

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, January 28, 2002 2:00 PM

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

Regular Meeting

*TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board*

BOARD COMMITTEES

Committee Membership

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 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, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

Members Absent: Gavin Newsom.

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, the following Supervisors were noted absent:

Supervisors Maxwell, McGoldrick, Newsom, Yee - 4.

Supervisor Newsom was excused. (See infra)

Quorum present.

Supervisors Maxwell, McGoldrick, and Yee were noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

Motion to approve the December 10, 2001, Meeting Minutes.

Supervisor Peskin, seconded by Supervisor Leno, moved to approve the December 10, 2001 Meeting Minutes. The motion carried by the following vote:

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

Absent: 1 - Newsom

Supervisor Newsom Excused from Attendance

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

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

Absent: 1 - Newsom

AGENDA CHANGES

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

Supervisor Ammiano indicated the matter relating to the Construction easement by eminent domain at 155 Fifth Street, Files 012258 and 012238.

COMMUNICATIONS

CONSENT AGENDA

Items 1 through 6

Recommendations of the Audit, Labor and Government Efficiency Committee

020007 [Settlement of Lawsuit]

Ordinance authorizing settlement of the attorneys' fees and costs in the matter of Fontanilla and City and County of San Francisco for \$105,000. The lawsuit was filed on October 28, 1996, in United States District Court, Case No. C96-3916 JAS; entitled Fontanilla v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

020053 [Settlement Of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Troy Lavelle against the City and County of San Francisco for \$35,000; the lawsuit was filed on April 26, 2000 in San Francisco Superior Court, Case No. 311-737; entitled Troy Lavelle, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

Recommendations of the Finance Committee

020047 [Sprint Spectrum Limited Partnership Transmitter Lease]

Resolution authorizing and approving a lease of cellular transmitter space at the Mental Health Rehabilitation Facility at San Francisco General Hospital to Sprint Spectrum Limited Partnership. (Real Estate Department)

Resolution No. 71-02

ADOPTED

020048 [Metro PCS Transmitter Lease]

Resolution authorizing and approving a lease of cellular transmitter space at the Fire Station 40 at 2155 18th Avenue; Fire Station 6 at 135 Sanchez Street, and Fire Station 15 at 1000 Ocean Avenue, San Francisco to Metro PCS. (Real Estate Department)

Resolution No. 72-02

ADOPTED

Recommendations of the Rules Committee

011826 [Appointment]

Resolution appointing Patricia Calfee, term to be determined, to the Citizens Advisory Committee on Elections.

Patricia Calfee, new position, seat 5, must be a registered San Francisco voter with an interest and knowledge in the elections process, and show a commitment to fair and impartial elections, for a new four-year term (ending date to be determined via drawing).

Resolution No. 65-02

ADOPTED

011945 [Appointment]

Resolution appointing Marc Salomon, term ending December 31, 2002, and Renata Yang, Ques Holloway, Jean Davis, and David Dick, terms ending December 31, 2004, to the Bicycle Advisory Committee.

Marc Salomon, succeeding Steven Bodzin, seat 5, must represent bicycle organization, for the unexpired portion of a three-year term ending December 31, 2002;

Renata Yang, succeeding herself, seat 7, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004;

Ques Holloway, succeeding Douglas Hagan, seat 9, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004;

Jean Davis, succeeding herself, seat 10, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004;

David Dick, succeeding Pi Ra, seat 11, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004.

Resolution No. 66-02

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Armmiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee

Absent: 1 - Newsom

REGULAR AGENDA

UNFINISHED BUSINESS

Board of Supervisors Sitting as a Committee of the Whole

**020062 [Elections Task Force]
Supervisors Peskin, Daly**

Ordinance amending the 2001 Elections Task Force Ordinance, Board of Supervisors file number 010840, to convene an Elections Task Force to redraw supervisorial district lines pursuant to the provisions set forth in San Francisco Charter section 13.110, as amended by the voters of the City and County of San Francisco at the November 6, 2001 election.

