

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, April 29, 2003 2:00 PM

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

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,
GAVIN NEWSOM AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.ci.sf.ca.us/bdsupvrs

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

City Services Committee

Supervisors Dufty, Ma

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Dufty, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 PM

Wednesday
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, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisors Ammiano, McGoldrick, Sandoval - 3

Quorum present.

*Supervisors Ammiano and Sandoval were noted present at 2:05 p.m.
Supervisor McGoldrick was noted present at 2:07 p.m.*

APPROVAL OF MEETING MINUTES

Supervisor Newsom, seconded by Supervisor Maxwell, moved to approve April 1, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Privilege of the Floor

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Hall introduced, welcomed and presented a Certificate of Honor to Captain Dennis O'Leary, SFPD

CONSENT AGENDA

Recommendations of the City Services Committee

**030504 [Accept-Expend Federal Grant - Project Sentry]
Supervisors Dufty, Ma, Newsom**

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 \$400,000 through the United States Department of Justice, Bureau of Justice Assistance, for a project entitled "Project Sentry", and waiving indirect costs due to funding constraints. (District Attorney)

(No Public Benefit Recipient.)

Resolution No. 274-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030507 [AIDS Prevention Studies in Africa]
Supervisors Dufty, Ma, Newsom**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to enter retroactively into an agreement with the Regents of the University of California San Francisco (UCSF), the primary contractor, to accept and expend funds in the amount of \$11,652 to participate in AIDS prevention studies in Africa, for the period of January 1, 2003 to December 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 275-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030512 [Accept-Expend Federal Grant - Department of Children, Youth and Their Families]
Supervisors Dufty, Ma, Newsom, Daly**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of \$300,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) that targets Vietnamese and Central American newcomer girls between the ages of 0 to 18 in the Tenderloin and Mission neighborhoods. (Mayor)

(No Public Benefit Recipient.)

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 276-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030513 [Accept-Expend Federal Grant - Department of Children, Youth and Their Families]
Supervisors Dufty, Ma, Newsom**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of three hundred and fifty thousand dollars (\$350,000) from the United States Department of Justice, Office of Justice Programs, Violence Against Women Office for Safe Havens: Supervised Visitation and Safe Exchange Program. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 277-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030515 [Accept-Expend State Grant]
Supervisors Dufty, Newsom**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$20,840 from the California State Library for continuing family literacy programming as part of Project Read. (Public Library)

(No Public Benefit Recipient.)

Resolution No. 278-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030534 [Used Oil Recycling Block Grant, 9th Cycle, Fiscal Year 2003/2004]
Supervisors Dufty, Newsom**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$244,619.00 from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management. (Environment)

(Public Benefit Recipient.)

Resolution No. 279-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Rules Committee

030392 [Settlement of Legal Proceeding on Underground Construction Co., Inc. and Qwest Communications Corporation]

Ordinance authorizing settlement of administrative penalties conditionally imposed by the Department of Public Works on Underground Construction Co., Inc. and Qwest Communications Corporation. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 85-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030393 [Settlement of Lawsuit - Huey, et al. v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by seven plaintiffs, in a lawsuit known as Huey, et al. against the City and County of San Francisco for \$250,000 as follows: \$87,500 in back overtime wages, \$87,500 in liquidated damages and \$75,000 in attorney's fees and costs; the lawsuit was filed on July 9, 2001 in the United States District Court, Case No. C01-4337 SBA; entitled Huey, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 86-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

022055 [Appointment]

Resolution appointing Matthew Juhl-Darlington, term ending September 6, 2005 to the Skateboarding Task Force.

Matthew Juhl-Darlington, new position, seat 6, must be a voting representative with expertise in real estate or legal fields for the unexpired portion of a three-year term ending September 6, 2005.

Resolution No. 270-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030474 [Appointment]

Resolution appointing Pawan Mehra and Marjorie Ann Williams, term ending April 27, 2004 to the Sunshine Ordinance Task Force 2000.

Pawan Mehra, succeeding Marie Harrison, term expired, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic minority-owned news organization, for a two year term ending April 27, 2004.

Marjorie Ann Williams, succeeding Marjorie Ann Williams, term expired, seat 11, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two year term ending April 27, 2004.

Resolution No. 272-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030557 [Appointment]

Resolution appointing Andrew Thornley, Dianna Waggoner, Michael Rauner, Jerry Ervin, Cynthia Powell, Rufus Davis, and Casey Allen, term expiration date to be determined, to the Bicycle Advisory Committee.

