

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, October 29, 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, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

The meeting was called to order at 2:03 p.m. On call of the roll, all Supervisors were noted present.

Quorum present.

CONSENT AGENDA

Recommendations of the Audit, Labor and Government Efficiency Committee

011780 [Settlement of Lawsuit]

Ordinance authorizing settlement of the attorneys' fees and costs in the matter of Tayac v. City and County of San Francisco for \$99,500. The lawsuit was filed on September 26, 1995, in United States District Court, Case No. C95-3424 CAL; entitled Tayac v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

Recommendations of the Neighborhood Services and Parks Committee

011556 [Acceptance of Street for Maintenance]

Ordinance accepting for purposes of maintenance Peters Avenue, subject to specified limitations, pursuant to California Streets and Highways Code Section 1806, San Francisco Administrative Code Section 1.52, and Department of Public Works Order No. 173,091. (Public Works Department)

(District 9)

Ordinance No. 220-01

FINALLY PASSED

Recommendations of the Public Health and Environment Committee

~~011771~~ [~~Recurring FY2001-2002 State grant funds to the Department of Public Health from the California Department of Health Services~~]

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY 2001-2002. (Public Health Department)

Resolution No. 844-01

ADOPTED

011789 [State Grant - Department of the Environment]
Mayor, Supervisors Newsom, Peskin

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of up to \$300,000 from the California Integrated Waste Management Board for the purpose of increasing used motor oil recycling and household hazardous waste management. (Mayor)

Resolution No. 855-01

ADOPTED

Recommendations of the Rules Committee

010518 [Appointment]

Resolution appointing Maria Guadalupe Arreola, term ending August 20, 2003, and Maggie Davis, Michelle Horneff, and Lisa Block, terms ending August 20, 2005, to the Lead Poisoning Prevention Citizens Advisory Committee, residency requirement waived.

Maria Guadalupe Arreola (residency requirement waived), succeeding Francisco Casique, resigned, seat 3, must represent a tenant organization, for the unexpired portion of a four-year term ending August 20, 2003; Maggie Davis (residency requirement waived), succeeding Maggie Davis-Badger, term expired, seat 7, must represent the Mayor's Office of Housing and Child Care, for a new four term ending August 20, 2005; Michelle Horneff, succeeding herself, term expired, seat 14, must have expertise in real estate, for a new four-year term ending August 20, 2005; Lisa Block, succeeding Octavia Jolley, term expired, seat 15, must have expertise in environmental matters, for a new a four-year term ending August 20, 2005.

Resolution No. 847-01

ADOPTED

011235 [Appointment]

Resolution appointing Juan Berumen, term ending June 6, 2003, and Neyde Azevedo, term ending June 6, 2002, to the Immigrant Rights Commission.

Neyde Azevedo, succeeding Marie-Lorraine Mallare, Seat 2, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a new two-year term ending June 6, 2002; Juan Berumen, succeeding Samuel Assefa, Seat 11, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a new two-year term ending June 6, 2003.

Resolution No. 848-01

ADOPTED

~~011402 [Appointment]~~

Resolution appointing Steven Polevei, Alan Gelb, Rebecca Goldfader, Abbie Yant, Andrew Bindman, Ronald Smith, George Susens, Michael Puccinelli, Kym Valadez, and Alissa Riker, terms to be determined, to the Emergency Room Diversion Task Force, residency requirement waived.

Steven Polevei, new position, seat 2, must be an emergency room physician from the Emergency Physicians Association, term to be determined;

Alan Gelb (residency requirement waived), new position, seat 3, must be an emergency room physician from the San Francisco General Hospital, term to be determined;

Rebecca Goldfader, new position, seat 4, must be a nurse manager from a community hospital, term to be determined;

Abbie Yant, new position, seat 5, must be a nurse manager from a community hospital, term to be determined;

Andrew Bindman, new position, seat 6, must be a primary care specialist physician from the San Francisco General Hospital, term to be determined;

Ronald Smith, new position, seat 7, must represent the Hospital Council, term to be determined;

George Susens, new position, seat 8, must be a representative of the San Francisco Medical Society, term to be determined;

Michael Puccinelli, new position, seat 9, must be a representative of the San Francisco Police Department, term to be determined;

Kym Valadez (residency requirement waived), new position, seat 11, must represent a community based organization that serves the homeless and/or uninsured population, term to be determined;

Alissa Riker, new position, seat 12, must represent a community based organization that serves the homeless and/or uninsured population, term to be determined.

