

Full Board Agendas

Board of Supervisors
City and County of San Francisco

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689



AGENDA

Monday, February 26, 2001
2:00 PM

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be

removed from the Consent Agenda and considered as a separate item.

Items 1 through 6

Recommendations of the Audit, Labor and Government Efficiency Committee

Present: Supervisors Newsom, Daly, McGoldrick

1. 010006 [Settlement of Lawsuit]
Ordinance authorizing settlement of the lawsuit filed by Lesha Taylor and Melanie Vaughn against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 24, 1999 in San Francisco Superior Court, Case No. 302210; entitled Taylor et al. v. City and County of San Francisco, et al. (City Attorney)

2/20/2001, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
2. 010028 [Settlement of Lawsuit]
Ordinance authorizing settlement of the lawsuit filed by David L. Birkholz, An Incompetent, et al. versus the City the County of San Francisco for \$50,000.00; the lawsuit was filed on 6/22/95 in Superior Court of San Francisco, Case No. 970-567; entitled David L. Birkholz, An Incompetent, et al. v. State of California, City and County of San Francisco, et al; material terms of said settlement are: in consideration of City making payment of \$50,000.00 to the plaintiff, the plaintiff agrees to dismiss the suit against the City and County of San Francisco and all the individually named City employee defendants. (City Attorney)

2/20/2001, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
3. 010160 [Settlement of Litigation]
Ordinance authorizing settlement of the lawsuits filed by Golden Eagle Insurance Co. and Martha Johnson against the City and County of San Francisco for the total amount of \$150,000; the lawsuits were filed on August 17, 1998 and August 25, 1998 in San Francisco Superior Court, Case Nos. 997-242 and 997-465; entitled Golden Eagle Insurance Co. v. City and County of San Francisco, et al. and Martha Johnson v. City and County of San Francisco, et al. (City Attorney)

2/20/2001, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
4. 010107 [Memorandum of Understanding, Local 790 Fire Rescue Paramedics]
Ordinance adopting and implementing the terms of a Memorandum of Understanding between the Service Employees International Union, AFL-CIO, Local 790, and the City and County of San Francisco for the H-1 Fire Rescue Paramedics to be effective for the period July 1, 1999 through June 30, 2001. (Human Resources Department)

(Fiscal impact.)
2/20/2001, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Finance Committee

Present: Supervisors Leno, Peskin, Gonzalez

5. 010161 [Airport Concession Lease]
Resolution approving, retroactively, the Boarding Area "F" Cosmetic and Toiletries Lease between Buth-Na-Bodhaige, Inc. dba The Body Shop, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Housing, Transportation and Land Use Committee

Present: Supervisors McGoldrick, Daly, Peskin

6. 010054 [Termination of existing sewer easement and acceptance of replacement sewer easement between Tandang Sora Street and 4th Street]
Ordinance authorizing the termination of an existing sewer easement and the acceptance of the grant of a replacement sewer easement between Tandang Sora Street and 4th Street, and adopting findings pursuant to City Planning Code Section 101.1. (Real Estate Department)

2/20/2001, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance and Labor Committee

Present: Supervisors Yee, Bierman, Ammiano

7. 001557 [Visitacion Valley Interim Controls] Supervisors Ammiano, Bierman, Yee

Resolution imposing Interim Zoning Controls for a period of twelve months (12) by applying the zoning controls applicable in NC-3 Districts that are contained in Municipal Code Part II, Chapter II (Planning Code) Section 712 to Assessor's Blocks 5087, 5100, and 5101, and Block 5099, Lot 14, by limiting the maximum non-residential use size to sixty-five thousand (65,000) square feet on Assessor's Blocks 5087, 5100 and 5101 and Block 5099, Lot 14, and in the adjacent NC-3 District located on Bayshore Boulevard and bounded by Arleta Avenue on the north and the terminus of the City and County of San Francisco to the south; and adopting findings pursuant to Planning Code Section 101.1

(October 6, 2000 - Certificate of Determination of Exemption/Exclusion From Environmental Review, exempt status, general rule exclusion (State Guidelines, Section 15061(b)(3)).

10/16/2000, SUBSTITUTED. Supervisor Ammiano submitted a substitute resolution bearing

new title.

