

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, July 30, 2001 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

Audit, Labor and Government Efficiency Committee

Supervisors Newsom, Daly, McGoldrick

City and School District Committee

Supervisor Maxwell, Supervisor Ammiano, Commissioner Wynns, Commissioner Mar

Economic Vitality, Small Business and Social Policy Committee

Supervisors Sandoval, Newsom, Maxwell

Finance Committee

Supervisors Leno, Peskin, Gonzalez

Housing, Transportation and Land Use Committee

Supervisors McGoldrick, Daly, Peskin

Neighborhood Services and Parks Committee

Supervisors Yee, Hall, Sandoval

Public Health and Environment Committee

Supervisors Maxwell, Yee, Leno

Public Utilities and Deregulation Committee

Supervisors Daly, Gonzalez, Ammiano

Rules Committee

Supervisors Gonzalez, Hall, Ammiano

Meeting Days

2nd & 4th Tuesday
1:00 PM

Call of the Chair

1st & 3rd Tuesday
10:00 AM

Wednesday
10:00 AM

2nd & 4th Thursday
10:00 AM

1st & 3rd Tuesday
1:00 PM

2nd & 4th Tuesday
10:00 AM

Call of the Chair

1st & 3rd Thursday
1:00 PM

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, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

Members Absent: Sophie Maxwell.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

Supervisors Gonzalez, Maxwell, McGoldrick, Sandoval - 4.

Quorum present.

Supervisor Maxwell was excused. (See infra.)

Supervisors Gonzalez, McGoldrick, Sandoval were noted present at 2:02 p.m.

Supervisor Maxwell Excused from Attendance

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

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

Introduction of Guests

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to Mrs. Reed upon the occasion of her retirement.

Supervisor Hall introduced, welcomed and presented commendations to nine police officers of the Taraval Station relating to customer service:

*Sgt. Michael Wallis;
Officer Neil Fanelli;
Officer Lorenzo Adanson;
Officer Angel Foon;
Officer Moli Fanel;
Officer Louenzki;
Officer Brad Davis
Officer Lisa Curry.*

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Items 1 through 8

Recommendations of the Audit, Labor and Government Efficiency Committee

011131 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Plaintiffs Vicki Rooker, et al. against the City and County of San Francisco for \$114,054.77; the lawsuit was filed on March 9, 1999 in United States District Court, Case No. C99-1095; entitled Rooker, et al., v. City and County of San Francisco, et al; other material terms of said settlement are: (1) settlement pertains only to plaintiffs' claims that the city improperly computed plaintiffs' wages during the time period plaintiffs worked as classification 2532 paramedics; and (2) settlement proceeds to be broken out as follows: (i) \$62,703.18 in back overtime wages; (ii) \$31,351.59 in liquidated damages; and (iii) \$20,000 in attorneys' fees. (City Attorney)

PASSED, ON FIRST READING

011132 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by CARMEN LeFRANC against the City and County of San Francisco for \$51,000.00; the lawsuit was filed on August 5, 1999 in San Francisco Superior Court, Case No. 305440; entitled Carmen LeFranc, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

011302 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Romulo Fontanilla against the City and County of San Francisco for \$95,000.00 as back pay, with the Court to decide the amount of attorney's fees and costs with a floor of \$70,000.00 and a ceiling of \$120,000.00; the lawsuit was filed on October 28, 1996 in the U.S. District Court, Case No. C96-3916 JCS; entitled Romulo Fontanilla, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

011193 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by Knickerbocker Properties XXXIII against San Francisco for \$44,284.24; claim was filed on 04-06-2001; additional material terms of said settlement is the signing of full and final release of the City and County of San Francisco. (City Attorney)

Resolution No. 623-01

ADOPTED

011221 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by Christine Dean against San Francisco for \$32,000; claim was filed on October 30, 2000; additional material term of said settlement is the signing of liability against the City and County of San Francisco. (City Attorney)

Resolution No. 624-01

ADOPTED

Recommendations of the Finance Committee**011229 [Contracting out facility security services]**

Resolution concurring with the Controller's certification that facility security services for the Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County Employees. (Municipal Transportation Agency)

Resolution No. 626-01

ADOPTED

011230 [Contracting out Convention Facilities management, operation and maintenance services]

Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees. (Administrative Services Department)

Resolution No. 627-01

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Maxwell

Severed from Consent Agenda**Recommendation of the Rules Committee****011319 [Appointment]**

Resolution appointing Holli Thier, term ending November 30, 2002, to the Ballot Simplification Committee.

