

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, December 17, 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, Gonzalez

Finance Committee
Supervisors Leno, Peskin, Maxwell

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
3:00 PM

1st & 3rd Tuesday
10:00 AM

Wednesday
12:30 PM

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 2:00 p.m. On call of the roll, the following Supervisor was noted absent:

Supervisor Yee - 1.

Quorum present.

Supervisor Yee was noted present at 2:03 p.m.

Introduction of Guests

Supervisor Gonzalez introduced, welcomed and presented a commendation to the Circus School, Circus Center.

Supervisor Hall introduced, welcomed and presented a commendation to Sister Marie Ignatius.

AGENDA CHANGES

COMMUNICATIONS

Receipt of the Official Statement of Vote for the November 6, 2001 Election, from the Director of Elections.

CONSENT AGENDA

Items 1 through 3

Recommendations of the Rules Committee

011718 [Appointment]

Resolution appointing Diane Robinson, term ending September 2, 2002, to the Assessment Appeals Board No. 1.

Diane Robinson, succeeding Ermelinda Trevino, seat 3, resigned, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code, for the unexpired portion of a three-year term expiring September 2, 2002.

Resolution No. 991-01

ADOPTED

012082 [Appointment]

Resolution appointing Robert Dougherty, term to be determined, to the Golden Gate Park Stables Working Group, residency requirement waived.

Robert Dougherty (residency requirement waived), new position, seat 6, must be a licensed professional engineer with experience in the construction and/or the rehabilitation of horse stables, term to be determined.

Resolution No. 993-01

ADOPTED

012121 [Appointment]

Resolution appointing Susuan Garbuio, term ending September 30, 2003, and Rose Lou Randolph, Carole Kilgariff, and Darrick Lam, terms ending September 30, 2004, to the Adult Day Health Care Planning Council, residency requirement waived.

Rose Lou Randolph, succeeding herself, term expired, seat 2, must represent age group, for a new three-year term ending September 30, 2004;

Carole Kilgariff, succeeding herself, term expired, seat 3, must represent age group, for a new three-year term ending September 30, 2004;

Susuan Garbuio, succeeding Carole Kilgariff, term expired, seat 7, must represent age group, for a new three-year term ending September 30, 2003;

Darrick Lam (residency requirement waived), succeeding himself, term expired, seat 10, must represent the Commission on the Aging, for a new three-year term ending September 30, 2004.

Resolution No. 995-01

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 Housing, Transportation and Land Use Committee**011050 [Tour Buses on El Camino del Mar, and portions of 25th Avenue]
Supervisor Newsom**

Ordinance adding Police Code Section 1183.31 to prohibit the driving of tour buses on El Camino del Mar between the Presidio and Legion of Honor Drive, and on 25th Avenue between Lake Street and El Camino del Mar, through December 31, 2002.

Ordinance No. 247-01

FINALLY PASSED by the following vote:

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

**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)

Ordinance No. 248-01

FINALLY PASSED by the following vote:

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

**011931 [Double Parking on Municipal Railway Bus Routes Prohibit; Fines]
Supervisors Newsom, McGoldrick, Daly**

Ordinance amending Article 3, Chapter XI, Part II, Section 53(a) of the San Francisco Traffic Code removing sunset clause. (Parking and Traffic Department)

Ordinance No. 249-01

FINALLY PASSED by the following vote:

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

**011932 [Speed Limit - Clarendon Avenue]
Supervisor Hall**

Ordinance amending Section 176.18 of the San Francisco Traffic Code clarifying the boundaries for the 35-MPH speed limit along Clarendon Avenue (Parking and Traffic Department)

Ordinance No. 250-01

FINALLY PASSED by the following vote:

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

**011933 [Special Traffic Permit Violation Penalties]
Supervisor McGoldrick**

Ordinance amending San Francisco Traffic Code Section 194.3. to provide a graduated penalty schedule for violation of the Special Traffic Permit or for obstructing traffic without a Special Traffic Permit. (Parking and Traffic Department)

Ordinance No. 251-01

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendation of Finance Committee

012116 [Approval of Amendment(s) to Design Agreement for the Laguna Honda Hospital Replacement Program]

Resolution authorizing the Director of Public Works to execute amendment(s) to a design agreement for the Laguna Honda Hospital Replacement Program from \$7,599,717 to \$29,900,000. (Public Works Department)

(Fiscal impact.)