Resolution No. 849-01

ADOPTED

011831 [Appointment]

Resolution appointing Marcia Argyris, term ending May 15, 2002, Diane Burke, John Wilson, Joyce Miller, Janine Charise Grantham, and Bob Nelson, terms ending May 15, 2003, to the Local Homeless Coordinating Board, residency requirement waived.

Diane Burke, succeeding Michael Bennett, term expired, seat 1, must represent homeless or formerly homeless, for a new two year term ending May 15, 2003;

John Wilson, succeeding Joyce Miller, term expired, seat 2, must represent homeless or formerly homeless, for a new two year term ending May 15, 2003;

Joyce Miller, succeeding Ramona Benson, term expired, seat 3, must represent area of advocacy, for a new two year term ending May 15, 2003;

Janine Charise Grantham (residency requirement waived), succeeding Jennifer Grant, term expired, seat 5, must be a service provider, for a new two year term ending May 15, 2003;

Bob Nelson, succeeding Bob Nelson, term expired, seat 7, must be a service provider, for a new two year term ending May 15, 2003;

Marcia Argyris (residency requirement waived), new appointment, seat 10, must represent a Foundation, for a new two year term ending May 15, 2002.

Resolution No. 856-01

ADOPTED

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 Economic Vitality, Small Business and Social Policy Committee

011667 [Liquor License Transfer, 1 Ferry Plaza, Pier 2]

Resolution determining that the transfer of a Type 51 on-sale general club license to the World Trade Club from World Trade Center #300 to its new address at No. 1 Ferry Plaza, Pier 2 (District 3), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Resolution No. 812-01

ADOPTED by the following vote:

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

Recommendations of the Finance Committee

011561 [IHSS Contract Modification Approval - Addus Healthcare]

Resolution approving the retroactive modification of the contract between the City and County of San Francisco and Addus Healthcare for the provision of In-Home Supportive Services for the period from July 1, 2001 to January 31, 2002, in the increased amount of \$4,182,526, for a total contract amount of \$21,379,697. (Human Services Department)

(Fiscal impact.)

(Supervisor Gonzalez dissenting in Committee)

Resolution No. 851-01

ADOPTED by the following vote:

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

Noes: 1 - McGoldrick

Recommendations of the Housing, Transportation and Land Use Committee

011567 [Changing the definition of a truck in the Traffic Code to limit the use of special truck loading zones to bona-fide delivery vehicles]

Ordinance amending Sections 33.3 and 33.3.2 of the San Francisco Traffic Code, restricting the types of vehicles that may use Truck Loading Zones and Special Truck Loading Zones in parking bays along Market Street between Steuart and Octavia Streets to those with at least six wheels. (Parking and Traffic Department)

Ordinance No. 221-01

FINALLY PASSED by the following vote:

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

NEW BUSINESS**Recommendations of the Audit, Labor and Government Efficiency Committee****011547 [Audit, Homeless Services]
Supervisors Daly, Newsom**

Motion requesting the Controller to prepare a management audit of the City's homeless programs with the cooperation of the Budget Analyst.

Supervisor Daly, seconded by Supervisor Newsom moved to amend.

10/29/01, On lines 5 and 24/25, add "the report shall be made no later than December 31, 2001"; and on line 12, add a new whereas clause, "The term homeless includes individuals or families who lack a fixed, regular, and adequate nighttime residence and who have a primary residence in one or more of the categories outlined in the San Francisco Local Homeless Coordinating Board's Definition of Homelessness, on file with the Clerk of the Board of Supervisors in File No. 011547, which is hereby declared to be a part of this resolution as if set forth fully herein."

AMENDED.

Motion requesting the Controller to prepare a management audit of the City's homeless programs with the cooperation of the Budget Analyst no later than December 31, 2001.

Motion No. M01-162

APPROVED AS AMENDED by the following vote:

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

**011840 [Budget Analyst Update of 1994 on Homeless Population]
Supervisors Newsom, Daly**

Motion directing the Office of the Budget Analyst to update its 1994 Report on the cost of direct services provided to the homeless population in the City and County of San Francisco; the completion of this update is a priority assignment.

Supervisor Daly, seconded by Supervisor Newsom moved to amend.

