

# 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 8, 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, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

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

*The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisor was noted absent:*

*Supervisor Sandoval - 1.*

*Quorum present.*

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

## APPROVAL OF MEETING MINUTES

**Supervisor Leno, seconded by Supervisor Peskin, moved to approve the February 11 and February 19, 2002 Meeting Minutes. The motion carried by the following vote:**

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

## AGENDA CHANGES

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

*There were none.*

## COMMUNICATIONS

*The Clerk presented a communication from the Department of Elections, dated April 2, 2002, submitting a draft resolution declaring the results of the election and the Official Canvass Report for the March 5, 2002 Gubernatorial Primary Election, copy of which is contained in Board of Supervisors File 020515. (See infra.)*

*The Clerk presented a communication from his honor, the Mayor, returning with his veto the following resolution:*

*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 (File No. 011798). The item will be agendaized on April 15, 2002.*

### **Privilege of the Floor**

Supervisor Yee, seconded by Supervisor Maxwell, 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: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### **Introduction of Guests**

*Supervisor Maxwell, Bob Dacovich.*

*Supervisor Leno, Hon. Howard Dean.*

*Supervisor Leno, Filipino American World War II Veterans.*

*Supervisor Peskin introduced and welcomed Mayor Lucas, Fabio Mento, Jose Mento, and Charles McNealy from Brazil.*

## **CONSENT AGENDA**

### **Recommendations of the Finance Committee**

#### **020388 [Contracting out Janitorial Services]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees. (Parking and Traffic Department)

Resolution No. 224-02

ADOPTED

#### **020448 [California Debt Limit Allocation Committee]**

Mayor

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates. (Mayor)

Resolution No. 211-02

ADOPTED

### **Recommendations of the Health and Human Services Committee**

**020130 [Grant - Landscape Management Outreach Partnership]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$16,250 from the California Integrated Waste Management Board for a compost tea demonstration project and seminars on resource efficient landscaping for the Recreation and Park Department. (Environment)

**Resolution No.** 215-02

**ADOPTED**

**020181 [Grant for indigent patients at the San Francisco General Hospital Trauma Center and improve the hospital trauma registry]**

**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of \$912,440 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

*Supervisor Newsom requested to be added as sponsor.*

**Resolution No.** 217-02

**ADOPTED**

**020182 [Study of HIV prevention costs and services]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$72,500 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for the HIV Prevention Planning Collaborative Allocation Tool project under a one year award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

**Resolution No.** 218-02

**ADOPTED**

**020245 [Executive Nurse Fellows Program]**

Resolution authorizing the San Francisco Department of Public Health, Laguna Honda Hospital & Rehabilitation Center (SFDPH, LHH) to enter retroactively into an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and expend funds in the amount of \$45,000 for the conduct of the "Robert Wood Johnson Executive Nurse Fellows Program"; for the period of July 1, 2001 to May 31, 2004. (Public Health Department)

**Resolution No.** 220-02

**ADOPTED**

**Recommendation of the Public Works and Public Protection Committee****020180 [Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1550 to change the official sidewalk width on the west side of Mission Street from 16th Street southerly, near the southwesterly corner of 16th and Mission Streets; making findings pursuant to Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**Ordinance No.** 49-02

**FINALLY PASSED**

**Recommendations of the Rules and Audits Committee****020110 [Settlement of Lawsuit]**

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

**Ordinance No. 40-02**  
**FINALLY PASSED**

**020249 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the matter of Stephanie Fouchia v. City and County of San Francisco for \$65,000. The lawsuit was filed on March 7, 2001, in San Francisco Superior Court, Case No. 319-456; entitled Stephanie Fouchia v. City and County of San Francisco. (City Attorney)

**Ordinance No. 42-02**  
**FINALLY PASSED**

**020255 [Settlement of Lawsuit]**

Ordinance authorizing \$998 offer of judgment in the lawsuit filed by Frank Rodriguez against the City and County of San Francisco for \$30,001.00 plus reasonable attorneys' fees not to exceed \$30,000 and costs; the lawsuit was filed on October 11, 2001 in San Francisco Superior Court, Case No. 400-133; entitled Frank Rodriguez, v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 43-02**  
**FINALLY PASSED**

**020330 [Settlement of Lawsuit]**

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

**Ordinance No. 44-02**  
**FINALLY PASSED**

**020331 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Rosa Corrales against the City and County of San Francisco for \$500,000.00; the lawsuit was filed on October 3, 2000 in San Francisco Superior Court, Case No. 315-584; entitled Rosa Corrales v. Regents of the University of California, et al; there are no other material terms to said settlement. (City Attorney)

**Ordinance No. 45-02**  
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Finance Committee

**020368 [Supplemental Appropriation - San Francisco's Finance Corp.]  
Mayor**

Ordinance appropriating \$8,420,000 from the sale of lease-revenue bonds by the San Francisco Finance Corporation to fund purchase of equipment citywide for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