Andrew Thornley, new position, seat 1, must be a nominee of District 1 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Dianna Waggoner, new position, seat 3, must be a nominee of District 3 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Michael Rauner, new position, seat 5, must be a nominee of District 5 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Jerry Ervin, new position, seat 8, must be a nominee of District 8 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Cynthia Powell, new position, seat 9, must be a nominee of District 9 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Rufus Davis, new position, seat 10, must be a nominee of District 10 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Casey Allen; new position, seat 11, must be a nominee of District 11 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Resolution No. 280-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030558 [Appointment]

Resolution appointing Dr. Raymond Weisberg, Dr. Cheryl Polk and Dr. Lucy Crain term ending April 29, 2007 to the Children and Families Trust Fund and Commission.

Resolution No. 281-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030559 [Appointment]

Resolution appointing Brian Browne and David Sutter, for a term to be determined, to the Public Utilities Revenue Bond Oversight Committee.

Brian Browne, new position, seat 1, shall have expertise, skills and experience in economics, the environment, construction or project management, for a term to be determined.

David Sutter, new position, seat 2, shall have expertise, skills and experience in economics, the environment, construction or project management, for a term to be determined.

Resolution No. 282-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030561 [Appointment]

Resolution appointing Karin Jensen (residency requirement waived), term ending August 20, 2005 and Christine Luong, term ending August 20, 2003 to the Lead Poisoning Prevention Citizens Advisory Committee.

Karin Jensen (residency requirement waived), succeeding James Threat, term expired, seat 8, must represent the Recreation and Park Department, for the unexpired portion of a four-year term ending August 20, 2005. Christine Luong, succeeding Jerry Rogers, resigned, seat 21, must have expertise in non-profit clinics, for the unexpired portion of a four-year term ending August 20, 2003.

Resolution No. 283-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Severed from Consent Agenda

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

030291 [Appointment]

Resolution appointing Donna Crowder, term ending September 1, 2003, to the Assessment Appeals Board 2.

Donna Crowder, succeeding Adrienne Lacau, resigned, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE /HEARING OFFICER for the unexpired portion of a three year term ending September 1, 2003.

Supervisor Daly reviewed with the Board a letter from the Assessor regarding the Assessor's inability to receive Multiple Listing Service (MLS) from the SF Association of Realtors.

Assessor Teng reviewed with the Board her concerns and requested the Board to ask Ms. Crowder, applicant for Assessment Appeals Board, whether or not she would assist the Assessor in her efforts to receive a MLS from SF Association of Realtors.

Suspension of the Rules

Supervisor Daly, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant the privilege of the floor to Ms. Donna Crowder. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

The Board members discussed and reviewed the issues raised by the Assessor with the applicant Ms. Donna Crowder, Dawn Duran, Administrator of the Assessment Appeals Board and Deputy City Attorney, Ted Lakey.

Call the Question

Supervisor Ammiano, seconded by Supervisors Ma and Peskin moved to Call the Question by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

The President inquired if there was anyone present who wished to address the Board. There being no response, the President declared the Public Comment portion closed.

**030565 [MOU - Supervising Probation Officers, Local 3]
Mayor, Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers, Local 3 (for Supervising Probation Officers) to be effective July 1, 2003 through June 30, 2005. (Mayor)

030291 [Appointment]

Resolution appointing Donna Crowder, term ending September 1, 2003, to the Assessment Appeals Board 2.

Donna Crowder, succeeding Adrienne Lacau, resigned, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE /HEARING OFFICER for the unexpired portion of a three year term ending September 1, 2003.

Resolution No. 271-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget Committee

**030482 [Administrative Penalties for Littering and Specified Nuisance Violations]
Supervisors McGoldrick, Peskin, Maxwell, Dufty, Daly, Newsom**

Ordinance amending Sections 37, 38, and 63 of the Police Code, Sections 41.13, 283.1, 287 and 600 of the Health Code and Sections 170, 173, 174, 174.2, 184.63, and 724.5 of the Public Works Code to authorize the assessment of administrative penalties as an alternative to infractions for littering and specified nuisance violations; amending the Police Code by adding a new Section 39-1 to establish procedures for the imposition, review and collection of administrative penalties.

Ordinance No. 87-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the City and School District Select Committee

030354 [Public Education Special Fund]

Ordinance adding Administrative Code Section 10.100-367 to establish the "Public Education Special Fund."

