

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Monday, April 22, 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, Maxwell

Neighborhood Services and Recreation Committee

Supervisors Newsom, Leno, McGoldrick

Public Works and Public Protection Committee

Supervisors Sandoval, Yee, Gonzalez

Rules and Audits Committee

Supervisors Hall, Gonzalez, Sandoval

Transportation and Commerce Committee

Supervisors McGoldrick, Hall, Ammiano

Meeting Days

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

3rd Wednesday
3:00 PM

Wednesday
12:30 PM

1st and 3rd Thursday
1:00 PM

2nd and 4th Thursday
2:00 PM

1st and 3rd Tuesday
10:00 AM

1st and 3rd Tuesday
1:00 PM

2nd and 4th Thursday
9:30 AM

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

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

Members Absent: Gavin Newsom, 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.

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

Supervisors Newsom, Sandoval, Yee, Gonzalez - 4.

Quorum present.

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

Supervisor Newsom was excused. (See infra.)

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

Supervisor Yee was excused. (See infra.)

Supervisors Newsom and Yee Excused from Attendance

Supervisor Leno, seconded by Supervisor Peskin, moved to excuse Supervisors Newsom and Yee from attending this meeting. The motion carried by the following vote:

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

Absent: 2 - Newsom, Yee

Privilege of the Floor

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

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

Absent: 2 - Newsom, Yee

Introduction of Guests

Supervisor McGoldrick introduced, welcomed and presented Certificates of Honor to the following Deputy City Attorneys for their contributions benefiting all California counties:

Cameron Baker for coordinating the representation of California counties in the PG&E bankruptcy litigation;

Joanne Sakai for coordinating the representation of California counties in the PG&E bankruptcy litigation;

Julia Friedlander for her work on an appellate brief advocating access by public agencies to information from companies that seek franchise agreements;

Linda Ross for an appellate brief supporting the right of local government to protect personnel information;

Rose-Ellen Heinz for a U.S. Supreme Court brief defending the right of local government to regulate automobile towing companies against threats of federal pre-emption;

Owen Clements for his work on consumer protection lawsuits filed by San Francisco, including landmark cases against the tobacco industry and gun manufacturers.

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Salvador Guerrero for his community services as the Community Outreach Coordinator for Transplant Donor Network.

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.

Supervisor Ammiano indicated that File Nos. 011798, 020464, 020465, 020466, 020520, 020521, 020522, and 020523 be continued to April 29, 2002. (See infra)

COMMUNICATIONS

The Clerk presented a communication from his Honor, the Mayor, returning with his veto the following ordinance:

**012127 [Prohibition of New Live/Work Units]
Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Planning Code by amending the definition of "Live/Work Unit" in Section 101.13 to clarify that the residential use and the integrated work space must be in the same unit, and by amending Section 233 to prohibit new Live/Work Units except for accessory uses authorized by Section 204.4.

(Planning Commission Resolution #16359 adopted 3/7/02 recommending disapproval. Certificate of Exemption/Exclusion from Environmental Review dated 2/28/02)
(Supervisor Hall dissenting in Committee.)

(April 19, 2002 - VETOED by Mayor.)

Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 19, 2002 is May 19, 2002.

Pursuant to the Board of Supervisors Rules of Order, this matter was continued to April 29, 2002.
CONTINUED.

CONSENT AGENDA

Recommendations of the Rules and Audits Committee

020474 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Homes Not Jails, Robert Haaland, Ted Gullicksen, Mara Raider, Cathleen Gray, David Acquino, Allison Lum and Miguel Wooding against the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin for \$22,500; the lawsuit was filed on August 10, 1999 in San Francisco Superior Court, Case No. 305-552; entitled Homes Not Jails, et al., v. City and County of San Francisco, et al; the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin joined in the removal of this case to the United States District Court on September 14, 1999, Case No. C99-4204 TEH; other material terms of said settlement are that the \$22,500 is the total to plaintiffs plus reasonable attorneys fees to be determined by the Court, but not less than \$35,000 and not more than \$100,000.
(City Attorney)

PASSED ON FIRST READING

020478 [Settlement of Lawsuit]

Ordinance approving settlement of the lawsuit filed by Aeroground, Inc. against City and County of San Francisco, et al., by payment by City and County of San Francisco to Aeroground, Inc. in the amount of \$400,000 and other terms; the lawsuit was filed on August 25, 2001, in the United States District Court, Case No. C 01-1628VRW, entitled Aeroground, Inc., vs. City and County of San Francisco; San Francisco Airport Commission; and John L. Martin, in his official capacity as Director of the San Francisco International Airport.
(Airport Commission)

PASSED, ON FIRST READING

020336 [Appointment]

Resolution appointing Stephanie Hughes, term ending October 1, 2003, and Dina Santana and Kevin Sharps, terms ending October 1, 2002, to the Drug Abuse Advisory Board.