**Ordinance No.** 39-02

**FINALLY PASSED** by the following vote:

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

**020369 [MOU - Fire]  
Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Fire) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)

**Ordinance No.** 46-02

**FINALLY PASSED** by the following vote:

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

**020370 [MOU - Police]  
Mayor**

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

**Ordinance No.** 47-02

**FINALLY PASSED** by the following vote:

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

### From Finance Committee Without Recommendation

**020248 [Supplemental Appropriation, Department of Elections]**

Ordinance appropriating \$1,372,007 of the General Reserve and reappropriating \$1,800,000 from the lease-purchase of election equipment for a total of \$3,172,007 to fund salaries, fringe benefits, and other current expenses for the Department of Elections for fiscal year 2001-02. (Elections Department)

(Fiscal impact.)

**Ordinance No.** 41-02

**FINALLY PASSED** by the following vote:

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

**Recommendations of the Rules and Audits Committee****020319 [Municipal Code Amendment - Deletion of Court Reporter Requirement for Board of Appeals]**

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel videotape or an audiotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

*Supervisor Peskin presented an amendment of the whole.*

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

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

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel videotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

**PASSED ON FIRST READING AS AMENDED** by the following vote:

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

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

**Supervisor Yee**

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

**Ordinance No.** 48-02

**FINALLY PASSED** by the following vote:

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

**From Rules and Audits Committee Without Recommendation**

**020339 [Appointment]**

Motion appointing Supervisor Leland Yee, term ending February 1, 2005, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Leland Yee, succeeding Supervisor Tony Hall, Seat No. 1, must be a member of the San Francisco Board of Supervisors, for the unexpired portion of a four-year term ending February 1, 2005.

*Supervisor Yee was previously excused from voting. See Meeting Minutes of March 25, 2002.*

**NOT APPROVED** by the following vote:

Ayes: 4 - Maxwell, McGoldrick, Newsom, Sandoval  
Noes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Peskin  
Excused: 1 - Yee

**Recommendation of the Transportation and Commerce Committee****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.

*Supervisor Newsom was previously excused from voting. See Meeting Minutes of March 25, 2002.*

**Ordinance No.** 56-02

**FINALLY PASSED** by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee  
Noes: 1 - Hall  
Excused: 1 - Newsom

**NEW BUSINESS****Recommendations of the Finance Committee**



**020197 [Golf Fund]**  
**Supervisors Hall, Daly, McGoldrick, Maxwell, Newsom**

Ordinance amending Chapter 10, Article XIII of the San Francisco Administrative Code by adding Section 10.100-256 thereto, establishing a San Francisco Recreation and Parks Golf Fund.

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

**PASSED ON FIRST READING by the following vote:**

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

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

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

*Supervisor Sandoval, seconded by Supervisor Yee, moved to amend page 173, lines 15 and 21, by deleting the word "final"; Page 174, add a final line, "The Board shall maintain the final authority regarding the fee structure for the golf courses".*

*Motion to amend failed by the following vote:*

*Ayes: 2 - Sandoval, Yee*

*Noes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin*

*The roll was then called on the pending ordinance.*

**PASSED ON FIRST READING by the following vote:**

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

**020201 [PGA Tour Championship at Harding Park Golf Course]**  
**Supervisors Hall, Maxwell, Newsom**

Resolution approving and authorizing a Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

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

**Resolution No. 219-02**

**ADOPTED by the following vote:**

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

**020286 [State grant for renovation of Harding Park and Fleming Golf Courses]**  
**Supervisors Hall, Daly, Maxwell, Newsom**

Resolution authorizing the City and County of San Francisco to accept and expend State grant funds under the Per Capita Grant Program, in the amount of \$8,111,000, and under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program Block Grant, in the amount of \$5,016,627, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

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

**Resolution No. 221-02**

**ADOPTED by the following vote:**

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

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

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

**PASSED, ON FIRST READING by the following vote:**

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

**020333 [Outreach Advertising]**

Resolution approving additional funds for outreach advertising in fiscal year 2001-2002. (Purchaser)

**Resolution No. 223-02**

**ADOPTED by the following vote:**

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

**020395 [Gift - SF Public Library]  
Supervisor Newsom**

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of \$150,100 from the Friends and Foundation of the San Francisco Public Library for the Ocean View Art Project and for the James C. Hormel Gay and Lesbian Center. (Public Library)

*Supervisor Newsom requested to be added as sponsor.*

**Resolution No. 225-02**

**ADOPTED by the following vote:**

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

**From Finance Committee Without Recommendation**

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

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

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 2 - Daly, Gonzalez

**Recommendation 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).

*Supervisor Daly requested the matter be continued to April 15, 2002.*

**Supervisor Daly, seconded by Supervisor Newsom, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

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

**Recommendation of Neighborhood Services and Recreation Committee**

**020329 [Liquor License Transfer, 251 Clement Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license to Andy Huynh for Kute Accessories, Inc. dba "Super Tokio" from 5 Embarcadero Center to 251 Clement Street (District 1), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