Ordinance No. 88-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Land Use Committee

021642 [Zoning Map amendment extending the existing RM-1 district in Assessor's Block 6501 to include Lot 042]

Supervisor Dufty

Ordinance amending Zoning Map Sheet 7 of the City and County of San Francisco to extend the existing RM-1 district in Assessor's Block 6501 to include Lot 042; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan and finding that the Ordinance is exempt/excluded from environmental review.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030221 [Residential Rentals]

Supervisor Peskin

Ordinance amending Administrative Code Chapter 49 "Security Deposits for Residential Rental Property," by amending Section 49.2 to provide that the annual landlord interest payments on security deposits shall be calculated at the interest rate in effect when an annual interest payment is due, and that any required pro rata interest payment shall be calculated at the interest rate in effect when that pro rata payment is due.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030325 [Residential Rent Ordinance: conform to State Ellis Act amendments]
Supervisor Peskin**

Ordinance (1) conforming the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) to State law amendments to the Ellis Act (California Government Code Sections 7060 et seq.), by amending Section 37.9A to provide that, for new tenancies established after December 31, 2002, the same rent control restrictions that were in effect for the unit at the time a notice of intent to withdraw the unit from the rental or leased housing market was filed with the Rent Board remain in effect for any and all new or subsequent tenancies established during the five year period after filing the notice of intent, and for the five year period following actual withdrawal of the unit from the rental or leased housing market; (2) amending Section 37.9A to provide that half of the required relocation payment due to low-income, elderly or disabled tenants is due within fifteen (15) days of the landlord's receipt of the tenant's notice of entitlement, and the remaining half is due when the tenant vacates the unit; (3) amending Section 37.9A to require that an owner notify the Rent Board if the owner disputes a tenant's claim of entitlement to one-year notice due to being elderly or disabled; and, (4) conforming numbering.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**030495 [Prohibiting Motor Vehicle on Brant Alley]
Supervisor Peskin**

Resolution prohibiting motor vehicle traffic on Brant Alley.

(4/21/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Resolution No. 273-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Rules Committee

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

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

(Fiscal impact.)

Continued to May 6, 2003

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

COMMITTEE REPORTS

From the Rules Committee

030599 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Jordan Shlain to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

Motion No. M03-71

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030601 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

Motion No. M03-72

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030603 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Bruce G. Lorin to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

Motion No. M03-73

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

030550 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Audrey Joseph to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

Motion No. M03-70

APPROVED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; homeless issues

Richard Robinson; homeless issues

Cecilia Martinez; to be laid off on May 1, 2003 from the Airport

Male Speaker; to be laid off on May 1, 2003 from the Airport

Gerry Welch; Airport Worker requested the Supervisor to save the janitors jobs at the Airport

Carlos Gonzalez; to be laid off on May 1, 2003 from the Airport

Tim Brown, Local 1877 represent Airport janitors; requested the Supervisors to save the janitors jobs at the Airport

James Chaffee; SF Library issues

Mr. Herzalla; Airport worker requested the Supervisors to save janitor's jobs at the Airport

Male Speaker; pending legislation relating to Chapter 12 D

Peter Warfield; library issues and issues regarding acquiring documents

CLOSED SESSION**CONFERENCE WITH CITY ATTORNEY - Existing Litigation****City as Plaintiff**

Supervisor Newsom noted absent at 4:00 p.m.

Supervisor Hall noted absent at 4:15 p.m.

**030674 [Closed Session - Existing Litigation, City as Plaintiff]
Supervisor Gonzalez**

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 existing litigation in which the City alleges, in sum, that manufacturers, distributors and dealers of handguns have created a public nuisance and engaged in unfair and unlawful business practices by distributing guns in ways that enable criminals and juveniles to acquire them.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

People of the State of California v. Arcadia Machine & Tool, Inc., et al.

J. C. C. P. No. 4095 (originally S. F. Superior Court No. 303-753 (filed May 25, 1999), pending before the Hon. Vincent P. DiFiglia in San Diego Superior Court.

Supervisor Daly, seconded by Supervisor Maxwell, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Hall, Newsom

Recess

The Board recessed at the hour of 4:15 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:30 p.m. reconvened.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell,
McGoldrick, Peskin, Sandoval - 9*

Quorum present.

Report on Closed Session

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

Persons in attendance:

Supervisors Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Owen Clements, Deputy City Attorney

Ingrid Evans, Deputy City Attorney

Kristine Poplawski

Ted Lakey, Deputy City Attorney

Gloria L. Young, Clerk of the Board

Kay Gulbengay, Deputy Clerk

Meeting was informational only and no action was taken.

Heard in Closed Session.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Peskin, seconded by Supervisor Daly, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Hall, Newsom

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.

Supervisor McGoldrick was noted absent at 3:55 p.m.

Supervisor Newsom was noted absent at 4:00 p.m.

**030694 [Commend Saint Anthony Foundation]
Supervisors Daly, Dufty, Hall, Newsom**

Resolution commending the Saint Anthony Dining Room for serving their 30 millionth meal on April 30, 2003.

