

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

The meeting was called to order at 2:04 p.m. by the Clerk of the Board, Gloria L. Young. On call of the roll, the following Supervisors were noted absent:

Supervisors Ammiano, Maxwell, McGoldrick, Newsom, Peskin - 5.

Quorum present.

Supervisor Ammiano was excused. (See infra.)

Supervisor Maxwell was excused. (See infra.)

Supervisor McGoldrick was excused. (See infra.)

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

Supervisor Peskin was excused. (See infra.)

Appointment of President Pro Tempore

Supervisor Newsom, seconded by Supervisor Leno, moved to appoint Supervisor Yee President Pro Tempore. The motion carried by the following vote:

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

Supervisors Ammiano, Maxwell, McGoldrick, Peskin Excused from Attendance

Supervisor Sandoval, seconded by Supervisor Daly, moved to excuse Supervisors Ammiano, Maxwell, McGoldrick, Peskin from attending this meeting. The motion carried by the following vote:

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

AGENDA CHANGES

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

The Clerk of the Board indicated the matter relating to the amendment to the Rules of Order, File 020385. (See infra.)

Supervisor Leno indicated the matter relating to the appointment of Michael Garcia, File 012088 and the Inclusionary Affordable Housing Program, File 001262. (See infra.)

CONSENT AGENDA

Recommendations of the Finance Committee

020247 [Settlement of Lawsuit]

Ordinance approving settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against CalStar Retail, Inc., by payment by CalStar Retail Inc. to the City in the amount of \$620,000 and other terms; the lawsuit was filed on August 7, 2001, in San Mateo County Superior Court, Case No. 417869, entitled City and County of San Francisco, acting by and through its Airport Commission v. CalStar Retail, Inc. (City Attorney)

Ordinance No. 26-02

FINALLY PASSED

020147 [Lease of SFPUC Property for Hotel Parking and Recreation Purposes]

Resolution authorizing a Ten (10) Year Lease of Public Utilities Commission Land between the City and County of San Francisco and Los Altos Hotel Associates, in Santa Clara County. (Public Utilities Commission)

Resolution No. 177-02

ADOPTED

Recommendation of the Public Works and Public Protection Committee

020064 [Modification of State Grant Conditions (MCJC)]

Mayor

Resolution authorizing the Mayor's Criminal Justice Council (MCJC) modify San Francisco's comprehensive multi-agency juvenile justice plan, pursuant to Assembly Bill 1913 - known as the Schiff-Cardenas Crime Prevention Act of 2000 (CPA 2000) - in order to limit the scope of program evaluations in accordance with legislative mandates and budgetary restrictions. (Mayor)

Resolution No. 170-02

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee

Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Neighborhood Services and Recreation Committee

012234 [Shopping Carts]
Supervisors Newsom, Peskin

Ordinance amending the San Francisco Public Works Code by adding Article 24, consisting of Sections 1400 through 1409, to declare unattended empty shopping carts on either public property or on private property without the owner's consent to be a nuisance, and authorizing the Department of Public Works to seize such shopping carts and charge impound and storage costs where the shopping carts are not retrieved by their owner within two days from the receipt of notice of the seizure; requiring a report from the Department of Public Works evaluating the success of its implementation of this ordinance.

Ordinance No. 32-02

FINALLY PASSED by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee

Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

NEW BUSINESS

Recommendation of the Finance Committee

**020086 [Legislative Analyst and Budget Analyst; Budget Consideration]
Supervisor Ammiano**

Motion directing the Office of the Legislative Analyst to pursue training from the City Controller and the Board of Supervisors Budget Analyst in how the City budget and budget process work; to coordinate with the Budget Analyst to review recent audits published by the Budget Analyst and the Controller to identify cost-saving measures identified in audits and other reports that have not been implemented; to provide staff support to policy and fiscal committees of the Board of Supervisors during hearings on budget-related matters; to prioritize such work over Board-approved motions or individual requests received by the Office until the FY 02-03 budget is approved by the Board of Supervisors and directing the Board of Supervisors Budget Analyst to coordinate with the Office of the Legislative Analyst on budget-related work; to continue to review the Mayor's balanced budget proposal in the month of June; to create a consent calendar procedure for Board Committees such that the Budget Analyst's reports on consent matters can be substantially reduced in order to provide additional Budget Analyst staff time to budget-related matters; and to explore other changes to its annual budget review designed to enhance the Board's budget review process.