Dina Santana, succeeding Gennie Nunley-Thompson, resigned, seat 2, must represent law enforcement, for the unexpired portion of a three-year term ending October 1, 2002;

Kevin Sharps, succeeding Matonia Williams, seat 6, must represent the public at large or a service provider, for the unexpired portion of a three-year term ending October 1, 2002;

Stephanie Hughes, succeeding Walter Joseph Kennedy, seat 15, must represent the public at large, for the unexpired portion of a three-year term ending October 1, 2003.

Resolution No. 260-02

ADOPTED

011395 [Appointment]

Resolution appointing Joshua Koltun, Bruce Brugmann, Richard Knee, Heather Sterner, Doug Comstock, Sue Cauthen, Garrett Jenkins, Edgar Parker, and Alexandra Nickliss, terms ending April 27, 2004, to the Sunshine Ordinance Task Force.

Joshua Koltun, succeeding himself, term expired, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for a new 2-year term ending April 27, 2004;

Bruce Brugmann, succeeding herself, term expired, seat 2, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a Journalist, for a new 2-year term ending April 27, 2004;

Richard Knee, succeeding Vince Courtney, term expired, seat 3, must be a member of the press or electronic media with an interest in citizen access, for a new 2-year term ending April 27, 2004;

Heather Sterner, succeeding Heather Sterner, term expired, seat 5, must be appointed from names submitted by the League of Women Voters, for a new 2-year term ending April 27, 2004;

Doug Comstock, succeeding Hilda Bernstein, term expired, seat 6, must be experienced in Consumer Advocacy, for a new 2-year term ending April 27, 2004;

Sue Cauthen, succeeding Ted Kowalczyk, term expired, seat 7, must be experienced in Consumer Advocacy, for a new 2-year term ending April 27, 2004;

Garrett Jenkins, succeeding Robert Planthold, resigned, seat 8, 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 (Fulfilled requirement that one member must be physically handicapped), for a new 2-year term ending April 27, 2004;

Edgar Parker, succeeding Daniel Guillory, term expired, seat 9, 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 new 2-year term ending April 27, 2004;

Alexandra Nickliss, succeeding Paul Hogan, term expired, seat 10, 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 new 2-year term ending April 27, 2004.

Resolution No. 274-02

ADOPTED

020484 [Appointment]

Resolution appointing Nancy Peterson, term to be determined, to the United Nations Plaza Working Group, residency requirement waived.

Nancy Peterson (residency requirement waived), new position, seat 1, must be a member of the United Nations Association, term to be determined.

Resolution No. 264-02

ADOPTED

020579 [Appointment]

Resolution appointing Laurie Kennedy, Jamal James Modica, and Kelly Jensen, terms ending April 30, 2004, to the Animal Control and Welfare Commission.

3 Seats Being Considered:

Laurie Kennedy, succeeding Catherine Tchen-Kenna, seat 1, term expired, must be a public-at-large appointment, for a new two-year term ending April 30, 2004;

Jamal James Modica, succeeding Frederick Hobson, seat 2, term expired, must be a public-at-large appointment, for a new two-year term ending April 30, 2004;

Kelly Jensen, succeeding Kelly Jensen, seat 7, term expired, must be licensed veterinarian, for a new two-year term ending April 30, 2004.

Resolution No. 265-02

ADOPTED

020580 [Appointment]

Resolution appointing, Steve Fields, term ending January 15, 2003, and Sophie Wong, Maria Luz Torre, and Kate O'Malley, terms ending January 15, 2004, to the San Francisco Health Authority, residency requirement waived.

Sophie Wong (residency requirement waived), succeeding herself, term expired, seat 6, must be a nominee of SF Community Clinic Consortium, for a three-year term ending January 15, 2004;

Maria Luz Torre, succeeding herself, term expired, seat 10, must be a nominee of Health Authority Beneficiary Advisory Committee, for a three-year term ending January 15, 2004;

Steve Fields (residency requirement waived), succeeding himself, term expired, seat 12, must be nominee of Health Authority Program Advisory Committee, for a three-year term ending January 15, 2003;

Kate O'Malley (residency requirement waived), succeeding herself, term expired, seat 13, must be nominee of Health Authority Program Advisory Committee, for a three-year term ending January 15, 2004.

Resolution No. 266-02

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 2 - Newsom, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Consideration of Mayor's Disapproval

**011798 [Interim Zoning Requiring Conditional Use Authorization for Large Retail Uses]
Supervisor Ammiano**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Certificate of Exemption/Exclusion from Environmental Review dated 12/7/01)

(Supervisor Hall dissenting in Committee.)

(April 5, 2002 - VETOED by Mayor.)

Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 5, 2002 is May 5, 2002.

Supervisor Ammiano requested this matter be continued to April 29, 2002.