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

Resolution No. 269-03

ADOPTED

**030695 [Commend Laura Ware]
Supervisor Daly**

Resolution commending Laura Ware for fourteen years of leadership, commitment, and dedicated service to improving the lives of homeless people in San Francisco.

Resolution No. 284-03

ADOPTED

**030696 [Re-creation of Community Land Trust Task Force]
Supervisors Gonzalez, Daly**

Resolution re-creating the Community Land Trust Task Force and re-appointing Peter Doty, Marianne Love, Lotus Yee Fong, Ada Chan, Lisa Feldstein, Rene Cazenave, Marc Solomon, James Tracy, Rick Lewis, Ash Kumar Gujral, Philip Williams, and Mark Wilson, for the purpose of adopting a draft report, reporting back to the Board and sunset its operations within two months of the adoption of this resolution.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 285-03

ADOPTED

**030697 [Full Citizenship for members of the Armed Forces]
Supervisors Hall, Dufty, Newsom**

Resolution urging the President of the United States of America to take actions necessary to guarantee the awarding of full American citizenship to every man and woman serving in the United States Armed Forces in the War in Iraq or upon their favorable discharge from the Armed Forces.

Supervisor Newsom requested to be added as a co-sponsor.

Resolution No. 286-03

ADOPTED

**030698 [San Francisco Medical Society]
Supervisors Hall, Dufty, Newsom**

Resolution commending the San Francisco Medical Society for its 135 years as a professional association representing physicians in the City and County of San Francisco.

Supervisor Newsom requested to be added as a co-sponsor.

Resolution No. 287-03

ADOPTED

**030699 [Asian Pacific American Heritage Month]
Supervisors Newsom, Dufty, Ma, Peskin**

Resolution declaring May 2003 as "Asian Pacific American Heritage Month" in the City and County of San Francisco.

Supervisor Peskin requested to be added as a co-sponsor.

Resolution No. 288-03

ADOPTED

**030700 [Commend Department of the Environment]
Supervisors Sandoval, Newsom**

Resolution commending the Department of the Environment for their continuing support of A Living Library Project.

Supervisor Newsom requested to be added as a co-sponsor.

Resolution No. 289-03

ADOPTED

**030701 [Commend Education Not Incarceration]
Supervisors Sandoval, Daly**

Resolution commending the Education Not Incarceration coalition for holding a statewide rally in Sacramento on May 8, 2003 to protest Governor Gray Davis' decision to cut education spending while increasing prison spending.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 290-03

ADOPTED

**030702 [Assembly Bill 1006]
Supervisor Sandoval**

Resolution urging the California State Legislature to pass AB 1006: Healthy Schools Bill of 2003 to prohibit the use of the most highly toxic pesticides on school property.

Resolution No. 291-03

ADOPTED

**030673 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**

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. M03-74
APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Ordinances

**030689 [Pass through to residential tenants 50% of water bill charges attributable to water rate increases resulting from issuance of PUC water system revenue bonds]
Supervisors Daly, Maxwell**

Draft ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Sections 37.2, 37.3, and 37.8, to provide that landlords may pass through to residential tenants fifty percent (50%) of water bill charges attributable to water rate increases resulting from the issuance of any PUC water system revenue bonds authorized at the November 5, 2002 election, where a unit is in compliance with any applicable laws requiring water conservation devices; to provide that tenants be given notice of any such passthrough; to provide that any such passthrough does not become part of a tenant's base rent; to provide that a tenant may file a hardship application with the Rent Board for relief from all or part of the cost passthrough, and that if a hardship application is granted the affected landlord may utilize any available Public Utilities Commission low-income rate discount program or similar program for water bill reduction based on the tenant's hardship status; to provide that a tenant may file a petition with the Rent Board within one year of the effective date of a passthrough for determination of whether that passthrough is in compliance with the Code, and that the landlord bears the burden of proving the accuracy of the passthrough calculations in such a hearing; clarification of other Rent Ordinance provisions, in order to distinguish general obligation bonds from water revenue bonds; and technical changes in order to conform to other recent Rent Ordinance amendments.

4/22/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

4/29/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance approved as to form. Sponsor requested this item be scheduled for consideration at the 4/30/03 meeting.

4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030565 [MOU - Supervising Probation Officers, Local 3]
Mayor, Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers, Local 3 (for Supervising Probation Officers) to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030566 [MOU - Operating Engineers, Local 3]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers, Local 3, to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030567 [MOU - Plasterers and Shophands, Local 66]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Plasterers and Shophands, Local 66, to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030568 [MOU - Bricklayers, Stone Masons, Terrazzo Mechanics, Marble Masons, Pointers, Caulkers and Cleaners, Local 3, and Hod Carriers, Local 36]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers, Stone Masons, Terrazzo Mechanics, Marble Masons, Pointers, Caulkers and Cleaners, Local 3, and Hod Carriers, Local 36, to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030569 [MOU - Federation of Professional and Technical Engineers, Local 21]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030570 [MOU - Deputy Sheriffs' Association]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030572 [MOU - MEA]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/8/03, RECEIVED AND ASSIGNED to Budget Committee.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing new title.