Holli Thier, succeeding Mary Hilton, term expired, seat 3, must represent the League of Women Voters, for a new two-year term ending November 30, 2002.

TABLED by the following vote:

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

Absent: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance Committee

011041 [Government Funding for Fiscal Year 2001-2002]

Mayor

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2002. (Mayor)

(Fiscal impact; Companion Files Companion to Files 011040, 011042.)

Ordinance No. 170-01

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 2 - Daly, Gonzalez

Absent: 1 - Maxwell

011042 [Public Employment for Fiscal Year 2001-2002]

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2002, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

(Fiscal impact; Companion Files Companion to Files 011040, 011041.)

Ordinance No. 171-01

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 2 - Daly, Gonzalez

Absent: 1 - Maxwell

011220 [Fiscal Year 2001-2002 Patient Rates for the Department of Public Health]

Ordinance amending the San Francisco Health Code by amending Section 128 thereof, to fix Patient Rates for services furnished by Department of Public Health, retroactive to July 1, 2001. (Public Health Department)

Ordinance No. 173-01

FINALLY PASSED by the following vote:

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

Absent: 1 - Maxwell

Recommendation of the Housing, Transportation and Land Use Committee

010883 [Bicycle Lane]
Supervisors McGoldrick, Peskin, Leno, Gonzalez, Maxwell

Ordinance establishing a permanent bicycle lane on Arguello Boulevard beginning at Fulton Street and ending at Jackson Street.

Ordinance No. 172-01

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

011165 [Citizens Advisory Committee on Elections]
Supervisors Hall, Gonzalez, Sandoval, Newsom, Daly, Leno, Peskin, Maxwell

Ordinance reconstituting the Citizens Advisory Committee on Elections by changing procedures and requirements for appointment of its members and prohibiting certain office-holding and campaign and lobbying activities by its members.

Ordinance No. 169-01

FINALLY PASSED by the following vote:

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

CALLED FROM COMMITTEE by Supervisor Daly

010845 [Dancehall Permits]
Supervisor Daly

Ordinance amending San Francisco Police Code Section 1023 to exempt permitted places of entertainment and locations holding public assembly permits from the dancehall permit requirement.

Supervisor Daly moved to continue to August 13, 2001.

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

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

NEW BUSINESS

Recommendations of the Audit, Labor and Government Efficiency Committee

**010941 [Superior Court employees, Deferred Compensation Plan]
Supervisor McGoldrick**

Ordinance extending to employees of the Superior Court of California, County of San Francisco, certain benefits which ordinarily accrue from participation in the City's Deferred Compensation Plan.

PASSED, ON FIRST READING by the following vote:

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

**010942 [Superior Court, Retirement System]
Supervisor McGoldrick**

Ordinance extending to employees of the Superior Court of California, County of San Francisco, certain benefits which ordinarily accrue from participation in the Retirement System.

PASSED, ON FIRST READING by the following vote:

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

011093 [Pension Buy-Backs - Rollovers]

Ordinance amending the Administrative Code by adding Section 16.61-5 authorizing the Retirement System to accept rollovers from other tax qualified plans for buy-backs. (Retirement System)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Finance Committee

**010059 [Catastrophic Sick Leave Program]
Supervisors Ammiano, Peskin, Leno, McGoldrick, Gonzalez, Sandoval**

Ordinance repealing Section 16.9-29 of the San Francisco Administrative Code and replacing it with new Section 16.9-29A to authorize the transfer of vacation and sick leave credits to a pool of catastrophically ill employees and to individual catastrophically ill employees, and adding new Section 16.9-29B to authorize the transfer of vacation credits to individual employees with catastrophically ill family members.

(Fiscal impact.)

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

PASSED ON FIRST READING by the following vote:

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

**010826 [Business Tax and Regulations Code Amendment]
Supervisor Leno**

Ordinance amending the Business Tax and Regulations Code by:

- (1) amending Sections 6.12-1, 6.18-1, and 6.18-3, and repealing Section 6.19-3, to clarify general administrative provisions of Article 6;
- (2) adding Sections 6.19-3 through 6.19-11, to establish a system of administrative penalties for specified violations of the Business Tax and Regulations Code;
- (3) adding new Sections 852.8 and 852.9, re-numbering existing Sections 852.8 and 852.9 as Sections 852.10 and 852.11, respectively, and amending Section 856, to consolidate the deadlines for renewing business registration certificates and filing annual tax returns;
- (4) amending Section 905-A, to create a graduated system of fines for persons who qualify for the small business exemption but fail to file a timely return; and,
- (5) amending Section 6.6-1, to provide that a parking lot operator is considered liable for collection of parking taxes at a location covered by his or her certificate of authority unless and until the certificate is surrendered to the Tax Collector. (Treasurer-Tax Collector)

PASSED ON FIRST READING by the following vote:

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

**011163 [Property-related Subsidies to Nonprofit Arts Organizations]
Supervisors Ammiano, Leno, Peskin, Gonzalez**

Ordinance revising the terms and conditions for the expenditure of an earlier appropriation of 1.5 million dollars to give rent, relocation, capital improvement and real property acquisition assistance to nonprofit arts organizations that are in immediate danger of being evicted or displaced by rent increases, and otherwise amending the terms of the assistance program.

PASSED, ON FIRST READING by the following vote:

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

**011174 [Hotel Tax Funds]
Mayor**

Ordinance amending San Francisco Business and Tax Regulations Code Section 515.01 to revise the portion of Hotel Tax Funds allocated for rent supplements for low-income households. (Mayor)

PASSED ON FIRST READING by the following vote:

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

**011084 [Emergency Repair, Hetch Hetchy San Joaquin Pipeline No. 1]
Supervisor Gonzalez**

Resolution authorizing expenditure of funds for emergency repair of corrosion in San Joaquin Pipeline No. 1 of the Hetch Hetchy Aqueduct. (Public Utilities Commission)

Resolution No. 622-01

ADOPTED by the following vote:

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

011227 [Children's Council of San Francisco]

Resolution urging the Board of Supervisors to authorize continuing the service level and enrollment for CalWORKS child care by renewal of the existing contract with the Children's Council of San Francisco, a California corporation, to continue with said contract in enrollment, program costs and number of capacity building initiatives. (Human Services Department)

(Fiscal impact.)

Resolution No. 625-01

ADOPTED by the following vote:

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

**011322 [Grant - Department of the Environment]
Supervisor Leno**

Resolution authorizing the Department of the Environment to accept a grant in the amount of \$7,800,000 from the California Public Utilities Commission for a small business lighting retrofit program. (Mayor)

Resolution No. 606-01

ADOPTED by the following vote:

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

Recommendations of the Rules Committee**011312 [Appointment]**

Resolution appointing Supervisor Mark Leno, term ending June 30, 2003, as an alternate member to the Association of Bay Area Governments Executive Board.

Supervisor Mark Leno, succeeding himself, Seat No. 3, must be a member of the San Francisco Board of Supervisors (alternate), for a new two-year term ending June 30, 2003.

Supervisor Daly, seconded by Supervisor Peskin moved to excuse Supervisor Leno.

Resolution No. 628-01

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

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

011313 [Appointment]

Resolution appointing Supervisor Jake McGoldrick, term ending June 30, 2003, to the Association of Bay Area Governments Executive Board.

Supervisor Jake McGoldrick, succeeding himself, Seat No. 2, must be a member of the San Francisco Board of Supervisors, for a new two-year term ending June 30, 2003.

Supervisor Daly, seconded by Supervisor Peskin moved to excuse Supervisor McGoldrick.

Resolution No. 629-01

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

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

011314 [Appointment]

Resolution appointing Supervisor Chris Daly, term ending June 30, 2003, to the Association of Bay Area Governments Executive Board.

Supervisor Chris Daly, succeeding Supervisor Tony Hall, resigned, Seat No. 1, must be a member of the San Francisco Board of Supervisors, for a new two-year term ending June 30, 2003.

Supervisor Peskin, seconded by Supervisor Sandoval moved to excuse Supervisor Daly.

Resolution No. 630-01

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

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

SPECIAL ORDER 3:00 P.M.**010882 [Hearing - Street Vacation of a Portion of The Embarcadero]**

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of a portion of The Embarcadero just north of Mission Street; establishing conditions for the effectiveness of the vacation; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1; and ratifying acts and authorizing actions in furtherance of the ordinance. (Clerk of the Board)

(Pursuant to Board of supervisors Resolution No. 519-01, approved July 6, 2001.)

Public Comment:

Ernestine Weiss, supports street vacation.

HEARD AT PUBLIC HEARING.

From the Housing, Transportation and Land Use Committee Without Recommendation

010812 [Street Vacation of a Portion of The Embarcadero]

Ordinance ordering the vacation of a portion of The Embarcadero just north of Mission Street; establishing conditions for the effectiveness of the vacation; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the vacation is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; and ratifying acts and authorizing actions in furtherance of the ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****011347 [Hearing - Disposition and Development of Redevelopment Agency Land to Asian Inc.]**

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's disposition of land at Assessor's Block 3725, Lot 101, commonly known as 474 Natoma Street, to Asian, Incorporated, a California non-profit public benefit corporation, for the purpose of developing housing for low and moderate income households. (Clerk of the Board)

Public Comment:

*Olson Lee, Housing Manger, Redevelopment Agency;
Richard Ow, supports project.*

HEARD AT PUBLIC HEARING.

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.

Committee of the Whole Rise and Report Without Recommendation**011323 [Disposition and Development of Redevelopment Agency Land to Asian Inc.]**

Mayor

Resolution approving the Redevelopment Agency of the City and County of San Francisco's disposition of land at Assessor's Block 3725, Lot 101, commonly known as 474 Natoma Street, to Asian, Incorporated, a California non-profit public benefit corporation, for the purpose of developing housing for low and moderate income households. (Mayor)

Resolution No. 631-01

ADOPTED by the following vote:

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

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****011348 [Hearing - Ground Lease, Redevelopment Agency Land to Ocean Beach Apartments, L.P.]**

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 1596, Lot 42, commonly known as 720 La Playa Street, to Ocean Beach Apartments, L.P., for 50 years for the purpose of preserving a housing development for very low and low income households.

Public Comment:

Ron Miguel, Planning Association for the Richmond, supports project.

HEARD AT PUBLIC HEARING.

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.

Committee of the Whole Rise and Report Without Recommendation**011324 [Ground Lease, Redevelopment Agency Land to Ocean Beach Apartments, L.P.]**

Mayor

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 1596, Lot 42, commonly known as 720 La Playa Street, to Ocean Beach Apartments, L.P., for 50 years for the purpose of preserving a housing development for very low and low income households.
(Mayor)

Resolution No. 632-01

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Yee

Absent: 2 - Maxwell, Sandoval

PUBLIC COMMENT

Patricia Vaughey, movie house in Cow Hollow needs to be saved;
Louise Vaugh, children and racism;
Leboriae Smoore, racism against blacks;
Male speaker, sleeping on city streets;
David Overdoff, pulling legislation from committee;
Frederick Hobson, District 6 Democrats, dancehall permit should be sent back to committee;
Ernestine Weiss, Piers 27, 31-32, no development of office space.

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

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

**011382 [Legislative Analyst Request]
Supervisor McGoldrick**

Motion asking the Legislative Analyst to prepare a report concerning the diversity of appointments made to Board, Commissions, and to heads of City Departments, including all such appointments made by local officials (City officials, as well as judges of the Superior Courts). This report should be broken down by age, gender, ethnicity, race, religion, national origin, sexual orientation, and disability, to the extent such data is known, and should report the composition of each board, commission, etc. according to such criteria. This report should be completed by September 15, 2001.

APPROVED by the following vote:

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

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.

Items 37 through 45

**011364 [Golden Gate Park Stables Funding]
Supervisors Hall, McGoldrick**

Resolution urging the Recreation and Park Department to consider the option of reallocating existing funds sufficient to repair and improve the Golden Gate Park Stables, and then repay these funds by soliciting funds from the Golden Gate Park Concourse Authority.

Resolution No. 638-01

ADOPTED

**011365 [Golden Gate Park Stables Working Group]
Supervisors Hall, McGoldrick**

Resolution establishing a Golden Gate Park Stables Working Group to be comprised of one boarder at the Stables, one veterinarian, one person with equestrian competition experience or one person with equestrian riding teaching experience, one member of the public with a background in boarding horses or managing a horse stable, and a representative of the Recreation and Park Department. The Golden Gate Park Stables Working Group shall evaluate possible funding opportunities for capital improvement needs at the Golden Gate Park Stables, and shall evaluate the most efficient and effective manner to repair and improve the stables.

Resolution No. 633-01

ADOPTED

**011367 [Declaration of Policy - Proposition P]
Supervisors Maxwell, Leno, Peskin, Newsom, McGoldrick, Daly**

Resolution adopting the voter approved Declaration of Policy known as Proposition P as the official policy of the City and County of San Francisco, urging the United States Navy, the United States Environmental Protection Agency and the California Environmental Protection Agency to take all actions necessary to implement Proposition P.

Resolution No. 634-01

ADOPTED

**011368 [Reform of Prison Gang Validation Policy]
Supervisors Sandoval, Daly**

Resolution urging the California Department of Corrections to reform a prison gang validation policy, which led 900 prisoners to participate in a hunger strike earlier this month.

Resolution No. 635-01

ADOPTED

**011369 [Commend - Sonia Reyes]
Supervisors Maxwell, Leno**

Resolution commending Sonia Reyes who has faithfully served the City and County of San Francisco for thirty-one years.

Resolution No. 636-01

ADOPTED

- 011370 [Commend - S.F. Bicycle Coalition and Susan Silber]
Supervisors Maxwell, McGoldrick, Leno

Resolution commending the San Francisco Bicycle Coalition and educator Susan Silber for opening up new worlds to SFUSD students through teaching them how to operate a bicycle safely in San Francisco.

Resolution No. 637-01
ADOPTED

- 011360 [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. M01-100
APPROVED

- 011379 [Final Map for a 7 Unit Commercial Condominium Project]
Motion approving the Final Map of The Millennium Market Street Center Commercial Condominium, 747-767 Market Street, San Francisco, A Commercial Condominium Project, being a subdivision of Lot 125, Assessor's Block No. 3706, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,088; District 6.)

Motion No. M01-101
APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from Adoption Without Committee Reference

- 011383 [Municipal Utility District Covenant Not to Sue]
Supervisor Ammiano

Resolution approving the Municipal Utility District Covenant Not to Sue.

Supervisor moved to refer to the Rules Committee.

REFERRED to the Rules Committee by the following vote:

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

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.

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Yee, seconded by Supervisor Leno, moved. The motion carried by the following vote:

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

[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 Yee, seconded by Supervisor Leno, moved [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.. The motion carried by the following vote:

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

Imperative Resolutions

011403 [Extend Presidio Trust Comment Period]
Supervisors Yee, Hall, Sandoval

Resolution requesting the Presidio Trust to extend the comment period for the Presidio Trust Implementation Plan and Draft Environmental Impact Statement.

Supervisor Daly moved to refer to Committee.

REFERRED to the Neighborhood Services and Parks Committee.

011404 [Presidio Trust Neighborhood Work Group]
Supervisors Yee, Newsom, McGoldrick

Resolution establishing a Presidio Neighborhood Representative Work Group to be comprised of representatives from affected neighborhoods and City Departments.

Supervisor Daly moved to refer to Committee.

REFERRED to the Neighborhood Services and Parks Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**011405 [Appropriation, Police Department]
Supervisors Leno, Daly**

Ordinance reallocating \$1,200,000 retroactively from Police Department appropriations to the Fire Department to fund the cost of uniform firefighters for fiscal year 2000-01.

(Fiscal impact.)

7/3/01, RECEIVED AND ASSIGNED to Finance Committee.

**011406 [Board of Appeals Videotape of Meetings]
Supervisors Leno, McGoldrick**

Ordinance amending the San Francisco Business and Tax Regulations Code by adding a new section 11.1 to require that the Board of Appeals videotape meetings and make the meetings available for broadcast on the City's government access channel.

7/30/01, ASSIGNED UNDER 30 DAY RULE to Audit, Labor and Government Efficiency Committee, expires on 8/29/2001.

**011407 [Business and Tax Regulations Code]
Supervisor McGoldrick**

Ordinance amending the Business and Tax Regulations Code to repeal Section 906E of Article 12-A to eliminate the Credit of Surplus Business Tax Revenue.

7/30/01, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 8/29/2001. 8/7/01, Referred to the Small Business Commission.

**011408 [Limousines for Hire Parking Regulations]
Supervisor Sandoval**

Ordinance amending San Francisco Traffic Code Section 63 to prohibit the parking of vehicles for hire that are registered with the California Public Utilities Commission and exceeding 22 feet in total length including bumpers within certain residential use districts except while loading or unloading passengers and updating the designation of residential districts.

7/30/01, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 8/29/2001.

Resolutions**011403 [Extend Presidio Trust Comment Period]
Supervisors Yee, Hall, Sandoval**

Resolution requesting the Presidio Trust to extend the comment period for the Presidio Trust Implementation Plan and Draft Environmental Impact Statement.

7/30/01, REFERRED to Neighborhood Services and Parks Committee. Supervisor Daly moved to refer to Committee.

**011404 [Presidio Trust Neighborhood Work Group]
Supervisors Yee, Newsom, McGoldrick**

Resolution establishing a Presidio Neighborhood Representative Work Group to be comprised of representatives from affected neighborhoods and City Departments.

7/30/01, REFERRED to Neighborhood Services and Parks Committee. Supervisor Daly moved to refer to Committee.

**011409 [San Mateo Proposed MUD Election]
Supervisor Ammiano**

Resolution requesting that San Mateo County conduct an election in Brisbane regarding the formation of a proposed Municipal Utility District (MUD) and election of its Board of Directors; authorizing the San Francisco Department of Elections to enter into all necessary agreements with San Mateo County and take all necessary action for the conduct of such election; ratifying prior acts; and specifying the form of the ballot.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011410 [Loitering At or Near Automatic Public Toilets]
Supervisor Hall**

Ordinance amending Part II, Chapter VIII, Article 2 of the San Francisco Municipal (Police) Code by adding Section 124-124.6 to prohibit more than one person from entering or remaining in an automatic public toilet at one time and to prohibit loitering at or near automatic public toilets.

7/30/01, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 8/29/2001.

**011411 [Automatic Public Toilet and Kiosks]
Supervisor Newsom**

Resolution restating the automatic public toilet and public service kiosk agreement between the City and County of San Francisco and JC Decaux San Francisco, Inc. which allows for the expansion of the automatic toilet program beyond the trial phase and forwarding several other recommendations in order to ensure maximum quality and public safety of said contract agreement and forwarded recommendations.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011412 [Support AB 423 and SB 1125]
Supervisors Sandoval, McGoldrick**

Resolution urging Governor Gray Davis to sign Assembly Bill 423 and Senate Bill 1125.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011413 [Development of fuel cell technology]
Supervisors Yee, McGoldrick**

Resolution directing the Public Utilities Commission and other applicable departments to facilitate development of a fuel cell energy program, to establish uses and applications of fuel cell technology that will enhance and improve the reliability of operations associated with San Francisco public buildings and infrastructure.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011414 [Support AB 1084]
Supervisor Yee**

Resolution supporting AB 1084 to ensure that small contractors, including minorities and women owned businesses, have equal opportunity to compete for public contracts, and implements recommendations made by the Governor's Task Force almost a year ago.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011415 [Lance Armstrong Day]
Supervisors Peskin, Daly, Hall, Yee**

Resolution declaring September 9, 2001 Lance Armstrong Day in the City and County of San Francisco, honoring one of the world's greatest cyclists in modern history and one of America's great humanitarians.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011416 [Commending - Paul J. Tabacco]
Supervisors Yee, Peskin, McGoldrick, Hall**

Resolution commending Paul J. Tabacco, San Francisco Fire Chief, for 27 years of service to the City and County of San Francisco and congratulating him on the occasion of his retirement.

7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**011417 [Recommendations of the 2000-01 Civil Grand Jury]
Supervisor Ammiano**

Hearing to consider the recommendations of the 2000-2001 Civil Grand Jury.
7/30/01, RECEIVED AND ASSIGNED to Rules Committee.

**011418 [San Francisco Water Alliance]
Supervisor Daly**

Hearing to review the capital projects of the San Francisco Public Utilities Commission and consider the role of the San Francisco Water Alliance.
7/30/01, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

**011419 [Development at Piers 27-31]
Supervisor Leno**

Hearing to consider Port Commission decision to award Mills Corporation an exclusive right to negotiate a development at Piers 27-31.
7/30/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**011420 [2000-2001 Civil Grand Jury Report on Litter and Graffiti]
Supervisor Leno**

Hearing to review the 2000-2001 San Francisco Civil Grand Jury report on litter and graffiti.
7/30/01, RECEIVED AND ASSIGNED to Rules Committee.

**011421 [MUNI-E-Embarcadero Historic Streetcar Line]
Supervisor Newsom**

Hearing regarding the status of the implementation and construction of the MUNI-E-Embarcadero historic streetcar line, including but not limited to, the feasibility of such a proposal, a timeline of its implementation, the costs incurred due to construction and the possibility of extending this line to Fort Mason.
7/30/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

Motions

**011422 [Regional Agencies Smart Growth Strategy]
Supervisors Ammiano, Peskin, McGoldrick**

Motion approving the co-sponsorship of the Regional Agencies Smart Growth Strategy and Bay Area Alliance for Sustainable Development Regional Livability Footprint Project.
7/30/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011423 [Legislative Analyst Request]
Supervisor Daly**

Motion asking the Legislative Analyst to review all actions taken since 1995 at the San Francisco Board of Supervisors and Arts Commission relating to the 2 statues (Juan Bautista de Anza and King Carlos III), including a synopsis of public comment, official responses, roll call votes where appropriate and any supporting materials (e.g. Arts Commission staff reports). Further, information on the 1996 placement of statues in front of the Main Library and an update on the progress made to date in fulfilling the pledge to Native Americans at that time.

7/30/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 6, 2001.

**011424 [Legislative Analyst Request]
Supervisor Leno**

Motion asking the Legislative Analyst to prepare the following information about floor area ratio restrictions used in the cities (mentioned below) to limit the scale of residential buildings:

- (1) When were the cities Residential FAR established (what year)?
- (2) How did the cities establish the applicable Residential FAR standards (i.e., what was the methodology that resulted in the established residential FARs)?
- (3) What have they learned from the establishment of these controls? Are there new problems as a result of these controls? Are they anticipating amending these jurisdictional controls based on what they have learned through the process of administering residential FAR controls?
- (4) Have there been staffing impacts as a result of the residential FAR controls?

Research on the following cities: Albany, Berkeley, Menlo Park, Cupertino, Danville, Fremont, Long Beach, Los Gatos, Mountain View, Palo Alto, Richmond, San Jose Emeryville, Belvedere, Larkspur, Mill Valley, Novato, San Anselmo, San Rafael, Sausalito, Tiburon and Marin County.

7/30/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration August 6, 2001.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

011359 [Street Artists Program]

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. (Arts Commission)

011377 [Settlement of Lawsuit]
Ordinance authorizing settlement of the lawsuit filed by Brenda Sgamba against the City and County of San Francisco for one hundred sixty-two thousand, seven hundred and fifty dollars and no cents (\$162,750.00), and to Sgamba's attorney Christopher Dolan (payable to The Dolan Law Firm) the total lump sum for costs and fees of one hundred sixty-two thousand, two hundred and fifty dollars and no cents (\$162,250.00) (for a total sum of \$325,000.00); the lawsuit was filed on March 16, 1999 in San Francisco Superior Court, Case No. 302-011; entitled Brenda Sgamba v. City and County of San Francisco, et al. (City Attorney)
7/25/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

011378 [Settlement of Lawsuit]
Ordinance authorizing settlement of the lawsuit filed by Robert Weidman against the City and County of San Francisco for \$27,500, plus an amount not to exceed \$20,000 for additional attorney's fee and cost; the lawsuit was filed on May 24, 2001, in the United States District Court, Case No. C99-4442 TEH; entitled Robert Weidman v. City and County of San Francisco, et al. (City Attorney)
7/25/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

PROPOSED RESOLUTIONS

011349 [Accept and Expend State Grant - Career Criminal Prosecution]
Supervisors Newsom, Sandoval

Resolution authorizing retroactively the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of \$197,178 made available through The Office of Criminal Justice Planning for a project entitled "Career Criminal Prosecution" to fund vertical prosecution of career criminals. (District Attorney)
7/20/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

011354 [Accept and Expend State Grant - Statutory Rape Vertical Prosecution]
Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$150,000 from the California Office of Criminal Justice Planning for the operation of the Statutory Rape Vertical Prosecution Program. (District Attorney)
7/20/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

011380 [Grant for non-custodial parents program for prisoners]
Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$91,000 from the Private Industry Council of San Francisco for providing a non-custodial parents program for prisoners in the county jail. (Sheriff)
7/25/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

011381 [Tolling Agreement Extension with Irrigation District]
Resolution approving Tolling Agreement Extension with Modesto and Turlock Irrigation Districts. (City Attorney)
7/24/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee. A confidential letter dated July 23, 2001 is on file with the Clerk of the Board.

011384 [Contracting out Shuttle Bus Services]

Resolution approving the Controller's certification that shuttle bus services for San Francisco International Airport's Long-Term Parking lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees. (Airport Commission)

7/25/01, RECEIVED AND ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Daly

To: Controller

Requesting/Inquiring: Inquiring as to the funding levels for homeless programs in the Fiscal Year 2001-2002 budget.

From: Supervisor Daly

To: Zoning Administrator

Requesting/Inquiring: Inquiring about the status of enforcement regarding office uses not in compliance with zoning at 953 Mission Street.

From: Supervisor Gonzalez

To: City Attorney

Requesting/Inquiring: Requesting an ordinance amending Article VI Section 600 of the Elections Code establishing the composition of the Ballot Simplification Committee.

From: Supervisor Gonzalez

To: City Attorney

Requesting/Inquiring: Requesting an opinion on whether the City and County of San Francisco is in compliance with Article VIII Section 8.103 of the San Francisco City Charter which states:

"The City and County shall provide suitable and sufficient quarters for the Law Library, fix up and furnish the same and provide for the supply of necessary light, heat, stationary and other conveniences. The Library shall be so located as to be readily accessible to the judges and officers of the courts."

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To draft a legal opinion of what the role of the City is in regards to the Presidio Trust Implementation Plan (PTIP); and what legal rights the City has in compelling the Presidio Trust to consider:

- 1. The incorporation of public comment into the final draft of the PTIP.*
- 2. Free shuttle services and the expansion of existing/ new public transportation.*
- 3. Proposed closure or opening of any Presidio Gates or areas that border the City of San Francisco.*
- 4. Extension of the existing 60-day recommendation period for the PTIP.*
- 5. The treatment of waste water and storm water runoff.*
- 6. Toxic cleanup.*

From: Supervisor Yee

To: City Attorney

Requesting/Inquiring: A confidential request. Did the Presidio Trust violate the National Environmental Policy Act, Section 1502.2 (f), by devoting resources to the attached brochure which was mailed to the community?

From: Supervisor Yee

To: City Attorney

Requesting/Inquiring: A confidential request.

- 1. What authority does the City have over the Presidio Trust Implementation Plan?*
- 2. How do we protect the City's interest?*
- 3. What relevant governance issues are covered in the Presidio Trust Act?*
- 4. Has the Presidio's change from a military base to park use also changed the level of federal jurisdiction?*
- 5. Has the State Lands Commission approved any change in jurisdiction? If so, at which level does federal jurisdiction currently rest?*
- 6. Please analyze the principle that state and local governments cannot tax the federal government as it relates*

to the Presidio.

7. Please keep in mind the Presidio will contain private for-profit development and is therefore, not similar to many past legal rulings such as the recent case involving charges for fire protection provided by a local fire district to Fort Hamilton.

8. What state, local, and federal taxes will for-profit businesses in the Presidio be required to pay?

9. What development fees, business taxes, etc. would the City normally receive from businesses in the Presidio?

10. Will the businesses in the Presidio be required to pay these fees?

In Memoriams

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

Parrish Willie Wingard (Supervisor Daly)

Paul Kennedy (Supervisor Hall)

ADJOURNMENT

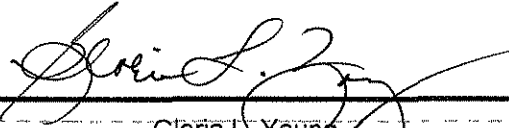
There being no further business, the Board at the hour of 3:37 p.m. adjourned.

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

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