Resolution No. 994-01

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

**010491 [Expanding the authority of the Department of Animal Care and Control to issue dog licenses and enter into agreements with pet-related businesses and animal welfare organizations to issue dog licenses.]
Supervisors Leno, Maxwell, Peskin, Newsom**

Ordinance amending the San Francisco Health Code by amending sections 41, 41.2, 41.4, 41.5, 41.15, 41.19, 41.20 and 41.22 to: (1) expand the authority of the Department of Animal Care and Control to issue dog licenses; (2) authorize the Director of Animal Care and Control to enter into agreements with persons and entities, including but not limited to, veterinarians, retailers of pet supplies and pet services and animal welfare organizations, to accept applications for, and issue dog licenses; and (3) make miscellaneous technical corrections and delete references to obsolete code sections and terms; and amending the San Francisco Business and Tax Regulations Code by amending section 221.3 to specify that dog license fees collected by the Department of Animal Care and Control be delivered to the San Francisco Animal Control and Welfare Fund.

PASSED ON FIRST READING by the following vote:

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

011796 [Transportation of Aggregate Materials]
Supervisors Maxwell, Leno, Daly, Newsom

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12T to require City Departments and contractors operating vehicles carrying dirt and other aggregate material to cover the load to prevent the entrainment of particulate material into the air during the transportation of such materials within San Francisco.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee

011909 [Municipal Election]
Supervisors Peskin, Daly

Ordinance amending Municipal Code, Elections Code by adding Section 970 to prohibit the giving or receiving of anything of value in consideration of voting, refraining from voting, or voting for or against a candidate or measure at a municipal election.

PASSED ON FIRST READING by the following vote:

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

011686 [Elections Task Force use the principle of "maximum continuity"]
Supervisors Gonzalez, Maxwell, Daly

Resolution urging the Elections Task Force use the principle of "maximum continuity" in redrawing supervisorial districts.

Resolution No. 990-01

ADOPTED by the following vote:

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

012139 [Appointment - Chantel L. Walker]
Mayor

Resolution confirming the appointment of Chantel L. Walker to the San Francisco Redevelopment Agency, vice Michael Settles, for the remainder of a four-year term ending September 2, 2003. (Mayor)

Resolution No. 970-01

ADOPTED by the following vote:

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

**012170 [Ballot Argument - Elective Officials]
Supervisor Gonzalez**

Motion authorizing proponent's ballot argument in favor of Proposition A, a Charter Amendment regarding Elective Officials.

12/17/01 - Supervisor Gonzalez, seconded by Supervisor Leno moved an Amendment of the Whole bearing same title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Motion No. M01-180

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Noes: 4 - Newsom, Peskin, Sandoval, Yee

**012176 [Ballot Argument - Cost of Living Benefits for Retirees]
Supervisors McGoldrick, Sandoval**

Motion authorizing proponent's ballot argument in favor of Proposition B, a Charter Amendment regarding Cost of Living Benefits for Retirees.

12/17/01 - Supervisor Sandoval requested to added as a co-sponsor.

Motion No. M01-183

APPROVED by the following vote:

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

**012168 [Ballot Argument - Noncitizens on City Boards, Commissions, and Advisory Bodies.]
Supervisor Gonzalez**

Motion authorizing proponent's ballot argument in favor of Proposition C, a Charter Amendment regarding Noncitizens on City Boards, Commissions, and Advisory Bodies.

Motion No. M01-179

APPROVED by the following vote:

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

**012174 [Ballot Argument - Planning Commission and Board of Appeals]
Supervisor McGoldrick**

Motion authorizing proponent's ballot argument in favor of Proposition D, a Charter Amendment regarding Appointments to the Planning Commission and the Board of Appeals.