Ordinance No. 16-02

FINALLY PASSED by the following vote:

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

Recommendation of the Housing, Transportation and Land Use Committee

012031 [Parking Regulations on Portion of Green Street]

Ordinance adding Section 32.6.30 to the San Francisco Traffic Code, regarding parking regulations on a portion of Green Street. (Parking and Traffic Department)

Ordinance No. 15-02

FINALLY PASSED by the following vote:

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

Recommendation of the Neighborhood Services and Parks Committee

**011845 [Repeal Police Code Sections]
Supervisor Leno**

Ordinance amending the San Francisco Police Code to repeal the following provisions thereof: Sections 6, 7, 12, 51.1, 51.2, 92, 93, 94, 115, 141, 142, 147, 152, 168, 169, 170, 171, 176, 177, 182, 183, 193, 194, 199, 205, 210, 215, 231, 241, 242, 243, 244, 245, 246, 247, 248, 265, 266, 270, 271, 272, 299, 300, 305, 310, 315, 320, 748, 764, 765 and 776.

Ordinance No. 14-02

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendation of the Audit, Labor and Government Efficiency Committee

**012136 [IBM Graffiti Settlement]
Supervisors Newsom, Peskin, Daly**

Resolution approving settlement of San Francisco's potential claims for fines, penalties and damages against IBM, Ogilvy & Mather and Mindshare arising out of their participation in the stenciling of advertisements on City sidewalks. Under the settlement, the companies shall: (1) pay \$19,685.93 to San Francisco to reimburse the City for its out-of-pocket costs arising out of the incident; (2) make a \$100,000.00 payment to the San Francisco Clean City Program; (3) clean and remove any stenciled images found to be remaining on City property; and (4) refrain from participating in similar acts in the future. In exchange, San Francisco shall release the companies from potential claims arising out of the stencils and rescind a previous resolution relating to this subject.

Resolution No. 67-02

ADOPTED by the following vote:

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

Recommendations of the Finance Committee

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

Ordinance appropriating, retroactively, \$228,587 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.)

Supervisor Peskin moved, seconded by Supervisor Maxwell to amend.

1/28/2002 - Amended on page 1, line 3, by replacing "\$228,587" with \$260,144" and on page 1, line 24, by replacing "\$16,740" with "\$53,743". Amended on page 2, line 9, by replacing "\$1,298" with "\$7,851" and on page 2, line 13, by replacing "\$12,000" with "0". Amended on page 3, line 18, by replacing "\$228,587" with "\$260,144".

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:

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

Ordinance appropriating, retroactively, \$260,144 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.)

RE-REFERRED to the Finance Committee.

012283 [2002 Water Revenue Refunding Bonds Issuance]

Resolution approving the issuance of not to exceed \$100,000,000 aggregate principal amount of San Francisco water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue refunding bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

Resolution No. 69-02

ADOPTED by the following vote:

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

**020001 [Amendment to Paratransit Broker Agreement]
Supervisors Newsom, Peskin, Leno**

Resolution approving Amendment No. 2 to Paratransit Broker Agreement, to improve the ramped taxi program by leasing 24 ramped minivans to the Broker to be subleased to taxicab companies participating in the Paratransit Program, with guaranteed lease payments in the form of paratransit trips provided at no cost to the City; and to make other amendments updating the Agreement. (Public Transportation Commission)

Resolution No. 70-02

ADOPTED by the following vote:

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

**020052 [IHSS Contract Modification Approval - IHSS Consortium of San Francisco]
Supervisor Peskin**

Resolution approving the modification of the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from February 1, 2002 to June 30, 2004, in the amount of \$18,458,757, for a total contract amount of \$47,673,130. (Human Services Department)

(Fiscal impact.)

Resolution No. 73-02

ADOPTED by the following vote:

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

**020085 [Revenue Enhancement Working Group]
Supervisors Ammiano, Hall**

Motion urging the Mayor, the Controller, the Treasurer and the City Attorney to form a Revenue Enhancement Working Group in conjunction with the Board of Supervisors to consider mechanisms to enhance collection of money owed City departments and to consider appropriate fee levels for Department services.