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

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin, Sandoval
Noes: 1 - Maxwell
Absent: 2 - Newsom, Yee

Recommendations of the Finance Committee

020137 [Funding the Sheriff's Department's shortfalls in salary, overtime, and retirement payoffs]

Ordinance appropriating \$1,896,196 from the General Fund Reserve, \$2,793,734 from Federal funding for housing prisoners, and reappropriating \$300,000 from savings in natural gas for a total of \$4,989,930 to cover shortfalls in salaries, overtime and retirement payoffs at the Sheriff's Department for fiscal year 2001-02. (Sheriff)

(Fiscal impact.)

Ordinance No. 58-02

FINALLY PASSED by the following vote:

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

**020192 [Supplemental Appropriation, Department of Human Services]
Supervisors Gonzalez, Newsom, Daly, Peskin**

Ordinance appropriating \$47,000 of the General Reserve to fund Homeless Prenatal Services for the Department of Human Services for fiscal year 2001-02; placing \$23,500 on reserve.

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

Ordinance No. 59-02

FINALLY PASSED by the following vote:

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

Recommendations of the Health and Human Services Committee

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

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

Ordinance No. 57-02

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Absent: 2 - Newsom, Yee

**020343 [Residential Hotel Visitor Policies]
Supervisors Daly, Leno**

Ordinance amending Administrative Code Chapter 41D "Residential Hotel Visitor Policies" to allow operators of residential hotels to adopt Supplemental Visitor Policies in addition to the Uniform Visitor Policy for Residential Hotels, upon approval of the San Francisco Residential Rent Stabilization and Arbitration Board (Rent Board), providing that the Rent Board may amend the Uniform Visitor Policy from time to time, and providing for hotel occupants to petition the Rent Board for hearing and rent reduction for violation of Chapter 41D; amending Administrative Code Section 37.6 and adding Section 37.13 to authorize the Rent Board to effectuate the provisions of Chapter 41D; and, amending Police Code Section 919.1 to provide that imposition or collection of a charge for a visitor or restriction of a visitor in violation of Section 919.1 is (in addition to any available civil remedies), an infraction.

Supervisor Leno requested to be added as co-sponsor.

Ordinance No. 62-02

FINALLY PASSED by the following vote:

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

**020297 [Direct Access to Housing and Master Lease Program Expansion]
Supervisors Ammiano, Daly, Peskin**

Resolution directing the Department of Public Health and the Department of Human Services to provide the Board of Supervisors with a proposed expansion plan for 500 additional units in the Direct Access to Housing Program and 500 additional units in the SRO Master Lease program by April 22, 2002.

Supervisor Peskin requested to be added as co-sponsor.

Resolution No. 275-02

ADOPTED by the following vote:

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

Recommendations of the Transportation and Commerce Committee

**020196 [Carnegie Chinatown Branch Library as Landmark 235]
Supervisors Yee, Peskin, Leno, Ammiano, Daly, McGoldrick**

Ordinance Designating 1135 Powell Street, The Carnegie Chinatown Branch Library, as Landmark No. 235 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

Supervisor McGoldrick requested to be added as co-sponsor.

Ordinance No. 60-02

FINALLY PASSED by the following vote:

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

**020334 [Changing the designation of 333 Sacramento Street from a Category V Building to a Category IV Building]
Supervisor Peskin**

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

(Planning Commission Resolution No. 16322 adopted January 10, 2002 (Case No. 2001.0898G), recommending approval of above ordinance; Landmark Preservation Advisory Board Resolution No. 551 dated December 5, 2001, recommending the proposed change in Article 11 designation of the property and recommending Planning Commission approval.)

Ordinance No. 61-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Finance Committee

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

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

(Fiscal impact.)

PASSED, ON FIRST READING by the following vote:

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

**012003 [Retirement Benefits]
Supervisors McGoldrick, Maxwell**

Ordinance amending Administrative Code Section 16.37-1 to provide for the setting of interest rates for retirement allowances.

Supervisor Maxwell requested to be added as co-sponsor.

PASSED ON FIRST READING by the following vote:

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

020464 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc. (City Attorney)

(Companion measure to Files 020465, 020466.)
(Supervisor Daly dissenting in Committee.)

Supervisor Peskin requested this matter be continued to April 29, 2002.

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

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

020465 [Regulation of Newsracks; Amendment of Fixed Pedestal Newsrack Program]

Ordinance amending the San Francisco Public Works Code, Article 5.4, by repealing the existing Section 184.12 and enacting a new Section 184.12 regulating the placement and maintenance of newsracks on public streets, sidewalks and rights-of-way to prohibit freestanding newsracks in specified areas of the City, authorizing the creation of fixed pedestal zones in specified areas of the City, and authorizing the Director of Public Works to select and enter into agreements with vendors to provide and maintain fixed pedestal newsracks. (City Attorney)

(Supervisor Daly dissenting in Committee.)