Motion No. M01-182

APPROVED by the following vote:

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

012172 [Ballot Argument - Domestic Partners Benefits]

Motion authorizing proponent's argument in favor of Proposition E, a Charter Amendment regarding Domestic Partner Benefits.

Motion No. M01-181

APPROVED by the following vote:

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

COMMITTEE REPORTS**011999 [Muni Buses for Olympic Games of 2002]**

Resolution approving an agreement between the Salt Lake Organizing Committee for the Olympic Games of 2002, Inc. and the City and County of San Francisco, acting by and through its Municipal Transportation Agency, lending up to fifty (50) of City's standard New Flyer buses to the Salt Lake Organizing Committee for the Olympic Games of 2002, Inc., from no later than January 1, 2002 to no later than March 1, 2002 for the 2002 Winter Olympic Games. (Municipal Transportation Agency)

Resolution No. 992-01

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS**PUBLIC COMMENT**

Abdalla Megahed, fundraiser for the homeless;
Bob Planthold, Planning Department ADA requirements;
male speaker, police misconduct;
Frederick Hobson, Department of Public Works cutting of trees;
James Chaffe, Library Foundation;
male speaker, religion;
male speaker, elections;
Dave Rogers, Elections Department;
Robert Jackson, H.R. 2549.

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.

**012214 [Legislative Analyst Request]
Supervisor Sandoval**

Motion asking the Legislative Analyst to conduct general research and review of 2000 census data, analyzing both the economic and social demographics for the City of San Francisco by supervisorial district and for the City as a whole.

APPROVED by the following vote:

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

**012215 [Legislative Analyst Request]
Supervisor Yee**

Motion asking the Legislative Analyst to produce a report that identifies persons nominated and appointed to City Boards and Commissions. The report should include: (1) data on gender, age, ethnicity, and term of appointment; and (2) all persons whether current or past from January 1, 1999 to the present.

12/17/01 - Supervisor Yee moved to continue to January 7, 2002, meeting.

CONTINUED by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 25 through 42

**012191 [Definition of Homelessness]
Supervisors Ammiano, Daly, Newsom**

Resolution establishing an official citywide definition of homelessness for San Francisco to enable all City Departments and community based organizations to communicate and share information on the homeless population using the same terms and parameters.

Resolution No. 997-01

ADOPTED

**012192 [Recount of November 7, 2000 Election]
Supervisors Gonzalez, McGoldrick**

Resolution urging the California Secretary of State to use its authority under California Government Code Section 12172.5 to conduct a full and public recount of the November 7, 2000 San Francisco Municipal election.

Resolution No. 1006-01

ADOPTED

**012193 [Recount of November 6, 2001 Election]
Supervisors Gonzalez, McGoldrick**

Resolution urging the California Secretary of State to use its authority under California Government Code Section 12172.5 to conduct a full and public recount of the November 6, 2001 San Francisco Municipal election.

Resolution No. 1007-01

ADOPTED

**012194 [Grant - Planning Department]
Supervisor Maxwell**

Resolution authorizing the Director of the Planning Department to accept and expend \$45,000 in Transportation Development Act (TDA) funds programmed by the Metropolitan Transportation Commission to undertake a community planning process to result in a Visitacion Valley Strategy Plan in the City and County of San Francisco.

Resolution No. 989-01

ADOPTED

**012195 [Grant - Department of Parking and Traffic]
Supervisors Maxwell, Hall, Newsom**

Resolution authorizing the Director of the Department of Public Works and the Executive Director of the Department of Parking and Traffic to accept and expend up to \$9,034,000 in state Regional Transportation Improvement Program (RTIP) Funds for various transportation capital projects in the City and County of San Francisco.

Resolution No. 988-01

ADOPTED

**012197 [Name West Sunset Playground Soccer Field in honor of James Lucey]
Supervisors Yee, Hall, Newsom**

Resolution urging the San Francisco Recreation and Park Commission to name the West Sunset Playground Soccer Field in honor of James Lucey.

Resolution No. 999-01

ADOPTED

**012198 [Commend - Circus Center]
Supervisors Gonzalez, Daly, Newsom**

Resolution commending the Circus Center and declaring Wednesday December 19, 2001 to be Circus Center Day in San Francisco.