Motion No. M02-40

APPROVED by the following vote:

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

Recommendations of the Neighborhood Services and Recreation Committee

011601 [Liquor License Transfer, 1438 Grant Avenue]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license in exchange for a Type 47 on-sale general eating place liquor license to Agnes Claire Kozel dba "SAVOY TIVOLI" located at 1438 Grant Avenue (District 3), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 148-02

ADOPTED by the following vote:

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

**011754 [Community Courts Working Group]
Supervisors Newsom, Daly, McGoldrick**

Resolution creating a Central City Community Courts Working Group to be comprised of various stakeholders with the charge of making recommendations to the Mayor and the Board of Supervisors and setting forth the membership and duties of the working group.

Supervisor Newsom requested this matter be re-referred to committee.

Supervisor Newsom, seconded by Supervisor Gonzalez, moved that this Resolution be RE-REFERRED to the Neighborhood Services and Recreation Committee. The motion carried by the following vote:

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

020105 [Liquor License Transfer, 1337 Mission Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1489 Folsom Street, to Pavel Vicevich dba "Red Eye" located at 1337 Mission Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 171-02

ADOPTED by the following vote:

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

020143 [Liquor License, 314-11th Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Robin Reichert dba "Transmission Theater" located at 314-11th Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 168-02

ADOPTED by the following vote:

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

Recommendation of the Public Works and Public Protection Committee**020179 [Sidewalk improvements on the west and east sides of Church Street between Duboce Avenue and Hermann Street]**

Resolution granting revocable permission to Bridge Housing Corporation to occupy a portion of the public right-of-way to construct and install sidewalk improvements, including new sidewalk pavers, new street trees with tree guards and grates and gaslight style pedestrian level lighting on the west side of Church Street; and new sidewalk pavers, new street trees with tree guards and grates, gaslight style pedestrian level lighting, new landscaping and new markers demarcating the entrances on the east side of Church Street, between Duboce Avenue and Hermann Street, in conjunction with the construction of the new affordable housing project at #1 Church Street (Block 0874, Lot 014) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

(District 5.)

Resolution No. 169-02

ADOPTED by the following vote:

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

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.

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

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)

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

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.)

Supervisor Leno requested this matter be continued to March 18, 2002.

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

Ayes: 4 - Gonzalez, Hall, Leno, Newsom
Noes: 3 - Daly, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

Recommendation of the 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 Leno moved to continue consideration to March 18, 2002.

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

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee

Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

ROLL CALL FOR INTRODUCTIONS

The following is a list of new Committee membership, effective March 4, 2002:

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

Budget Committee

Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick

City and School District Committee

Supervisors Ammiano, Leno

First-named Supervisor is Chair, seconded-named Supervisor is Vice-Chair, of the Committee.

PUBLIC COMMENT

Abdallah Megahed, homeless;
Vernon Jenkins, get out the votes;
Female speaker, supervisorial re-districting, chair of outreach committee;
Bruce Talison, emergency funds;
Male speaker, Glen Canyon Park;
Male speaker, homeless project;
Male speaker, homeless summit;
Josh Kaufman, speed bumps;
Arthur Evans, 24 Divisadero bus;
M. F. Chester, Samoan Visitacion Valley Community Center;
George R. Williams, homeless summit;
Ron Duggman, Museum Musiquee;
Rodney Callmens, various topics.

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.

020354 [Reformation of the Calpine Contract]
Supervisors Leno, Daly

Resolution urging the Public Utilities Commission and the City Attorney to reform or terminate San Francisco's contract with Calpine Energy Services, L.P. and urging the Public Utilities Commission and the City Attorney to take all appropriate steps to reform the CES contract, including filing a complaint at the Federal Energy Regulatory Commission and a civil lawsuit challenging the CES contract.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 172-02

ADOPTED

020372 [Permitting Immigrants to the Federal Office Building]
Supervisors Ammiano, Daly

Resolution urging the United States Federal Office Building and the Office of the Internal Revenue Service to permit entry into the building by immigrants regardless of their immigration status to carry on normal business in the building.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 173-02

ADOPTED

**020373 [State Grant - Planning Department]
Supervisors Gonzalez, Hall, Newsom**

Resolution authorizing the Planning Department to apply for and accept funds, in an amount not to exceed \$50,000, from the California State Library, State of California, to aid in the preparation, adoption and implementation of a cultural preservation plan that promotes the preservation of Japantown in San Francisco.