Supervisor Peskin requested this matter be continued to April 29, 2002.

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

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

020466 [Contract - CCSF and Clear Channel Adshel, Inc.]

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc. (City Attorney)

(Supervisor Daly dissenting in Committee.)

Supervisor Peskin requested this matter be continued to April 29, 2002.

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

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

**020551 [Year 2002 Annual Joint Fundraising Drive Application and Designation Deadlines]
Mayor**

Ordinance amending Section 16.93-4 of the San Francisco Administrative Code, which establishes March 1 of each year as the deadline for agencies who wish to participate in the Annual Joint Fundraising Drive to submit their applications, and which establishes May 1 of each year as the deadline for the Board to designate those agencies that qualify to participate in the City's Annual Drive for that year, to allow any Mayor's Fund to submit by April 15, 2002, their application to participate in the 2002 Annual Drive, and to allow the Board to designate those agencies that qualify to participate in the City's Annual Drive for 2002 by June 1, 2002. (Mayor)

PASSED ON FIRST READING by the following vote:

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

011737 [Water Pipeline Replacement]

Resolution authorizing the execution and performance of an Exchange Agreement with the City of Brisbane relating to the replacement of Crystal Springs Pipeline Number 1. (Real Estate Department)

Resolution No. 257-02

ADOPTED by the following vote:

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

012281 [Airport Concession Lease]

Resolution approving a lease and operating agreement for operating the Self Service Luggage Cart Program, Between Smarte Carte, Inc., and the City and County of San Francisco, as amended, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact.)

Resolution No. 258-02

ADOPTED by the following vote:

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

**020472 [Mayor's Summer Food Service Program]
Mayor**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant up to \$484,000 from the United States Department of Agriculture for Mayor's Summer Food Service Program. (Mayor)

Resolution No. 263-02

ADOPTED by the following vote:

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

From Finance Committee Without Recommendation

**020534 [MOU Amendment No. 2, Collective Bargaining between MEA and CCSF]
Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III and adding Appendix H to incorporate the parties' agreements regarding specified wage adjustments and to correct clerical errors. (Mayor)

PASSED ON FIRST READING by the following vote:

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

Recommendations of Neighborhood Services and Recreation Committee

020437 [Liquor License Transfer, 1750 Fulton Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license to Albertson's Inc. from 17 Kearny Street to the new Albertson's store located at 1750 Fulton Street (District 5), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Supervisor Gonzalez requested this matter be continued to May 6, 2002.

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

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

Recommendations of the Public Works and Public Protection Committee

**011788 [Street Artists Program]
Supervisor Ammiano**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2402 to remove provision establishing the maximum annual amount paid to each member of the Advisory Committee of Street Artists and Craftsmen Examiners for meetings and studio visits.

PASSED ON FIRST READING by the following vote:

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

020470 [Grant - Police Department's Safe and Sober 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 California Office of Traffic Safety for a project entitled Safe and Sober in San Francisco Project; placing \$50,000 on reserve. (Police Department)

Supervisor Gonzalez dissenting.

Resolution No. 262-02

ADOPTED by the following vote:

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

Recommendations of the Rules and Audits Committee

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

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

PASSED ON FIRST READING by the following vote:

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

Absent: 2 - Newsom, Yee

020525 [Appointment - Public Utilities Commission]

Motion rejecting the Mayor's appointment of Frank Cook to the Public Utilities Commission. (Mayor)

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)

(Transmittal date - March 28, 2002.)

(Supervisor Hall dissenting in Committee.)

Motion No. M02-58

APPROVED by the following vote:

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

Absent: 2 - Newsom, Yee

From Rules and Audits Committee Without Recommendation

020527 [Appointment - Public Utilities Commission]

Motion approving the Mayor's appointment of E. Dennis Normandy to the Public Utilities Commission, for the term ending January 15, 2006. (Mayor)

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)

(Transmittal date - March 28, 2002.)

Supervisor Daly moved adoption.

Motion No. M02-59

APPROVED by the following vote:

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

Noes: 1 - Gonzalez

Absent: 2 - Newsom, Yee

020528 [Appointment - Public Utilities Commission]

Motion rejecting the Mayor's appointment of E. Dennis Normandy to the Public Utilities Commission. (Mayor)

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)

(Transmittal date - March 28, 2002.)

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

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

Noes: 1 - Gonzalez

Absent: 2 - Newsom, Yee

020529 [Appointment - Public Utilities Commission]

Motion taking no position concerning the Mayor's appointment of E. Dennis Normandy to the Public Utilities Commission, for term ending January 15, 2006.

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)

(Transmittal date - March 28, 2002.)