Resolution No. 1000-01

ADOPTED

012199 [Commend - Al Evans]
Supervisors Leno, Newsom, Gonzalez

Resolution commending Al Evans for his historic preservationist work in the Alamo Square Neighborhood of San Francisco.

Resolution No. 1001-01
ADOPTED

012200 [Commend - Norlean Bee]
Supervisors Maxwell, Leno

Resolution commending and celebrating the life of Norlean Bee for her lifelong commitment to protect, inspire and unite the community which she calls home.

Resolution No. 1002-01
ADOPTED

012201 [Commend - City College of SF Football Team]
Supervisors Sandoval, Newsom

Resolution commending the City College of San Francisco football team for winning its third consecutive state and national division championship.

Resolution No. 1003-01
ADOPTED

012202 [Commend - City College of SF Football Team]
Supervisors Hall, Newsom

Resolution commending the City College of San Francisco football Rams for winning their third consecutive national Junior College football championship.

Resolution No. 1004-01
ADOPTED

012203 [Anti-Terrorism Block Grant Fund]
Supervisor Leno

Resolution urging the United States Congress to adopt the National Association of Counties (NACo) Homeland Security Task Force Recommendation for a county specific Anti-terrorism Block Grant Fund.

Resolution No. 1005-01
ADOPTED

012213 [Rebuttal Ballot Arguments]
Supervisor Ammiano

Motion authorizing Supervisor Gonzalez to submit a rebuttal ballot argument in favor of Proposition A, Supervisor McGoldrick to submit a rebuttal ballot argument in favor of Proposition B, Supervisor Gonzalez to submit a rebuttal ballot argument in favor of Proposition C, Supervisor McGoldrick to submit a rebuttal ballot argument in favor of Proposition D and Supervisor Leno to submit a rebuttal ballot argument in favor of Proposition E on the March 2002 ballot.

Motion No. M01-184
APPROVED

012216 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Daly, Peskin, McGoldrick, Maxwell, Leno

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. M01-185
APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from For Adoption Without Committee Reference

012046 [Instant Runoff Voting]
Supervisor Gonzalez

Resolution supporting legislation recently introduced in the United States Congress by Representative Jesse Jackson Jr. regarding Instant Runoff Voting.

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

REFERRED to the Rules Committee.

012147 [Law Library]
Supervisor Leno

Resolution increasing civil filing and appearance fees provided in Business and Professions Code Sections 6321, 6322 and 6322.1 for operation of the Law Library.

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

Resolution No. 996-01

ADOPTED by the following vote:

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

012196 [Matthew H. Hymel Day]
Supervisors Peskin, Leno, Daly, Newsom

Resolution recognizing Matthew H. Hymel's dedicated service to our City, and declaring December 21, 2001, to be "Matthew H. Hymel Day" in San Francisco.

*Supervisor Ammiano requested this matter be severed so it could be considered separately.
12/17/01 - Supervisor Leno requested to be added as a co-sponsor.*

Resolution No. 998-01

ADOPTED by the following vote:

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

012219 [Declaration of November 6, 2001 Election Results]
Resolution declaring the results of the November 6, 2001 Consolidated Municipal Election. (Elections Department)
REFERRED to the Rules Committee.

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."

[Purely Commendatory Finding]

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

[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.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor**Ordinances****012234 [Shopping Carts]
Supervisor Newsom**

Ordinance amending the San Francisco Public Works Code by adding Article 24, consisting of Sections 1400 through 1409, to declare unattended empty shopping carts on either public property or on private property without the owner's consent to be a nuisance, and authorizing the Department of Public Works to seize such shopping carts and charge impound and storage costs where the shopping carts are not retrieved by their owner within three days from the receipt of notice of the seizure.

12/17/01, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 1/16/2002.

**012235 [Shopping Cart Identification and Unauthorized Removal]
Supervisor Newsom**

Ordinance amending the San Francisco Public Works Code by adding Article 24, consisting of Sections 1400 through 1409, to require businesses with 25 or more carts to (1) permanently affix identification on the carts; and (2) develop and implement plans to prevent the unauthorized removal of carts from the premises.