11/6/2000, CONTINUED. Supervisor Ammiano requested this matter be continued to December 4, 2000.

12/4/2000, CONTINUED. Supervisor Ammiano requested this matter be continued to February 26, 2001, to provide time for the Planning Department to complete the transportation study.

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendation of the Audit, Labor and Government Efficiency Committee

Present: Supervisors Newsom, Daly, McGoldrick

8. 001638 [Controller's Audit, Marina Yacht Harbor] Supervisor Newsom
Resolution urging the Recreation and Park Department to implement, with all due haste, the recommendations stemming from the Controller's 2000 San Francisco Marina Small Craft Harbor Report.
(Supervisor McGoldrick dissenting in Committee.)
9/25/2000, SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA. Supervisor Becerril requested this matter be severed so it could be considered separately.
9/25/2000, REFERRED to Audit and Government Efficiency Committee. Supervisor Becerril requested this matter be sent to Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance Committee

Present: Supervisors Leno, Peskin, Gonzalez

9. 010061 [Substance Abuse and Crime Prevention Trust Fund and Designation of Lead Agency] Mayor, Supervisors Newsom, Maxwell, Hall, McGoldrick, Daly, Leno, Peskin
Ordinance adding Section 10.100-221 of the San Francisco Administrative Code establishing fund for deposit of sums received under the Substance Abuse and Crime Prevention Act of 2000, and designating the Department of Public Health as the lead agency for administration of the fund.
Question: Shall this Ordinance be PASSED ON FIRST READING?
10. 010272 [Appropriation, funding for earthquake relief to El Salvador] Mayor, Supervisor Sandoval
Ordinance appropriating \$100,000 from the General Fund Reserve for the Salvadorian Emergency Committee to provide earthquake relief for fiscal year 2000-01.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Neighborhood Services and Parks Committee

Present: Supervisors Yee, Sandoval

11. 002064 [Conservatory of Flowers Contracts] Supervisor Newsom
Ordinance authorizing the Director of Public Works to limit competitive bidding of contracts to a group of pre-qualified contractors for the rehabilitation and upgrading of the Golden Gate Park Conservatory of Flowers.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Gonzalez, Hall, Ammiano

12. 010010 [Ban on old-growth wood] Supervisors Katz, Bierman, Leno
Ordinance amending San Francisco Administrative Code by reenacting Chapter 12I which prohibits the City from using, requisitioning or purchasing any tropical hardwoods, tropical hardwood products, virgin redwood, or virgin redwood products.

(Reenacts Sections 12I.1 through 12I.11.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. 010025 [Appointments] Supervisor Ammiano
Resolution appointing Joseph Blue, Robert McDonnell, Leah Shahum, and Maryanne Harrison, indefinite terms subject to review and affirmation by the Board of Supervisors in January of each odd numbered year, to the Golden Gate Bridge, Highway and Transportation District.

(Supervisor Gonzalez dissenting on the appointment of Robert McDonnell, Seat 2.)

Question: Shall this Resolution be ADOPTED?

14. 010152 [Appointment]
Resolution appointing Supervisor Aaron Peskin, term ending February 1, 2005, to the Bay Area Air Quality Management District Board of Directors.

Question: Shall this Resolution be ADOPTED?

15. 010153 [Appointment]
Resolution appointing Supervisor Leland Yee and Supervisor Jake McGoldrick, term ending November 28, 2001, to the California State Association of Counties Board of Directors.

Question: Shall this Resolution be ADOPTED?

16. 010154 [Appointment]
Resolution appointing Supervisor Tony Hall, term ending June 30, 2001, to the Association of Bay Area Governments Executive Board.

(Supervisor Hall excused from voting in committee.)

Question: Shall this Resolution be ADOPTED?

17. 010155 [Appointment]
Resolution appointing Supervisor Tony Hall, term ending June 30, 2002, to the Peninsula Corridor Study Joint Powers Board.

(Supervisor Hall excused from voting in committee.)

Question: Shall this Resolution be ADOPTED?

18. 010156 [Appointment]
Resolution appointing Supervisor Leland Yee, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.

Question: Shall this Resolution be ADOPTED?

19. 010157 [Appointment]
Resolution appointing Supervisor Tom Ammiano, term ending February 9, 2003, to the Metropolitan Transportation Commission.
(Supervisor Ammiano excused from voting in committee.)