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

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

Noes: 1 - Gonzalez

Absent: 2 - Newsom, Yee

Recommendations of the Transportation and Commerce Committee**020242 [Grant - Purchase of additional new LRVs]**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$22,888,763 of Federal Section 5309 capital assistance for the purchase of new LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

Resolution No. 259-02

ADOPTED by the following vote:

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

Absent: 2 - Newsom, Yee

020398 [Grant - Police Department Pedestrian Safety Project]

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 California Office of Traffic Safety for a project entitled Pedestrian Safety Project. (Police Department)

Resolution No. 261-02

ADOPTED by the following vote:

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

Absent: 2 - Newsom, Yee

SPECIAL ORDER 3:00 P.M.**020590 [Public Health 2002 State of the City Report]
Supervisor Ammiano**

State of the City's Health Report from Director, Department of Public Health.

Presented by the Director of Public Health, Mitchell H. Katz, MD

FILED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**020520 [Public Hearing - Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16353 dated February 28, 2002, approving Conditional Use Application No. 2001.1142C, to install a total of three antennas within the bell tower of a church (St. John's United Church of Christ), and related equipment as part of a wireless communication network in a RH-1(D) (House, One-Family (Detached Dwelling)) Zoning District, and within a 40-X Height and Bulk District, pursuant to Section 209.5(b) of the Planning Code, on property located at: 20 Woodside Avenue (aka 501 Laguna Honda Boulevard) at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard; Lot 001, in Assessor's Block 2888A.

(Appeal filed April 1, 2002; categorically exempt from the environmental review process pursuant to exemption Class 1 exemptions of Title 14 of the California Administrative Code; Case No. 2001.1142C; companion measure to Files 020521, 020522, 020523; District 7.)

Supervisor Sandoval requested this matter be continued to April 29, 2002.

Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED. The motion carried by the following vote:

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

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

020521 [Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]

Motion approving decision of the Planning Commission by its Motion No. 16353 approving Conditional Use Application No. 2001.1142C, on property located 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Sandoval requested this matter be continued to April 29, 2002.

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

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

020522 [Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]

Motion disapproving decision of the Planning Commission by its Motion No. 16353 approving Conditional Use Application No. 2001.1142C, on property located 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Sandoval requested this matter be continued to April 29, 2002.

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

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

020523 [Findings - 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2001.1142C, on property located at 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Sandoval requested this matter be continued to April 29, 2002.

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

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

PUBLIC COMMENT

George Reed, health care;
Frederick Hobson, Animal Control Commission;
Coti Hawkins;
Amad Chester, Samoan senior programs;
Mr. Ruberd, taxi cabs;
Oue Lu, self-improvement practice, persecution in China;
James Jenkins, Public Library.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

020547 [Existing Litigation - City as Defendant]
Supervisor Peskin

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 plaintiffs, various businesses, are, in sum, challenging the constitutionality of the City's business taxing system. These plaintiffs and claimants are also seeking reimbursement of tax payments made to the City:

Macy's Department Stores, Inc. (formerly know as Macy's West, Inc.); Broadway Stores, Inc.; Federated Systems Group, Inc.; Macy's.Com Inc. v. San Francisco
San Francisco Superior Court No. 306-723
Date Filed: 9/24/99

Macy's West, Inc., an Ohio Corporation; Federated Western Properties, Inc., an Ohio Corporation; Federated Systems Group, Inc., a Delaware Corporation; and Macy's.Com Inc., a New York Corporation, v. San Francisco
San Francisco Superior Court No. 313-930
Date Filed: 10/12/00

Macy's West, Inc., an Ohio Corporation; Federated Western Properties, Inc., an Ohio Corporation; Federated Systems Group, Inc., a Delaware Corporation, and Macy's.Com, Inc., a New York Corporation v. San Francisco
San Francisco Superior Court No. 321-838
Date Filed: 6/1/01 (City Attorney)

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

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

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 4:57 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, Peskin, Sandoval - 9.

Noted absent: Supervisors Newsom, Yee- 2.

Quorum present.

Report on Closed Session

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

Persons in attendance:

Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval;

Ted Lakey, Deputy City Attorney;

Dennis Herrera, City Attorney;

Julie Van Nostern, Deputy City Attorney;

Gloria L. Young, Clerk of the Board;

Victor Young, Assistant Clerk.

Tape Number: CS Bd 02 011

The 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 anticipated litigation listed above.

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

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

Absent: 2 - Newsom, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**020600 [California Organ Donor Awareness Month]
Supervisors Sandoval, Daly**

Resolution commending the California Transplant Donor Network.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 267-02

ADOPTED

**020601 [Bicycle Motorcross (BMX)]
Supervisors Sandoval, Daly**

Resolution urging the Recreation and Park Department to develop a legal area for young people and adults to engage in the sport of Bicycle Motorcross (BMX) in San Francisco.