12/17/01, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 1/16/2002.

**012236 [Appropriation - District Attorney]
Mayor**

Ordinance appropriating \$275,237 from the General Fund Reserve to provide funding for the court ordered change of venue for the case of People of State of California v. Knoller, et al. for the District Attorney for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

12/17/01, RECEIVED AND ASSIGNED to Finance Committee.

Resolutions**012237 [Wireless Telecommunications Services Facilities - Siting Guidelines]
Supervisor Ammiano**

Resolution urging the Planning Department to adopt modifications to the August 15, 1996 Wireless Telecommunications Services (WTS) Facilities Siting Guidelines.

12/17/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**012238 [Construction Easement by Eminent Domain]
Supervisor Ammiano**

Resolution authorizing acquisition of a temporary construction easement for easterly portions of 155 Fifth Street, in San Francisco Assessor's Block 3724, Lot 066, by eminent domain, for the Moscone Center Expansion Project.

(Companion measure to Files 012257, 012258.)

12/17/01, SCHEDULED FOR PUBLIC HEARING. Scheduled for January 14, 2002, at 3:00 PM.

**012239 [Krug Winery]
Supervisors Gonzalez, Sandoval, Peskin, Daly, Maxwell**

Resolution supporting the workers of United Food and Commercial Workers Local 186D in their campaign to preserve the last remaining wine production union in Napa Valley.

12/17/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

**012240 [Removal of Boy Scout Language]
Supervisors Leno, Gonzalez, Daly**

Resolution urging the United States Congress to remove language from the federal education bill regarding the Boy Scouts.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012241 [Request for Exemption from State Statute-Shopping Carts]
Supervisor Newsom**

Resolution urging the California State Legislature to exempt the City and County of San Francisco from the requirements of Section 22435.7 of the Business and Professions Code, limiting the ability of local governments to establish requirements for recovery and retrieval of abandoned Shopping and Laundry Carts.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012242 [Closure of Select Decaux Automatic Pay Toilets]
Supervisor Newsom**

Resolution directing the San Francisco Police Department and the Department of Public Works to jointly develop a Pilot Program in which four Decaux Automatic Pay toilets sites shall close during the recommended hours of 11:00 PM to 6:00 AM in order to mitigate the illegal use of Decaux Automatic Pay Toilets for shelter and/or for illegal activity, including drug use, prostitution and acts of vandalism.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012243 [Accuracy and Fairness Addition to California State History Framework]
Supervisors Yee, Daly**

Resolution urging the California State Department of Education to establish in the California State History Framework fair and accurate standards in the portrayal of the atrocities against the Chinese during the Sino-Japanese War.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012244 [Commend - Native American Health Center]
Supervisors Leno, Daly, Peskin, Newsom**

Resolution commending the Native American Health Center and Friendship House Association of American Indians.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012245 [Commend - Senator Dianne Feinstein]
Supervisors Sandoval, Yee, Newsom, McGoldrick, Leno**

Resolution commending Senator Dianne Feinstein for introducing legislation to amend the Aviation Security Bill to allow lawful permanent residents who are eligible to become U.S. citizens within one year to remain in their current positions.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012246 [Commendation]
Supervisors Sandoval, Newsom, Daly, McGoldrick**

Resolution commending the Filipino Bar Association of Northern California, the San Mateo Legal Aid Society and the City of Daly City for sponsoring a citizenship workshop to enable airport security screeners to maintain employment in their current positions once the Federal Aviation Security Bill is implemented.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**012247 [Commendation]
Supervisors Sandoval, Newsom, McGoldrick**

Resolution commending the Airport Commission and the Regional Director of the Immigration and Naturalization Service for sponsoring citizenship workshops to enable airport security screeners to maintain employment in their current positions once the Federal Aviation Security Bill is implemented.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

012248 [Commend - Raymond Zeng]
Supervisors Sandoval, Newsom

Resolution commending Raymond Zeng for winning the "Using Water Wisely - It's A Way of Life" poster contest.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

012249 [Commend - Nguyen Le]
Supervisors Sandoval, Newsom

Resolution commending Nguyen Le for winning the "Using Water Wisely - It's A Way of Life" poster contest.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