4/29/03, ASSIGNED to Budget Committee.

**030623 [Amending Section 106 of the San Francisco Fire Code to Increase Fees For Services]
Mayor, Supervisor Daly**

Ordinance amending Section 106 of the San Francisco Fire Code to increase fees for Fire Department services, to become operative on its effective date or on July 1, 2003 whichever is later. (Mayor)

4/15/03, RECEIVED AND ASSIGNED to Budget Committee.

4/18/03, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

Fee ad published in the SF Chronicle on 4/25/03 and 5/2/03.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

4/29/03, ASSIGNED to Budget Committee.

**030624 [Setting fees for emergency medical services provided by the Fire Department, granting authority to Fire Department to bill for such costs, and setting forth procedures]
Mayor, Supervisor Daly**

Ordinance amending San Francisco Health Code by repealing Section 117 as obsolete; amending San Francisco Health Code Sections 119, 120, 123, 124.1 and 124.5 to: (1) delete reference to Section 117 and add reference to Sections 128 and 128.1, (2) authorize the San Francisco Fire Department to bill for fees for emergency medical services, (3) authorize the San Francisco Fire Department to investigate the ability of patients to pay for the costs of emergency medical services, (4) include the San Francisco Fire Department as a Department for which it is a crime to conceal the ability to pay, (5) include reference to the San Francisco Fire Department in section regarding prima facie evidence of reasonableness of the fees, and (6) provide for a lien on third-party proceeds for costs of San Francisco Fire Department emergency medical services; and amend San Francisco Health Code by adding Section 128.1 to set fees for emergency medical services and supplies provided by the San Francisco Fire Department and to provide for annual increase in fees based on Medical Consumer Price Index. (Mayor)

4/15/03, RECEIVED AND ASSIGNED to Budget Committee.

4/18/03, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

Fee ad published in the SF Chronicle on 4/25/03 and 5/2/03.

4/29/03, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

4/29/03, ASSIGNED to Budget Committee.

**030709 [MOU - Transport Workers Union, Local 250-A (7410)]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union, Local 250-A (7410), to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030710 [MOU - Building Inspectors' Association (for Class 6334, Chief Building Inspector)]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Building Inspectors' Association (for Class 6334, Chief Building Inspector) to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030711 [MOU - Sheet Metal Workers International Union, Local 104]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Sheet Metal Workers International Union, Local 104, to be effective July 1, 2003 through June 30, 2005. (Mayor)

4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030712 [MOU - (I.A.T.S.E.), Local 16]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Alliance of Theatrical Stage Employees (I.A.T.S.E.), Local 16, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030713 [MOU - Carpenters, Local 22]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Carpenters, Local 22, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030714 [MOU - Laborers International Union, Local 261]
Supervisors Daly, Maxwell**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030715 [MOU - Pile Drivers, Divers, Wharf and Dock Builders, Local 34]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Pile Drivers, Divers, Wharf and Dock Builders, Local 34, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030717 [MOU - Ironworkers, Local 377]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Ironworkers, Local 377, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030718 [MOU - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry,
Local 38]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030719 [MOU - Stationary Engineers, Local 39]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Stationary Engineers, Local 39, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030720 [MOU - Roofers, Local 40]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Roofers, Local 40, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030721 [MOU - Painter's Local Union No. 4]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Painter's Local Union No. 4, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030722 [MOU - Cement Masons, Local 580]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Cement Masons, Local 580, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030724 [MOU - International Brotherhood of Electrical Workers, Local 6]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030725 [MOU - Glaziers, Architectural Metal and Glass Workers Union, Local 718]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Glaziers, Architectural Metal and Glass Workers Union, Local 718, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030726 [MOU - Teamsters, Local 853]
Supervisors Daly, Maxwell**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 853, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030727 [MOU - Teamsters, Local 856]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030731 [MOU - Teamsters, Local 350]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030732 [MOU - Transport Workers Union, Local 250-A Multi-Unit]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union, Local 250-A Multi-Unit, to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030733 [MOU - Transport Workers Union, Local 200 (SEAM)]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union, Local 200 (SEAM), to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030734 [MOU - Building Inspectors' Association (for Class 6331, Building Inspector and Class 6333, Senior Building Inspector)]
Supervisors Daly, Maxwell, Dufty**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Building Inspectors' Association (for Class 6331, Building Inspector and Class 6333, Senior Building Inspector) to be effective July 1, 2003 through June 30, 2005. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Budget Committee.

