

# 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**

**Tuesday, March 23, 2004  
2:00 PM**

#### **Regular Meeting**

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**MATT GONZALEZ, PRESIDENT  
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,  
BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,  
JAKE MCGOLDRICK, AARON PESKIN, GERARDO SANDOVAL**

*Gloria L. Young, Clerk of the Board*

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MEETING MINUTES**

*Motion to approve the February 24, 2004 Meeting Minutes.*

## **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*



result in more than a negligible increase in the use of the street; DPT Order No. 2759.)

**Question: Shall this Resolution be ADOPTED?**

3.           **040166**    **[Traffic Regulations]**  
Resolution enacting and rescinding traffic regulations on various streets.

TWO-WAY STREET - ESTABLISH  
Laguna Street, between Fell and Oak Streets.

RIGHT TURN ONLY - REVOKE  
Laguna Street, southbound at Fell Street; and  
Laguna Street, northbound at Oak Street. (Parking and Traffic Department)

(2/10/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2759.)

**Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Gonzalez*

4.           **040160**    **[Settlement of Lawsuit - Maria Trapalis-Baird]**  
Ordinance authorizing the settlement of lawsuit filed by Maria Trapalis-Baird against the City and County of San Francisco for \$285,000; the lawsuit was filed on April 22, 2002, in San Francisco Superior Court, Case No. 419634, entitled Trapalis-Baird v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

5.           **040161**    **[Settlement of Lawsuit - Clara Tempongko, et al.]**  
Ordinance authorizing settlement of the lawsuit filed by Clara Tempongko, Janine Bersabe, by and through her Guardian ad Litem Clara Temponkgo, and Justin Nguyen, by and through his Guardian, Shawn Nguyen against the City and County of San Francisco for \$500,000; the lawsuit was filed on October 18, 2001 in the United States District Court, Case No. C01-3927 SBA; entitled Clara Tempongko, et al., v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

6.           **040217**    **[Settlement of Lawsuit - Pacific Bell Telephone Company and SBC Communications, Inc.]**  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Bell Telephone Company and SBC Communications, Inc., and a related law suit filed by Pacific Bell Telephone Company against San Francisco, for a payment to the Airport in the amount of \$4,057,204.26, and for a payment to the Department of Administrative Services of 20% of Pacific Bell's revenues from the sale of pre-paid calling cards with the San Francisco City Seal in 2003 and 2004, and on certain other terms; and

approving the settlement agreement; the lawsuits were filed on December 19, 2002 and December 20, 2002, in San Francisco County Superior Court, Case Nos. 415-918 and 415-996; and respectively entitled City and County of San Francisco v. Pacific Bell Telephone Company and SBC Communications, Inc., and Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**7. 040218 [Settlement of Lawsuit - Armstrong, et al., (Victor Humphrey)]**

Ordinance authorizing settlement of the lawsuit filed by Victor Humphrey against the City and County of San Francisco for \$27,500.00; the lawsuit was filed on July 9, 2001 in United States District Court, Northern District, Case No. C01-2611; entitled Armstrong, et al., v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**8. 040220 [Settlement of Lawsuit - Francisco Rivero and Pacific Interment Co., et al.]**

Ordinance authorizing settlement of the lawsuit filed by Francisco Rivero and Pacific Interment Co. against the City and County of San Francisco for \$1,700,000, which includes payment of a total of \$52,000 in punitive damages; the lawsuit was filed on September 9, 1993 in the United States District Court, Case No. C93-3383; entitled Francisco Rivero and Pacific Interment Co., et al., v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**9. 031430 [Appointment - Immigrant Rights Commission]**

Resolution appointing Deborah Escobedo and Svetlana Kaff, terms ending June 6, 2005, to the Immigrant Rights Commission.

Deborah Escobedo, succeeding Medea Benjamin, term expired, seat 4, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Svetlana Kaff, succeeding Hugh Wang, term expired, seat 7, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

**Question: Shall this Resolution be ADOPTED?**

**10. 040052 [Appointment - Pedestrian Safety Advisory Committee]**

Resolution appointing Cheryl Brinkman, Ken Kelton, Helen Kwan, Howard Strassner, Shirley Bierly and Sharon Priest, terms ending March 28, 2006 to the Pedestrian Safety Advisory Committee.