012250 [Commend - Joshua Duhon]
Supervisors Sandoval, Newsom

Resolution commending Joshua Duhon for winning the "Using Water Wisely - It's A Way of Life" poster contest.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

012251 [Commend - Robert Li]
Supervisors Sandoval, Newsom

Resolution commending Robert Li for winning the "Using Water Wisely - It's A Way of Life" poster contest.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

010640 [Children, Youth and Families]
Supervisors Daly, Sandoval

Hearing to study the service coordination between various commissions and agencies serving children, youth and families, including the Delinquency Prevention Commission, Youth Commission, Children and Families Commission, Juvenile Probation Commission, and Department of Children, Youth and their Families.

4/9/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

11/1/01, FILED PURSUANT TO RULE 5.38.

12/17/01, ASSIGNED to Audit, Labor and Government Efficiency Committee.

12/17/01, REACTIVATED PURSUANT TO RULE 5.24.

**012252 [SFUSD High School Wellness Centers]
Supervisor Newsom**

Hearing between a committee of the Board of Supervisors and the Youth Commission to discuss the status of the SFUSD's High School Wellness Centers located in the seven high schools in San Francisco. This discussion shall include but not be limited to status reports from the following: (1) Representatives from the seven participating high schools: Galileo, Abraham Lincoln, Lowell, Thurgood Marshall, Mission, J. Eugene McAtter, and George Washington; (2) Department of Children, Youth and Their Families; (3) Department of Public Health; (4) Community Substance Abuse Services; and, (5) San Francisco Unified School District-School Health Programs.

12/17/01, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

**012253 [Children's Fund]
Supervisor Newsom**

Joint hearing between a committee of the Board of Supervisors and the Children's Fund Citizens Advisory Committee regarding Prop D (Children's Fund) baseline funding for fiscal year 2002-03, including but not limited to: What are the FY 2000-01 actual expenditures of the Projected Children's Fund Baseline projections; (2) Given the projected General Fund deficits for FY 2002-03, what, if any, are the pending impacts to service delivery funded by the Department of Children, Youth and Their Families; (3) What are the actual expenditures of the \$200,000 that were previously budgeted for FY 2001-01 for technical assistance; and, (4) What are the projected expenditures for technical assistance for FY 2002-03.

12/17/01, RECEIVED AND ASSIGNED to Finance Committee.

**012254 [Fifteenth Avenue Gate to Presidio Park Safety Issues]
Supervisor Newsom**

Hearing to address current safety issues on North Fifteenth Avenue, including but not limited to pedestrian safety and vehicular traffic through the Fifteenth Avenue Gate leading into the Presidio Park.

12/17/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**012255 [S.F. Department of Elections]
Supervisor Yee**

Hearing to review all investigations into the San Francisco Department of Elections since April 2000.

12/17/01, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**012256 [Changes in the Administration at the Presidio Trust]
Supervisor Yee**

Hearing to discuss the changes in Administration at the Presidio Trust and how these changes might affect the level of cooperation between the Trust and the City; how these changes might affect the vision of the Trust, and its "preferred alternative" as described in the Presidio Trust Implementation Plan (PTIP); and how recent revelations into the award to the Lucás Group without pertinent financial disclosure could alter mitigations and their impact on the City.

12/17/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

012258 [Public Hearing - 155 Fifth Street]

Hearing of the full Board of Supervisors to consider adopting a resolution to acquire the temporary construction easement by eminent domain for easterly portions of 155 Fifth Street, in Assessor's Block 3724, Lot 66 ("the Burdened Property"), by the City and County of San Francisco for completing construction to the Moscone Center Expansion Project.

12/17/01, SCHEDULED FOR PUBLIC HEARING. Scheduled for January 14, 2001 at 3:00 P.M.