**030735 [Appropriation, \$714,075 - Environmental evaluation of various city projects]
Supervisor Dufty**

Ordinance appropriating \$714,075 of surplus City Planning Commission Fees for professional services for preparation of Environmental Impact Reports (EIRs) related to community planning for San Francisco's eastern neighborhoods (Mission, South of Market, Showplace Square/Potrero Hill, Visitation Valley and Bayview/Hunter's Point) and salary and fringe benefits for existing unfunded positions involved in Contract supervision of the EIRs and to address backlogs in environmental evaluation of various city projects for fiscal year 2002-03, placing a reserve of \$527,003. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030736 [Appropriation, \$4,725,783 - Police Department and Sheriff's Department for the anti-war demonstrations]

Ordinance appropriating a total of \$4,725,783 from the General Reserve, consisting of \$4,230,573 for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services, and \$495,210 for the Sheriff's Department for overtime, fringe benefits, and food associated with the provision of mutual aid to the Police Department during the anti-war demonstrations, for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030737 [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]
Supervisor McGoldrick**

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system and to prevent displacement of an individual from a shelter bed based solely on the individual's lack of income

4/29/03, ASSIGNED UNDER 30 DAY RULE to City Services Committee, expires on 5/29/2003.

**030738 [Residential Permit Parking Exemption - Itinerant Teachers]
Supervisor Ammiano**

Ordinance authorizing the Department of Parking and Traffic to issue city-wide permits to exempt San Francisco Unified School District itinerant teachers and designated school administrators from Residential Permit Parking regulations.

4/29/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 5/29/2003.

**030739 [Requiring for certain public work involving asphalt that the contractor use asphalt from the City asphalt plant]
Supervisor Peskin**

Draft ordinance adopting new Section 6.9 of Administrative Code Chapter 6, Article I, requiring that for all public work involving asphalt that public work contractors purchase the asphalt from the City asphalt plant.

4/30/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030742 [Appropriation, \$1,600,000 - Department of Elections]
Supervisor Gonzalez**

Ordinance appropriating funding not to exceed \$1,500,000 from the General Fund Reserve for professional services to implement a ranked-choice voting system for the Department of Elections for fiscal year 2002-03. 4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

030716 [Confirming the appointment of Sue Bierman to the San Francisco Port Commission]

Resolution confirming the appointment of Sue Bierman to the San Francisco Port Commission, to serve the remaining four-year term, ending May 1, 2006. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

030723 [Confirming the appointment of Michela Alioto-Pier to the San Francisco Port Commission]

Resolution confirming the appointment of Michela Alioto-Pier to the San Francisco Port Commission, to serve the remaining four-year term, ending May 1, 2004. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

030728 [Confirming the appointment of Wilfred Hsu to the San Francisco Port Commission]

Resolution confirming the appointment of Wilfred Hsu to the San Francisco Port Commission, to serve the remaining four-year term, ending May 1, 2006. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

030729 [Use of Former Embarcadero Freeway Parcel on Broadway Street]

Resolution adopting a City policy regarding the use of the former Embarcadero Freeway right-of-way parcel known as Broadway Parcel I, on Broadway between Sansome and Battery Streets, Assessor Block 165, Lot 21, and the application of proceeds generated from its sale or other transfer. (Mayor)
4/29/03, RECEIVED AND ASSIGNED to Land Use Committee.

030730 [Sale of Assessor's Block 3740, Lot 27 to Redevelopment Agency for \$10,034,140]

Resolution approving the sale of real property commonly known as Assessor's Block 3740, Lot 27 (consisting of approximately 34,057 square feet and located along the west side of Spear Street between Folsom and Howard Streets) to the San Francisco Redevelopment Agency for \$10,034,140. (Mayor)

(Public Benefit Recipient.)

4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030743 [Lease, Parking Agreement and Negative Declaration for Piers 1½, 3 and 5]
Supervisor Peskin**

Resolution approving and authorizing a 66-year Lease with San Francisco Waterfront Partners, LLC for Piers 1½, 3 and 5, Approving Related Parking Agreement, and Adopting Findings of Mitigated Negative Declaration pursuant to California Environmental Quality Act.

(Public Benefit Recipient.)

4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030752 [Purchase of Real Property at 1298 Ocean Avenue for the Public Library]
Supervisor Sandoval**

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and George Yasbek, a single man (the "Seller"), for the purchase of real property and improvements located at 1298 Ocean Avenue, San Francisco, for use as the Ingleside Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting the findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

(Fiscal impact; Public Benefit Recipient.)