10/29/01, On page 1, line 15, add a new whereas clause, "The term homeless includes individuals or families who lack a fixed, regular, and adequate nighttime residence and who have a primary residence in one or more of the categories outlined in the San Francisco Local Homeless Coordinating Board's Definition of Homelessness, on file with the Clerk of the Board of Supervisors in File No. 011840, which is hereby declared to be a part of this resolution as if set forth fully herein."

AMENDED.

Motion No. M01-163

APPROVED AS AMENDED by the following vote:

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

Recommendations of the Finance Committee

011678 [Appropriation, Ethics Commission]
Supervisors Leno, Daly, Gonzalez

Ordinance re-appropriating \$34,947 of General Fund Proposition O funding for one position to perform investigations by the Ethics Commission for Fiscal Year 2001-2002, and amending Annual Salary Ordinance for Fiscal Year 2001-02.

(Companion measure to File 011679.)

PASSED ON FIRST READING by the following vote:

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

011679 [Amending Annual Salary Ordinance 2001-02, Ethics Commission]
Supervisors Leno, Daly

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of one position at the Ethics Commission.

PASSED ON FIRST READING by the following vote:

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

011578 [Business and Tax Regulations Code Amendment]
Supervisors Peskin, Daly, Gonzalez, Maxwell, McGoldrick

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Article 1, Section 8(h), to provide that an appeal to the Board of Appeals of an action by the Zoning Administrator or Director of the Department of Building Inspection stopping work under or suspending an issued permit does not suspend the action pending the Board's decision; providing that this ordinance shall apply retroactively to appeals filed on or after the date of introduction.

PASSED, ON FIRST READING by the following vote:

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

011743 [Compensation for City Employee Called to Active Military Duty]
Mayor, Supervisors Daly, Newsom

Ordinance amending the 2001-2002 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule. (Mayor)

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

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

011709 [Prevailing Wage]

Resolution fixing the highest general prevailing rate of wages, including wages for overtime and holiday work, for various crafts and kinds of labor as paid for similar work in private employment in the City and County of San Francisco at the rates certified to the Board by the Civil Service Commission on September 17, 2001. (Civil Service Commission)

Resolution No. 852-01

ADOPTED by the following vote:

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

011733 [Water Pipeline and Easement Relocation]

Resolution authorizing the relocation of Crystal Springs Pipeline Numbers 1 and 2 within the City of South San Francisco along Bayshore Boulevard in accordance with a Water Supply Lines Relocation Agreement, and the subsequent transfer of easements. (Real Estate Department)

(Fiscal impact.)

Resolution No. 853-01

ADOPTED by the following vote:

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

011775 [Water Contract Amendments, Cities of East Palo Alto and Menlo Park]

Resolution approving contract amendments to water supply contracts between the San Francisco Public Utilities Commission and the Cities of East Palo Alto and Menlo Park (Public Utilities Commission)

Resolution No. 854-01

ADOPTED by the following vote:

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

Recommendations of the Public Health and Environment Committee**011520 [Expend DOC Beverage Container Recycling Payment]**

Resolution authorizing the City Administrator to expend retroactively a \$230,484 payment from the Department of Conservation (DOC) for fiscal year 2000/2001. (Administrative Services Department)

Supervisor Peskin, seconded by Supervisor Leno moved to amend.

10/29/01, On line 3, delete "City Administrator" and insert "Department of the Environment."

AMENDED.

Resolution authorizing the Department of the Environment to expend retroactively a \$230,484 payment from the Department of Conservation (DOC) for fiscal year 2000/2001. (Administrative Services Department)

Resolution No. 850-01

ADOPTED AS AMENDED by the following vote:

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

**011829 [Grant - Substance Abuse Services]
Supervisors Leno, Newsom, Peskin**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$1,105,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Center for Substance Abuse Treatment (CSAT), for the period of August 1, 2001, to July 31, 2002. (Public Health Department)

Resolution No. 845-01

ADOPTED by the following vote:

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

PUBLIC COMMENT

Ernestine Weiss, concerns regarding affordable housing; loitering laws; wood-burning fireplaces; and loud music.

Michael Petrelis, comments regarding ad in "Reporter", August 1999 by Dr. Klosner on syphilis.

Vernon Jenkins, Jr., commenting on the importance of voting.

William Campbell, concerns regarding openly urinating on City streets.

John Debana, praising firefighters.

Christine, commenting on redevelopment of affordable housing on Sixth Street.

John Elberling, Executive Vice President TODCO, comments on the Plaza Hotel SRO Project.