Cheryl Brinkman, succeeding herself, term expired, seat 1, must be a representative from pedestrian safety organizations, for a two-year term ending March 28, 2006.

Ken Kelton, succeeding himself, term expired, seat 3, must be a representative from

pedestrian safety organizations, for a two-year term ending March 28, 2006.

Helen Kwan, succeeding herself, term expired, seat 5, must be a representative from senior or disability organizations, for a two-year term ending March 28, 2006.

Howard Strassner, succeeding himself, term expired, seat 7, must be a representative from transit or environmental organization, for a two-year term ending March 28, 2006.

Shirley Bierly, succeeding herself, term expired, seat 9, must be a representative from a public health organization, for a two-year term ending March 28, 2006.

Sharon Priest, succeeding herself, term expired, seat 11, must represent the public at-large, for a two-year term ending March 28, 2006.

**Question: Shall this Resolution be ADOPTED?**

**11. 040085 [Appointment - Childhood Nutrition & Physical Activity Task Force]**

Resolution appointing Scott Hoshida, term ending December 12, 2004, to the Childhood Nutrition & Physical Activity Task Force; residency requirement waived.

Scott Hoshida (residency requirement waived), new position, seat 14, must belong to a foundation or philanthropic organization with an interest in physical activity and healthy eating, for the unexpired portion of a one year term ending December 12, 2004.

**Question: Shall this Resolution be ADOPTED?**

**12. 040173 [Appointment - Lead Hazard Reduction Citizens Advisory Committee]**

Resolution appointing Frances Doherty, Theodore Strong, James Forbes, and Carolyn Gold, terms ending December 22, 2005, Joe LaTorre, Neil Gendel, and Stephen Davis, terms ending December 22, 2006, and Tim Carrico, term ending December 22, 2004, to the Lead Hazard Reduction Citizens Advisory Committee; residency requirement waived.

Frances Doherty (residency requirement waived), succeeding herself, term expired, seat 3, must be a painting contractor, for the unexpired portion of a four-year term ending December 22, 2005.

Theodore Strong, succeeding himself, term expired, seat 4, must represent the building trades, for the unexpired portion of a four-year term ending December 22, 2005.

Joe LaTorre (residency requirement waived), succeeding himself, term expired, seat 6, must be a representative involved in housing and community development issues from the Mayor's office, for the unexpired portion of a term ending December 31, 2006.

Neil Gendel, succeeding himself, term expired, seat 8, must represent public interest organization, for the unexpired portion of a term ending December 31, 2006.

Tim Carrico, succeeding himself, term expired, seat 9, must be a residential owner, for the unexpired portion of a four-year term ending December 22, 2004.

James Forbes, succeeding David LaCounte, term expired, seat 10, must be a residential owner, for the unexpired portion of a four-year term ending December 22, 2005.

Carolyn Gold, succeeding herself, term expired, seat 12, must represent tenant organization, for the unexpired portion of a four-year term ending December 22, 2005.

Stephen Davis (residency requirement waived), succeeding himself, term expired, seat 14, must be lead testing expert, for the unexpired portion of a term ending December 31, 2006.

**Question: Shall this Resolution be ADOPTED?**

13.           **040267**    **[Appointment - San Francisco Health Authority]**  
Resolution appointing Gene Marie O'Connell, Dale Butler, and Steven Fields, terms ending January 15, 2006, and Maria Luz Torres, term ending January 15, 2007, to the San Francisco Health Authority; residency requirement waived.
- Gene Marie O'Connell, succeeding Anthony Wagner, resigned, seat 3, must be senior manager of San Francisco General Hospital, for the unexpired portion of a three year term ending January 15, 2006; residency requirement waived.
- Dale Butler, succeeding himself, term expired, seat 9, must be nominee of SF Labor Council, or any successor organization, for the unexpired portion of a three year term ending January 15, 2006.
- Steven Fields, succeeding himself, term expired, seat 12, must be a person knowledgeable in matters relating to either traditional safety net providers, health care organizations, the Medi-Cal program, or the activities of the health authority, nominated by the program committee of the health committee, for the unexpired portion of a three year term ending January 15, 2006; residency requirement waived.
- Maria Luz Torres, succeeding herself, term expired, seat 10, must be a nominee of the Health Authority Beneficiary Advisory Committee who shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for the unexpired portion of a three year term ending January 15, 2007.