Motions**012229 [Board Off-site Meetings]**

Supervisor Ammiano

Motion ordering the City and School District Committee meeting of the Board of Supervisors to be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on January 16, 2002, at 3:00 P.M. and directing the Clerk of the Board to prepare the proper notices and postings.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

012257 [Eminent Domain Public Hearing, 155 Fifth Street]

Supervisor Ammiano

Motion directing the Board of Supervisors to hold a public hearing on January 14, 2002, at 3:00 p.m., to consider adopting a Resolution of Necessity in connection with a proposal to acquire by eminent domain a temporary construction easement on easterly portions of 155 Fifth Street in Assessor's Block 3724, Lot 066, in San Francisco, for completing construction of the Moscone Center Expansion Project.

(Companion measure to Files 012238, 012258.)

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

012233 [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.

12/17/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**012222 [Permit Expeditors]
Supervisor Daly**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding Article V, sections 5.100 to 5.135 to impose registration and disclosure requirements on permit expeditors, prohibit making gifts to City officers and employees aggregating more than \$50 within one year of communicating with the officer or employee regarding a permit application, prohibit former City and County officers and employees from working as permit expeditors for certain periods of time after termination of service or employment with the City and County, prohibit permit expeditors from entering employee-only areas of City and County departments, and prohibit City officers and employees from granting preferential treatment to any permit expeditor during permitting processes.

12/12/01, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

012217 [Accept-Expend Federal/State Pass Through Grant]

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$17,894 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

12/11/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

012218 [HIV care and related services for women and minorities]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) AIDS Office (AO) to accept and expend retroactively a one year grant in the amount of \$1,105,000 from the DHHS Office of Minority Health (DHHS OMH) to improve AIDS related health outcomes for women and minorities and to enter into an agreement for the use of these funds; for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

12/11/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

012221 [Approval of Lease with the United States Department of Agriculture at West Field Cargo Building 1]

Resolution approving and authorizing the execution of a Lease with the United States Department of Agriculture for space in West Field Cargo Building 1. (Airport Commission)

12/12/01, RECEIVED AND ASSIGNED to Finance Committee.

012224 [State Department of Rehabilitation Program Agreement]

Resolution authorizing the San Francisco Department of Public Health to enter into a cooperative program agreement with the State Department of Rehabilitation, San Francisco District, including a required match of \$289,163, to provide vocational services to mentally-ill psychiatric clients in San Francisco; for the period of July 1, 2001 to June 30, 2004. (Public Health Department)

12/7/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

012225 [Grant - Seven Principles (REACH 2010) Project]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$900,000 for the first year of a three year grant from the Centers for Disease Control and Prevention (CDC) for the Seven Principles (REACH 2010) project and to enter into an agreement for the use of these funds; for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

12/7/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

012226 [Supplemental Grant for projects funded under the CDC Seroepidemiology and Surveillance Cooperative Agreement]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively supplemental grant funds in the amount of \$361,547 for projects funded under the Seroepidemiology and Surveillance Cooperative Agreement with the Centers for Disease Control and Prevention (CDC) to analyze and disseminate results of ongoing HIV studies and support new research relating to AIDS/HIV in San Francisco; for the period of January 1, 2001 through December 31, 2001. (Public Health Department)

12/7/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

Requests Granted

From: Supervisor Daly

To: Director, Administrative Services

To: Director, Law Library

Requesting/Inquiring: That the Directors of Administrative Services and the Law Library report on the relocation of the Law Library from City Hall in accordance with June 1998 Proposition F, specifically the amount of square footage in City Hall as of October 17, 1989 and any Board action taken in regard to relocation.

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To draft an opinion regarding the relocation of the Law Library from City Hall in accordance with June 1998 Proposition F, specifically the amount of square footage in City Hall as of October 17, 1989 and any Board action taken in regard to relocation.

From: Supervisor Daly

To: Mayor

To: Director, Department of Human Resources

To: Director, Commission on the Status of Women

Requesting/Inquiring: That the Mayor and the Directors of the Department of Human Resources and Commission on the Status of Women report on their position of an ordinance that would pay City employees full wages for up to four months of maternity leave.

From: Supervisor Daly

To: City Attorney

Requesting/Inquiring: To draft an opinion regarding an ordinance that would pay City employees full wages for up to four months of maternity leave.