Male, falsely accused of crime.

Male, concerns regarding the homeless count.

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.

**011853 [Lifeline Transit Network]
Supervisors Leno, Daly, Peskin**

Resolution supporting the creation of a regional lifeline transit network, urging the Metropolitan Transportation Commission (MTC) to complete the Lifeline Transit Network and fully fund its implementation in the Regional Transportation Plan (RTP) and urging MTC to adopt lifeline transportation measures for projects proposed for the Regional Transit Expansion Program (RTEP).

Resolution No. 857-01

ADOPTED

**011911 [Runoff Absentee Ballot]
Supervisors Gonzalez, Peskin**

Resolution urging the California State Legislature to amend State election law so that persons requesting absentee ballots for the general election will also receive absentee ballots for the resulting runoff election.

Resolution No. 858-01

ADOPTED

011912 [Disaster Preparedness Testing]
Supervisor Leno

Resolution urging the San Francisco Department of Emergency Communications and the Office of the Mayor to institute an interdepartmental disaster preparedness test, and further urging the Association of Bay Area Governments to begin similar intergovernmental disaster preparedness testing.

Resolution No. 866-01

ADOPTED

011913 [City Hall Café]
Supervisor Leno

Resolution approving the management agreement, dated November 1, 2001, between the City of San Francisco and Mrs. Chong Sook Park, for the operation of the City Hall Café.

Resolution No. 859-01

ADOPTED

011914 [Wireless Carriers]
Supervisor Newsom

Resolution urging the Emergency Communications Department, in collaboration with the San Francisco Telecommunications Commission, to implement 9-1-1 in the wireless carrier environment to enhance current emergency operations by the Emergency Communications Department's 911-Center.

Resolution No. 867-01

ADOPTED

011916 [Commendation]
Supervisors Hall, Newsom, Leno

Resolution commending the San Francisco Public Utilities Commission, the City of Daly City, the Olympic Club, the Lake Merced Golf and County Club, and the San Francisco Golf Club for their work in reaching landmark agreements that will set in motion a plan to restore Lake Merced.

Resolution No. 861-01

ADOPTED

011917 [Commendation]
Supervisors Leno, Sandoval, Daly

Resolution commending the Mission Housing Development Corporation on its 30th Anniversary.

Resolution No. 862-01

ADOPTED

011918 [Commendation]
Supervisor Leno

Resolution commending the Eureka Valley Promotion Association on its 120th Anniversary.

Resolution No. 863-01

ADOPTED

011901 [Final Map for a 12 Unit Live/Work Condominium Project]

Motion approving Final Map of 1578 Indiana Street, a Live/Work Condominium Project, being a subdivision of Lot 20, Assessor's Block No. 4318, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,220; District 10.)

Motion No. M01-157

APPROVED

011906 [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. M01-158

APPROVED

011926 [Final Map for a 12 Unit Live/Work Condominium Project]

Motion approving Final Map of 1588 Indiana Street, a Live/Work Condominium Project, being a subdivision of Lot 21, Assessor's Block No. 4318, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,228; District 10.)

Motion No. M01-159

APPROVED

011927 [Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 1649 - 1657 Greenwich Street, a Residential Condominium Project, being a subdivision of Lot 33, Assessor's Block No. 521, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,207; District 2.)

Motion No. M01-160

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 Adoption Without Committee Reference

011754 [Community Courts Working Group]
Supervisors Newsom, Daly, McGoldrick

Resolution creating a Community Courts Working Group to be comprised of various stakeholders with the charge of making recommendations to the Mayor and the Board of Supervisors and setting forth the membership and duties of the working group.

Supervisor Newsom moved to refer to committee.

REFERRED to the Neighborhood Services and Parks Committee.

011915 [Commendation]
Supervisors Gonzalez, Hall

Resolution commending and congratulating Father Larry N. Lorenzoni, S.D.B. on the fiftieth anniversary of his ordination.

Supervisor Gonzalez severed to comment on.

Resolution No. 860-01

ADOPTED by the following vote:

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

011925 [Commend - Mexican Museum]
Supervisor Newsom

Resolution commending the Mexican Museum on its upcoming groundbreaking event to be held on October 25th, 2001.

Supervisor Gonzalez, seconded by Supervisor Sandoval moved to amend.

10/29/01, On page 1, line 3, delete "upcoming"; on line 4, delete "to be"; on line 18, delete "will" and change "host" to "hosted". On page 2, line 5, delete "upcoming" and replace "will be" with "was."