Question: Shall this Resolution be ADOPTED?

20. 010158 [Appointment]
Resolution appointing Supervisor Tom Ammiano, term ending January 31, 2003, to the Board of Directors, Golden Gate Bridge Highway and Transportation District.
(Supervisor Ammiano excused from voting in committee.)

Question: Shall this Resolution be ADOPTED?

21. 010214 [Appointment]
Resolution appointing Supervisor Leland Yee, term ending January 31, 2003, to the Board of Directors, Golden Gate Bridge Highway and Transportation District.

Question: Shall this Resolution be ADOPTED?

22. 010215 [Appointment]
Resolution appointing Supervisor Gavin Newsom, term ending January 31, 2003, to the Board of Directors, Golden Gate Bridge Highway and Transportation District.

Question: Shall this Resolution be ADOPTED?

23. 010216 [Appointment]
Resolution appointing Supervisor Mark Leno, term ending January 31, 2003, to the Board of Directors, Golden Gate Bridge Highway and Transportation District.

Question: Shall this Resolution be ADOPTED?

24. 010217 [Appointment]
Resolution appointing Supervisor Jake McGoldrick, term ending June 30, 2001, to the Association of Bay Area Governments Executive Board.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.

25. 002092 [Public Hearing]
Hearing to consider proposed Ordinance approving and adopting an amendment to the Redevelopment Plan for the India Basin Industrial Park Development Project Area (Ordinance No. 26-69, amended by Ordinance Nos. 474-86, 141-87 and 416-94) to modify the use restrictions and reduce the parking and loading requirements for Lot 23 of Assessor's Block 5203 within the Redevelopment Plan Area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan amendment is consistent with the City's General Plan and Eight Priority Policies of the City Planning Code

Section 101.1; adopting other findings pursuant to the California Community Redevelopment law.

(Final Negative Declaration issued on October 18, 2000; Redevelopment Agency report dated October 2000 to the Board of Supervisors for the India Basin Industrial Park Redevelopment Plan Amendment.)

(Companion measure to File 001861.)

12/18/2000, CONTINUED. At the request of the San Francisco Redevelopment Agency, this matter was continued to January 29, 2001.

1/29/2001, CONTINUED. Supervisor Maxwell moved to continue consideration to February 26, 2001.

Action: _____

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

From Redevelopment Agency

26. 001861 [Amendment to the India Basin Industrial Park Redevelopment Plan to modify use restrictions and parking and loading requirements] Supervisor Katz
- Ordinance approving and adopting an amendment to the Redevelopment Plan for the India Basin Industrial Park Development Project Area (Ordinance No. 26-69, amended by Ordinance Nos. 474-86, 141-87 and 416-94) to modify the land use provisions and reduce the parking and loading requirements for Lot 23 of Assessor's Block 5203 within the Redevelopment Plan Area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law.
- (Final Negative Declaration issued on October 18, 2000; Redevelopment Agency report dated October 2000 to the Board of Supervisors for the India Basin Industrial Park Redevelopment Plan Amendment.)
- 12/4/2000, SUBSTITUTED. Supervisor Katz submitted a substitute ordinance, approved as to form, bearing new title. Sponsor requests this item be scheduled for consideration at the December 14, 2000 meeting.
- 12/18/2000, CONTINUED ON FIRST READING. At the request of the San Francisco Redevelopment Agency, this matter was continued to January 29, 2001.
- 1/29/2001, CONTINUED ON FIRST READING. Supervisor Maxwell moved to continue consideration to February 26, 2001.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
27. ROLL CALL FOR INTRODUCTIONS
- Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, and letters of request to the City Attorney.
28. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak. The President or the Board may limit the total testimony to 30 minutes.

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.

29. 010349 [Legislative Analyst Request] Supervisor Sandoval
Motion asking the Legislative Analysts to provide general research and analysis on San Francisco policy regarding business tax relief for businesses that reduce their power usage in the interest of conserving electricity; and to provide comparative information on other cities' laws and policies regarding business tax relief for businesses that reduce their power usage.

Question: Shall this Motion be ADOPTED?