From: Supervisor Gonzalez

To: Director, Mayor's Criminal Justice Council

Requesting/Inquiring: To report on implementation plans and separate cost estimates for extending the hours of operation at the Community Assessment and Referral Center from its current 96 hours per week (Monday through Saturday, 10 a.m. to 2 a.m.) to:

- 1. 24 hours per day, seven days per week;*
- 2. Opening at 8 a.m. and remaining open until 4 a.m., seven days per week; and*
- 3. Opening at 9 a.m. and remaining open until 3 a.m., seven days per week.*

From: Supervisor Hall

To: Director, Department of Public Works

Requesting/Inquiring: To report on what steps need to be taken by residents of Idora Avenue to gain landmark tree status for the trees along the median strip on Idora Avenue.

From: Supervisor Hall

To: NorCal

Requesting/Inquiring: To report on the possibility of working with cable and utility providers, who currently maintain shared sets of keys that often provide access to the same areas on private property as those to which the garbage company needs access, about using this set of keys in order to spare their customers from paying the \$14.95 fee required by NorCal for their own set of keys?

From: Supervisor Leno

To: Director, Bay Area Rapid Transit District (BART)

Requesting/Inquiring: To report what measures the agency is taking to ensure that BART drug searches do not

involve the harassment of patients who use medical cannabis, specifically;

a) What policies are in place for BART Police to allow carriers of a valid San Francisco Medical Cannabis ID Card to ride BART without being harassed for possession of medical cannabis?

b) Given BART'S trial drug search in cooperation with U.S. Customs officers, does the agency intend to seek counsel of the City of San Francisco and other cities served by BART if the agency formalizes a search program with U.S. Customs?

From: Supervisor Newsom

To: Director, Department of Public Works

To: Chief of Police

Requesting/Inquiring: That the Director of the Department of Public Works and the Chief of Police submit information on safety incidents on or around median strips. Statistics should include but not be limited to information on the different types of safety incidents: automobile, motorcycle, bicycle, pedestrians traveling through the intersection on foot, and those pedestrians lingering on the median strip. Information should be presented on the causes of the safety incidents and if property damage, injury, or a fatality occurred as a result of the incidents.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft an ordinance requiring the San Francisco International Airport to get approval from the Board of Supervisors on any legal dispute involving construction contracts.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft an ordinance (Equitable Distribution of Funds) mandating that 20% of all grant money distributed by City departments be set aside and distributed equitably among geographic segments of the City that have not received any grant monies within the last two years.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To draft an ordinance setting forth guidelines for the siting of chain stores that would promote an equitable distribution of stores and prevent over concentration in certain neighborhoods.

From: Supervisor Sandoval

To: Director, Department of Public Works

To: General Manager, Muni

Requesting/Inquiring: That the Director of the Department of Public Works and the General Manager of Muni report on the feasibility of placing signage at the intersection of San Jose Avenue and Santa Rosa Avenue, indicating light-rail car and automobile traffic to pedestrians. Note that a pedestrian fatality occurred at this intersection on August 16, 2001.

From: Supervisor Yee

To: City Attorney

Requesting/Inquiring: To draft legislation to amend the Police Code Section 10.36 to include provisions regarding the use of computer generated games.

From: Supervisor Sandoval

To: Director, Department of Public Works

Requesting/Inquiring: To investigate and report on the cause(s) of traffic accidents and destruction of residential property at the intersections of Alemany and Mount Vernon (see attached photographs), and to report on the feasibility of placing a "No Left Turn" sign at said intersection, heading southwest on Alemany.

In Memoriams

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

- John McMahon (Supervisor Hall)*
- Lillian Graf (Supervisor Hall)*
- Charles Lamb (Supervisor Sandoval)*
- Audrey Lavalais (Supervisor Sandoval)*

ADJOURNMENT

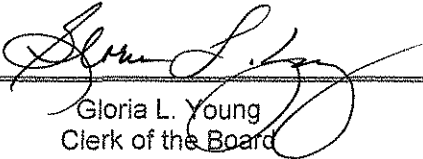
There being no further business, the Board at the hour of 4:52 p.m. adjourned.

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 February 4, 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