AMENDED.

Resolution commending the Mexican Museum on its groundbreaking event held on October 25th, 2001.

Resolution No. 864-01

ADOPTED AS AMENDED by the following vote:

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

011928 [Final Map for a 136 Unit Residential Condominium Project]

Motion approving Final Map of Loyola Village (301 - 399 Anza Street), a Residential Condominium Project, being a subdivision of Lot 7, Assessor's Block No. 1107, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,227; District 2.)

Supervisor McGoldrick excused from vote.

Motion No. M01-161

APPROVED by the following vote:

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

Excused: 1 - McGoldrick

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

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

[Brown Act Finding]

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

ADOPTION of the Brown Act finding.

Imperative Resolution

011959 [Commendation]
Supervisors Leno, Maxwell

Resolution commending Sojourner Truth Family Service Agency for ten years of service in San Francisco.

Resolution No. 865-01

Supervisor Maxwell, seconded by Supervisor Leno, 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**011448 [Internet Services Exchange]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sections 209.6, 790.80 and 890.80 to define Internet Services Exchange as a new use within the utility installation use category; by amending Sections 178, 227, 234.2, 303, 817, 818, 907, 908, 912, and 913 to establish a requirement for a conditional use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Service Exchanges as an accessory use; and adopting findings.

(Planning Commission Resolution No. 16265 adopted 10/25/01 recommending approval. Received Certificate of Exemption/Exclusion from Environmental Review dated 10/18/01; revised Exemption/Exclusion from Environmental Review dated 11/21/01)

8/6/01, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 9/5/2001. 8/15/01 - Transmitted to Planning Commission for public hearing and recommendation.

10/29/01, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/29/01, ASSIGNED to Housing, Transportation and Land Use Committee.

**011962 [Prohibition on Video Signs and Rotating Signs]
Supervisors Peskin, Leno**

Ordinance amending Planning Code Sections 607 and 607.1 to prohibit the use of signs that project or emit animated video or video images of any kind in specified districts; amending Planning Code Section 607 to prohibit use of certain rotating signs in specified districts; making findings of consistency with the San Francisco General Plan and the Priority Policies of Planning Code Section 101.1; and making the prohibition on video signs retroactive to February 20, 2001.

(Received Certificate of Exemption/Exclusion from Environmental Review dated 12/17/01)

10/29/01, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 11/28/2001. 11/01/01 - Transmitted to Planning Commission for public hearing and recommendation.

Resolutions**011959 [Commendation]
Supervisors Leno, Maxwell**

Resolution commending Sojourner Truth Family Service Agency for ten years of service in San Francisco.
10/29/01, ADOPTED.

**011963 [Plaza Hotel Site Development]
Supervisors Daly, Peskin, Gonzalez, Ammiano, McGoldrick, Sandoval**

Resolution supporting expeditious community-based development at the Plaza Hotel Site at 988-992 Howard Street in the South of Market earthquake recovery redevelopment area by TODCO with 115 units of new affordable housing and Bindlestiff Theater.

(District 6.)

10/29/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**011964 [Agreement to Sell Property on Wilder Street, Glen Park]
Supervisors Leno, Daly, Hall**

Resolution approving and authorizing an agreement with Glen Park Marketplace Phoenix, LLC, for the sale of real property located on Wilder Street in Glen Park, for a purchase price of \$285,000; finding that competitive bidding is impractical or impossible; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

10/29/01, RECEIVED AND ASSIGNED to Finance Committee.

**011965 [Limousine Parking Fines]
Supervisor Sandoval**

Resolution establishing parking fines for limousine parking.

10/29/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee. Sponsor requests this item be scheduled for consideration at the November 8, 2001 meeting.