Closed Session - Conference with City Attorney - Existing Litigation

30. 010081 [Existing Litigation]
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the plaintiffs and claimants, various businesses, are, in sum, challenging the constitutionality of the City's business taxing system. These plaintiffs and claimants are also seeking reimbursement of tax payments made to the City:

Eastman Kodak Company v. San Francisco
San Francisco Superior Court No. 302-983
Date filed: 4/22/99

General Motors Corporation v. San Francisco
San Francisco Superior Court No. 301-510

EOP-580 California Street, L.L.C., et al. v. San Francisco
San Francisco Superior Court No. 315-704

General Motors Corporation, et al. v. San Francisco
San Francisco Superior Court No. 312-487

Hewlett-Packard, et al. v. San Francisco
San Francisco Superior Court No. 306-787

The Neiman Marcus Group, Inc. v. San Francisco
San Francisco Superior Court No. 310-061

Panther Creek Leasing, Inc. et al. v. San Francisco
San Francisco Superior Court No. 307-873

Providian Financial Corporation, et al. v. San Francisco
San Francisco Superior Court No. 316-461

Signature Network, Inc., et al. v. San Francisco
San Francisco Superior Court No. 312-489

Union Pacific Railroad Co., et al. v. San Francisco
San Francisco Superior Court No. 309-421

Various other related cases and claims against San Francisco filed by other businesses.

This closed session would be permitted by Government Code Section 54956.9(c), and San Francisco Administrative Code Section 67.10(d). (City Attorney)

1/22/2001, MOTION to convene in closed session.

1/22/2001, CONTINUED. Supervisor Peskin requested this matter be continued to February 5, 2001.

2/5/2001, MOTION to excuse Supervisor Newsom from participating in this matter.

2/5/2001, HEARD IN CLOSED SESSION. Tape Nos. 01 004; 01 005; 02 006

2/5/2001, CONTINUED. Supervisor Peskin requested this matter be continued to February 26, 2001

Question: Shall this Motion be ADOPTED?

After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

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 31 through 43

- | | | | |
|-----|--------|---|-------------------|
| 31. | 010328 | [List of organizations for membership in the Park, Recreation and Open Space Advisory Committee]
Resolution ratifying the list of recommended organizations for membership in the Park, Recreation, and Open Space Advisory Committee as required by Proposition C and approved by the Recreation and Park Commission. | Supervisor Newsom |
|-----|--------|---|-------------------|

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. 010329 [David Brower Center] Supervisor Newsom
Resolution supporting the concept of an environmental center housing activist organizations and providing services for the environmental community such as that envisioned by the David Brower Center project.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. 010330 [News Helicopters] Supervisor Ammiano
Resolution urging Bay Area news helicopters of KRON-TV4, KPIX TV-5 and KGO-TV 7 to exercise courtesy and restraint when using helicopters to pursue stories over San Francisco neighborhoods, especially at night and in the early morning when residents are sleeping.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. 010331 [Domestic Partners] Supervisor Ammiano
Resolution urging Governor Davis and the State Legislature to pass legislation allowing state-recognized domestic partners to pursue wrongful death lawsuits.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. 010332 [Ferry operations] Supervisor Gonzalez
Resolution urging the Golden Gate National Recreation Area in current and future request for proposals and contracts for all ferry operations to require the use of environmentally friendly hybrid solar-electric, wind-powered ferries; encourage those ferry operators to phase out petroleum-derived-fuel-powered ferries by 2005, and give preference to ferry designs with low wake wash, shallow draft and quieter noise characteristics than conventional diesel to lessen impacts on marine mammals, aquatic life and shorelines.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. 010333 [Citizen Advisory Committee to Port Commission] Supervisor Hall
Resolution urging the San Francisco Port Commission to fairly consider and evaluate all proposals and recommendations developed by the various Citizen Advisory Committees as the Port Commission finalizes its decisions on the waterfront development.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. 010334 [Commendation] Supervisor Maxwell
Resolution commending the San Francisco African American Tobacco Free Project

(SFAATFP) and the forty African American religious institutions representing Bay Area churches, temples, and mosques (hereinafter referred to as the "Fabulous Forty"), for their endless effort to free their community from the deadly grasp of nicotine addiction, and their decision not to accept any funding from tobacco companies.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. 010335 [Proclamation] Supervisors Maxwell, Ammiano,
Hall, McGoldrick, Newsom,
Peskin