4/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030757 [Extension of Planning Commission Review Period]
Supervisor McGoldrick**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by amending Sections 311 and 312 to require expanded public notice of exterior alteration projects and requiring the Building and Planning Departments to issue implementing regulations within 90 days and report to the Board on the effectiveness of the ordinance no later than nine months thereafter.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030758 [Commend Gateway High School]
Supervisors Gonzalez, Peskin**

Resolution commending Gateway High School and Principal Peter Thorp for being recognized as a California Distinguished School.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030759 [Mount Davidson Commendation]
Supervisors Hall, Peskin, Newsom**

Resolution commending The City Attorney's Office, including Deputy City Attorneys Teresa Stricker, Ellen Forman, Kate Stacy and Mariam Morley, Former Deputy City Attorneys Mara Rosales, Peter Obstler and Elizabeth Dietrich for their successful efforts to defend the sale of the cross on Mount Davidson and the Council of Armenian American Organizations of Northern California for their successful efforts to preserve the cross on Mount Davidson as a memorial to the Armenian Genocide.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030760 [Jackson Square Special Use District]
Supervisor Peskin**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code with respect to creation of the Jackson Square Special Use District.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030761 [US Senator Rick Santorum]
Supervisor Newsom**

Resolution urging Senator Rick Santorum to step down from his leadership position in the Republican Party and to apologize for his comments made on April 7th, 2003 to the Associated Press.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030762 [Fish Alley]
Supervisors Newsom, Peskin**

Resolution urging the San Francisco Port and the Port Commission to continue its discussion with the tenants of the building located at Wharf J10, specifically to seek options other than demolition of the building and structure at Wharf J10 in Fish Alley.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030763 [Declare May 2003 Safe Jobs for Youth Month]
Supervisors Ma, Newsom, Maxwell**

Resolution declaring May 2003 as "Safe Jobs for Youth Month" in the City and County of San Francisco.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030764 [Preserve and Expand Summer Programming]
Supervisors Ma, Dufty, Newsom**

Resolution supporting efforts to preserve and expand summer programming and urging City departments and the San Francisco Unified School District to identify ways to keep school buildings open for community-based organizations' usage.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030765 [Commend Chen Yi]
Supervisor Ma**

Resolution honoring the works and contributions of composer Chen Yi for the occasion on Dr. Chen's 50th birthday.

4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030766 [Supporting Senate Bill 848]
Supervisors Ma, Maxwell, Newsom**

Resolution urging the support of Senate Bill 848, which would double or increase the fines for specified traffic violations cited in school zones in any city or county that approves a required local implementing ordinance and authorize the use of these enhanced fine revenues for pedestrian and bicycle safety programs.
4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030767 [Declare May 6, 2003 as World Asthma Day in SF]
Supervisors Maxwell, Ma, Newsom**

Resolution declaring May 6th, 2003 as World Asthma Day in San Francisco.
4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030768 [Proud Young Women's Day]
Supervisors Maxwell, Ma, Newsom**

Resolution commending Martin Luther King Middle School for their efforts to empower and develop leadership in their young women and proclaiming May 14, 2003 as "Proud Young Women's Day in the City and County of San Francisco."
4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030769 [Proclaim May 19-25, 2003, as Public Works Week in SF]
Supervisors Maxwell, Dufty, Hall, Peskin, Ma, Newsom**

Resolution proclaiming May 19 through 25, 2003, as Public Works Week in San Francisco.
4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030770 [Supporting California Bicycle Commute Week]
Supervisors Maxwell, Peskin, Newsom**

Resolution supporting California Bicycle Commute Week May 12-16, 2003.
4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**030751 [SF Mental Health Rehabilitation Facility]
Supervisor Ammiano**

Hearing to consider the proposed plan to relicense the San Francisco Mental Health Rehabilitation Facility as a residential board and care facility and potential alternatives to this plan.
4/29/03, RECEIVED AND ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the May 5, 2003 meeting.

**030753 [Asthma Task Force's Strategic Plan]
Supervisor Maxwell**

Hearing to consider the Asthma Task Force's Strategic Plan.
4/29/03, RECEIVED AND ASSIGNED to City Services Committee.

**030754 [Police accountability, oversight options, and appointment of the Police Commission]
Supervisor Gonzalez**

Hearing concerning reports from the Office of the Controller, Office of Citizen's Complaints, City Attorney's Office, and the San Francisco Police Department regarding police accountability and oversight options, including composition and appointment of the Police Commission.
4/29/03, RECEIVED AND ASSIGNED to City Services Committee.