**Resolution No. 222-02**

**ADOPTED by the following vote:**

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

**Recommendation of the Public Works and Public Protection Committee**

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

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

**Resolution No. 227-02**

**ADOPTED by the following vote:**

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

**Recommendations of the Rules and Audits Committee**

**012004 [Real Estate Loan Counseling and Education Program]  
Supervisors Yee, Sandoval, Maxwell**

Ordinance adding Chapter 92 to the Administrative Code approving a pilot consumer counseling and educational program in the Department of Aging and Adult Services, including distribution of educational materials on predatory loan practices, and provision of individual loan counseling for loans secured by San Francisco residential property.

*Supervisor Maxwell requested to be added as co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

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

**012088 [Appointment]**

Motion appointing Michael Garcia, term to be determined, to the Ethics Commission.

Michael Garcia, new position, seat 1, must be a representative of the general public, term to be determined.

*Supervisor McGoldrick, seconded by Supervisor Daly, moved to change the name to Victor Hwang.*

*Supervisor Peskin moved substitute motion to re-refer this matter to committee.*

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval, Yee

Noes: 4 - Gonzalez, Hall, Leno, Newsom

**From Rules and Audits Committee Without Recommendation**

**020020 [Bond Truth Act]  
Supervisor Yee**

Ordinance amending Chapter 10 of the Administrative Code by adding Article IX thereto; requiring any ballot measure submitted to the voters to include certain information; requiring public access to financing proposals for capital projects; requiring the commitment of additional funds for projects financed in part with bond proceeds; limiting the transferability of bond authority for other projects; authorizing the expiration of bond authority; requiring the Controller to enforce this Article; and all other matters related thereto.

*Supervisor Leno requested the matter be re-referred to Committee.*

**Supervisor Leno, seconded by Supervisor Gonzalez, moved that this Ordinance be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**

Ayes: 6 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Peskin

Noes: 5 - Hall, McGoldrick, Newsom, Sandoval, Yee

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

Resolution approving the Mayor's appointment of Major General James M. Myatt to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)

**Resolution No. 226-02**

**ADOPTED by the following vote:**

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

Absent: 1 - Yee

**SPECIAL ORDER 3:00 P.M.****020479 [Public Hearing - Conditional Use Appeal, 417 31st Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16346 dated February 14, 2002, approving Conditional Use Application No. 2001.0926C, to mount a total of three panel antennas to the belfry of an existing Church, within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District, pursuant to Section 710.83 of the Planning Code, on property located at 417 31st Avenue, southwest corner of 31st Avenue and Clement Street; Lot 001, in Assessor's Block 1463.

(Filed March 18, 2002; Categorically exempt from environmental review process pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; Case No. 2001.0926C; companion measure to Files 020480, 020481, 020482; District 1.)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Leno, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, 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.)****020480 [Appeal, Conditional Use, 417 31st Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 16346, approving Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

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

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

**020481 [Appeal, Conditional Use, 417 31st Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 16346, approving Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

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

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

**020482 [Findings - 417 31st Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2001.0926C, on property located at 417 31st Avenue, for action by the Board at its next meeting. (Clerk of the Board)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

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

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

**PUBLIC COMMENT**

*Abdallah Megahed, health care, peace in Middle East, homelessness;*

*Trisha Boyian, big box legislation;*

*Bernie Mig, homelessness;*

*Female speaker, economy with China;*

*Male speaker, help stop persecution of China human rights;*

*James Chaffee, corruption in the Public Library;*

*Rev. Judy Fine, reserve at U.C. Medical Center, animal testing;*

*Male speaker, war.*

**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.*

**020497 [Gift - Recreation and Park Department]**

**Supervisors Hall, Newsom**

Resolution accepting and expending a gift in place in the amount of \$21,800 from the Friends of West Portal Playground to the Recreation and Park Department for tennis court improvements at West Portal Playground.

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

**Resolution No. 212-02**

**ADOPTED**

**020498 [Gift - Strybing Arboretum Society]**

**Supervisors McGoldrick, Newsom**

Resolution accepting and expending a gift of \$240,000 from the Strybing Arboretum Society to fund renovations to the County Fair Building at the Strybing Arboretum and Botanical Gardens in Golden Gate Park.

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

**Resolution No. 213-02**

**ADOPTED**

**020499 [Federal Earmarks for the Central Subway and Doyle Drive Projects]  
Supervisors Peskin, Maxwell, McGoldrick, Newsom**

Resolution supporting a \$5 million Federal earmark for the Central Subway project and a \$3 million federal earmark for the Doyle Drive Replacement project and urging members of the San Francisco Bay Area Congressional Delegation to work diligently to gain funding for these important projects.

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

**Resolution No. 228-02**

**ADOPTED**

**020500 [Commend - Archbishop Riordan High School Basketball Team]  
Supervisors Hall, Daly, Sandoval, Maxwell, McGoldrick**

Resolution commending the Archbishop Riordan High School basketball team for winning the California Division III men's basketball championship.

*Supervisor McGoldrick requested to be added as co-sponsor.*

**Resolution No. 229-02**

**ADOPTED**

**020501 [Commend - Archbishop Riordan High School Basketball Team]  
Supervisors Maxwell, McGoldrick, Hall**

Resolution commending the Archbishop Riordan Crusaders on winning the California Interscholastic Federation State Champion Division III Title.

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

**Resolution No. 230-02**

**ADOPTED**

**020503 [Commend - Archbishop Riordan High School Basketball Team]  
Supervisors Newsom, Sandoval, Maxwell, McGoldrick, Hall**

Resolution congratulating the Archbishop Riordan High School Basketball Team for winning the California Interscholastic Federation State Championship Division III, the first State championship title earned by a San Francisco team since 1926.

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

**Resolution No. 231-02**

**ADOPTED**

**020504 [Commend - Rebecca Silverberg]  
Supervisors Yee, Leno, McGoldrick, Newsom, Hall**

Resolution commending Rebecca Silverberg for being honored as 12th Assembly District Woman of the Year.

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

**Resolution No. 232-02**

**ADOPTED**

- 020515 [Declaration of March 5, 2002 Election Results]**  
Resolution declaring the results of the Consolidated Primary Election conducted March 5, 2002 in the City and County of San Francisco. (Elections Department)

Resolution No. 233-02

**ADOPTED**

- 020533 [Stop Sign Designation - Union and Powell Streets]**  
Supervisors Peskin, Newsom

Resolution urging the installation of 4-way Stop signs at the intersection of Union and Powell Streets.

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

Resolution No. 234-02

**ADOPTED**

- 020487 [Needle Exchange Emergency]**  
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

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

Motion No. M02-51

**APPROVED**

- 020516 [Final Map for a 5 Lot Airspace Subdivision Project]**  
Motion approving Final Map of 399 Fourth Street, a Subdivision of Airspace for Residential and Commercial Purposes, being a subdivision of Lot 410, Assessor's Block No. 3751, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,458; District 6.)

Motion No. M02-52

**APPROVED**

The foregoing items were acted upon by the following vote:

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

**Severed From For Adoption Without Committee Reference**



020502 [Commend - Lucy Spector]  
Supervisor Newsom

Resolution commending Lucy Spector on her service as a San Francisco business owner for fifty years and dedicating April 8, 2002 as "Lucy Spector Day" for the City and County of San Francisco.

*Supervisor Newsom requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Newsom moved to amend the title, Page 1, line 5, to replace "April 8, 2002" with "April 15, 2002" and on Page 1, line 22, to replace "April 8, 2002" with "April 15, 2002".*

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

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

Resolution commending Lucy Spector on her service as a San Francisco business owner for fifty years and dedicating April 15, 2002 as "Lucy Spector Day" for the City and County of San Francisco.

*Supervisor Newsom requested this matter be continued to April 15, 2002.*

**Supervisor Newsom, seconded by Supervisor Daly, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:**

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

020532 [Off-site Meeting - Health and Human Services Committee]  
Supervisor Daly

Motion scheduling an off-site meeting of the Health and Human Services Committee at San Francisco General Hospital, 1001 Potrero Avenue, to discuss the Health Department budget on May 2, 2002 at 4:00 PM.

*Supervisor Daly requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Daly presented an amendment of the whole bearing a new title.*

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

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

**Motion No.** M02-53

**ADOPTED AS AMENDED by the following vote:**

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

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*

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

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

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

*[Brown Act Finding]*

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

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

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

**Imperative Agenda**

020545 [Declaring Bataan Day of Valor]  
Supervisors Leno, Daly, Newsom

Resolution declaring April 9, 2002 Bataan Day of Valor in San Francisco.

*Supervisors Leno, Daly presented for immediate adoption.*

**Resolution No.** 216-02

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

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

**OFF-AGENDA LEGISLATION****Introduced by Supervisors or Mayor****Ordinances**

**020193 [Emergency Response Fee Amendments]  
Supervisors Peskin, Daly**

Ordinance amending Articles 6 and 10a of the San Francisco Business And Tax Regulations Code by amending Sections 6.1-1, 750, 751, 753, 755 and 757, deleting section 756 and adding sections 752.2 And 755.1 to clarify the application of the Code's common administrative provisions to the Emergency Response Fee; to provide for use of Emergency Response Fee Revenues for operating costs of the 911 Communication System; to update the findings supporting the fee; to increase the amount of the annual cap on fee payments per account, per service location to reflect inflation; to increase the fee rate for trunk line subscribers and add a rate for high capacity trunk line subscribers; and to eliminate the fee sunset, and amending section 10.100-67 of the San Francisco Administrative Code to allow for use of monies in the Emergency Communications 911 Emergency Response Fund for operating costs of the 911 Communication System.

(Fiscal impact.)

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

4/8/02, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title, approved as to form.

4/8/02, ASSIGNED to Finance Committee.

**020548 [Codifying Amortization Schedules for 100% Passthrough of Certified Capital Improvements]  
Supervisor Peskin**

Ordinance amending the Residential Rent Stabilization and Arbitration ordinance by amending Section 37.7: to codify seven and ten-year amortization schedules for certified capital improvement, rehabilitation and energy costs passed through from landlords to tenants who benefit; to provide that 100% of such certified costs may be passed through to tenants, except that where an application was filed before April 8, 2002 and the decision was not yet final or was subject to direct review as of April 8, 2002, only 50% of the certified costs may be passed through to tenants; providing that no rent increase under this Section 37.7 shall exceed, in a twelve-month period, ten percent (10%) of the tenant's base rent at the time the petition was filed or \$30.00, whichever is greater; and providing that a landlord may accumulate any qualifying certified increase that exceeds this twelve-month cap and impose it in subsequent years, still subject to this same ten percent or \$30.00 limitation in a twelve-month period.

4/8/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 5/8/2002.

**020549 [Fourth and Freelon Streets Special Use District]  
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create the Fourth and Freelon Streets Special Use District encompassing the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street and by adding Section 263.16 to create special height and bulk exceptions for the Fourth and Freelon Streets Special Use District, which would allow previously approved but unbuilt live/work units to convert to market-rate residential units and additional market-rate residential units to be constructed with an allowable increase in height from 50' to 85' and a dwelling unit density governed by the permissible building envelope; provided that (i) the developer shall construct at the developer's sole expense, on land owned or purchased by the developer, off-site affordable housing with square footage equal to 15% of the total residential units to be constructed offset by the cost of land acquisition, (ii) the units shall be affordable to low- and moderate income households with income not exceeding 60% of San Francisco's median income and (iii) upon completion, the affordable housing development shall be owned, managed and operated by a nonprofit housing organization.

(Companion measure to File 020550.)

4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

**020550 [Zoning Map Amendment]  
Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification and the height and bulk designation of the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street.

4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

**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) 4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020585 [Establishing a Library Citizens Advisory Committee]  
Supervisor Yee**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article 24, Section 5.240, to establish the Library Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

4/8/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

## Resolutions

**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.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020552 [SFPD-Graffiti Abatement Team]  
Supervisor Newsom**

Resolution urging the San Francisco Police Department in collaboration with the Office of the District Attorney to increase the enforcement and prosecution of offenders cited for graffiti and to collaborate with the Department of Public Works to expand and enhance public school outreach at the middle and high school level regarding the consequences of tagging public or private property.

4/8/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020553 [DPW-Graffiti Abatement Team]  
Supervisor Newsom**

Resolution urging the Department of Public Works to engage in all efforts to reduce the level of graffiti Citywide, including providing awards for information leading to the arrest of graffiti perpetrators and adopting a model similar to the one being utilized in San Jose, California and utilizing graffiti abatement models, such as the one administered in San Jose, California, in order to contact telephone, billboard, garbage, newspaper and other business entities that may have graffiti on their "property" and to develop an agreement with them, which requires that these businesses maintain their respective property as graffiti free and in the event that graffiti reappear on their property that they immediately abate it and to collaborate with the San Francisco Police Department to expand and enhance public school outreach at the middle and high school level regarding the consequences of tagging public or private property.

4/8/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020554 [Agreement for the Purchase and Sale of Recycled Water]  
Supervisors Maxwell, Peskin**

Resolution approving and authorizing the SFPUC General Manager to sign an Agreement for the Purchase and sale of recycled water between the SFPUC, the City of Daly City, and three local area golf courses (i.e. Olympic Club, San Francisco Golf Club and the Lake Merced Golf Club).

(Fiscal impact.)

4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020555 [First Amendment to Water Supply Contract]  
Supervisors Maxwell, Peskin**

Resolution approving and authorizing the SFPUC General Manager to sign the First Amendment to the water supply contract between the City and County of San Francisco and the City of Daly City for purposes of conducting an Aquifer Recharge Study.

4/8/02, RECEIVED AND ASSIGNED to Finance 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.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020558 [Presidio Commissary]  
Supervisors Yee, McGoldrick**

Resolution urging Congress and the General Services Administration (GSA) to allow for the continued operation of the Presidio Commissary.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020559 [Armenian Genocide Commemoration Day]  
Supervisors Peskin, Hall, Ammiano, Maxwell, Daly, McGoldrick, Newsom, Sandoval, Gonzalez**

Resolution declaring April 24th, 2002 Armenian Genocide Commemoration Day in San Francisco.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020560 [San Francisco Graffiti Advisory Board]  
Supervisors Newsom, Hall**

Resolution urging the San Francisco Graffiti Advisory Board to convene pursuant to Administrative Code 5.172, which defines the purpose and duties of the Advisory Board.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020561 [ABAG Finance Authority - Hamlin School]  
Supervisor Newsom**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$8,000,000 for The Hamlin School, or an affiliate.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020562 [Commendation]  
Supervisor Newsom**

Resolution commending Kaiser Permanente San Francisco Medical Center for its recognition by the American Heart Association at the "Celebrate with Heart 2002" Gala for twenty years of excellence in the field of cardiovascular medicine.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020563 [AB 2677 - Preferential Parking Programs]  
Supervisor Newsom**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Assembly Bill (AB) 2677, which would authorize State and local municipalities to establish preferential parking programs for low emission reduction vehicles and environmentally viable transportation alternatives.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020564 [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.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020565 [Preservation of Neighborhood Theatres]  
Supervisors Newsom, Hall, Daly, McGoldrick**

Resolution requesting the Planning Department to conduct a comprehensive study on the impact of the loss of neighborhood theatres on the character and economic vitality of neighborhood commercial districts.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

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

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020567 [Passage of HR 491 and SB 1042]**  
**Supervisors Leno, Daly, Gonzalez, Sandoval, McGoldrick, Peskin**

Resolution urging the U.S. Congress to pass and President George W. Bush to sign HR 491, Filipino Veterans Equity Act, and SB 1042, Filipino Veterans Benefit Improvement Act.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020568 [Child Care Subsidy]**  
**Supervisors Leno, Maxwell, Daly**

Resolution urging the California State Legislature to oppose the Governor's child care subsidy proposal.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020569 [Dolores Street Community Services]**  
**Supervisors Leno, Maxwell, Peskin, Daly**

Resolution commending Dolores Street Community Services on its 20th anniversary and declaring April 25th "Dolores Street Community Services Day in San Francisco."

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020570 [Miraloma Elementary School Day]**  
**Supervisors Hall, Newsom, Peskin**

Resolution proclaiming May 4, 2002 as "Miraloma Elementary School Day" in the City and County of San Francisco in honor of the school's 50th anniversary.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020571 [Heritage Tree Preservation Act of 2002]**  
**Supervisors Gonzalez, Peskin, McGoldrick**

Resolution supporting the Heritage Tree Preservation Act of 2002 and urging San Franciscans and Californians to sign petitions to place this initiative on the November 2002 state ballot.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020572 [Commendation]**  
**Supervisors Leno, Newsom, Peskin**

Resolution commending Helen Myers who was recently named Woman of the Year by the California State Assembly and Assemblywoman Carole Migden.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



**020583 [Bear Hunting]  
Supervisors Gonzalez, Peskin**

Resolution urging the California State Fish & Game Commission to reject a proposed regulation change that would increase the annual limit on hunting bears from 1,500 to 1,700.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020584 [Condemning Hate Crimes]  
Supervisors Ammiano, Peskin, Daly, McGoldrick**

Resolution condemning the hateful messages targeting the Arab community and Women graffiti recently sprayed across one of the colorful murals at the Women's Building.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020586 [Commending the National Youth Commission of Taiwan]  
Supervisors Ammiano, Peskin**

Resolution acknowledging and commending the National Youth Commission of Taiwan for their commitment to honoring the positive contributions of young people throughout the world.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Requests for Hearing**

**020573 [Transit Impact Development Fee]  
Supervisor McGoldrick**

Hearing on update of the Transit Impact Development Fee.

4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020574 [April 16, 2002 Preliminary Budget Committee Hearings]  
Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets to be scheduled for April 16, 2002 meeting:

SUBMITTED DEPARTMENTS: Administrative Services-Consumer Assurance; Telecommunications & Information Services.

DEPARTMENTAL PRESENTATIONS: Department of Public Works; Port; Public Utilities Commission (Clean Water, Hetch Hetchy, Light, Heat and Power, Water Department).

4/8/02, RECEIVED AND ASSIGNED to Budget Committee.

**020575 [April 23, 2002 Preliminary Budget Hearings]  
Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets to be scheduled for April 23, 2002 meeting:

SUBMITTED DEPARTMENTS: Child Support Services, Rent Arbitration Board, Department of the Status of Women.

DEPARTMENTAL PRESENTATIONS: Redevelopment Agency, Public Library, Elections, Recreation and Park, City Planning,

4/8/02, RECEIVED AND ASSIGNED to Budget Committee.

**020576 [Proposition F, Citizens' General Obligation Bond Oversight Committee]  
Supervisor Leno**

Hearing to discuss the implementation of Proposition F, the Citizens' General Obligation Bond Oversight Committee ballot measure, approved by voters in March of 2002.

4/8/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020577 [Independent Living Services Offered by CCSF]  
Supervisor Daly**

Hearing to discuss independent living services offered by the City and County of San Francisco, and the recommendations of the Office of Legislative Analyst.

4/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020578 [Needs of Emancipated Youth]  
Supervisor Daly**

Hearing to discuss the unique needs of emancipated youth and the role of the Human Services Department.

4/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020581 [Exploitation of Teenage Girls]  
Supervisor Ammiano**

Hearing on the exploitation, abuse and neglect of teenage girls.

4/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020582 [South Park]  
Supervisor Daly**

Hearing to consider current conditions at South Park, specifically conflicts between user groups, safety and maintenance of the play area, and park space.

4/8/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**011344 [Palace of Fine Arts Renovation]  
Supervisor Newsom**

Hearing regarding the status of the renovation and seismic retrofitting of the Palace of Fine Arts; as well as the timeline of the renovation and retrofitting projects, the expected dates of completion, the costs of renovation, the status of the lagoon and potential testing of the lagoon and potential pathway replacements.

7/16/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

1/25/02, FILED PURSUANT TO RULE 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Neighborhood Services and Recreation Committee.

**011265 [Incorporation of DPT into MTA]  
Supervisor Newsom**

Hearing on the 1999 Charter Amendment, Proposition E, requiring the incorporation of the Department of Parking and Traffic into the Municipal Transportation Authority.

7/2/01, RECEIVED AND ASSIGNED to Rules Committee.

1/16/02, FILED. Filed pursuant to rule 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Rules and Audits Committee.

**011266 [Status of Parking Lot at the Hall of Justice]  
Supervisor Newsom**

Hearing regarding the status of the parking lot at the Hall of Justice at 850 Bryant Street, and possible means of alternative sites for parking and incentives for jurors to subsidize modes of transit used.

7/2/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

1/30/02, FILED PURSUANT TO RULE 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Transportation and Commerce Committee.

**011264 [City's Incentive Savings Account Program]  
Supervisor Newsom**

Hearing on the current status of the City's Incentive Savings Account Program for City departments and ways in which to improve the efforts of departments to best utilize the Incentive Savings Account.

7/2/01, RECEIVED AND ASSIGNED to Finance Committee.

3/6/02, FILED PURSUANT TO RULE 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Finance Committee.

## **Motions**

- 020544 [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.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 020556 [Considering whether the Board of Supervisors declare itself to be the Redevelopment Agency]**  
**Supervisor McGoldrick**

Motion directing the Clerk of the Board of Supervisors to notice and convene a public hearing pursuant to Sec. 33200(b) of the California Community Redevelopment Law (Health & Safety Code Sec. 33000, et seq.), for consideration of whether the Board of Supervisors shall declare itself to be the Redevelopment Agency for the City and County of San Francisco and thereby replace the existing Redevelopment Agency and its appointed Board; and further directing the Clerk to cause the preparation of reports or proposals as necessary for the hearing.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Introduced by the President at the Request of Departments**

## **PROPOSED ORDINANCES**

- 020468 [MOU Amendment No. 4, SEIU, AFL-CIO Locals 250, 535, and 790]**

Ordinance adopting and implementing Amendment No. 4 to the 2000-2003 Collective Bargaining Agreement between the City and County of San Francisco and the Service Employees International Union, AFL-CIO, Locals 250, 535 and 790 by amending Article IV.D (Additional Compensation and Premium Pay) to provide for POST and/or Educational Premium pay for employees assigned to classification 2580 (Medical Examiner Investigator). (Human Resources Department)

3/26/02, RECEIVED AND ASSIGNED to Finance 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)

4/1/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

- 020475 [Appropriation - City Attorney Affirmative Litigation Program]**  
Ordinance appropriating \$508,673 from the code enforcement settlement on 351 California Street and \$442,741 from the reserve for the Hanlon Arbitration Award, for a total of \$951,414, for the Affirmative Litigation Program in the City Attorney's Office in fiscal year 2001-02. (Controller)
- (Fiscal impact.)  
4/1/02, RECEIVED AND ASSIGNED to Finance Committee.
- 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)
- 4/3/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.
- 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)
- 4/3/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled at the April 17, 2002 meeting.
- 020535 [Unrepresented Employees]**  
**Mayor**
- Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)
- (Fiscal impact.)  
4/3/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled at the April 17, 2002 meeting.

## PROPOSED RESOLUTIONS

- 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. (Police Department)
- Supervisor Gonzalez dissenting.  
3/26/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

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

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of \$575,000 from the United States Department of Agriculture for Mayor's Summer Food Service Program. (Mayor)

3/27/02, RECEIVED AND ASSIGNED to Finance Committee.

**020483 [Donation of Equipment]**

Resolution authorizing a donation of one surplus Police van to the City of Concord, California, for use in its Police Department's emergency response efforts. (Police Department)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee.

**020530 [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)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee.

4/4/02, FILED. Duplicate file; see File 011737.

**020531 [Metro PCS Lease]**

Resolution authorizing and approving a lease of cellular transmitter space at the Pierce Street Garage to Metro PCS. (Real Estate Department)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Peskin*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation to establish a process in which the Board of Supervisors can enter into "relocation agreements" regarding general advertising signs, as outlined in the recent Proposition G (March 2002 election).*

*From: Supervisor Newsom*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation amending Sections 12S.3 and 12S.4 of the Administrative Code to establish the implementation of the City MTBE purchase ban, particularly the inclusion of a City administered monitoring process, as well as enforcement procedures and contract requirements to ensure the fair implementation of the purchase ban.*

*From: Supervisor Newsom*

*To: City Attorney*

*Requesting/Inquiring: To amend the Public Works Code, Article 23, Section 1305(b) by:*

- 1. Deleting "notify the Director in writing, that he or she has consented or consents to the graffiti";*
- 2. To compel property owners to engage in the hearing process outlined in Section 1306 if they wish not to abate the graffiti;*
- 3. To provide the Department of Public Works with the authority to cite property owners with a nuisance infraction if they allow graffiti to remain on their property;*
- 4. Modify Section 38 of the Police Code to allow DPW Environmental Control Officers to enforce State graffiti laws, in addition to State litter laws;*
- 5. To amend the Public Works Graffiti Code to mandate consistent fines such that all persons who create graffiti shall be offered the option of pretrial diversion and shall receive 96 hours of community clean up.*

*From: Supervisor McGoldrick*

*To: Director, Planning Department*

*Requesting/Inquiring: To convene a public process regarding the appropriate scope of environmental review of a proposed demolition and construction project at 212-248 Clement Street, as well as to establish a community based process for planning issues surrounding the project.*

*From: Supervisors McGoldrick, Ammiano*

*To: City Attorney*

*Requesting/Inquiring: To investigate the decision of the Board of Appeals in ruling that the Furniture Mart is an office use rather than a showcase, in order to determine whether such decision was in accordance with the law; and further requesting that the City Attorney report back to the Board of Supervisors as to whether the decision of the Board of Appeals is consistent with the ordinance which they interpreted in reaching their result in this case, and if not proposing a course of action to challenge legally the decision of the Board of Appeals.*

*From: Supervisor Maxwell*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: To conduct an investigation on the feasibility of installing additional traffic signals or stop signs at the intersection of Sweeny and Dunsmuir Streets.*

*Due: June 3, 2002*

*From: Supervisor Hall*

*To: General Manager, Recreation and Park Department*

*Requesting/Inquiring: To explore the feasibility of fee structures that would benefit families. That is, could there be a discounted fee for families, defined as broadly as possible, who are using Recreation and Park facilities?*

*From: Supervisor Hall*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: To report on the feasibility of painting crosswalks and providing additional appropriate signage at the intersection of Santa Clara and Yerba Buena/Santa Monica Avenue.*

*From: Supervisor Gonzalez*

*To: City Attorney*

*Requesting/Inquiring: To draft a resolution that would mandate that the Board of Supervisors convenes its weekly meetings on Tuesdays.*

*From: Supervisor Gonzalez*

*To: City Attorney*

*Requesting/Inquiring: To draft an ordinance which would expand the number of appointments to the Parks, Recreation and Open Space Advisory Committee by allowing for the Board of Supervisors to each appoint one alternate member.*

*From: Supervisor Daly*

*To: General Manager, Recreation and Park Department*

*Requesting/Inquiring: To report on the current conditions at South Park, specifically conflicts between user groups, safety and maintenance of the play area and park space.*

*From: Supervisor Daly*

*To: Mayor's Office of Community Development*

*To: Mayor's Budget Office*

*Requesting/Inquiring: To provide a list of CDBG funds allocated prior to 2001 that are currently unexpended.*

*From: Supervisor Daly*

*To: City Attorney*

*Requesting/Inquiring: To draft legislation implementing Centralized Information Systems, as proposed in the Continuum of Care 2001-2006 plan.*

## **In Memoriams**

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

*Barbara Cameron (Supervisor Ammiano)*

*Mr. Min On Lim (Supervisor Yee)*

*Dr. Lillie Nathan (Supervisor Ammiano)*

*Bessie Shum (Supervisor Peskin)*

*Robert M. O'Malley (Supervisor Yee)*

*Jennifer Ramiro (Supervisors Sandoval, McGoldrick)*

*Lucile Kendall (Supervisor Sandoval)*



## ADJOURNMENT

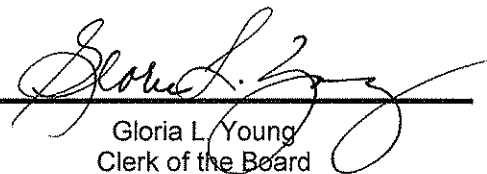
*There being no further business, the Board at the hour of 5:20 p.m. adjourned.*

*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 10, 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