Resolution declaring March 1, 2001 as American Red Cross Day in San Francisco.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

39. 010336 [Commendation] Supervisor Newsom
Resolution commending the launch of the Senior Surfers Suferlab in the Aquatic Park Senior Center.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. 010337 [Commendation] Supervisors Daly, Newsom
Resolution commending Judge Lillian Sing for her pioneering work on behalf of Chinese Americans and in support of affirmative action, and extending best wishes.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. 010338 [Proclamation] Supervisor Gonzalez
Resolution declaring July 25, 2001 as Commander Milton Wolff and Abraham Lincoln Brigade Day in the City and County of San Francisco.

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 010339 [A Day of Love and Sorrow] Supervisors Leno, McGoldrick,
Maxwell

Resolution remembering the hundreds of individuals who died homeless in our community over the years and declaring March 11, 2001 "A day of love and sorrow, remembering the 138 men, women, and children who died homeless in San Francisco in 2000."

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 010350 [Needle Exchange Emergency] Supervisors Ammiano, Newsom,

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

2/20/2001, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference
Agenda: _____

44. 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).

[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.

[Imperative Resolutions, if any]

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from February 15 through noon on February 21, for reference by President to appropriate committee on February 26, 2001.

010314 [Settlement of Lawsuit]

Ordinance authorizing settlement of litigation of City and County of San Francisco against Main Street California dba TGI Friday's for \$1,300,000. (City Attorney)

(S.F. Superior Court No. 997-764; eminent domain action commenced on September 10, 1998 entitled "City and County of San Francisco v. WCB More II Ltd. Partnership, et al.)

2/21/2001, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

010353 [Settlement of Lawsuit]

Ordinance authorizing settlement of litigation of San Mateo County Transit District against City and County of San Francisco for \$18,638,562 plus interest. (City Attorney)

(Superior Court No. 405-695; date action filed: July 28, 1998.)

2/21/2001, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

010354 [Settlement of litigation involving the condemnation by SamTrans and BART of the City's water pipeline easement for the BART SFO extension]

Ordinance authorizing settlement of litigation of San Mateo County Transit District against City and County of San Francisco by an exchange of easements and the relocation of the City's water pipeline. (City Attorney)

(San Mateo Superior Court No. 406-647; date action filed: July 28, 1998.)

2/21/2001, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

010360 [Zoning Map Amendment - Arco Way]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Map 11, to change the use district designation of Assessor's Block 3154, Lots 24, 25, 26, 27, 28, 32, 37, 38, 39, and 51 on Arco Way from P (Public District) to RH-1 (Residential, House, One-Family District) and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

(Planning Commission Resolution No. 16058 adopted December 14, 2000 recommending adoption of the amendment (Case No. 200.052RZ) as presented in the proposed ordinance; Planning Commission Motion No. 16057 affirming the decision to issue a Negative Declaration, as prepared by the Planning Department and amended on December 14, 2000; Negative Declaration adopted and issued December 14, 2000.)

2/20/2001, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

010362 [Ordering Street Vacation, Mid-Embarcadero Roadway Project]

Ordinance ordering the vacation of portions of the Embarcadero and Folsom Streets between Howard and Harrison Streets in connection with the Mid-Embarcadero Roadway Project; establishing conditions for the effectiveness of the vacation; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1 and the applicable Redevelopment Plan Area; ratifying acts and authorizing actions in furtherance of the ordinance. (Port)

2/21/2001, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 15 through noon on February 21, for reference

by President to appropriate committee on February 26, 2001.