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 268-02

ADOPTED

**020603 [ABAG Finance Authority - Nonprofit Corporations]
Supervisor Hall**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$143,000,000 for the Corporation of Fine Arts Museums and the Fine Arts Museums Foundation.

Resolution No. 270-02

ADOPTED

**020604 [Opposing Hastings Garage Proposal]
Supervisors Daly, Leno, Gonzalez, Peskin, Maxwell**

Resolution urging the Board of Directors of the University of California Hastings College of Law to reject its proposed Tenderloin area parking garage in favor of a community-supported mixed-use development.

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

Resolution No. 276-02

ADOPTED

**020605 [Opposing State Assembly Bills 1823 and 2058 and Senate Bill 1870]
Supervisors Ammiano, Hall, Maxwell, Daly**

Resolution opposing State Assembly Bills 1823 and 2058, and Senate Bill 1870 (as drafted), regarding management and operation of the City's regional water system and requesting the Mayor to transmit communication of such opposition to the State Legislature.

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

Resolution No. 255-02

ADOPTED

**020606 [Commend - Richard Craib]
Supervisor Leno**

Resolution commending Richard Craib, native San Franciscan and Glen Canyon Park enthusiast.

Resolution No. 271-02

ADOPTED

**020607 [Commend - Mission High School]
Supervisor Ammiano**

Resolution commending Mission High School for winning 2002 Mock Trial City and County Championship.

Resolution No. 272-02

ADOPTED

**020608 [Commend - Gateway High School]
Supervisors Sandoval, Gonzalez**

Resolution commending Gateway High School on their first graduating class.

Supervisor Gonzalez requested to be added as co-sponsor.

Resolution No. 273-02

ADOPTED

020619 [Final Map for a 35 Unit Residential / Commercial Condominium Project]

Motion approving Final Map of Chelsea Court, 851 Van Ness Avenue, a Residential / Commercial Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 738, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,477; District 6.)

Motion No. M02-60

APPROVED

020620 [Final Map for a 7 Unit Residential Condominium Project]

Motion approving Final Map of 725 Taraval Street, a Mixed Use Condominium Project, being a subdivision of Lot 45 Assessor's Block No. 2408, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,478; District 7.)

Motion No. M02-61

APPROVED

020621 [Final Map for a 11 Unit Live Work / Commercial Condominium Project]

Motion approving Final Map of 1328 Mission Street, a Live Work / Condominium Project, being a subdivision of Lot 20 in Assessor's Block No. 3508, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,476; District 6.)

Motion No. M02-62

APPROVED

020622 [Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 955 Green Street, a Residential Condominium Project, being a subdivision of Lot 27 Assessor's Block No. 127, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,475; District 3.)

Motion No. M02-63

APPROVED

The foregoing items were acted upon by the following vote:

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

Absent: 2 - Newsom, Yee

Severed From For Adoption Without Committee Reference**020546 [SFUSD to Offer Students Neighborhood School Facilities]**

Supervisor Yee

Resolution urging the San Francisco Unified School District (SFUSD) to provide adequate facilities to accommodate all public school enrollees sufficient school space in their neighborhoods.

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

Supervisor Gonzalez requested this matter be referred to committee.

REFERRED to the Neighborhood Services and Recreation Committee.

**020557 [Commendation]
Supervisors Yee, Hall**

Resolution commending the efforts of all volunteers dedicated to protecting and restoring San Francisco's precious environmental and recreational resources at Fort Funston, the sponsors of Earth Day 2002 at Fort Funston, particularly Pacific Gas & Electric Company and the California Jeep Dealers, and their employees for their commitment to environmental preservation in San Francisco, and declaring April 20, 2002 to be Earth Day 2002 at Fort Funston.

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

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

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

**020599 [Business Loading Zone Designation at 834 Jones Street]
Supervisor Newsom**

Resolution urging the Department of Parking and Traffic to establish a business loading zone designation (white zone) and execute all appropriate signage at 834 Jones Street providing necessary temporary parking for local businesses and mitigating the threat of pedestrian accidents.

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

Supervisor Peskin requested this matter be referred to committee.

REFERRED to the Transportation and Commerce Committee.

**020602 [SB 1227 - Housing and Emergency Shelter Trust Fund Act of 2002]
Supervisors Leno, Daly**

Resolution urging Governor Gray Davis to sign SB 1227, the Housing and Emergency Shelter Trust Fund Act of 2002, which will provide \$2.1 billion for housing programs in California through the sale of State bonds.

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

Supervisor Daly requested to be added as co-sponsor.

Resolution No. 269-02

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances**020637 [Establishing a San Francisco Museum and Historical Society Advisory Committee]
Supervisor Peskin**

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.

4/22/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 5/22/2002. From Deputy City Attorney Adine Varah, memo to Supervisor Peskin submitting a revised version of the ordinance dated 4/23/02, to correct minor typographical errors.

