 2001 "Bay to Breakers Day" in honor of the San Francisco Examiner Bay to Breakers organizers and participants for their 90 year contribution to San Francisco culture, athletics and charity.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010852 [Commendation]
Supervisors Newsom, Hall**

Resolution commending Hands on San Francisco for the success of its 3rd Annual Hands at Work Day held on May 5th, 2001 in San Francisco.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010853 [Proclamation]
Supervisors Newsom, Peskin, Ammiano, Yee, Daly, Leno, Hall**

Resolution declaring May 2001 as "Asian Pacific American Heritage Month" in the City and County of San Francisco.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010854 [Commendation]
Supervisors Peskin, Daly, Hall, Newsom**

Resolution commending Kaan Y. Chin of the San Francisco Fire Department's Public Education Section, for his outstanding effort and commitment to promoting fire safety in low-income neighborhoods of San Francisco.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010855 [Commendation]
Supervisor Yee**

Resolution commending the California State Automobile Association's Employee Volunteer Program for its commitment to community services, and for being awarded the 2001 Corporate Volunteer Award from the Volunteer Center of San Francisco.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Charter Amendment

**010856 [Charter Amendment - Elective Officials]
Supervisor Gonzalez**

Charter amendment (First Draft) to repeal the current Section 13.102 and add a new Section 13.102 to provide for the election of the Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors using a ranked-choice, or "instant run-off" ballot, to require that City voting systems be compatible with a ranked-choice system, and setting date and conditions for the implementation.

5/7/01, RECEIVED AND ASSIGNED to Rules Committee.

Requests for Hearing

**010857 [Day Laborer's Program]
Supervisor Ammiano**

Hearing on the status of the Day Laborer's Program.

5/7/01, RECEIVED AND ASSIGNED to Rules Committee.

**010858 [Hearing - SRO (Single Room Occupancy) Task Force]
Supervisor Ammiano**

Hearing to consider an overview of the SRO Task Force to be presented by the members of the SRO Task Force.

5/7/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee. Sponsor requests this item be scheduled for consideration at the May 15th, 2001 meeting.

**010859 [Music Concourse - Golden Gate Park]
Supervisor Gonzalez**

Hearing to discuss the development projects and commercialization of the Music Concourse in Golden Gate Park.

5/7/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

**010860 [Special Assistants]
Supervisor Peskin**

Hearing to review current efforts towards reclassification of Special Assistant positions in San Francisco government, and to address reclassifications requested since January 1, 2001 as well as planned reclassifications by City Departments.
5/7/01, RECEIVED AND ASSIGNED to Finance Committee.

Motions

**010861 [Committee of the Whole - Electric Power Generation]
Supervisor Maxwell**

Motion scheduling a Committee of the Whole to consider an ordinance adopting City policy regarding the construction of new electric power generation capacity in Southeast San Francisco, to be held on May 21, 2001 at 3:00 p.m.
5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**010862 [Special Offsite Meeting, Audit, Labor and Government Efficiency Committee]
Supervisors Newsom, Daly**

Motion setting a special offsite meeting of the Audit, Labor and Government Efficiency Committee for the purpose of receiving community input on the following items concerning Single Room Occupancy (SRO) Hotels; File Numbers 00-1926, 00-1185, 01-0024, and 01-0526. (Tuesday, June 12, 2001 - 3:30 p.m. to 6:30 p.m. Seneca Hotel lobby, 34-6th Street.)
5/7/01, RECEIVED AND ASSIGNED to Rules Committee.

**010863 [Release of Reserved Funds, Sunset Infrastructure]
Supervisor Yee**

Motion releasing \$500,000 placed on Board of Supervisors Reserve for Sunset Infrastructure.
(Fiscal impact.)
5/7/01, RECEIVED AND ASSIGNED to Finance Committee.

**010864 [Release of Reserved Funds, Sunset Family Daycare Network]
Supervisor Yee**

Motion releasing \$25,000 placed on Board of Supervisors Reserve for the development of the Sunset Family Daycare Network.
5/7/01, RECEIVED AND ASSIGNED to Finance Committee.

**010865 [Vacancy Notification for S.F. Boards, Commissions, Committees, and Task Forces]
Supervisors Hall, Gonzalez, Peskin**

Resolution requesting the City Library to send the "Annual Listing of Active Boards, Commissions, Committees, and Task Forces and Requirement of Membership," the "Annual Listing of Boards, Commissions, Committees, and Task Forces with Seats That Have A Term Expiring," and all other vacancy notices to every branch library in San Francisco.