- 010319 [Easement deed, City owned property in Alameda County]
Resolution authorizing and approving the granting of easement rights over City owned real property known as Parcels 1224(2), 1272, and a portion of Parcel 1271(3) of Bay Division Pipeline Nos. 1 and 2 right of way and a portion of abandoned Chestnut Street in Newark, Alameda County ("City's Property") to Enterprise Drive LLC ("Grantee"). (Real Estate Department)
2/15/2001, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.
- 010351 [Grant to acquire compressed natural gas (CNG) light duty, high mileage vehicles for permitted airport operators]
Resolution authorizing the Airport Commission to accept and expend a grant in the amount of \$100,000 from the Bay Area Air Quality Management District (Air District) for acquisition of compressed natural gas (CNG) vans by Airport permittees. (Airport Commission)
2/21/2001, RECEIVED AND ASSIGNED to Finance Committee.
- 010352 [Grant to acquire compressed natural gas (CNG) light duty vehicles for permitted airport operators]
Resolution authorizing the Airport Commission to accept and expend a grant in the amount of \$99,000 from the Bay Area Air Quality Management District (Air District) for acquisition of compressed natural gas (CNG) autos and vans by Airport permittees. (Airport Commission)
2/21/2001, RECEIVED AND ASSIGNED to Finance Committee.
- 010355 [Lease Amendment, 1650 Mission Street]
Resolution authorizing an amendment to lease real property at 1650 Mission Street for the Department of Aging and Adult Services. (Real Estate Department)
2/21/2001, RECEIVED AND ASSIGNED to Finance Committee.
- 010356 [TRW Contract Modification No. 6 - Software and Professional Services for the Combined Emergency Communication Center]
Resolution authorizing the E-911 Project Director to execute a modification to the contract with TRW in the amount of \$536,210. (Mayor)
2/21/2001, RECEIVED AND ASSIGNED to Finance Committee.
- 010361 [Street Vacation Intent, Mid-Embarcadero Roadway Project]
Resolution declaring the intention of the Board of Supervisors to vacate portions of the Embarcadero and Folsom Streets between Howard and Harrison Streets in connection with the Mid-Embarcadero Roadway Project; setting the hearing date for all persons interested in the proposed vacation of the street areas; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1 and the applicable Redevelopment Plan Area. (Port)

2/21/2001, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

010364 [Gift Acceptance, DPH-San Francisco General Hospital]

Resolution authorizing the Department of Public Health, San Francisco General Hospital, to accept and expend a gift bequeathed to San Francisco General Hospital from the estate of Lemar Hoaglin. (Public Health Department)

2/21/2001, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

010365 [Petitions and Communications]

Petitions and communications received from February 15 through noon on February 21, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 26, 2001.

From various agencies, submitting request to participate in the Combined Charities Drive for 2001. Copy: City Administrator, File 010316 (1)

Community Health Charities

Local Independent Charities

Earth Share of California

From Mirna Escobar, regarding alleged unpaid wages from Municipal Railway. Copy: Each Supervisor (2)

From Southeast Community Facility Commission, submitting Statement of Purpose and Annual Report (1999/2000) for the Southeast Community Facility Commission in response to the request by the 1999/2000 Civil Grand Jury. (3)

From Redevelopment Agency, submitting Agency's financial and performance reports for the quarter ended December 31, 2000. Copy: Supervisors Peskin, Gonzalez (4)

From Jewish War Veterans of the U.S.A., submitting support for proposed legislation calling for the return of the 363rd Infantry Regiment, of the 91st Division flag memorial to City Hall. File 010287, Copy: Each Supervisor (5)

From concerned citizens, submitting opposition to proposed downtown truck restrictions, as released by the Department of Parking and Traffic on February 2, 2001. 5 Letters (6)

From Beverlyn Jackson, commenting on the re issuance of her recycling bin. Copy: Supervisors Ammiano, Yee (7)

From concerned citizens, submitting opposition to proposed legislation regarding Tenancies in Common (TIC). 8 Letters, Copy: Each Supervisor (8)

From Golden Gate Park Concourse Authority, submitting quarterly report to the Recreation and Park Commission of the Golden Gate Park Concourse Authority for the Fourth Quarter of 2000 (October - December). (9)

From Fredrick Hobson, submitting copy of letter sent to the Chair of the Animal Control and Welfare Commission encouraging her to obtain a copy of the San Francisco Sunshine Ordinance of 1999 and the Ralph Brown Public Meetings and Records Act of the State of California. (10)

From Department of Public Works, submitting notice that two public hearings on an application for an increase in the rates for collections and disposal of refuse charged by Sunset Scavenger Company, Golden Gate Disposal and Recycling Company and Sanitary Fill Company (the "Scavenger Companies") will be held in the Department of Public Health Auditorium, Room 300, 101 Grove Street from 9 a.m. to 5 p.m. on February 26, 2001. (11)