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

Resolution No. 174-02

ADOPTED

**020375 [Recognition of Great American Meatout]
Supervisors Maxwell, Daly**

Resolution in recognition of The Great American Meatout, March 20, 2002.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 175-02

ADOPTED

**020378 [Commending Killing My Lobster]
Supervisors Sandoval, Daly**

Resolution commending Killing My Lobster for outstanding sketch comedy group performances and award-winning independent film production in the city of San Francisco.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 176-02

ADOPTED

**020386 [Extending Time for Negotiations]
Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100.

Motion No. M02-41

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee

Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

Severed From For Adoption Without Committee Reference

**020374 [State Grant - Recreation and Park Department]
Supervisors Leno, Hall, Newsom**

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the amount of \$250,000 from the California State Coastal Conservancy for habitat restoration and trail improvements in Glen Canyon Park.

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

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

Supervisor Leno requested this matter be referred to committee.

REFERRED to the Neighborhood Services and Recreation Committee.

**020376 [Performance Audit Schedule]
Supervisor Hall**

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

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

Supervisor Hall moved to continue consideration to March 18, 2002.

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

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

**020385 [Amendment to Rules of Order]
Supervisor Ammiano**

Motion amending the Rules of Order of the Board of Supervisors of the City and County of San Francisco to add Rule 6.2, which would allow for an orderly transition of outgoing and newly elected members of the Board of Supervisors.

The Clerk of the Board requested this matter be severed so it could be considered separately.

Pursuant to Board of Supervisors' Rules of Order 4.38, this matter must be referred to committee.

REFERRED to the Rules and Audits Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**020404 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between MEA and CCSF]
Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III.DD to incorporate the parties' agreement regarding the Management Compensation and Classification Plan. (Mayor)

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

**020405 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between IFPTE, Local 21 and CCSF]
Mayor**

Ordinance approving a settlement and adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the International Federation of Professional and Technical Engineers, Local 21 and the City and County of San Francisco by amending Article III.B.1.p to incorporate the parties' settlement of an interest arbitration proceeding over wage adjustments for professional architect and landscape architect classifications. (Mayor)

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

**020406 [Settlement of Lawsuits and Claims]
Mayor**

Ordinance approving a settlement between the International Federation of Professional and Technical Engineers, Local 21, the Municipal Executives' Association, and the City and County of San Francisco of litigation and administrative claims concerning the assignment of classifications to bargaining units and related disputes. (Mayor)

3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020407 [General Obligation Bond Accountability Reports]
Supervisor Yee**

Ordinance amending Chapter 2, Article VIII of the Administrative Code of the City and County of San Francisco to provide additional further requirements for the expenditure of general obligation bond proceeds.

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

3/12/02, TRANSFERRED to Rules and Audits Committee.

**020412 [City to Pay for Postage of Absentee Ballots]
Supervisors Daly, Sandoval, Leno, Newsom**

Ordinance amending the Municipal Elections Code to require that San Francisco pay for postage of absentee ballots cast by San Francisco voters.

(Fiscal impact.)

3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020413 [Redevelopment Agency]
Supervisor Daly**

Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by declaring the Board of Supervisors to be Governing Body of the Redevelopment Agency of the City and County of San Francisco, thereby replacing the existing seven-member appointed Board, with findings in support (California Community Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission.

3/11/02, ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole on March 25, 2002, at 5:00 p.m.

**020414 [Fire Department Work Schedule]
Supervisor Daly**

Ordinance amending Article II, Chapter 16, Sections 16.10 and 16.11 of the San Francisco Administrative Code to accurately reflect workdays for firefighters.

3/11/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 4/10/2002.

**020415 [Homeless Outreach]
Supervisor Newsom**

Ordinance amending S.F. Administrative Code Chapter 20 to establish a coordinated, geographically based outreach program for homeless services.

6/27/02 Local Homeless Coordinating Board did not take a position on legislation.

3/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020416 [Coordinated Intake for Homeless Programs]
Supervisor Newsom**

Ordinance amending S.F. Administrative Code Chapter 20 to establish a coordinated, centralized intake process for homeless services.