Motion No. M02-21

APPROVED by the following vote:

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

Recommendation of the Public Utilities and Deregulation Committee

**012263 [Adopting the City's Telecommunications Plan]
Supervisor Daly**

Resolution adopting the Telecommunications Plan, as adopted and forwarded by the San Francisco Telecommunications Commission, as the City's Telecommunications Plan. (Telecommunications and Information Services)

Resolution No. 68-02

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

**012129 [Deletion of San Francisco Elections Code Section 586]
Supervisors Gonzalez, Hall**

Ordinance amending the San Francisco Elections Code by deleting Section 586, which requires the publication of a statement in the voter information pamphlet disclosing the name of each Supervisor who voted for and against submission of an argument by the Board of Supervisors for publication in the voter information pamphlet.

PASSED ON FIRST READING by the following vote:

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

012189 [Appointment - James McCray, Jr.]

Resolution confirming the appointment of James McCray, Jr. to the Board of Directors of the Municipal Transportation Agency to serve the remainder of the James Bourgart's term, ending March 1, 2002. (Mayor)

Resolution No. 62-02

ADOPTED by the following vote:

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

**012112 [Public Hearing by Finance Committee on Mayor's Budget Instructions]
Supervisors Peskin, Leno**

Motion amending Rule 5.1 of the Rules of Order of the Board of Supervisors to require the Finance Committee to hold a public hearing on the Mayor's budget instructions to City Departments for each annual City budget after the instructions are released.

Motion No. M02-20

APPROVED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

020008 [Public Hearing - Minor Sidewalk Encroachment, 1259 Dolores Street]

Hearing appealing decision of the Department of Public Works by its letter dated December 5, 2001, disapproving a Minor Sidewalk Encroachment Permit No. 01MSE-424 to encroach into the sidewalk area and to legalize the construction of a warped driveway encroaching ten (10) feet into the public right-of-way with planters on either side of the driveway fronting the property at 1259 Dolores Street.

(Filed by Cindy A. Ossias on December 20, 2001; companion measure to Files 020009, 020010; District 8.)

Cindy Ossias, appellant;
Monica Fish, supports appeal;
Ann Wolgier, supports appeal;
James Fairfield, AIA, supports appeal;
Kathleen O'Hallhot, supports appeal;
Ed Murphy, supports appeal;
George Laparish, supports appeal.
John Kwong, Department of Public Works.
Mary Begebenstocks, opposes appeal;
Cheryl Brinkman, opposes appeal;
Rebecca Faye, opposes appeal.

HEARD AT PUBLIC HEARING.

(Only one of the following two motions should be adopted.)

020009 [Minor Sidewalk Encroachment Permit Appeal]

Motion disapproving the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and granting an Encroachment Permit. (Clerk of the Board)

1/28/02 - Supervisor Leno moved to continue to February 11, 2002.

CONTINUED by the following vote:

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

020010 [Minor Sidewalk Encroachment Permit Appeal]

Motion affirming the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and denying an Encroachment Permit. (Clerk of the Board)

1/28/02 - Supervisor Leno moved to continue to February 11, 2002.

CONTINUED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

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.

President Ammiano moved to continue to February 4, 2002.

CONTINUED by the following vote:

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

**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.)

President Ammiano moved to continue to February 4, 2002.

CONTINUED by the following vote:

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

SPECIAL ORDER 3:00 P.M.

020123 [Appointing Road Commissioner]

Public hearing on the qualifications of Edwin M. Lee, Director of Public Works, for the position of Road Commissioner pursuant to Section 2006 of the Streets and Highway Code. (Clerk of the Board)

(Companion measure to File 020004.)

HEARD AT PUBLIC HEARING.

**020004 [Appointing Road Commissioner]
Supervisor Newsom**

Ordinance appointing Edwin M. Lee, Director of Public Works, Road Commissioner for the City and County of San Francisco, and repealing Ordinance 447-96. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

*Abdalla Megahed, feeding the homeless;
Vernon Jenkins, vote in next election;
Jim Corrigan, complaint against the Fire Department;
James Chaffe, San Francisco Public Library Foundation;
Amaster Palace, Pacific Islanders senior services;
Robert Pender, Park Merced;
Gilbert Criswell, redrawing Supervisorial District lines;
Cythnia Long, speaking on behalf of Chris Bowman.*

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 30 through 36**020116 [Candlestick Park]
Supervisors Hall, Daly**

Resolution urging the Recreation and Park Department to keep some derivation of "Candlestick," "Candlestick Point," or "Candlestick Park" in the future title of the stadium at Candlestick Point as it pursues a new naming rights contract for the stadium.

**Resolution No. 82-02
ADOPTED**

**020118 [Commend - Positive Directions Equals Change]
Supervisors Leno, Daly**

Resolution commending Positive Directions Equals Change, a nonprofit substance abuse prevention and treatment organization focusing on the African American community.

**Resolution No. 74-02
ADOPTED**

**020119 [Commend - Mission Hiring Hall and South of Market Employment Center]
Supervisors Leno, Daly**

Resolution commending the Mission Hiring Hall and South of Market Employment Center, a service organization helping low-income San Franciscans secure permanent employment.

**Resolution No. 75-02
ADOPTED**

**020120 [Commend - Daniel Elzie]
Supervisors Maxwell, Daly**

Resolution commending Daniel Elzie for his selfless and heroic act on Tuesday, January 15, 2002.

**Resolution No. 76-02
ADOPTED**

**020121 [Raymond Howell Day]
Supervisor Peskin**

Resolution remembering Raymond Howell for his accomplishments as an acclaimed Bay Area oil painter, printmaker and muralist by declaring September 7, 2002 Raymond Howell Day in San Francisco.

**Resolution No. 77-02
ADOPTED**

**020122 [Parental-Youth Family Communication Promotion]
Supervisors Peskin, Hall, Maxwell, Newsom**

Resolution urging the San Francisco Public Health Department, the Department of Children, Youth and their Families, and city agencies associated with youth issues to incorporate and adopt a platform encouraging family communication in their mission statement, educational projects and media campaigns and urging the Mayor to appropriate specified funds in the city's annual budget for departments to promote family communication in public education and campaigns.

Resolution No. 78-02

ADOPTED

The foregoing items were acted upon by the following vote:

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

Absent: 2 - Newsom, Sandoval

Severed From For Adoption Without Committee Reference

**020067 [CALFED to purchase Dutch Slough]
Supervisor Leno**

Resolution urging CALFED to purchase the Dutch Slough area of the San Francisco Bay Delta.

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

REFERRED to the Finance 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.

[Purely Commendatory Finding]

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

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

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

Absent: 2 - Newsom, Sandoval

[Brown Act Finding]

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

Supervisor Leno, seconded by Supervisor Gonzalez, moved Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted. The motion carried by the following vote:

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

Imperitive Agenda

**020152 [Sacred Heart Cathedral]
Supervisors Hall, Daly**

Resolution proclaiming January 30, 2002 as "Sacred Heart Cathedral Preparation Day" in the City and County of San Francisco in honor of the school's Sesquicentennial Anniversary.

Resolution No. 79-02

ADOPTED by the following vote:

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

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

**020153 [Amendment to Rent Ordinance]
Supervisor Ammiano**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by changing Section 37.9 to add 12 months to the original six-month period during which landlords are prohibited from evicting tenants for non-payment of that portion of rent attributable to capital improvement cost passthrough petitions decided at the Rent Board after April 10, 2000, pursuant to capital improvement petitions filed prior to August 10, 2001 (so that the prohibition period for such evictions is now extended from February 10, 2002 to February 10, 2003); by prohibiting landlords from imposing late fees on tenants for such non-payment of capital improvement costs; and with Findings in support.

1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020154 [Housing Code Amendment]
Supervisor Ammiano**

Ordinance amending San Francisco Housing Code Chapter 5, Section 503(b) to make a technical correction, and amending San Francisco Housing Code Chapter 5, Section 503(d), to clarify that the protections of that Section extend to all persons by deleting the references to "families," and to clarify that the Section protects prospective and current tenants.

1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020155 [Building and Planning Code Amendment]
Supervisor Yee**

Ordinance amending San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages.

(Fiscal impact.)

1/28/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 2/27/2002. 2/1/02, Referred to Building Inspection Commission and Planning Commission.

Resolutions

**020152 [Sacred Heart Cathedral]
Supervisors Hall, Daly**

Resolution proclaiming January 30, 2002 as "Sacred Heart Cathedral Preparation Day" in the City and County of San Francisco in honor of the school's Sesquicentennial Anniversary.

1/28/02, ADOPTED.

**020156 [Interim Zoning Controls - Live/Work Moratorium]
Supervisor Ammiano**

Resolution extending for an additional three-month period interim controls to prohibit the construction of new live/work developments.

(Received Certificate of Exemption/Exclusion from Environmental Review dated 2/13/02)

1/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 2/4/02 - Transmitted to Director of Planning for environmental review.

**020157 [Local Regulation of Cigarette Advertising]
Supervisors Daly, Leno**

Resolution urging the United States Congress to amend the Federal Cigarette Labeling and Advertising Act to allow state and local governments to regulate tobacco advertising and directing the City's Federal Legislative Representative to take appropriate steps in order to further the enacting of this legislation.

1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020158 [Reducing Greenhouse Gas Emissions]
Mayor**

Resolution supporting efforts to curb global warming, adopting greenhouse gas emissions reduction goals for the City and County of San Francisco in excess of the targeted goals of the Kyoto Protocol, and calling for continued actions towards achieving these goals. (Mayor)

1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020159 [Appointment to Telecommunications Commission]
Mayor**

Resolution approving the Mayor's appointment of Michael Rouan to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)

1/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020160 [Stop the Violence Against Women and Girls]
Supervisors Ammiano, Peskin, Daly, Hall**

Resolution establishing San Francisco as a Rape Free Zone and formally welcoming to San Francisco, "V Day" a global movement to stop violence against women and girls.

1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020161 [Centralized Intake Homeless Management Information System]
Supervisors Hall, Newsom, Maxwell**

Resolution urging the Mayor's Office of Homelessness to explore the possibility of creating and implementing a centralized intake homeless management information system.

1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020162 [Saint Paul's Grammar School Day]
Supervisors Hall, Ammiano, Leno, Newsom**

Resolution proclaiming February 24, 2002 as "Saint Paul's Grammar School Day" in the City and County of San Francisco in honor of the school's 85th Anniversary.

1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020163 [Grant - Public Defender]
Supervisors Maxwell, Daly**

Resolution authorizing the office of the Public Defender to accept and expend a grant in the amount of \$120,000 from Commonwealth to improve the quality and speed of pre-placement assessments, and increase and diversify placement options for youth detained at San Francisco Youth Guidance Center.

1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020164 [Supporting AB 1753, Vehicle License Fee]
Supervisors McGoldrick, Daly**

Resolution supporting AB 1753 (Migden), which would restore the State Vehicle License Fee.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020165 [Landmark Designation - Columbo Building]
Supervisor Peskin**

Resolution initiating the Designation of a Landmark of the Columbo Building, 1-21 Columbus Street, Block 195, Lot 4, pursuant to Section 1004.1 of the Planning Code.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020166 [Federal Prescription Drug Benefit Program]
Supervisors Sandoval, Daly**

Resolution urging Congress to pass legislation establishing a Prescription Drug Benefit Program that incorporates the principles outlined by the San Francisco Office on the Aging.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020167 [State Prescription Drug Discount Program]
Supervisors Sandoval, Daly**

Resolution urging the Governor of California to continue the State Prescription Drug Discount Program as it provides much needed assistance to Medicare recipients in San Francisco.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020168 [Unemployment Insurance Commission to extend benefits]
Supervisors Yee, Peskin, Daly**

Resolution urging our State and Federal Congressional delegations to take all appropriate steps to urge Unemployment Insurance Commission to extend benefits to the displaced workers from Lee Mah Electronics Company.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020169 [Displaced workers from WINS Garment Company]
Supervisors Yee, Daly**

Resolution urging our Federal Congressional representatives to take all appropriate steps to urge the Internal Revenue Service to cease attempts to put a lien on money set aside for displaced workers from WINS Garment Company.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020177 [Dominican Sisters of Mission San Jose Day]
Supervisors Hall, Newsom**

Resolution proclaiming February 10, 2002 as "The Dominican Sisters of Mission San Jose Day" in the City and County of San Francisco in honor of the order's 125th anniversary of ministry in San Francisco.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020178 [Commend - Department of Public Works]
Supervisors Hall, Peskin, Maxwell, Daly, Newsom**

Resolution commending the Department of Public Works and all other City agencies, merchant organizations, and community groups for their participation in programs that help keep San Francisco clean.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**020170 [Allegations of Discrimination]
Supervisor Daly**

Hearing to consider allegations of discrimination on the basis of sexual orientation and HIV status by members of the San Francisco Drug Abuse Advisory Board.
1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

~~**020171 [Impact of Unemployment in the Latino Community]
Supervisors Daly, Sandoval, Gonzalez**~~

~~Hearing to consider the disproportionate impact of unemployment in the Latino community.
1/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.~~

**020172 [Implementation of Equal Access to Services Ordinance]
Supervisor Leno**

Hearing to receive an update from Tier 1 City Departments on their implementation of the Equal Access to Services Ordinance.
1/28/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the February 13, 2002 meeting.

**020173 [Personnel for City Department Public Relations Purposes]
Supervisor McGoldrick**

Hearing on the use of city personnel and/or consultants by City departments for public relations purposes.
1/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020176 [Formulation of Department Budget]
Supervisor Peskin**

Hearing to address the formulation of Departmental budgets for three finance related departments.
1/28/02, RECEIVED AND ASSIGNED to Finance Committee.

Motions

**020150 [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.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020151 [Suspending Rules of Order]

Motion suspending Rules regarding referral of appointments to the Rules Committee. (Clerk of the Board)
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020149 [Appointment to San Francisco LAFCO]

Motion appointing Supervisor Tony Hall, term to be determined, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Supervisor Tony Hall, succeeding Supervisor Chris Daly, seat 2, must be a member of the San Francisco Board of Supervisors, for a term to be determined.

1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020185 [Appointment to San Francisco LAFCO]

Motion appointing Supervisor Aaron Peskin as an alternate member to the San Francisco Local Agency Formation Commission. (Clerk of the Board)
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020174 [Legislative Analyst Request]
Supervisors Daly, Hall**

Motion asking the Legislative Analyst to determine the size of the City's car fleet by City department and a review of policies on who can use these vehicles.

1/28/02, ASSIGNED to Board of Supervisors. Scheduled for consideration February 4, 2002.

**020175 [Legislative Analyst Request]
Supervisor Sandoval**

Motion asking the Legislative Analyst to conduct a survey of municipalities and states, with a particular emphasis on Maine, Oregon, Florida, and Massachusetts, to examine programs that reduce prescription drug costs for seniors.

1/28/02, ASSIGNED to Board of Supervisors. Scheduled for consideration February 4, 2002

Introduced by the President at the Request of Departments

PROPOSED ORDINANCES

020106 [Approval of the sale of street flower market permit and deletion of site location]

Ordinance approving the sale of a street flower market permit pursuant to San Francisco Public Works Code Article 5, Section 161, and amending Public Works Code Article 5, Section 155 to delete the flower market location on the south side of Market Street within 100 feet of the west line of 5th Street. (Public Works Department)

1/22/02, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

1/28/02, TRANSFERRED to Public Works and Public Protection Committee. New committee structure, 2/1/02.

PROPOSED RESOLUTIONS

~~**020077 [Lease of Real Property]**~~

~~Resolution authorizing extension of a lease of real property at 617-623 Mission/101 New Montgomery Streets for the Department of Child Support Services. (Real Estate Department)~~

~~1/17/02, RECEIVED AND ASSIGNED to Finance Committee.~~

020103 [Reduce risk behaviors that lead to exposure to HIV and increase adherence to remedial treatment after exposure to HIV]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$162,320.48 with The Regents of the University of California San Francisco (UCRSF), for the "Behavioral, Basic and Clinical Studies of the Post-Exposure Prophylaxis (PEP)" project for the period of September 1, 2001 to August 31, 2002. (Public Health Department)

1/18/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared at the February 12, 2002 meeting.

1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.

020104 [Grant - Juvenile Firesetters Program]

Resolution authorizing the Fire Department to accept and expend a grant in the amount of \$63,475.00 from the Federal Emergency Management Agency for the Juvenile Firesetters Program. (Fire Department)

1/18/02, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

1/28/02, TRANSFERRED to Public Works and Public Protection Committee. New Committee Structure 2/1/02.

020107 [Occupancy of the tow-away lane on Kearny Street and the sidewalk and a portion of the right turn lane on Jackson Street during construction operations at 838 Kearny Street]

Resolution granting revocable permission to Herrero Brothers to temporarily close and occupy a portion of the tow-away lane on the east side of Kearny Street between Jackson and Washington Streets; and to temporarily close and occupy the sidewalk and a portion of the right turn lane on the south side of Jackson Street between Kearny Street and Columbus Avenue during construction operations at 838 Kearny Street (Assessor's Block 0195, Lot 013). (Public Works Department)

1/22/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

020108 [Grant - Mental health services to transgender racial and ethnic minorities in non-mental health settings] Supervisors Leno, Newsom

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to accept and expend retroactively a grant in the amount of \$400,000 for the first year of three years from the Substance Abuse and Mental Health Services Administration (SAMHSA) to expand mental health services for racial and ethnic minority transgenders in non-mental health settings and to enter into an agreement for the use of these funds; for the period of October 1, 2001 to September 30, 2002. (Public Health Department)

1/22/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared at the February 12, 2002 meeting.

1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.

Requests Granted

From: Supervisor Ammiano

To: Controller

Requesting/Inquiring: Request for draft supplemental re-appropriation for Local Streets and Roads Rehabilitation Projects. (See attachment)

From: Supervisor Gonzalez

To: General Manager, Recreation and Park Department

Requesting/Inquiring: To report what steps are necessary to implement a pilot time-share program in District 5 creating times for off-lease dog use in parks.

From: Supervisor Leno

To: City Attorney

Requesting/Inquiring: To draft legislation, which would remove the ban on motorcycle parking between cars in metered parking.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation that would direct all officers, boards or commissions to allocate a percentage of the gross estimated construction costs from any bond issue or request for appropriation for the construction or alteration of a building, aboveground structure, new park, or transportation improvement project to a workforce development fund related to the new project.

Non-profit job developers, educational institutions and union apprenticeship programs may apply for funding, with those that are located in San Francisco and those that train disadvantaged residents given a priority.

From: Supervisor Maxwell

To: Tax Collector

Requesting/Inquiring: To report on the New Jobs Tax Credit program. In particular:

- 1. Information on the effect of the tax credit in the three most recent fiscal years in terms of employment and local tax revenues.*
- 2. A listing of businesses that have claimed the tax credit in the three most recent fiscal years.*
- 3. Information on the number of (a) San Francisco residents and (b) disadvantaged residents who gained employment in the three recent fiscal years as a result of the program.*

Due: February 25, 2002

From: Supervisor McGoldrick

To: All City Departments

Requesting/Inquiring: That all City departments that employ public relations personnel, report the number of such positions, the classification of such positions, the annual salary of such positions, as well as fringe benefits, and whether such programs are filled or vacant, and if vacant how long they have been so. If such services are provided through contract with consultants, please provide such contracts, along with the work plan under which the consultant operates. Responses to this inquiry should be addressed both to Supervisor McGoldrick and to Budget Analyst Harvey Rose.

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: To investigate the lawsuit filed by the State Attorney General of Nevada which seeks restitution for the state and its most elderly victims and charges 12 major drug companies with violation of the state's consumer protection, Medicaid fraud, and racketeering laws.

From: Supervisor Sandoval

To: Executive Director, Laguna Honda Hospital

Requesting/Inquiring: Inquiring if Laguna Honda Hospital will be contracting out the hospital's laundry

service jobs; and to report if the Executive Director has spoken with the union that currently represents laundry service workers to confirm that the contracting out of their services does not violate any collective bargaining agreement.

Due: Ten days from receipt of this letter.

From: Supervisor Yee

To: City Attorney

Requesting/Inquiring: To draft legislation to ban parking of large vehicles (e.g. trucks) soliciting customers via wrap-around, painted or otherwise emblazoned advertisements on the vehicles, in public parking lots, on public thoroughfares, or in other public places.

In Memoriams

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

Sume K. Chew (Supervisor McGoldrick)

David Graves (Entire Board)

Tony Kilroy (Entire Board)

Pete O. Lapid (Supervisor Sandoval)

Rizalino "Ross" Quema (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 4:35 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 March 18, 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