**011966 [Potrero Power Plant Citizens Advisory Task Force]
Supervisors Maxwell, Daly, Peskin, Leno**

Resolution amending Resolution No. 362-99, which established the Potrero Power Plant Citizens Advisory Task Force, and Resolution No. 1055-00 to extend the expiration date of the Task Force from October 31, 2001, to November 1, 2002.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011967 [Conditional Use Authorization for Internet Service Exchange]
Supervisors Maxwell, Daly**

Resolution extending for an additional six (6) month period interim controls to define internet services exchanges, include internet services exchanges within the utility installation use category and establish a requirement for a conditional use authorization for internet services exchanges in commercial and industrial zones, including without limitation, the C-1, C-2, C-3-G, C-3-S, C-M, M-1, M-2, SLI and SSO zones exclusive of lots under the jurisdiction of the San Francisco Port Commission or in a redevelopment project area with an adopted redevelopment plan under the jurisdiction of the San Francisco Redevelopment Agency Commission.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011968 [Gift Acceptance]
Supervisors Maxwell, Newsom, Leno**

Resolution accepting and expending a gift in place valued at approximately \$378,000 from the Trust for Public Land to the Recreation and Park Department for the India Basin Shoreline Park.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011969 [Multifamily Housing Revenue Bonds]
Supervisor Newsom**

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$10,000,000 for Gough Street LLC.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011970 [Sexually Transmitted Diseases]
Supervisor Sandoval**

Resolution urging America Online to post warnings in their chatrooms for gay and bisexual men concerning the health risks of sexually transmitted diseases.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011971 [Planning Department Website Appeals Process]
Supervisor Sandoval**

Resolution urging the Planning Department to provide clear and accessible information concerning the right of appeal of a Planning Commission decision or determination by the Zoning Administrator on their website.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011972 [Assembly Bill 60]
Supervisor Sandoval**

Resolution urging the State of California and all state agencies including the Department of Motor Vehicles to implement Assembly Bill 60.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011973 [Commendation]
Supervisor Gonzalez**

Resolution commending the poet Carl Rakosi on the occasion of his 98th birthday.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011974 [Commendation]
Supervisors Leno, McGoldrick, Maxwell, Ammiano, Daly, Peskin**

Resolution commending California Governor Gray Davis for signing Assembly Bill 25, the Equal Benefits Ordinance.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

011975 [Commendation]
Supervisors Maxwell, Newsom, Leno

Resolution commending Leslie Burton Payne for his longtime dedication of service to the community of San Francisco and especially for his commitment of improving the lives of young African Americans.
10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

011976 [Commendation]
Supervisors Newsom, Peskin

Resolution commending the parishioners of and Committee to Save Saint Brigid Church for their service and efforts to preserve the architecture and cultural history of Saint Brigid Church, and to make the neighborhood in which it stands a better, cleaner, and safer place by its preservation.
10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

011977 [Commendation]
Supervisor Sandoval

Resolution commending Reverend Terrence L. Nichols for his continued contribution to the youth of San Francisco.
10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

011978 [Commendation]
Supervisors Sandoval, Newsom

Resolution commending Blue and Gold Fleet's commitment to the Bay Area's Environmental Health by using biodiesel fuel.
10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

011979 [Commendation]
Supervisors Sandoval, Daly, Newsom

Resolution commending the Coalition for San Francisco Neighborhoods for over 29 years of service throughout the community.
10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

011980 [Commendation]
Supervisors Sandoval, Newsom

Resolution commending Captain Michael Yalon for outstanding years of service as Police Captain of Taraval Police Station.
10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**011989 [Commendation]
Supervisors Ammiano, Daly, Newsom**

Resolution commending Ms. Erika Goncalves for her recent appointment by Governor Gray Davis to serve as the 2001-2002 student member of the California State Board of Education and for her outstanding academic achievements and leadership in the San Francisco public school system.

10/29/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**001650 [S.F. Housing Authority]
Supervisor Ammiano**

Hearing to examine the San Francisco Housing Authority's conformity to federal Quality and Housing Work Responsibility Act enacted in 1998.

9/18/00, RECEIVED AND ASSIGNED to Finance and Labor Committee. Sponsor requests this item be scheduled for consideration at the September 27, 2000 meeting.

2/1/01, TRANSFERRED to Housing, Transportation and Land Use Committee. New committee structure.

8/2/01, FILED PURSUANT TO RULE 5.38.

10/29/01, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Ammiano requested this matter be reactivated.

10/29/01, ASSIGNED to Housing, Transportation and Land Use Committee. Sponsor requests that this item be scheduled for consideration at the November 29, 2001 meeting.

**011981 [Urban Forest]
Supervisor Ammiano**

Hearing on the financial resources needed to make certain that our urban forest continues to grow, is maintained, and can continue to provide benefits for all San Franciscans.

10/29/01, RECEIVED AND ASSIGNED to Finance Committee.