6/27/02 Local Homeless Coordinating Board opposed to legislation.

3/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020198 [Determination of Fees at Harding Park and Fleming Golf Courses]
Supervisors Hall, Daly**

Ordinance amending Article XII of the San Francisco Park Code by adding Section 12.12 thereto setting forth a fee structure for Harding Park and Fleming Golf Courses.

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

3/11/02, SUBSTITUTED to Finance Committee. Supervisor Hall submitted a substitute ordinance bearing same title.

3/11/02, ASSIGNED to 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.)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

3/11/02, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

3/11/02, ASSIGNED to Finance Committee.

Resolutions

**020411 [Federal grant funds for the reconstruction of the hillside on San Jose Avenue from Richland to Highland Avenue in San Francisco]
Supervisor Ammiano**

Resolution authorizing the Director of the Department of Public Works to accept and expend up to \$230,553 in federal Emergency Relief funds with required local matching funds of \$29,871 for reconstruction of the hillside at San Jose Avenue from Richland to Highland in the City and County of San Francisco.

3/11/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the March 20, 2002 meeting.

**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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020410 [Municipal Transportation Agency Leverage Lease Financing]
Mayor**

Resolution authorizing one or more defeased lease-to-service contract transactions with respect to up to 118 Breda light rail cars; approving the form of and authorizing the execution and delivery of one or more Participation Agreements setting forth the terms and conditions of the lease-to-service contract transactions relating to the rail cars; approving the form of and authorizing the execution and delivery of one or more Head Lease Agreements providing the terms and conditions pursuant to which the rail cars will be leased to one of up to 6 trusts; approving the form of and authorizing the execution and delivery of one or more Head Lease Supplements supplementing the terms and conditions pursuant to which specific rail cars will be leased to each trust; approving the form of and authorizing the execution and delivery of one or more Sublease Agreements providing the terms and conditions pursuant to which each trust will lease the rail cars back to the City to be operated and maintained by the City; approving the form of and authorizing the execution and delivery of one or more Sublease Supplements supplementing the terms and conditions pursuant to which the City will lease back the rail cars from each trust; approving the form of and authorizing the execution and delivery of one or more Payment Agreements providing the terms and conditions pursuant to which the City will provide for the payment of a portion of the sublease rent; approving the form of and authorizing the execution and delivery of an Equity Collateral Security Agreement and a Custody Agreement providing the terms and conditions pursuant to which the City will provide for a custody account to hold and a security interest in, certain securities for the payment of a portion of the sublease rent and the purchase option purchase price if the purchase option is or is deemed exercised; approving the form of and authorizing the execution and delivery of one or more Support and Access Agreements providing the terms and conditions pursuant to which the City will provide each trust support and access to certain property if the City chooses not to purchase the rail cars at the end of the "base" sublease term; approving the form of and authorizing the execution and delivery of one or more Agreements for Assignment on Default each of which will provide the lender with an option to purchase, and take an assignment from an equity investor, such equity investor's beneficial interest in the trust estate upon the occurrence of a trigger event (as such term is defined in said Agreement); approving the form of and authorizing the execution and delivery of one or more Tax Indemnification Agreements providing the terms and conditions pursuant to which the City will indemnify each equity investor for income inclusions or losses of tax benefits; approving the form of and authorizing the execution and delivery of one or more Insurance and Indemnity Agreements providing the terms and conditions pursuant to which the City will indemnify each strip surety provider; approving indemnification of various parties; acknowledging the waiver of the City's right to jury trial under certain circumstances; acknowledging proposed waiver requests pursuant to Sections 12B.5-1(d) and 12C.5-1(d) of the San Francisco Administrative Code; finding that the lease-to-service contract transaction is designed to reduce the amount or duration of payment or similar risk to the City or enhance the relationship between risk and return with respect to investments made pursuant to or in connection with such transaction; approving and authorizing the execution and delivery of any document necessary to implement this Resolution; authorizing the execution and delivery of documents in conforming sets for one or more equity investors; ratifying and approving any action heretofore taken in connection with the transaction contemplated by this Resolution; and related matters. (Mayor)

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

**020418 [State Grant - Recreation and Park Department]
Supervisors Leno, Hall**

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the amount of \$250,000 from the California State Coastal Conservancy for habitat restoration and trail improvements in Glen Canyon Park.