Motions

**030756 [Committee of the Whole]
Supervisor Daly**

Motion scheduling a Committee of the Whole to consider health service reductions (Bielenson Hearing), to be held on June 10, 2003 at 3:00 PM.
4/29/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**030740 [Amending Rule 4.29 at Board of Supervisors meetings]
Supervisor Gonzalez**

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries shall occur at 2pm, and the recognition of commendations shall occur at 3pm.
4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

**030755 [Amend Rule 3.9 - Board of Supervisors Meetings]
Supervisor Gonzalez**

Motion amending Rule 3.9 of the Rules of Order of the Board of Supervisors to provide that Public Announcements regarding the business of the City may be made during Roll Call for Introductions at meetings of the Board of Supervisors.
4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Charter Amendment

**030741 [Charter Amendment - Commission on the Environment]
Supervisor Maxwell**

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

4/29/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/29/2003.

PROPOSED ORDINANCES

030652 [Amendments to the Municipal Elections Code]

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Sections 830 and 930 to:

Conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

4/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/29/2003.

030643 [Street Vacation for Metro East Project]

Ordinance ordering the summary vacation of portions of 26th Street, Michigan Street, Georgia Street and Louisiana Street; making findings pursuant to the California Streets and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and ratifying acts and authorizing actions in furtherance of the ordinance. (Real Estate Department)

(No Public Benefit Recipient.)

4/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

**030034 [Campaign Finance Reform Amendments of 2003]
Supervisor Gonzalez**

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarify that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to \$5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-ration is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to \$5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections may decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

1/27/03, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 2/26/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

4/17/03, ASSIGNED to Rules Committee.

4/17/03, SUBSTITUTED. Ethics Commission submitted a substitute ordinance bearing same title.

PROPOSED RESOLUTIONS

030345 [Acceptance of Gift]

Resolution accepting a gift of \$55,000 from the Market Street Railway and authorizing said funds to be expended for the purchase of Historic Streetcar #162 from the Orange Empire Railway Museum. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

4/21/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030371 [Agreement to Sell approximately 22,000 sq. ft. of unimproved real property located at Beale and Bryant Streets and to Lease Piers 30-32 to San Francisco Cruise Terminal, LLC]

Resolution approving and authorizing an Agreement with San Francisco Cruise Terminal, LLC for the Sale of approximately 22,000 square feet of real property located at the corner of Beale and Bryant Streets on Seawall Lot 330; approving and authorizing a 66-year Lease with San Francisco Cruise Terminal, LLC for Piers 30-32; adopting findings that the conveyance is consistent with the City's General Plan and eight Priority Policies of City Planning Code Section 101.1; authorizing expenditure of proceeds received under the Sale Agreement towards costs of the Brannan Street Wharf and Piers 30-32 Cruise Terminal Project; and authorizing the Port's Executive Director and the City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Port)

(Public Benefit Recipient; companion measure to File 030379.)

4/17/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030379 [CEQA Findings for Cruise Terminal Mixed-Use Project]

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including a statement of overriding considerations, in connection with the proposed mixed-use Cruise Terminal Project, located on Pier 30-32, a condominium tower on a portion of Seawall Lot 330, and a public open space project in the location of Pier 34 and 36, in the Port of San Francisco, City and County of San Francisco. (Port)

4/17/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**030538 [Professional Services Contract]
Supervisors Maxwell, Sandoval, McGoldrick**

Resolution approving the Public Utilities Commission's approval of Amendment No. 2 to Contract No. CS-524, Program Management Contract, changing the designated consultant's title, name references, and setting the criteria for the payment of performance fees; and approving the renewal of Contract No. CS-524, the Water Infrastructure Partners (WIP) for a third year; and approving the release of contract Year 3 reserved funds of \$5.188M. (Public Utilities Commission)

(No Public Benefit Recipient.)

4/15/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

030653 [Mayor's Summer Food Service Program]

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of \$485,794 from the United States Department of Agriculture for Mayor's Summer Food Service Program. (Mayor)

(No Public Benefit Recipient.)

4/18/03, RECEIVED AND ASSIGNED to Finance and Audits Committee. Department requests this item be calendared at the April 30, 2003 meeting.

In Memoriams

Patricia E. Evans (Entire Board)

Margarete Connolly (Entire Board)

John Reilly (Supervisor Hall)

Diana Chung (Supervisor Ma)

David Clark (Supervisor Maxwell)

ADJOURNMENT

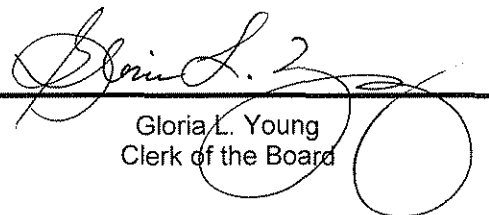
There being no further business, the Board at the hour of 4:35 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 10, 2003.

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

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