4-29-02 President Ammiano waived the 30-day rule.

**020638 [Elections Code Corrections, Repealing Election Code Section 930]
Supervisor McGoldrick**

Ordinance repealing Municipal Elections Code Section 930 in order to conform the Municipal Elections Code to the Charter, as amended by Proposition C at the November 6, 2001 election.

4/22/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 5/22/2002.

**020641 [Residential Parking Permit Fees - Exemption]
Supervisor McGoldrick**

Ordinance amending San Francisco Traffic Code Section 314 exempting owners of electric or other clean air vehicles from residential parking permit fees.

4/22/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 5/22/2002.

**020642 [Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency]
Supervisor McGoldrick**

Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency of the City and County of San Francisco, thereby replacing the existing seven-member appointed Board (Governing Body), and making findings in support of this declaration (California Community Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing a seven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission. By this Ordinance, Section 24.1 is amended; existing Sections 24.1-1, 24.3, 24.4, and 24.5 are repealed; and new Sections 24.3, 24.3-1, 24.4, 24.4-1, 24.4-2, and 24.4-3 are added.

(Companion measure to File 020556.)

4/22/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. To be heard with Files 020556 and 020492.

Resolutions

**020639 [Grant - Mayor's Criminal Justice Council]
Mayor**

Resolution authorizing the Mayor's Criminal Justice Council (MCJC) to accept and expend funds in the amount of \$2,651,098 from the State Board of Corrections, from funds made available through Senate Bill 736 - known as the Juvenile Justice Crime Prevention Act (JJCPA), for programs and approaches that have been demonstrated to be effective in reducing delinquency. (Mayor)

(Public Benefit Recipient)

4/22/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020640 [Historical Property Contract for 460 Bush Street - Fire Department Old Station No. 2]
Supervisor Peskin**

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between Alice Ross Carey, the owner of San Francisco Landmark No. 143 located at 460 Bush Street (Fire Department Old Station No. 2) and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020643 [Lease Purchase Financing for the Acquisition of a Parking Meter Management System]
Supervisor Ammiano**

Resolution approving the lease purchase financing for the acquisition of a parking meter management system for the Department of Parking and Traffic; approving the form of a lease purchase financing agreement between the Department of Parking and Traffic and a lender, authorizing the selection of a lender, and ratifying previous actions taken in connection therewith.

(Fiscal impact; Companion measure to Files 020494 and 020495.)

(Supervisor Daly dissenting in Committee)

4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020644 [Extend Time for Planning Commission Action]
Supervisor Yee**

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 adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about notices in multiple languages.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020645 [DHS - Access to California Law Enforcement Telecommunications System (CLETS)]
Supervisor Newsom**

Resolution authorizing the San Francisco Department of Human Services direct access to the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information for the specific purpose of assessing whether or not the particular placement of a child for whom DHS has care and custody is safe and appropriate.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020646 [Grant Acceptance for MUNI Career Ladder Program]
Supervisors McGoldrick, Maxwell, Peskin, Daly

Resolution providing authorization to the Municipal Railway Improvement Fund to accept a grant from the State of California's Employment Development Department to establish a San Francisco MUNI Railway "Career Ladder" Program.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020647 [Juror Appreciation Week]
Supervisors Leno, McGoldrick, Maxwell, Gonzalez, Sandoval, Hall, Daly

Resolution declaring May 12 through 18, 2002, Juror Appreciation Week.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020648 [Lincoln High School Day]
Supervisors Hall, Newsom

Resolution proclaiming May 4, 2002 as "Lincoln High School Day" in the City and County of San Francisco.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020649 [Urging Bechtel Corporation to withdraw their punitive legal claim]
Supervisors Gonzalez, Daly

Resolution urging Bechtel Corporation and its Bolivian subsidiary, Aguas del Tunari, to immediately withdraw their punitive legal claims in international courts against Bolivia and its people and to abstain from engaging in any further litigation or mediation claims - either within or without U.S. borders - with the South American country.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020650 [Commend - National Center for Lesbian Rights (NCLR)]
Supervisors Leno, Maxwell, McGoldrick, Gonzalez, Peskin, Newsom, Daly

Resolution commending the National Center for Lesbian Rights (NCLR) on their 25th Anniversary.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020651 [Commend - Youth Credit Union Program]
Supervisors Leno, Maxwell, McGoldrick, Gonzalez, Newsom, Daly

Resolution commending the Youth Credit Union Program, a credit union operated by youth ages 6 to 18 with support from Mission Community Financial Assistance.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020652 [Commend - KUSF]
Supervisors Hall, Daly**

Resolution commending KUSF on the occasion of their 25th Anniversary.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**020653 [Level of Customer Service Provided by the City's Health Service System]
Supervisor Peskin**