5/7/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

010813 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Robert Tayac against the City and County of San Francisco for \$142,500, with Tayac agreeing to be barred from future City employment, and the Court to decide the amount of Attorney's fees and costs with a floor of \$60,000 and a ceiling of \$125,000; the lawsuit was filed on September 26, 1995, in United States District Court, Case No. C95-3424 CAL; entitled Tayac v. City and County of San Francisco, et al. (City Attorney)

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

010817 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Nancy Tibbon against the City and County of San Francisco for \$102,000; the lawsuit was filed on December 13, 1999 in San Francisco, Superior Court Case No. 308-489; entitled Nancy Tibbon v. City and County of San Francisco, et al. (City Attorney)

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

**010826 [Business Tax and Regulations Code Amendment]
Supervisor Leno**

Ordinance amending the Business Tax and Regulations Code to (1) clarify general administrative provisions of Article 6 thereof, (2) consolidate the deadlines for renewing business registration certificates and filing annual tax returns, (3) establish a system of administrative penalties and citations for violations of the Business Tax and Regulations Code, (4) eliminate the automatic disqualification from the small business exemption for persons that fail to file a timely business tax return, and (5) establish a graduated system of penalties for persons that otherwise qualify for the small business exemption who fail to file a timely return that is based on how long the return is delinquent. (Treasurer-Tax Collector)

5/2/01, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 6/6/2001.

Supervisor Leno requested to be added as sponsor.

010828 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Khary Butler against the City and County of San Francisco for \$50,000.00; the lawsuit was filed on March 19, 1998 in San Francisco Superior Court, Case No. 993-756; entitled Khary Butler, et al., v. City and County of San Francisco, et al; there are no other material terms to said settlement. (City Attorney)

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

PROPOSED RESOLUTIONS**010770 [Grant funds for District Attorney's Elder Abuse Vertical Prosecution Program]
Supervisor Newsom**

Resolution authorizing the District Attorney of the City and County of San Francisco to retroactively accept and expend funds made available through the Office of Criminal Justice Planning for a project entitled "Elder Abuse Vertical Prosecution" and waiving indirect costs due to funding constraints. (District Attorney)
5/1/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.
Supervisor Newsom requested to be added as sponsor.

010815 [Lease of Property]

Resolution approving a new lease of real property on behalf of Administrative Services, for the Department of Elections. (Real Estate Department)

(Property located at 1667 Market Street; District 6.)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.
5/7/01, SUBSTITUTED. Real Estate Department submitted a substitute resolution bearing new title.
5/7/01, ASSIGNED to Finance Committee.

010816 [Lease of Property]

Resolution authorizing the lease of 4,945 sq.ft. at 1500 Howard Street for the Department of Public Health. (Real Estate Department)

(District 6)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

**010818 [Credit Card Acceptance Cost Reduction]
Supervisor Newsom**

Resolution urging the Treasurer of the City and County of San Francisco to explore methods of reducing the costs associated with the City's acceptance of credit cards. (Treasurer-Tax Collector)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

010819 [Contracting out Pretrial Court Diversion Services]

Resolution approving the Controller's certification that Pretrial Court Diversion Services for Inmates in the City and County of San Francisco can practically be performed by private contractor at a lower cost for the year commencing July 1, 2001, than if work were performed by City and County employees. (Sheriff)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

010820 [Contracting out Arrestees' Own Recognizance Services]

Resolution approving the Controller's certification that own recognizance services for arrestees in the City and County of San Francisco can practically be performed by private contractor at a lower cost for the year commencing July 1, 2001, than if work were performed by City and County employees. (Sheriff)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

010821 [Contracting out Jail Food Services]

Resolution approving the Controller's certification that County Jail food service management operations for the City and County of San Francisco can practically be performed by private contractor at a lower cost for the year commencing July 1, 2001, than if work were performed by City and County employees. (Sheriff)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

010822 [Airport Lease Modification, Glide Slope Equipment]

Resolution approving a lease modification for updated glide slope equipment between the Federal Aviation Administration and the City and County of San Francisco, acting by the through its Airport Commission. (Airport Commission)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

010827 [Port Lease Agreement]

Resolution approving a lease agreement with Corzac, Inc. d.b.a. Jelly's - A Dance Cafe' and the City and County of San Francisco operating by and through the San Francisco Port Commission for restaurant space at Pier 50, San Francisco, California. (Port)
5/2/01, RECEIVED AND ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To investigate and report on the feasibility of a stop sign at the intersection of Pinehurst Way and Kenwood Way.

From: Supervisor Hall

To: General Manager, Public Utilities Commission

To: General Manager, Recreation and Park Department

To: Director, Department of Public Works

Requesting/Inquiring: That the General Managers of the Public Utilities Commission and Recreation and Park Department and the Director of Department of Public Works report on what plans are in place for Sutro/Midtown Terrace Reservoir roof upon completion of all the work being done? Will any recreation space available to the public prior to construction be lost as a result? How much area was available to the public before the construction (in square feet); how much area will be available to the public after the construction (in square feet)?

From: Supervisor Hall

To: Director, Department of Parking and Traffic

To: Director, Department of Public Works

Requesting/Inquiring: That the Directors of the Department of Parking and Traffic and Department of Public Works investigate and report on the feasibility of installing additional traffic designations along Lake Merced Boulevard between Brotherhood Way and John Muir Drive to assist visitors to the Girl Scout Camp and the residents of Lake Merced Hill and; is it feasible to repaint the existing traffic designations due to the current poor conditions?

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft a Charter amendment that would create an instant runoff voting system for local elections.

From: Supervisor Leno

To: Director, Department of Public Works

Requesting/Inquiring: To investigate and report on the cost and feasibility of having scheduled cleaning rounds of dedicated urban bikeways, including bikeways not along streets used for automobile traffic.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to adopt principals to govern positions taken by all City officials and departments in regulatory proceedings and negotiations regarding the proposal to build new capacity for power generation at the site of the existing Potrero Power Plant.

From: Supervisor Newsom

To: Superintendent, San Francisco Unified School District

Requesting/Inquiring: To investigate and report on safety measures on school grounds after scheduled school hours. It has been brought to the Supervisor's attention that the grounds of Claire Lilienthal K-8 School are being used for roller hockey on the weekends. These activities are potentially dangerous for children at play.

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft an ordinance which will amend the San Francisco Police Code to prohibit tour buses on El Camino del Mar between the Presidio (approximately 290 feet east of 25th Avenue) and the Legion of Honor Drive, and 25th Avenue between Lake Street and El Camino del Mar, to extend a prohibition of tour buses in the aforementioned areas to December 31, 2002.

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft an ordinance that establishes a Deferred Maintenance Fund:

- 1. Requiring bond-financed projects to have a schedule and appropriations to maintain them; and*
- 2. Moving the City toward compliance with the Governmental Accounting Standards Board (GASB) Statement 34 and establishing a baseline for annual infrastructure budgets.*

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To inquire about the minimal requirements that a commercial property owner has to maintain first floor commercial areas, including when the property is without a current tenant.

From: Supervisor Peskin

To: Mayor

To: Treasurer

To: Controller

Requesting/Inquiring: That the Mayor, Treasurer and Controller report on the feasibility of partnering to produce a concise layperson's guidebook of the City's budget for public distribution beginning in fiscal year 2002/03.

From: Supervisor Peskin

To: Director, Department of Administrative Services (Solid Waste Management Program)

Requesting/Inquiring: Requesting a written or verbal report detailing the method in which residential units are allocated "Fantastic 3" containers of certain sizes and types and the process to readjust the size and type of these containers. Supervisor Peskin would like to ensure that apartments throughout San Francisco are allocated recycling containers of appropriate size and type in order to encourage maximal recycling behavior.

From: Supervisor Ammiano

To: Chief, Fire Department

To: Director, Department of Public Health

To: Mayor

Requesting/Inquiring: Requesting that the Fire Commission, Department of Public Health and the Mayor's decision to change ambulance staffing from two paramedics to one paramedic and one Emergency Medical Technician (EMT) be revisited.

In Memoriams

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

Hunter O. Cutting (Supervisor Ammiano)

ADJOURNMENT

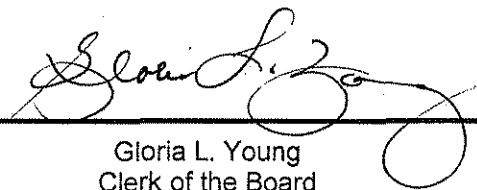
There being no further business, the Board at the hour of 6:36 p.m. adjourned.

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 June 11, 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