From Supervisor Yee, submitting appointment of W. Christopher Courter as member to the Park, Recreation and Open Space Advisory Committee. Copy: Rules Committee (12)

From Bill Henslin, submitting support for the proposed live/work moratorium and placing the Municipal Utility District (MUD) on the November 2001 ballot. Files 002211, 002210, 010062, 010063, Copy: Each Supervisor (13)

From Vice Chancellor of Finance and Administration, City College, submitting request for a portion of the earned interest attributable to the 1997 General Obligation Bond Issued for Education, to pay for a portion of the financing needed to construct a new facility for its Extended Opportunity Program and Services unit located at the main campus on Ocean Avenue. Copy: Mayor's Office, Budget Analyst (14)

From Jazherah MacMornna, suggesting the Board of Supervisors focus on local issues instead of issues outside of their jurisdiction. Copy: Each Supervisor (15)

From Paul Ledyard, submitting opposition to the proposal to build a 400+ car parking garage between Washington, Clay and Drumm Streets. Copy: Each Supervisors (16)

From Outer Mission Residents Association, submitting his opposition to the Board vote not to open "public comment" at the February 12th Board meeting to discuss the Municipal Utility Wards and Special Election for Municipal Utility District petition. Files 002111, 002110 (17)

From Adam Sparks, submitting opposition to parking meter enforcement on holidays. (18)

From concerned citizens, submitting opposition to proposed legislation to authorize taxpayer funds for "elective sex change surgery" for city employees. 6 Letters (19)

From Public Utilities Commission, submitting annual report for fiscal year 1999/2000. (20)

From State Department of Water Resources, regarding grants available for local projects that reduce flooding and erosion on urban streams while improving environmental values. (21)

From Eula Walters, commenting on the Park, Recreation and Open Space Advisory Committee membership requirement. File 010305 (22)

From Joe Dignan, commenting on the huge increase in his energy bill. Copy: Each Supervisor (23)

From Public Utilities Commission, regarding the status of the \$150,000 allocated to San Francisco Public Utilities Commission budget for work at Lake Merced. (Reference No. 20010122-004) Copy: Supervisor Hall (24)

From Senate Rules Committee, submitting appointment of William Massey of Forestville as member of the California Regional Water Quality Control Board, North Coastal Region, term ending September 30, 2003. (25)

From concerned citizens, regarding discretionary review of 567 Sanchez Street by the

Planning Commission. 2 letters (26)

From Department of Parking and Traffic, regarding parking changes on 18th Street, Illinois Street and 19th Street to accommodate the Muni Turnback as part of the Third Street Light Rail Project. File 010034 (27)

From Animal Control and Welfare, submitting list of 2001/02 professional and organization memberships for the Department of Animal Control and Welfare, in compliance with Administrative Code Section 16.6. (28)

From various signators, submitting Form 700 Statement of Economic Interests: (29)
Sandra Lee
Rose Chung
Rachel Redondiez

Number not used. (30)

From concerned citizens, regarding land use within the Golden Gate National Recreation Area. 2 letters, Files 010116, 010117 (31)

From Susan Danielson, submitting comments on the importance of the Neighborhood Emergency Response Team (NERT) training provided by the San Francisco Fire Department. (32)

From Edward Hegarty, submitting copy of notice filed with the California Public Utilities Commission regarding the Blue and Gold Fleet's request for an increase in fares for passengers using the Alameda/Oakland Ferry Service, including service to Angel Island. (33)

From United Irish Societies, submitting invitation to various St. Patrick's Day Festivities. Copy: Each Supervisors (34)

APPOINTMENTS BY THE MAYOR

War Memorial Board of Trustees
Nancy Bechtle
Armen Balianz
Claude Jarman
Irene Jung Roth
Gina Moscone
Charlotte Mailliard Shultz

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying. Thus applause and booing are both contrary to Board requirements. The

ringing and use of cell phones, pagers and similar sound-producing electronic devices is prohibited. Violators may be removed from the meeting room. The Board does not permit signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.ci.sf.ca.us/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are televised on channel 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received by the Clerk of the Board of Supervisors at least 48 hours before the meeting. For meetings on a Monday or a Tuesday, the request must be made by noon of the last business day of the preceding week.

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting: For American Sign Language interpreters, use of a reader during a meeting, or sound enhancement system, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm>