

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

MEETING MINUTES

Tuesday, May 28, 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, Ammiano

Health and Human Services Committee

Supervisors Daly, Leno, Gonzalez

Neighborhood Services and Recreation Committee

Supervisors Newsom, Leno, McGoldrick

Public Works and Public Protection Committee

Supervisors Sandoval, Yee, Gonzalez

Rules and Audits Committee

Supervisors Hall, Gonzalez, Sandoval

Transportation and Commerce Committee

Supervisors McGoldrick, Hall, Ammiano

Meeting Days

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

3rd Wednesday
3:00 PM

Wednesday
12:30 PM

1st and 3rd Thursday
1:00 PM

2nd and 4th Thursday
2:00 PM

1st and 3rd Tuesday
10:00 AM

1st and 3rd Tuesday
1:00 PM

2nd and 4th Thursday
9:30 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

Supervisors Daly, Maxwell, Sandoval - 3.

Quorum present.

Supervisor Daly was noted present at 2:06 p.m.

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

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

AGENDA CHANGES

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

There were none.

CONSENT AGENDA

Recommendations of the Finance Committee

**020191 [Supplemental Appropriation, Board of Supervisors]
Supervisor Daly**

Ordinance releasing the \$500,000 Finance Committee Reserve for the Transbay Terminal Study and reappropriating the same from the Planning Department to the Board of Supervisors for fiscal year 2001-02.

(Fiscal impact.)

**Ordinance No. 83-02
FINALLY PASSED**

**020490 [Gift - South (Murphy) Windmill in Golden Gate Park]
Supervisors McGoldrick, Hall, Sandoval, Newsom, Maxwell**

Ordinance authorizing the Recreation and Park Department to negotiate and enter into sole-source contracts with Lucas Verbij, Hoogmade/BV, Netherlands, and Mark De Jong, Bloemendal Construction Company, San Francisco for restoration of the South (Murphy) Windmill in Golden Gate Park and accepting a gift of funds from the Campaign to Save the Golden Gate Park Windmills.

(Fiscal impact.)

**Ordinance No. 87-02
FINALLY PASSED**

Recommendations of the Health and Human Services Committee

020661 [Authorizing DPH to enter into a contract with STANFORD for research services]

Resolution authorizing the San Francisco Department of Public Health, Community Health Network of San Francisco, Laguna Honda Hospital (CHN, LHH) to enter retroactively into an agreement which includes an indemnification clause, with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, and expend funds in the amount of \$2,500 for research services, for the period of September 1, 2001 to June 30, 2002. (Public Health Department)

**Resolution No. 327-02
ADOPTED**

020662 [Mental health services to HIV positive women and their adult family members]

Resolution authorizing the San Francisco Department of Public Health, HIV Mental Health Program at the Center for Special Problems (SFDPH, CSP) to enter retroactively into an agreement in the amount of \$18,450 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to provide outpatient mental health services to women who have HIV and their adult family members, for the period of August 1, 2001 to July 31, 2002. (Public Health Department)

**Resolution No. 328-02
ADOPTED**

Recommendations of the Public Works and Public Protection Committee

- 020517 [Grant - Police Department Local Forensic Laboratory Improvement Program]
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the Governor's Office of Criminal Justice Planning (OCJP) for a project entitled, "Local Forensic Laboratory Improvement Program (LFLIP)". (Police Department)

Resolution No. 349-02
ADOPTED

- 020624 [Grant - Community Gun Violence Prosecution Program]
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$360,000 through the United States Department of Justice, Bureau of Justice Assistance, for a project entitled "Community Gun Violence Prosecution Program", and waiving indirect costs due to funding constraints. (District Attorney)

Resolution No. 353-02
ADOPTED

Recommendation of Rules and Audits Committee

- 020671 [Appointment]
Resolution appointing Dr. Philip R. Day, Jr., Edward Harrington, Sarah Hart, Leo Fermin, and Richard Sullivan, terms ending June 5, 2005, to the Treasury Oversight Committee.

Dr. Philip R. Day, Jr., succeeding himself, term expired, seat 1, must be the Chancellor of the Community College District or his/her designee, for the unexpired portion of a four year term expiring June 5, 2005;
Edward Harrington, succeeding himself, term expired, seat 2, must be the County Controller, for the unexpired portion of a four year term expiring June 5, 2005;
Sarah Hart, succeeding Enrique Navas, term expired, seat 3, must be the County Superintendent of Schools or his/her designee, for the unexpired portion of a four year term expiring June 5, 2005;
Leo Fermin, succeeding himself, term expired, seat 4, must represent the public at large, for the unexpired portion of a four year term expiring June 5, 2005;
Richard Sullivan, succeeding himself, term expired, seat 5, must represent the public at large, for the unexpired portion of a four year term expiring June 5, 2005.

Resolution No. 355-02
ADOPTED

Recommendations of the Transportation and Commerce Committee

- 012133 [Pedestrian Safety Advisory Committee]
Supervisors McGoldrick, Ammiano, Leno, Maxwell, Peskin, Sandoval, Yee, Daly, Newsom

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article IV Sections 5.20 and 5.21 establishing a Pedestrian Safety Advisory Committee.

Ordinance No. 85-02
FINALLY PASSED

**020054 [Parking Regulations, portions of Clay and Laurel Street]
Supervisor Newsom**

Ordinance adding Section 32.6.31 to the San Francisco Traffic Code, regarding parking regulations on portions of Clay and Laurel Street. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets)

**Ordinance No. 86-02
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

Severed from Consent Agenda

Recommendation of the Health and Human Services Committee

**020543 [Grant - District Attorney's REACT Task Force for the Investigation and Prosecution of High
Technology Crimes]
Supervisor Leno**

Resolution authorizing the District Attorney to retroactively accept and expend a grant in the maximum amount of \$75,000 per year from the California Office of Criminal Justice Planning for investigation and prosecution of high technology crimes. (District Attorney)

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

Resolution No. 350-02

ADOPTED by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance Committee

020535 [Unrepresented Employees]
Mayor

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 jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

Supervisor Ammiano moved an amendment of the whole bearing the same title.

Supervisor Yee, seconded by Supervisor Peskin, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

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

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 job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

Supervisor Yee requested this matter be heard by a committee of the whole on June 3, 2002.

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

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

From Transportation and Commerce Committee Without Recommendation

011729 [Residential Parking Permits]
Supervisor Newsom

Ordinance amending San Francisco Traffic Code Section 308 to limit the number of residential parking permits issued to a single address. (Parking and Traffic Department)

(4/15/02 Categorically Exempt from Environmental Review - non-physical exemption)

Supervisor McGoldrick, seconded by Supervisor Newsom, moved an amendment of the whole bearing the same title.

Supervisor Hall, seconded by Supervisor Newsom, moved further amendment to define households as to not penalize households of more than four people.

Supervisor McGoldrick, seconded by Supervisor Newsom, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Yee
Noes: 3 - Gonzalez, Peskin, Sandoval

Supervisor Hall, seconded by Supervisor Newsom, moved further amendment to define households as to not penalize households of more than four people.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

NEW BUSINESS

Recommendations of the Health and Human Services Committee

020300 [Public Toilets]
Supervisors Hall, Daly, Newsom

Resolution urging the Mayor to request that the Department of Public Works, the Recreation and Park Department and any other city departments with public restrooms to open such facilities and to the greatest extent possible establish new public restroom facilities.

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

Supervisor Hall requested this matter be continued to June 17, 2002.

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

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

020399 [Grant - Public Utilities Commission]
Supervisor Newsom

Resolution authorizing the Department of Public Utilities Commission to accept and expend a grant in the amount of \$75,000 from the Environmental Protection Agency for a feasibility study on decentralized wastewater treatment at the Hunters Point Naval Shipyard; placing \$75,000 on reserve. (Public Utilities Commission)

Resolution No. 347-02

ADOPTED by the following vote:

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

020566 [Grant - Public Defender's Office]
Supervisor Maxwell

Resolution authorizing the Public Defender's Office to accept and expend a grant in the amount of \$160,000 from the Governor's Office of Criminal Justice planning to help indigent inmates file motions to establish their innocence.

Resolution No. 351-02

ADOPTED by the following vote:

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

020598 [Homeless Seniors]
Supervisor Daly

Resolution endorsing the creation of Homeless Shelters, transitional housing strategies and housing solutions appropriate for senior homeless populations within the City and County of San Francisco.

Supervisor McGoldrick moved to amend page 2, line 4-5, to place the following phrase in quotes "in by 10 p.m., out by 8 a.m. hauling your belongings with you". On page 2, line 5, replace the work "you" with "you"" . On page 1, line 13, replace the words "range from \$320 to \$394" with "range from \$320 to \$395".

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

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

Supervisor Leno requested to be added as co-sponsor.

Resolution No. 352-02

ADOPTED AS AMENDED by the following vote:

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

020762 [Directing the Clerk of the Board to Distribute Reports]
Supervisor Daly

Motion directing the Clerk of the Board to distribute reports requested by the Board of Supervisors from the Controller, Budget Analyst and Legislative Analyst on homeless expenditures and best practices to various City departments heads, elected officials and other policymakers.

Motion No. M02-81

APPROVED by the following vote:

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

Recommendation of the Public Works and Public Protection Committee

- 020268 [Requiring the Airport Commission to submit settlements and claims related to construction contracts in excess of \$100,000 to the Board of Supervisors for approval]
Supervisors Sandoval, Peskin

Ordinance amending Administrative Code Sections 10.25-10 and 10.25-11 to eliminate the exemption from Board of Supervisors approval for settlements of construction contracts under the jurisdiction of the Airport Commission, and making such settlements in excess of \$100,000 subject to approval by the Board of Supervisors.

Supervisor Peskin requested to be added as co-sponsor.

PASSED, ON FIRST READING by the following vote:

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

Recommendations of the Rules and Audits Committee

- 012130 [Regulation of Mass Mailings]
Supervisors Leno, McGoldrick

Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by amending section 1.161 to require candidates who pay for mass mailings to file, within five working days after the date of the mailing, an itemized disclosure statement with the San Francisco Ethics Commission.

Supervisor McGoldrick requested to be added as co-sponsor.

PASSED, ON FIRST READING by the following vote:

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

- 020596 [Candidate Qualification Statements]
Supervisor Gonzalez

Ordinance amending the Municipal Elections Code to permit candidates for Assessor-Recorder and Public Defender who qualify for a runoff election to submit a new candidate qualification statement for the runoff election.

PASSED, ON FIRST READING by the following vote:

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

- 020637 [Establishing a San Francisco Museum and Historical Society Advisory Committee]
Supervisors Peskin, Leno, Newsom

Ordinance amending Article VIII of the San Francisco Administrative Code by adding Section 2A.166 to establish the San Francisco Museum and Historical Society Advisory Committee as an advisory committee to the Board of Supervisors and the Board of Trustees of the Fine Arts Museums of San Francisco.

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

PASSED, ON FIRST READING by the following vote:

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

020351 [Small School Policy]
Supervisors Gonzalez, Sandoval, Leno, McGoldrick, Daly

Resolution supporting the San Francisco Board of Education's resolution establishing an autonomous small school policy for the San Francisco Unified School District.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 348-02

ADOPTED by the following vote:

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

020679 [Reappointment of Ramon Romero to the San Francisco Redevelopment Agency]
Mayor, Supervisor Daly

Resolution confirming the reappointment of Ramon Romero to the San Francisco Redevelopment Agency for the remainder of a four-year term ending September 3, 2005. (Mayor)

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 354-02

ADOPTED by the following vote:

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

020710 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by June Crabtree against San Francisco for \$100,000; claim was filed on March 29, 2001. (City Attorney)

Resolution No. 358-02

ADOPTED by the following vote:

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

020670 [Board Off-site Meetings]
Supervisor Ammiano

Motion ordering the City and School District Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on June 19, 2002 at 3:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

Motion No. M02-87

APPROVED by the following vote:

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

020676 [Amending the Board's Process for Considering Appointments to the Planning Commission and the Board of Appeals]

Motion amending Rule 2.31 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco to amend the process for the Board's consideration of appointments to the Planning Commission and the Board of Appeals, consistent with Charter Sections 4.105 and 4.106. (Clerk of the Board)

(Requires eight votes to pass.)

Motion No. M02-80

APPROVED by the following vote:

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

COMMITTEE REPORTS

From Finance Committee

**020755 [Pension Buy-Backs-Rollovers/Transfers]
Supervisor Daly**

Ordinance authorizing the Retirement System to accept rollovers and transfers from qualified and non-qualified tax plans for buybacks. (Retirement System)

(Requires nine votes to pass.)

PASSED ON FIRST READING by the following vote:

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

**020708 [Lease of Real Property]
Supervisors Peskin, Daly**

Resolution authorizing the lease of 18,862 sq. ft. of space at 1740 Folsom Street for the Sheriff's Department to consolidate training facilities. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient; District 6.)

Resolution No. 356-02

ADOPTED by the following vote:

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

**020709 [Lease of Real Property]
Supervisors Peskin, Daly**

Resolution authorizing the lease of 4,997 sq. ft. of space at 555 7th Street to the San Francisco PreTrial Diversion Project. (Real Estate Department)

(Public Benefit Recipient; District 6.)

Resolution No. 357-02

ADOPTED by the following vote:

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

**020704 [Appropriating Funding for Moving the Sheriff to 1740 Folsom Street]
Supervisors Peskin, Daly**

Ordinance appropriating \$351,858 from Federal funding for housing prisoners for one-time expenses associated with moving the Sheriff's training and other departmental services to 1740 Folsom Street fiscal year 2001-02. (Controller)

(Fiscal impact.)

PASSED, ON FIRST READING by the following vote:

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

020761 [Certification to Accompany Application for State Grant for Excelsior Library Renovation]
Supervisor Sandoval

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000. (Public Library)

Supervisor Sandoval requested to be added as sponsor.

Resolution No. 346-02

ADOPTED by the following vote:

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

From Health and Human Services Committee

020727 [Endorsing the Health Commission Position on Budget Cuts]
Supervisors Daly, McGoldrick, Gonzalez, Sandoval, Ammiano

Resolution endorsing the position of the San Francisco Health Commission that cuts in the budget for the Department of Public Health are unwise, and urging the Mayor's Budget Office to submit a June 1st budget that includes full funding for the Health Department, including funding for "add-backs" and full funding for HIV/AIDS programs.

Supervisor Leno moved to amended the title on page 1, line 7, after the words "HIV/AIDS programs" by adding "recognizing that any identified waste, duplication or inefficiencies would be exempt from this request".

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

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

Resolution endorsing the position of the San Francisco Health Commission that cuts in the budget for the Department of Public Health are unwise, and urging the Mayor's Budget Office to submit a June 1st budget that includes full funding for the Health Department, including funding for "add-backs" and full funding for HIV/AIDS programs recognizing that any identified waste, duplication or inefficiencies would be exempt from this request.

Resolution No. 359-02

ADOPTED AS AMENDED by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Sandoval

Noes: 5 - Hall, Maxwell, Newsom, Peskin, Yee

PUBLIC COMMENT

Abdallah Megahed, homelessness;
Frederick Hobson;
Yom Leghnan, fiscal practice, pay increase for supervisors;
John Bardis, Mayor's budget;
Rich Robertson, funds for Rescue Mission;
Khoi Nguyen, General Hospital to prevent closure of Renal Center;
Rudy Rodriguez, General Hospital to prevent closure of Renal Center;
Male speaker, homelessness, film society.

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

020763 [Legislative Analyst Request]
Supervisor Daly

Motion asking the Legislative Analyst to prepare a study to identify the most appropriate role of law enforcement in addressing homelessness, specifically focused on how misdemeanors and infractions is advisable, appropriate diversion programs or innovative approaches, and the cost of using law enforcement to respond to homeless people.

Motion No. M02-112

APPROVED by the following vote:

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

020869 [Legislative Analyst Request]
Supervisor Newsom

Motion asking the Legislative Analyst to prepare a report comparing the policies, best practices and procedures of the top performing homicide and robbery divisions of large city Police Departments nationwide.

Motion No. M02-93

APPROVED by the following vote:

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

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation

020898 [Anticipated Litigation with City as Plaintiff]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation where City is anticipated to be Plaintiff.

This closed session would be permitted by California Government Code Section 54956.9(c) and San Francisco Administrative Code Section 67.10(d)(2). (City Attorney)

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

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

Recess

The Board recessed at the hour of 3:50 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:55 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.

Quorum present.

Report on Closed Session

Deputy City Attorney John Kennedy reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:

Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;
Dennis J. Herrera, City Attorney;
John Kennedy, Deputy City Attorney;
Therese Stewart, Deputy City Attorney;
Jo Hoejaer, Deputy City Attorney;
Edward Harrington, Controller;
John Martin, Director, San Francisco Airport;
Gloria L. Young, Clerk of the Board;
Victor Young, Assistant Clerk.

The meeting was informational only and no action was taken.

HEARD IN CLOSED SESSION by the following vote:

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

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

020840 [Existing Litigation - Pacific Gas and Electric Company]
Supervisor Maxwell

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant:

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor
U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM
Federal I. D. No. 94-0742640
Date Filed: 4/6/01

This closed session would be permitted by California Government Code Section 54956.9(c), and San Francisco Administrative Code Section 67.10(d)(2). (City Attorney)

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

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

Recess

The Board recessed at the hour of 3:50 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:55 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.

Quorum present.

Report on Closed Session

Deputy City Attorney John Kennedy reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:

*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;
John Kennedy, Deputy City Attorney;
Joanne Sakai, Deputy City Attorney;
Theresa Mueller, Deputy City Attorney;
Cameron Baker, Deputy City Attorney;
Edward Harrington, Controller;
Gloria L. Young, Clerk of the Board;
Victor Young, Assistant Clerk.*

The meeting was informational only and no action was taken.

HEARD IN CLOSED SESSION by the following vote:

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

020891 [Existing Litigation - One Market Plaza]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following two property tax cases in which the City and County of San Francisco is an active participant:

IBM Personal Pension Plan v. the City and County of San Francisco and the Assessment Appeals Board for the City and County of San Francisco;

San Francisco Superior Court, Case No. 404897; date filed: 2/25/02.

City and County of San Francisco v. Assessment Appeals Board of the City and County of San Francisco (IBM Personal Pension Plan, Real Party In Interest);

San Francisco Superior Court, Case No. 500887; date filed 5/10/02.

This closed session would be permitted by California Government Code Section 54956.9(c) and San Francisco Administrative Code Section 67.10(d)(2). (City Attorney)

Supervisor Ammiano requested this item be continued to June 3, 2002.

President Ammiano, seconded by Supervisor Daly, moved that this Litigation be CONTINUED. The motion carried by the following vote:

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

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

020857 [Recognizing the achievements at Thurgood Marshall Academic High School]

Supervisors Yee, Newsom

Resolution recognizing the accomplishments and achievements of the students, faculty and administration at Thurgood Marshall Academic High School in San Francisco.

Supervisor Newsom requested to be added as co-sponsor.

Resolution No. 361-02

ADOPTED

020858 [Urging the SF Board of Education to Support Resolution No. 21-22A7]
Supervisors Maxwell, Daly, Leno, Peskin

Resolution urging the Board of Education to support Resolution No. 21-22A7, in support of health, psychological and social services for children of the San Francisco Unified School District.

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

Resolution No. 362-02

ADOPTED

020859 [Healthy Families Program]
Supervisors Yee, McGoldrick, Daly, Leno, Peskin, Maxwell

Resolution urging Governor Gray Davis to reconsider postponing expansion of the Healthy Families Program.

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

Resolution No. 363-02

ADOPTED

020861 [Urging the U.S. Congress to adopt Wild Heritage Wilderness Act of 2002]
Supervisors Leno, Peskin, Daly, Maxwell, McGoldrick, Sandoval

Resolution urging the U.S. Congress to adopt and President Bush to sign Senator Barbara Boxer's California Wild Heritage Wilderness Act of 2002.

Supervisor Sandoval requested to be added as co-sponsor.

Resolution No. 364-02

ADOPTED

020862 [Prevent closure of the SF General Hospital Renal Center]
Supervisors Yee, Sandoval, Daly, Peskin, Maxwell

Resolution seeking to prevent closure of the San Francisco General Hospital Renal Center.

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

Resolution No. 372-02

ADOPTED

020863 [Commending Balboa High School]
Supervisor Sandoval

Resolution commending Balboa High School for winning the "Best Roundtable" award at the San Francisco Public Utilities Commission Environmental Summit.

Resolution No. 365-02

ADOPTED

**020864 [Commending Ben Wildman-Tobriner]
Supervisors Sandoval, Hall, Newsom**

Resolution commending Ben Wildman-Tobriner for setting a new North Coast Section swimming record in the 50-yard freestyle.

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

Resolution No. 366-02

ADOPTED

**020865 [Commending Partners Ending Domestic Abuse]
Supervisors Leno, Newsom, Maxwell, Peskin, Daly, McGoldrick, Yee, Sandoval, Hall**

Resolution commending Partners Ending Domestic Abuse, a non-profit volunteer organization, and declaring June 5, 2002 Partners Ending Domestic Abuse Day in San Francisco.

Supervisor Sandoval requested to be added as co-sponsor.

Resolution No. 367-02

ADOPTED

**020866 [Commending Congregation Sha'ar Zahav]
Supervisors Leno, Peskin, Daly, Ammiano, Sandoval, McGoldrick, Newsom**

Resolution commending Congregation Sha'ar Zahav for their contributions to the San Francisco Jewish community over the past 25 years.

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

Resolution No. 368-02

ADOPTED

**020867 [Commending Theatre Rhinoceros]
Supervisors Leno, Ammiano, Daly, Peskin, Sandoval, McGoldrick, Newsom**

Resolution commending Theatre Rhinoceros for their educational and artistic contributions to the San Francisco cultural and LGBT communities over the past 25 years.

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

Resolution No. 369-02

ADOPTED

**020868 [Commending John O'Connell High School]
Supervisors Daly, Sandoval, Newsom**

Resolution commending students at John O'Connell High School on the occasion of being named "Best Group Presentation" at the San Francisco Public Utilities Commission Environmental Summit for Youth.

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

Resolution No. 370-02

ADOPTED

- 020841 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

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

Motion No. M02-82

APPROVED

- 020850 [Final Map for a 7 Unit Commercial / Residential Condominium Project]
Supervisor Maxwell

Motion approving Final Map of 2546 3rd Street a Commercial / Residential Condominium Project, being a subdivision of Lots 8 and 9 in Assessor's Block No. 4172, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,538; District 10.)

Motion No. M02-79

APPROVED

- 020899 [Suspend Rule 2.28.1 Regarding the Requirement for Introduction of a Proposed Charter Amendment at a Regular Board Meeting Not Less than 169 days Prior to an Election]
Supervisor Ammiano

Motion to suspend Board of Supervisors Rules of Order, Rule 2.28.1, pursuant to Rule 4.37, to permit the introduction of a proposed Charter amendment to amend Appendix A8.506-2 relating to retirement benefits for miscellaneous safety employees.

Motion No. M02-84

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from for Adoption Without Committee Reference

- 020860 [Expressing grave concern about the recent KPIX Channel 5 news series focused on Chinese Restaurants in San Francisco]
Supervisors Peskin, McGoldrick, Daly

Resolution condemning negative stereotyping of Asian-Americans perpetuated by recent KPIX coverage and their unfair, unbalanced and irresponsible series on unsanitary conditions inside Chinese restaurants in San Francisco, and urging KPIX to immediately cease airing the series until KPIX pursues fair and balanced coverage of this issue.

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

Supervisor Peskin presented an amendment of the whole.

Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

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

Resolution expressing grave concern about negative stereotyping of Asian-American restaurants perpetuated by recent KPIX coverage and its unbalanced series on unsanitary condition inside Chinese Restaurants in San Francisco.

Supervisor Newsom requested this matter be continued to June 3, 2002.

Supervisor Newsom, seconded by Supervisor Daly, moved that this Resolution be CONTINUED AS AMENDED.

The motion carried by the following vote:

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

**020870 [Calendar Item No. 020626]
Supervisor Yee**

Motion to direct the Clerk of the Board to calendar a motion that would order File No. 020626 returned to the Board.

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

Motion No. M02-83

APPROVED by the following vote:

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

Noes: 1 - Daly

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

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

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Leno, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

Imperative Resolution

020912 [Proclamation]
Supervisor Hall

Resolution proclaiming June 1, 2002 Sister Paulina Simms, RSM Day in San Francisco.

Resolution No. 371-02

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

020905 [Approval of Contract Assignment and Release of Reserved Funds]
Supervisor Peskin

Ordinance approving the assignment of existing contract for program management and construction management services in support of the San Francisco Public Utilities Commission's water power and sewer Capital Improvement Program to a joint venture consisting of Jacobs Civil, Inc. and Primus Industries, Inc., and releasing reserved funds.

(Fiscal impact.)

5/28/02, RECEIVED AND ASSIGNED to Finance Committee.

020913 [Appointment Process for the Child Care Planning and Advisory Council]
Supervisor Maxwell

Ordinance amending Article XX of Chapter 5 of Part One of the San Francisco Municipal Code (Administrative Code) to amend Section 5.200 to provide that half the membership is appointed by the Board of Supervisors and half the membership is appointed by the Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him and to establish the Council in the Department of Children, Youth and Their Families; and adding section _____ to Article XII of Chapter 10 of Part One of the San Francisco Municipal Code (Administrative Code) establishing the Child Care Planning and Advisory Council Account.

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

**020939 [Appropriating Funding for Environmental Review]
Supervisor Daly**

Ordinance appropriating \$305,000 from the General Fund Reserve to the Board of Supervisors for an environmental review of Board of Supervisors legislation, File No. 002108, ordinance amending Part II of the San Francisco Municipal Code (Planning Code) by amending Section 124 to eliminate floor area ratio limits for residential construction in certain C-3 Zoning Districts, amending Sections 215 and 216 to increase the maximum density ratio for dwelling units and group housing allowed in certain C and M Districts, and making a determination of consistency with the priority policies of Planning Code Section 101.1(B) for fiscal year 2001-02.

(Fiscal impact.)

5/28/02, RECEIVED AND ASSIGNED to Finance Committee.

**012186 [Regulation of Diesel Backup Generators]
Supervisor Maxwell**

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.

12/10/01, ASSIGNED UNDER 30 DAY RULE to Public Health and Environment Committee, expires on 1/9/2002.

1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.

2/4/02, ASSIGNED to Health and Human Services Committee.

2/4/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

4/15/02, RE-REFERRED to Health and Human Services Committee.

5/28/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

5/28/02, ASSIGNED to Health and Human Services Committee.

Resolutions

**020914 [Appointing Kimberly Brandon to Port Commission]
Mayor**

Resolution confirming the reappointment of Ms. Kimberly Brandon to the San Francisco Port Commission, term ending May 1, 2005. (Mayor)

5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020915 [Continuum of Care Plan - Homeless Board Membership]
Supervisor Hall**

Resolution amending the Continuum of Care Plan to reduce the size of the Local Homeless Coordinating Board to sixteen members; eight of whom are appointed by the Mayor and eight of whom are appointed by the Board of Supervisors.

5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020916 [Amending and Extending Interim Controls Regulating Certain Uses in the Mission District]
Supervisor Ammiano**

Resolution amending interim controls to require conditional use and expanded public notice for certain uses in the Mission District in the Area Bounded by Guerrero Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway, in the Valencia Street Neighborhood Commercial District, in the 24th Street - Mission Neighborhood Commercial District, on Mission Street From 15th Street to Cesar Chavez Street Zoned NC-3, and in the NEMIZ; extending the interim controls to July 7, 2003 or until permanent controls are adopted.

(Certificate of Exemption/Exclusion from Environmental Review dated 6/25/02)

5/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 6/10/02 - Transmitted to Director of Planning for environmental review.

**020917 [Revenue Bonds - Presidio Hill School]
Supervisor Newsom**

Resolution authorizing the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$7,000,000 for the Presidio Hill School. 5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020918 [Breast Cancer Fund Day]
Supervisors Leno, Newsom, Maxwell, Daly, Sandoval**

Resolution proclaiming June 6th, 2002 "Breast Cancer Fund Day" in the City and County of San Francisco on the 10th anniversary of the organization.

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020919 [Transgender Civil Rights Implementation Task Force]
Supervisors Leno, Daly**

Resolution extending the Transgender Civil Rights Implementation Task Force timeline to September 5th, 2002. 5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020920 [Haight-Ashbury Street Fair]
Supervisors Gonzalez, Daly, Leno, Sandoval, Newsom**

Resolution recognizing the 25th annual Haight-Ashbury Street Fair.

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020921 [Reaffirming SF Status as a City and County of Refuge and an "I.N.S. Raid-Free Zone]
Supervisors Daly, Gonzalez, Sandoval**

Resolution promoting San Francisco's commitment to ensuring that all its residents may live in safety and free from discrimination in the midst of the post-September 11 "war against terrorism," by reaffirming San Francisco's status as a City and County of Refuge, and an "I.N.S. Raid-Free Zone."

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020922 [Phoenix High School Relocation]
Supervisors Ammiano, Daly, Leno, Sandoval**

Resolution urging the San Francisco Board of Education to fulfill their commitment to "Excellence For All" and take action to relocate Phoenix High School to the current School of the Arts campus which is a more education-friendly and safe environment.

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020923 [Revenue Bonds - San Francisco Art Institute]
Supervisors Peskin, Daly, Newsom**

Resolution authorizing the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$10,000,000 for the San Francisco Art Institute.

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020924 [Commending the California Abortion & Reproductive Rights Action League]
Supervisors Maxwell, Daly, Leno, Newsom, Peskin**

Resolution commending the California Abortion & Reproductive Rights Action League for initiating the first ever Women of Color Reproductive Health Summit.

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020925 [Commendation for SOYAC Youth Collective]
Supervisor Daly**

Resolution commending SOYAC Youth Collective for their youth led needs assessment for the South of Market.

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020926 [Commending the Office of the City Attorney]
Supervisors Ammiano, Peskin**

Resolution commending the Office of the City Attorney for its continued success in defending the Minority/Women/Local Business Utilization Ordinance - IV against every legal challenge brought against it. 5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020927 [Commending September Jarrett]
Supervisors Ammiano, Daly, Sandoval**

Resolution commending Ms. September Jarrett upon her departure from dedicated service with the Low Income Housing Fund; and declaring May 28, 2002 as "September Jarrett Day" in the City and County of San Francisco. 5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**020928 [Budget Analyst's Performance Audit on City Planning]
Supervisor McGoldrick**

Hearing to receive and discuss the results of Budget Analyst's performance audit of the San Francisco Department of City Planning. 5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020929 [Existing Sidewalk Cleaning Projects]
Supervisor Gonzalez**

Hearing on the existing sidewalk cleaning projects in San Francisco such as the Tenderloin Sidewalk Improvement Program in District 6 and the Green Patrol project in District 3, and the feasibility of extending such programs to other areas of San Francisco. 5/28/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020930 [Civil Grand Jury Report - Homelessness in San Francisco]
Supervisor Daly**

Presentation from the Civil Grand Jury on its May 2002 Homeless report. 5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020931 [Hastings College of Law Proposed Garage]
Supervisor Daly**

Hearing on the status of the proposed garage to be built by Hastings College of the Law. 5/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020896 [2001-2002 Civil Grand Jury Report]
Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding San Francisco General Hospital.

(Pursuant to California Penal Code Section 933.)

4/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020952 [2001-2002 San Francisco Civil Grand Jury Report]
Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding the April 2002 billboard report.

5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020953 [2001-2002 San Francisco Civil Grand Jury Report]
Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding the April 2002 Professional Services Contracts report.

5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020940 [Hearing - Unrepresented Employees]
Supervisor Ammiano**

Hearing on the proposed 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 jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002.

5/28/02, ASSIGNED to Board of Supervisors. Pursuant to File 020535, Board to sit as a Committee of the Whole on June 3, 2002, at 3:00 p.m.

Motions

020911 [Agreement with AtPac to provide a retally of the ballots cast in the 11/7/00 Consolidated Municipal Election and recanvass ballots cast in a random sample of precincts in the 11/6/01 Consolidated Municipal Election]

Motion requesting that the Clerk of the Board, in consultation with the Office of the Secretary of State, and the Elections Commission, enter into an agreement with AtPac to provide a retally of the ballots cast in the November 7, 2000 Consolidated Municipal Election and recanvass ballots cast in a random sample of precincts in the November 6, 2001 Consolidated Municipal Election. (Clerk of the Board)

(Fiscal impact.)

5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020932 [Establish a Select Committee on the S.F. Police Department]
Supervisor Ammiano

Motion to establish a Select Committee on the San Francisco Police Department pursuant to Board of Supervisors Rules of Order, Rule 5.27.

5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020933 [Legislative Analyst Request - Process for Conversion of Rental Units to Ownership Units]
Supervisor McGoldrick

Motion asking the Legislative Analyst to analyze how the process for conversion of rental units to ownership units will take place under the process that would be created under this legislation, and compare this to the process that currently is in place under Article 9 of the Subdivision code. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 of the Subdivision code. Where the HOPE conversion process differs with the provisions of the Article 9 conversion process, please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also, please analyze how efficiently and effectively this initiative ordinance would be in allocating among City departments the administration of the responsibilities and duties that it imposes. Please also answer the following questions: 1) Based on an analysis of other jurisdictions that have enacted similar measures, are the more likely beneficiaries of such a policy existing tenants living in the units to be subdivided, or prospective buyers who will move into the units after offering incentives for existing tenants to move out of their apartments; 2) How will the measure impact the availability in San Francisco of what many business leaders refer to as "workforce housing," or housing affordable to the middle class; 3) How might such a measure be phased in as a trial program over time, so that information on its impacts on the housing market may be assessed before it is expanded, and what types of information and processes to collection information would be necessary to assess such impacts; 4) Does this measure contain effective measures to discourage speculation, and what would such measures need to contain to effectively discourage speculation; 5) What would be the effect of allowing conversions on all buildings, regardless of size, and what are the demographic characteristics of tenant populations in different size buildings; 6) What effect would the measure have on the availability of affordable housing, especially affordable rental housing, in the City, and would it be possible to impose an affordable housing conversion fee that would adequately mitigate any potential negative impacts on this supply; 7) How does the measure deal with the question of whether tenants with lifetime leases continue to have access to and enjoyment of common areas in buildings that have been subdivided through the HOPE conversion process; 8) Does the measure contain any requirement for tenant participation beyond the simple signing of an intent to purchase, and how would the addition of provisions requiring further participation by tenants to make the subdivision effective (such as signed purchase agreements for units) affect the ability of the measure to realize its purported goals; 9) What are the potential financial benefits of this measure for owners of existing rental buildings; What would be the estimated affect of this measure on the number of rent controlled units in the City; 10) What is the possibility that any provisions of this measure will be struck down in court, and if certain provisions are struck down what would be the overall effect on the remainder of the measure.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

**020934 [Legislative Analyst Request - HOPE initiative measure]
Supervisor McGoldrick**

Motion asking the Legislative Analyst to analyze the HOPE initiative measure that is on file with the Department of Elections and for which signatures are currently being collected in order to qualify it for the November 2002 ballot. Because this initiative is in many respects the same as the HOPE ordinance which your office will separately analyze, please consolidate this analysis with the analysis of the HOPE ordinance, with special attention to ways in which the initiative measure differs from the ordinance. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 of the Subdivision code. Where the HOPE conversion process differs with the provisions of the Article 9 conversion process, please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also, please analyze how efficiently and effectively this initiative ordinance would be in allocating among City departments the administration of the responsibilities and duties that it imposes. Please also answer the following questions:

1) based on an analysis of other jurisdiction that have enacted similar measures, are the likely beneficiaries of such a policy existing tenants living in the units to be subdivided, or rather prospective buyers who will move into the units after offering incentives for existing tenants to move out of their apartments; 2) How will the measure impact the availability in San Francisco of what many business leaders refer to as "workforce housing," or housing affordable to the middle class; 3) How might such a measure be phased in as a trial program over time, so that information on its impacts on the housing market may be assessed before it is expanded, and what types of information and processes to collection information would be necessary to assess such impacts; 4) Does this measure contain effective measures to discourage speculation, and what would such measures need to contain to effectively discourage speculation; 5) What would be the effect of allowing conversions on all buildings, regardless of size, and what are the demographic characteristics of tenant populations in different size buildings; 6) What effect would the measure have on the availability of affordable housing, especially affordable rental housing, in the City, and would it be possible to impose an affordable housing conversion fee that would adequately mitigate any potential negative impacts on this supply; 7) How does the measure deal with the question of whether tenants with lifetime leases continue to have access to and enjoyment of common areas in buildings that have been subdivided through the HOPE conversion process; 8) Does the measure contain any requirement for tenant participation beyond the simple signing of an intent to purchase, and how would the addition of provisions requiring further participation by tenants to make the subdivision effective (such as signed purchase agreements for units) affect the ability of the measure to realize its purported goals; 9) What are the potential financial benefits of this measure for owners of existing rental buildings; What would be the estimated affect of this measure on the number of rent controlled units in the City; 10) What is the possibility that any provisions of this measure will be struck down in court, and if certain provisions are struck down what would be the overall effect on the remainder of the measure.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

**020935 [Legislative Analyst Request]
Supervisor Gonzalez**

Motion asking the Legislative Analyst to report on methodology which could be used to determine the number of motorcycles in San Francisco, both those registered in San Francisco and those registered elsewhere, and how other municipalities arrive at these numbers.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

020936 [Legislative Analyst Request - Experience of Santa Monica with TORCA Legislation]
Supervisor McGoldrick

Motion asking the Legislative Analyst to analyze how the process for conversion of rental units to ownership units will take place under the process that would be created under this legislation, and compare this to the process that currently is in place under Article 9 of the Subdivision code. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 of the Subdivision code. Where the HOPE conversion process differs with the provisions of the Article 9 conversion process, please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also, please analyze how efficiently and effectively this initiative ordinance would be in allocating among City departments the administration of the responsibilities and duties that it imposes. Please also answer the following questions: 1) Based on an analysis of other jurisdiction that have enacted similar measures, are the more likely beneficiaries of such a policy existing tenants living in the units to be subdivided, or prospective buyers who will move into the units after offering incentives for existing tenants to move out of their apartments; 2) How will the measure impact the availability in San Francisco of what many business leaders refer to as "workforce housing," or housing affordable to the middle class; 3) How might such a measure be phased in as a trial program over time, so that information on its impacts on the housing market may be assessed before it is expanded, and what types of information and processes to collection information would be necessary to assess such impacts; 4) Does this measure contain effective measures to discourage speculation, and what would such measures need to contain to effectively discourage speculation; 5) What would be the effect of allowing conversions on all buildings, regardless of size, and what are the demographic characteristics of tenant populations in different size buildings; 6) What effect would the measure have on the availability of affordable housing, especially affordable rental housing, in the City, and would it be possible to impose an affordable housing conversion fee that would adequately mitigate any potential negative impacts on this supply; 7) How does the measure deal with the question of whether tenants with lifetime leases continue to have access to and enjoyment of common areas in buildings that have been subdivided through the HOPE conversion process; 8) Does the measure contain any requirement for tenant participation beyond the simple signing of an intent to purchase, and how would the addition of provisions requiring further participation by tenants to make the subdivision effective (such as signed purchase agreements for units) affect the ability of the measure to realize its purported goals; 9) What are the potential financial benefits of this measure for owners of existing rental buildings; What would be the estimated affect of this measure on the number of rent controlled units in the City; 10) What is the possibility that any provisions of this measure will be struck down in court, and if certain provisions are struck down what would be the overall effect on the remainder of the measure.

Please analyze the experience of the City of Santa Monica with legislation referred to as TORCA, the Tenants' Ownership Rights Charter Amendment, which was in effect in that City from 1984 to 1996. In particular, please analyze the degree to which this legislation increased the number of tenants purchasing the rental units in which they resided prior to conversions of their units. In addition, to the extent possible, also analyze the effect of this legislation on the number and types of conversions of units from rental to ownership while the legislation was in effect and compare this to the same data before and after the legislation was in effect. Also analyze the effect of this legislation on the number of rental units protected by Santa Monica's version of rent control. Please include any data, analysis, or reports prepared by the City of Santa Monica and its departments related to their experience with this law.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

020937 [Hope Initiative/Process for Conversion of Rental Units to Ownership]
Supervisor McGoldrick

Motion asking the Legislative Analyst to analyze the HOPE initiative measure that is on file with the Department of Elections and for which signatures are currently being collected in order to qualify it for the November 2002 ballot. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 conversion process. Please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also please analyze how efficiently and effectively this initiative ordinance would be in the administration of responsibilities and duties that it imposes on City departments. Finally, please compare the provisions of the HOPE initiative with those of the related but different HOPE ordinance, File #020489, sponsored by Supervisor Hall at the Board of Supervisors.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

Charter Amendment

020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]
Supervisors Ammiano, Gonzalez

Charter amendment (First Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

(Fiscal impact.)

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

020834 [License Agreement with American Society of Composers, Authors and Publishers]
Supervisor Daly

Ordinance authorizing the Director of Administrative Services to enter into the Local Government Licensing Agreement negotiated between the International Municipal Lawyers' Association and the American Society of Composers, Authors and Publishers to license music uses by the City under an license subject to automatic annual renewal for an annual Base License Fee plus 1% of revenue from events in which gross revenue exceeds \$25,000. (Administrative Services Department)

5/20/02, RECEIVED AND ASSIGNED to Finance Committee.

PROPOSED RESOLUTIONS

**020773 [Interdepartmental Jurisdictional Transfer of Property (Phelps Street Land Transfer)]
Mayor**

Resolution transferring jurisdiction from the Public Utilities Commission to the Municipal Transportation Agency the real property identified as a portion of Assessor's Parcel No. 5262/9 for a substation for the San Francisco Municipal Transportation Agency's Third Street Light Rail Project; adopting findings pursuant to the California Environmental Quality Act; and adopting Findings that the transfer of jurisdiction is consistent with the City's General Plan and the Eight Priority Policies of the Planning Code Section 101.1. (Mayor)
5/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020839 [Accept - Expend Federal Funding - Stewart B. McKinney Supportive Housing 2001 Grant]
Supervisors Daly, Newsom**

Resolution authorizing the Department of Human Services to accept and expend a grant in the amount of \$8,483,623 from the U.S. Department of Housing and Urban Development for Stewart B. McKinney Supportive Housing Program. (Human Services Department)

(Public Benefit Recipient)

5/20/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020892 [Mortgage Revenue Bonds]
Mayor**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee to permit the issuance of qualified mortgage bonds in an amount not to exceed \$19,000,000; authorizing the Mayor's Office of Housing to direct the Controller's Office to hold in trust an amount not to exceed \$95,000; authorizing the Director to certify that the City has on deposit the required amount; authorizing the Mayor's Office of Housing to pay an amount equal to the deposit to the State of California if the City fails to issue the qualified mortgage bonds; and authorizing and directing the execution of any documents necessary to implement this Resolution and of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the application. (Mayor)

5/21/02, RECEIVED AND ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To prepare a legal memorandum explaining the process by which the Board of Supervisors could create a dedicated source of funds to address street improvement issues using business tax or business license revenue.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to create a Board of Supervisors Task Force on Biotechnology.

From: Supervisor Gonzalez

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To provide information on the number of motorcycle parking spaces in San Francisco, both metered and unmetered, and motorcycle parking in parking lots.

From: Supervisor Gonzalez

To: Director, Board of Appeals

Requesting/Inquiring: Requesting a list of dwelling unit merger appeals, which have occurred in the last five years, including pending dwelling unit merger appeals, the number of units merged and what action the Board of Appeals took.

From: Supervisor Gonzalez

To: Director, Planning Department

Requesting/Inquiring: Requesting a list of the addresses of each dwelling unit merger request which has occurred in the last five years including pending dwelling unit merger requests, the number of units merged, what action the Planning Commission took on each of these dwelling unit merger requests.

From: Supervisor Daly

To: Director, Planning Department

Requesting/Inquiring: To investigate and report on the bulldozing of the sidewalk and trees at the construction site located at 50 Rausch Street, and whether the development plan contemplates replacement of said trees and, if so when? If replacement of the trees on Raush is not included in the plan, what mitigation was required, if any? And why were residents not notified of the bulldozing prior to the decimation of the existing streetscape?

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To investigate alleged misconduct by a San Francisco Planning Commissioner regarding the recent approval of a Conditional Use authorization in which the Planning Commissioner allegedly has a legally recognized conflict of interest. Furthermore, if misconduct did in fact occur, Supervisor Peskin requests the City Attorney to determine whether any items recently addressed by the Planning Commission must be revisited as a result of this misconduct.

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To draft legislation that would mandate that Candidate Controlled Initiative Committees abide by the same campaign finance rules that currently apply to Candidate Controlled Committees, including those governing individual contribution limits.

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To draft an ordinance requiring San Francisco businesses to obtain consumers' written

consent before disclosing confidential customer information to a third party. This legislation will be based on Senator Jackie Speier's Financial Information Privacy Act of 2002 (Senate Bill 773), and designed to be enacted on a local level.

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To draft interim-zoning controls governing the conversion or demolition of single screen movie theaters for a period of six months, while the City completes a comprehensive study on the economic impact of the loss of such theaters on its neighborhood commercial corridors. These interim-zoning controls would require certain findings be made in order for a single screen theater to be converted or demolished.

In Memoriams

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

Ruby (Supervisor Yee)

Dr. Lee Stephen Dolson, Jr. (Supervisors Ammiano, Yee, Hall)

Mary Bridget Kearney (Supervisor Yee)

ADJOURNMENT

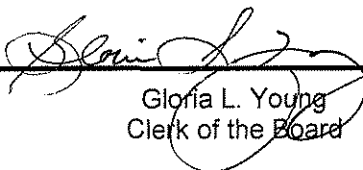
There being no further business, the Board at the hour of 5:05 p.m. adjourned.

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 July 29, 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