**Question: Shall this Resolution be ADOPTED?**

14.           **040268**    **[Appointment - Treasure Island Development Authority Citizens Advisory Committee]**  
Resolution appointing Elizabeth Strahlstrom, term ending January 1, 2005, to the Treasure Island Development Authority Citizens Advisory Board.
- Elizabeth Strahlstrom, succeeding Arnold Levine, resigned, seat 11, must possess any of the following qualifications: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of TIHDI; representative of Job Corps; Representative of Treasure Island Elementary School; representative of film production industry; and representative of residential tenants on Treasure Island, for the unexpired portion of a four-year term ending January 1, 2005.

**Question: Shall this Resolution be ADOPTED?**

15.           **040307**    **[Appointment - Veterans Affairs Commission]**  
Resolution appointing Wallace Levin, Charles Reed, and George Gibbs, terms ending January 21, 2008, to the Veterans Affairs Commission.
- Wallace Levin, succeeding himself, term expired, seat 3, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2008.
- Charles Reed, succeeding Elizabeth Melnik, resigned, seat 4, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2008.
- George Gibbs, succeeding himself, term expired, seat 6, must be a veteran with a physical disability, for the unexpired portion of a four-year term ending January 31, 2008.



management services for the San Francisco Public Utilities Commission's (SFPUC) Capital Improvements Program for fiscal year 2003-04. Appropriated funds will facilitate the fourth year of the WIP contract in the amount of \$6,000,000 for the Program Management Organization (PMO) and \$1,000,000 for SFPUC staff and other support services.

(Fiscal impact.)

3/16/2004, AMENDED. Amended to delete release of reserved funds in the amount of \$2,500,000 from legislation in title and on page 5, lines 11-13; new title.

3/16/2004, PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

## **NEW BUSINESS**

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

- 19. 031501 [Findings for the need to regulate formula retail uses; enacting regulations for the Hayes-Gough NCD, and the Neighborhood Commercial Cluster Districts at Cole and Carl and Parnassus and Supervisors Gonzalez, Daly, Ammiano**

Ordinance to amend the Planning Code by adding Section 703.3 and by amending Section 182, and Section 303 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District, designate formula retail uses as a conditional use in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of Section 312 of the Planning Code, to require adoption by the Planning Commission of discretionary review guidelines for evaluating proposed formula retail uses, to provide additional conditional use criteria for evaluating proposed formula retail uses, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

12/9/2003, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

1/27/2004, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 20. 040137 [Mission Bay - Owens Street Acceptance, Subdivision 41-43, Phase 1]**

Ordinance accepting the dedication for right-of-way purposes of the Subdivision 41-43, Phase 1 portions of property adjacent to Owens Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition

facilities and declining the offer of the Pacific Gas & Electric facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; accepting miscellaneous easements and agreements relating to the project, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,642 and authorizing official acts in connection with this Ordinance. (Public Works Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**21. 040138 [Mission Bay - Owens Street and 16th Street Acceptance]**

Ordinance accepting the dedication for right-of-way purposes of the additional portions of property adjacent to Owens Street and 16th Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities and declining the offer of the Pacific Gas & Electric facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,643 and authorizing official acts in connection with this Ordinance. (Public Works Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**22. 040139 [Mission Bay - Fourth Street Public Improvements (UCSF - Phase 1.2)]**