3/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020419 [Appointment of Major General James M. Myatt]
Mayor**

Resolution approving the Mayor's appointment of Major General James M. Myatt to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020420 [State Grant - Public Utilities Commission]
Mayor**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission and the Executive Director of the Department of Parking and Traffic to apply for, accept and expend low interest loans from the California Energy Commission to support peak load reduction projects for City facilities. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

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

Resolution declaring March 20, 2002 "Positive Pedaler Day" in San Francisco.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Resolution declaring March 14, 2002 "SFSKIDS.com Day" in San Francisco.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

020409 [Public Hearing - Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency]

Public hearing relating to consideration and adoption of the ordinance declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency for the City and County of San Francisco, thereby replacing the existing seven-member appointed Board; and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission. (Clerk of the Board)

(Companion measure to File 020413.)

3/11/02, SCHEDULED FOR PUBLIC HEARING. For public hearing Monday, March 25, 2002, at 5:00 p.m.

**020431 [Implementation of Prop A]
Supervisor Gonzalez**

Hearing on the implementation of the voter approved Proposition A, a charter amendment instituting Instant Run-off Voting for San Francisco Municipal Elections.

3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020432 [SF Public Library 2002-03 Proposed Budget]
Supervisor Newsom

Hearing to consider a report issued by the Office of the Controller and to have a policy-driven budget discussion regarding the budget, performance measures and other basic data for Fiscal Year 2002-03 of the San Francisco Public Library.

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

020430 [Recreation and Park 2002-03 Proposed Budget]
Supervisor Newsom

Hearing to discuss the overall proposed budget of the Recreation and Park Department for Fiscal Year 2002-03, including, but not limited to, the mission, goals and objectives of the Department.

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

020434 [Recreation and Park Dog Policy]
Supervisor Yee

Hearing regarding the February 25, 2002 draft of the Recreation and Park Department Dog Policy.

3/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

Motions

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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020408 [Amending Rule 3.11 of the Rules of Order of the Board of Supervisors]

Motion amending Rule 3.11 of the Rules of Order of the Board of Supervisors to provide that when a continued resolution is placed on the adoption without committee reference portion of the Board's agenda, and the Board declines to waive Rule 2.11, which requires the referral of all legislative matters to committee, then the Board shall not vote on the proposed resolution, and the Clerk of the Board shall refer the resolution to committee. (Clerk of the Board)

3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

020110 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Fannie Williams, Mariah Gorge (a minor by and through her Guardian ad litem Fannie Williams), Brenda Williams against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 2, 1998 in San Francisco Superior Court, Case No. 992-174; entitled Fannie Williams, et al., v. Les Adams, City and County of San Francisco, et al; other material term of said settlement is waiver of \$45,522.01 lien to San Francisco General Hospital. (City Attorney)

3/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020255 [Settlement of Lawsuit]

Ordinance authorizing §998 offer of judgment in the lawsuit filed by Frank Rodriguez against the City and County of San Francisco for \$30,001.00; the lawsuit was filed on October 11, 2001 in San Francisco Superior Court, Case No. 400-133; entitled Frank Rodriguez, v. City and County of San Francisco, et al. (City Attorney)

3/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020322 [Traffic Code - Shifting of Parked Vehicles]

Ordinance amending San Francisco Traffic Code Section 64 regarding the distance a vehicle must be moved upon expiration of a limited parking period to avoid being deemed to have remained stationary. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - non-physical exemption)

2/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020324 [Bicycle Lane - Parking Prohibition]

Ordinance amending San Francisco Traffic Code Section 38.N establishing a fine structure for parking in a bicycle lane and deleting exceptions for Emergency Vehicles, Public Utility Vehicles and Commercial Vehicles.

(Companion measure to File 020325.)

2/28/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/10/2002.

020327 [General Plan Amendment]

Supervisors Daly, Gonzalez

Ordinance amending the text of the Downtown Element, Objective 12 (Conserve Resources that Provide Continuity with San Francisco's Past), of the City's General Plan to permit transfer of Transferable Development Rights (TDR) from historic/landmark structures within the Yerba Buena Center Redevelopment Project Area to C-3-O zoning districts; adopting findings relating to CEQA and Planning Code Section 101.1 Priority Policies. (Planning Department)

(Planning Commission Resolution No. 16345 adopted February 14, 2002, Case No. 02.1151TT; companion measure to File 020328.)

3/4/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/10/2002.

020328 [Transferable Development Rights]

Supervisors Daly, Gonzalez

Ordinance amending the San Francisco Planning Code by amending Section 128(c) to permit transfer of Transferable Development Rights (TDR) from historic/landmark structures within the Yerba Buena Center Redevelopment Project Area to C-3-O zoning districts; adopting findings relating to CEQA and Planning Code Section 101.1. (Planning Department)

3/4/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/10/2002.

020330 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Miguel Martinez (Barrera) against the City and County of San Francisco for \$412,500.00; the lawsuit was filed on June 23, 2000 in Superior Court, Case No. 313-139; entitled Miguel Martinez (Barrera) vs. City and County of San Francisco, et al. (City Attorney)

3/6/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

- 020331 [Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Rosa Corrales against the City and County of San Francisco for \$500,000.00; the lawsuit was filed on October 3, 2000 in San Francisco Superior Court, Case No. 315-584; entitled Rosa Corrales v. Regents of the University of California, et al; there are no other material terms to said settlement. (City Attorney)
3/6/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.
- 020334 [Changing the designation of 333 Sacramento Street from a Category V Building to a Category IV Building]**
Supervisor Peskin

Ordinance changing the designation of 333 Sacramento Street from Category V (Unrated) to Category IV (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)

(Planning Commission Resolution No. 16322 adopted January 10, 2002 (Case No. 2001.0898G), recommending approval of above ordinance; Landmark Preservation Advisory Board Resolution No. 551 dated December 5, 2001, recommending the proposed change in Article 11 designation of the property and recommending Planning Commission approval.)
3/6/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

PROPOSED RESOLUTIONS

- 020109 [Coordinated and comprehensive services for youth engaged in or at high risk of committing juvenile crime]**
Resolution authorizing the San Francisco Department of Public Health (SFPDH), Community Substance Abuse Services (CSAS), to accept retroactively and expend funds in the amount of \$154,402 for the first year of a three year grant from the California Department of Alcohol and Drug Programs (CADP) to reduce youth violence and substance abuse in San Francisco; for the period of June 28, 2001 to June 30, 2002. (Public Health Department)
3/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the March 21, 2002 meeting.
- 020325 [Establishing Penalty for Vehicles Parked in Bicycle Lanes]**
Resolution establishing a \$50 penalty for vehicles in violation of Section 38N (a) and a \$100 penalty for violation of Section 38N (b) of the San Francisco Traffic Code relating to stopping, standing or parking vehicles in designated bicycle lanes. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - non-physical exemption)
2/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
- 020333 [Outreach Advertising]**
Resolution approving additional funds for outreach advertising in fiscal year 2001-2002. (Purchaser)
3/6/02, RECEIVED AND ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Gonzalez

To: City Attorney

Requesting/Inquiring: To clarify why the age and residency waivers currently in place for advisory bodies and commissions, established by legislative act were not initially authorized for commissions established and governed by the City Charter.

From: Supervisor Gonzalez

To: City Attorney

Requesting/Inquiring: To draft an ordinance amending Article II, Section 220 of the San Francisco Elections Code to allow a candidate who is advancing to a runoff election to submit a new Candidate Qualification Statement.

From: Supervisor Hall

To: City Attorney

Requesting/Inquiring: To draft legislation that prohibits campaigns from leaving recorded messages at individual residences and work places.

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To investigate and report on the feasibility of a four-way stop sign at the intersection of Ulloa and Madrone, and an all-way stop at 16th and Noriega.

From: Supervisor Sandoval

To: Director, Caltrans

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To write a letter to Caltrans and the Department of Parking and Traffic to inquire about repainting the arrows for the Geneva/Cow Palace exit from northbound I-280, which would allow drivers to make a right turn onto Geneva Avenue from both lanes.

In Memoriams

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

Celesta Delle Sedie (Supervisor Newsom)

Shirley E. Roos (Supervisor Yee)

ADJOURNMENT

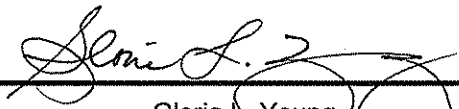
There being no further business, the Board at the hour of 3:27 p.m. adjourned.

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 6, 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

NEXT PAGE 235