**011982 [Landfill Agreement with Waste Management]
Supervisor Ammiano**

Hearing to consider the Board of Supervisors' role in selecting a new landfill agreement for the City and County of San Francisco and to consider the space remaining under the City's current agreement with Waste Management, Inc. and Alameda County.

10/29/01, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

**011983 [Joint Hearing, HRC and EVSP on Human Rights Violations]
Supervisor Newsom**

Joint hearing of the Human Rights Commission and the Economic Vitality, Small Business & Social Policy Committee on backlash violence, human rights violations and discrimination in San Francisco in the wake of September 11, 2001.

10/29/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

**011984 [Illegal General Advertising]
Supervisor Leno**

Hearing to get an update on the progress of enforcement of the City's new regulations on illegal general advertising.
10/29/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**011985 [Office of Labor Standards Enforcement]
Supervisor Leno**

Hearing to get a progress report on the work and staffing of the Office of Labor Standards Enforcement.
10/29/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**011986 [Anticipated Shortfall in 2001 Tax Revenue]
Supervisor Leno**

Hearing on the Mayor's plans to address the anticipated shortfall in current year tax revenues.
10/29/01, RECEIVED AND ASSIGNED to Finance Committee.

**011987 [MUNI's CNG Bus Pilot Project]
Supervisor Sandoval**

Hearing on the preliminary update on MUNI's Compressed Natural Gas (CNG) bus pilot project.
10/29/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

**011990 [Lawsuit Challenging MBE/WBE Ordinance]
Supervisor Yee**

Hearing to address lawsuit challenging MBE/WBE Ordinance.
10/29/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**011992 [Official Bi-lingual City Initiative 2001]
Supervisor Ammiano**

Hearing to consider the Official Bi-lingual City Initiative 2001.
10/29/01, RECEIVED AND ASSIGNED to Rules Committee.

Motions

**011988 [Legislative Analyst Request]
Supervisor Sandoval**

Motion requesting the Legislative Analysts to (1) provide general research and analysis on the feasibility of requiring San Francisco businesses to use biodegradable materials for packaging; (2) provide comparative information on other cities' laws and policies regarding businesses and the use of biodegradable packing.
10/29/01, ASSIGNED to Board of Supervisors. Scheduled for consideration November 5, 2001.

**011991 [Closed Session - MBE/WBE Ordinance]
Supervisor Yee**

Motion that the Board of Supervisors convene in closed session to address lawsuit challenging MBE/WBE Ordinance.

10/29/01, ASSIGNED to Board of Supervisors. Scheduled for Board consideration at the earliest date, Special Order at 3:00 p.m.

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

**011898 [Speed Limit - 16th Street, between 3rd and 7th Streets]
Supervisor Daly**

Ordinance adding Section 175.34 to the San Francisco Traffic Code, establishing a 30-MPH speed limit for 16th Street, between 3rd and 7th Streets. (Parking and Traffic Department)

10/19/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

011904 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the Environmental Law Foundation against the United States Tobacco Company, other manufacturers of smokeless tobacco products, and major retail chains that sell smokeless tobacco in California, for \$2,750,000; the lawsuit was filed on March 31, 1998 in San Francisco Superior Court, Case No. 993-992; entitled City and County of San Francisco and Environmental Law Foundation v. United States Tobacco Co., et al.; other material terms of said settlement are that the smokeless tobacco manufacturers shall distribute warning signs required by Proposition 65 to their retailers throughout the state, and that the retailer defendants shall post those signs. (City Attorney)

10/23/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

PROPOSED RESOLUTIONS

011899 [Contracting for Security Services, Office of Contract Administration, Central Shops Division]

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

10/18/01, RECEIVED AND ASSIGNED to Finance Committee.

**011900 [Accept and Expend State Grant - Spousal Abuser Prosecution Program]
Supervisors Leno, Newsom**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$120,000 from the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program". (District Attorney)

10/18/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

011902 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by Luis Lazaro against San Francisco for \$30,000; claim was filed on 06-16-2000; additional material terms of said settlement are the signing of full and final release, minor compromise and dismissal of the City and County of San Francisco. (City Attorney)
10/22/01. RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**011903 [Accept and Expend Federal Technology Grant]
Supervisor Sandoval**

Resolution authorizing the Department of Aging and Adult Services to retroactively accept and expend a grant in the amount of \$899,113 from the United States Department of Commerce Technology Opportunities Program to further implement elements of SF-GetCare. (Adult and Aging Services)
10/23/01. RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.
Deputy Clerk scheduled this item for the November 20, 2001 meeting.