Ordinance accepting the dedication for right-of-way purposes of the irrevocable offer of portions of future Fourth Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking; accepting the irrevocable offer for the acquisition facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; accepting a utility easements agreement relating to the project, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,644 and authorizing official acts in connection with this Ordinance. (Public Works Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**23. 040167 [Market Street Truck Loading Bays]**

Ordinance amending San Francisco Traffic Code Section 33.3.2 to permit the Department of Parking and Traffic to designate tour bus loading zones, commercial loading zones, or parking meters in parking bays along Market Street, between Steuart and Octavia Streets. (Parking and Traffic Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**24. 040168 [Modification of traffic regulations at Oak and Laguna]**

**Streets]**

Ordinance repealing Section 34.4 of the San Francisco Traffic Code, pertaining to prohibiting left-hand turns against red or "Stop" signals, at all times. (Parking and Traffic Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**25. 040169 [Modification of traffic regulations at the intersection of Fell and Laguna Streets]**

Ordinance repealing Section 34.7 of the San Francisco Traffic Code, pertaining to prohibiting left-hand turns against red or "Stop" signals, at all times. (Parking and Traffic Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**26. 040165 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Missouri Street, both sides, between 20th and 22nd Streets (500 and 600 blocks); and Sierra Street, north side, between Missouri and Texas Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Plymouth Avenue, east side, from Monterey Boulevard to 60 feet northerly;

Cesar Chavez Street, north side, from 35 feet to 85 feet east of Connecticut Street (extends existing 35-foot zone by an additional 50 feet); and

Cesar Chavez Street, south side, from Connecticut Street to 85 feet easterly.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH

Ellis Street, south side, from Laguna Street to 350 feet westerly (legislates existing conditions);

Waller Street, north side, from Divisadero Street to Broderick Street (legislates existing conditions); and

Market Street, north side, between the east and west curb lines of Stuart Street.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Edgar Place, east side, from 80 feet south of Niagara Avenue to the southern terminus (unit block).

NO PARKING ANYTIME - RESCIND

NO PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - ESTABLISH

Nido Avenue, west side, between Turk and Vega Streets; and

Vega Street, north side, between Anza Vista and Nido Avenues.

TOW-AWAY NO PARKING, 9 PM TO 6 AM, EXCEPT SATURDAY AND SUNDAY - RESCIND

10-MINUTE GREEN ZONE, 9 AM TO 6 PM, EVERYDAY - RESCIND

PARKING METER AREA NO. 1 (30-MINUTE METERS, 7 AM TO 6 PM, EVERYDAY) - EXTEND

Market Street, north side, between the east and west curb lines of Stuart Street.

TOW-AWAY, NO STOPPING, 3 PM TO 6 PM, EVERYDAY - RESCIND

TOW-AWAY, NO STOPPING, 3 PM TO 7 PM, EVERYDAY - ESTABLISH

3rd Street, both sides, from Mission to Market Streets; and





performing arts gifts on March 22, 2004 at the Herbst Theatre in the San Francisco War Memorial Performing Arts Center to donate funds and raise the consciousness of the community in the fight against the AIDS pandemic in Africa by proclaiming March 22, 2004 as SYLVESTER Day in the City and County of San Francisco.

3/16/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**35. 040339 [Accept-Expend State Grant] Supervisor Alioto-Pier**

Resolution authorizing the Office of Emergency Services to accept and expend a grant in the amount of \$23,322 from the California Governor's Office on Service and Volunteerism for the Neighborhood Emergency Response Team Program.

3/16/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**36. 040340 [Opposing Section 484(r) of the Higher Education Act] Supervisors Gonzalez, Maxwell**

Resolution opposing Section 484(r) of the Higher Education Act.

3/16/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**37. 040342 [Commending the California High Speed Rail Authority] Mayor, Supervisor Peskin**

Resolution commending the California High Speed Rail Authority as they begin their statewide public hearing process to finalize the EIR/EIS process.

3/16/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**38. 040264 [Final Map for 5 Unit Commercial/Residential Condominium Project - 2346 Clement Street]**

Motion approving Final Map of 2346 Clement Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 25 in Assessor's Block No. 1409, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department) (DPW Order No. 174,714; District No. 1.)

3/12/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

**39. 040265 [Final Map for a 13 Unit Residential Condominium Project - 1598 Dolores Street]**

Motion approving Final Map of 1598 Dolores Street, a Residential Condominium Project,

being a subdivision of Lot 39 in Assessor's Block No. 6618, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 174,713; District No. 8.)

3/12/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

**40. 040317 [Needle Exchange Emergency]**

**Supervisors Ammiano, Daly,  
Peskin, McGoldrick, Maxwell,  
Dufty**

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

3/16/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

**41. 040345 [Possible Removal and Replacement of the  
Vaillancourt Fountain in Justin Herman Plaza]**

**Supervisor Peskin**

Resolution urging the Recreation and Park Department and the Arts Commission, in consultation with the City Attorney's Office, the Port Commission and the Department of Public Works, to consider the possible removal and replacement of the Vaillancourt Fountain from Justin Herman Plaza with alternative works of art or public areas and to explore possible funding sources for such removal and replacement.

3/16/2004, 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: \_\_\_\_\_*

**42. 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 March 9, 2004 through March 15, 2004, for reference by President to appropriate committee on March 23, 2004.*

*NONE.*

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from March 9, 2004 through March 15, 2004, for reference by President to appropriate committee on March 23, 2004.*

**040269 [John Muir Drive Declaration of Emergency]**

Resolution declaring a public emergency at John Muir Drive as a result of the unstable conditions caused by heavy rains and directing and authorizing the Director of the Department of Public works to take necessary measures in the most expeditions manner to protect the health, welfare and property of the citizens of the City and County of San Francisco. (Public Works Department)

3/12/2004, RECEIVED AND ASSIGNED to City Services Committee.

**040306 [Grant of Regional Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$191,205 of State Traffic Systems Management funds for Municipal Railway Transit Signal System Preemption Projects, excluding Administrative Overhead costs.

3/9/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040355 [Petitions and Communications]**

Petitions and Communications received from March 9, 2004 through March 15, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 23, 2004.

From Office of the Public Defender, regarding request for ideas and input on how a Controller's Community Audit can identify community needs, assess community benefit programs, and evaluate City services and City-funded programs to quantify needs and recommend policies, programs and needed resources to improve the quality of life in the southeast neighborhoods of San Francisco. (Reference No. 20040210-015) Copy: Supervisor Dufty (1)

From the Port, submitting a detailed status report on the Port's plans for Pier 70 and Piers 90-96, the Backlands, including the departments' proposed budget, planning process, timeline and any RFP's being considered for the areas. (Reference No. 20040203-027) Copy: Supervisor Maxwell (2)

From various signators, submitting Form 700 Statement of Economic Interests: Harvey Rose, Madeleine Licavoli, David Owen, Gabriel Cabrera, Adam Van De Water, Stanton W. Jones, David J. Canepa, Jaynry Mak, Frances Hsieh, Gregory Asay, Erasmo Vazquez (3)

From Independent Living Resources Center, submitting copy of letter sent to Department of Public Works regarding the installation of a curb cut on the corner of New Montgomery and Jessie Street. (4)

From Department of Parking and Traffic, regarding request for a school crosswalks at Claire Lillenthal School at Arguello Boulevard at Clay Street. (5)

From Departments of the Army and the Air Force, regarding the scope and costs of programs

and activities addressing security of the entire waterfront in San Francisco. (Reference No. 20040203-012) Copy: Supervisor Alioto-Pier (6)

From Police Department, submitting statistics concerning implementation of the Aggressive Solicitation Ban, a proposition approved by voters on November 4, 2003. (Reference No. 2004127-006) Copy: Supervisor Gonzalez (7)

From Department of Public Health, submitting notification of emergency fire restoration work at Laguna Honda Hospital on March 3, 2004. (8)

From Planning Department, submitting notice of continuance to April 1, 2004 of hearing on appeal of the Preliminary Negative Declaration concerning the update of the Housing Element of the San Francisco General Plan. Copy: Each Supervisor (9)

From Office of the Treasurer, regarding investment activity (for fiscal year to date) of the portfolios under management. (10)

From Alliance for a Clean Waterfront, submitting support for the creation of a Public Utilities Commission Citizens Advisory Committee. (11)

From Office of the City Attorney, submitting report for the number of hours of service provided to the Board of Supervisors on confidential matters in January 2004. (12)

From Office of the City Attorney, submitting report for the number of hours of service provided to the Board of Supervisors in January 2004. (13)

From Round the Diamond, regarding increasing voter turnout in San Francisco. (14)

From Bay Area Quality Management District, submitting copy of letter sent to constituent regarding pedestrian safety and the Page Street Traffic Calming project. (15)

From Department of Public Health, regarding request for ideas and input on how a Controller's Community Audit can identify community needs, assess community benefit programs, and evaluate City services and City-funded programs to quantify needs and recommend policies, programs and needed resources to improve the quality of life in the southeast neighborhoods of San Francisco. (Reference No. 20040210-005) Copy: Supervisor Dufty (16)

From Office of the Controller, submitting cost analysis of an amendment to the MOU between CCSF and the International Federation of Professional and Technical Engineers, Local 21. (17)

From Comcast Communications Inc., submitting notice that customers of Comcast Cable will have access to NBA TV starting April 1, 2004. (18)

From Charlotte Breckenridge, submitting support for establishing an independent Library Citizens Advisory Committee. File 020585, Copy: Each Supervisor (19)

From Elaine Wellesley, submitting request for approval of a Type 9, 17 and 20 liquor license for Evocations Creative Wine Concepts at 70 Zoe Street. (20)

From Marilyn Amini, submitting petition requesting that proposed resolution regarding "Same-Sex Marriage" be sent to Committee for public input. File 040201 (21)

From concerned citizens, urging the Board to direct the Fire Chief to change proposed plan to hire 96 single-function firefighters, and instead hire 96 paramedic-licensed recruits. (22)  
From Police Department, submitting list of grant-funded programs which allow the Police Department to provide additional patrol or other special services. (Reference No. 20040210-011) (23)

From Castro Area Planning Action, submitting support for proposed resolution urging the Governor to consider postponing further construction work on the Central Freeway to allow the City to study alternate configurations that will create a better environment for the neighborhoods directly adjacent to the proposed route. (24)

From concerned citizens, submitting support for proposed ordinance regulating formula retail businesses in Neighborhood Commercial Districts. (25)

From Irene Lee, urging the Board to fully fund the Employee Assistance Program (EAP). (26)

From concerned citizens, commenting on the SFPUC Deputy Director spending \$4,000 to repaint a city-owned vehicle. (27)

From concerned citizens, submitting opposition to installing parking meters in Golden Gate Park. Copy: Supervisors Dufty, Daly, Gonzalez, Maxwell, Ma, Sandoval (28)

From James Chaffee, submitting a newspaper article from the "Night Cabbie" regarding the old main library. Copy: Each Supervisor (29)

From Jon Gomwalk, submitting report from the SF League of Urban Gardeners (SLUG) regarding an internal investigation into events surrounding the December 9, 2003 run-off election. Copy: Each Supervisor (30)

From Mesha Monge-Irizarry, submitting her concern with Bay Area Police Watch and the Idriss Stelley Foundation participating in police training, crisis intervention, cultural awareness and citizen training, whichever starts first. (31)

From Bill Quan, concerning proposed Health Code amendment regarding relocation of persons affected by lead hazards. File 031992 (32)

## **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: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or

displayed in the room; and 4) standing in the Legislative Chamber.

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.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

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

Board meetings are cablecast on SF Cable 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 no later than noon the Friday before the meeting.

Contact Ohn Myint at (415) 554-7704.

**AVISO EN ESPAÑOL:** La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **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: #47 Van Ness, 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.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting.

This advance notice will help ensure availability.

ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

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

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

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.

### **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 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 Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be

required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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