Hearing in response to significant consumer complaints about: (1) the difficulty that consumers have communicating with live representatives of the Health Service System, including reports that the System only accepts public telephone inquiries two hours per day; (2) the difficulty that health care providers face gaining necessary financial reimbursements from the System; (3) issues with regard to the inadequacy of the current computer system; (4) adequacy and appropriate level of the current reserves; and (5) other issues.
4/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020654 [Controller's Nine-Month Financial Report]
Supervisor Peskin**

Hearing regarding the Controller's Nine-Month Financial Report.
4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020655 [Superior Court Report on Collection Efforts]
Supervisor Hall**

Hearing at which the Superior Court will give a report on its current collection efforts and to hear what proactive steps they are taking to improve the current situation.
4/22/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020656 [Direct Access to Housing Program]
Supervisor Ammiano**

Hearing to consider proposed plan offered by the Department of Human Services and the Department of Public Health to expand the Direct Access to Housing program and the Single Room Occupancy Hotel Master Lease Program by 1,000 units.
4/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020657 [1235 Mission Street Occupational Safety]
Supervisor Daly**

Hearing to consider occupational safety issues at 1235 Mission Street, with a specific focus on asbestos abatement.
4/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Motions

- 020636 [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.

4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES**

None.

PROPOSED RESOLUTIONS

- 020538 [Amending District Attorney's Revolving Loan Funds from State Board of Control]**
Resolution authorizing the District Attorney to amend the current agreement in the amount of \$75,000 which has been allocated from the Victim Compensation and Governing Claims Board (formerly known as the State Board of Control), an agent of the State of California, for a revolving loan fund to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)
4/12/02, RECEIVED AND ASSIGNED to Finance 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)
4/12/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.
- 020615 [Grant - Mayor's Office of Community Development]**
Mayor
Resolution approving the 2002 Community Development Program. Authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's 2002 Community Development Block Grant (CDBG) entitlement from the U. S. Department of Housing and Urban Development, and Program Income of \$33,722, 231 which include indirect costs of \$160,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs. (Mayor)
4/17/02, RECEIVED AND ASSIGNED to Finance Committee.

**020616 [Grant - Emergency Shelter]
Mayor, Supervisor Newsom**

Resolution approving the 2002 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept, and expend a \$879,000 entitlement under the Emergency Shelter Grants Program from the U. S. Department of Housing and Urban Development. (Mayor)

4/17/02, RECEIVED AND ASSIGNED to Finance Committee.

**020617 [Grant - HOME Program]
Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U. S. Department of Housing and Urban Development for a total amount of \$7,865,000 for the Home Program authorized under Title II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the Home Program description as described in the 2002 Action Plan for San Francisco's Consolidated Plan. Indirect costs associated with the acceptance of these grant funds will be paid by the Community Development Block Grant funds. (Mayor)

4/15/02, RECEIVED AND ASSIGNED to Finance Committee.

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)

4/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

PROPOSED MOTIONS

020618 [Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of January 12, 2003.]

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2pm, instead of Mondays at 2pm, effective the week of January 12, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

4/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Requests Granted

From: Supervisor Sandoval

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To request that a stop sign be placed at the intersection of San Juan Avenue and Cayuga Avenue. A copy of this letter should be sent to Peter Tannenbaum, 783 Cayuga, San Francisco, CA 94112.

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: To draft legislation to amend Chapter 71 of the Administrative Code to allow for contributory buildings in locally designated historic districts to be eligible for legal treatment under the State of California's Mills Act.

From: Supervisor Hall

To: Board of Appeals

Requesting/Inquiring: To report on the Appeal of expansion at 2 Upland Drive.

1. Why is the Board of Appeals asserting jurisdiction over the revised plan submitted by the owner of 2 Upland Drive? Should it not send the plans back to the Planning Department first?

2. Did a Commissioner state that he had already made up his mind on the issue and did not see any reason for public comment?

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To broaden the City's official definition of homelessness to include youth exiting foster care without permanent housing.

From: Supervisor Daly

To: Department of Public Health

To: Department of Human Services

To: Redevelopment Agency

To: Mayor's Office of Housing

Requesting/Inquiring: To report on the amount of funding dedicated to housing for youth aged 18-24.

In Memoriam

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

Mr. Dot Yuen Yee (Supervisor Peskin)

ADJOURNMENT

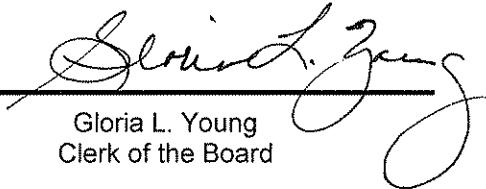
There being no further business, the Board at the hour of 5:03 p.m. adjourned.

Gloria L. Young, Clerk

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

Approved by the Board of Supervisors on June 24, 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