011929 [Lease of Real Property]

Resolution authorizing extension and amendment of a lease of real property at 1145 Market Street for the Department of Human Resources. (Real Estate Department)

(District 6.)

10/24/01. RECEIVED AND ASSIGNED to Finance Committee.

011946 [Accept-Expend Federal Grant]

Resolution authorizing the Airport Commission to accept and expend a grant in the amount of \$2,000,000.00 from the Federal Aviation Administration (FAA) for acquisition of clean air vehicles and infrastructure, and related technical assistance. (Airport Commission)
10/23/01, RECEIVED AND ASSIGNED to Finance Committee.

011947 [Accept-Expend Federal Grant]

Resolution authorizing the Airport Commission to accept and expend a grant in the amount of \$15,435,276.00 from the Federal Administration for assistance in projects under the Airport Improvement Program (A.I.P. 15). (Airport Commission)
10/23/01, RECEIVED AND ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Ammiano

To: District Attorney

To: Director, Department of Public Health

Requesting/Inquiring: That the District Attorney and the Director of the Department of Public Health work together to create a working group to revisit and update the health warnings about Amyl Nitrate, also known as "Poppers".

From: Supervisor Gonzalez

To: Director, Department of Public Works

Requesting/Inquiring: To report on the annual costs related to collecting and storing shopping carts.

From: Supervisor Hall

To: Director, Department of Elections

Requesting/Inquiring: To report on the status of the various investigations into the Department of Elections.

From: Supervisor Hall

To: General Manager, MUNI

Requesting/Inquiring: To report on MUNI safety, specifically:

- 1. Describe the internal process MUNI performs in determining liability in accidents involving MUNI buses.*
- 2. What plans does MUNI have in place for improving safety at their median bus stops; in particular, what plans does MUNI have in place for the 19th Avenue and Winston bus stop?*
- 3. Is it feasible to install pedestrian crossing gates at this location? If so, what steps need to be taken to install them? If it is not feasible, why not?*

From: Supervisor Leno

To: Chief, Fire Department

Requesting/Inquiring: To report on the Fire Department's recommendations regarding fire exits on top floors of buildings as they relate to the Department of Building Inspection's (DBI) policies mandating construction of penthouses under certain circumstances. The following is context for this inquiry:

- 1. DBI is now requiring stair penthouse extensions in some cases to meet fire requirements, when the Fire Department previously approved of hatches/drop ladders. An example of this is the building on 4733 18th Street that DBI required to build a penthouse above the fourth floor of the building as a fire exit.*
- 2. Building penthouses on top of buildings in residential neighborhoods can exacerbate neighborhood frustration with development in residential areas.*
- 3. Does the Fire Department have any concerns with hatches/drop ladders since DBI is suggesting they are a fire problem?*

From: Supervisor Maxwell

To: Executive Director, Department of Parking and Traffic

Requesting/Inquiring: To investigate and report on traffic calming options available for Oakdale Avenue, specifically between Ingalls and Griffith Streets including speed humps, crosswalks, proper signage and traffic lights; and the process and timeline by which the best options can be implemented.

Due: November 19, 2001

From: Supervisor McGodtrick

To: City Attorney

Requesting/Inquiring: To draft legislation exempting individuals applying for residential parking permits for electric or hybrid vehicles from paying fees for such permits.

From: Supervisor Peskin

To: Executive Director, Port

Requesting/Inquiring: Inquiring how the Port is adjusting its leasing expectations for maritime-oriented

tenants along the City's Northern Waterfront considering economic changes in the local commercial real estate market. (See attachment.)

From: Supervisor Sandoval

To: City Attorney

To: General Manager, Public Utilities

Requesting/Inquiring: That the City Attorney and the General Manager of Public Utilities report on the status and legality of the transfer of the Balboa Reservoir to City College.

From: Supervisor Yee

To: Director, Department of Public Works

Requesting/Inquiring: To report if the Department is issuing filtering masks to street sweepers under the Department's supervision.

In Memoriams

None

ADJOURNMENT

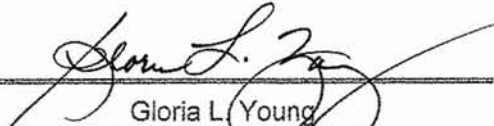
There being no further business, the Board at the hour of 3:41 p.m. adjourned.

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 January 7, 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