

# 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, June 17, 2003  
2:00 PM**

#### **Regular Meeting**

**MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL**

**Gloria L. Young, Clerk of the Board**

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## **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.*



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. 2624; No Public Benefit Recipient.)

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

**4. 030778 [Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING, MONDAY-FRIDAY, 4:00 PM TO 6:00 PM (SIX-MONTH TRIAL) - RESCIND

Fell Street, south side, from Baker Street to Scott Street (Fell Street bike lanes).

TOW-AWAY, NO STOPPING, MONDAY-FRIDAY, 4:00 PM TO 7:00 PM (SIX-MONTH TRIAL) - ESTABLISH

Fell Street, south side, from Divisadero Street to 182 feet easterly (Fell Street bike lanes).

TOW-AWAY, LANE MUST TURN LEFT (SIX-MONTH TRIAL) - ESTABLISH

Fell Street, at Scott Street (Fell Street bike lanes). (Parking and Traffic Department)

(5/2/03: 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. 2624; No Public Benefit Recipient.)

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

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Gonzalez*

**5. 030691 [Settlement of Legal Proceeding]**

Ordinance approving the settlement of a claim filed by the City and County San Francisco in the bankruptcy entitled In re Metricom, Inc., United States District Court, Northern District of California, Case No. 01-53291-ASW. (City Attorney)

(Public Benefit Recipient.)

6/10/2003, PASSED, ON FIRST READING.

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

**6. 030773 [Settlement of Lawsuit - Loretta A. Bowie]**

Ordinance authorizing settlement of the matter of Loretta A. Bowie v. City and County of San Francisco and Louise Statzer for \$92,500. The lawsuit was filed on April 17, 2002, in San Francisco Superior Court, Case No. 406-801, and was removed to United States District Court on June 26, 2002, Case No. C 02-3082 SI; entitled Loretta A. Bowie v. City and County of San Francisco and Louise Statzer. (City Attorney)

(Public Benefit Recipient.)

6/10/2003, PASSED, ON FIRST READING.

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

**7. 030774 [Settlement of Lawsuit - Derrell Neal]**

Ordinance authorizing settlement of the lawsuit filed by Derrell Neal against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 26, 2002 in San Francisco Superior Court, Case No. 401-659; entitled Derrell Neal, et al., v. City and County of San Francisco, et al.

(Public Benefit Recipient.)

6/10/2003, PASSED, ON FIRST READING.

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

**8. 030775 [Settlement of Lawsuit - YONG SHAO MA and PUI KAY CHAN]**

Ordinance authorizing settlement of the lawsuit filed by YONG SHAO MA and PUI KAY CHAN against the City and County of San Francisco for \$750,000; the lawsuit was filed on October 26, 1998 in San Francisco Superior Court, Case No. 998-809; entitled Yong Shao Ma, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/10/2003, PASSED, ON FIRST READING.

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

*Present: Supervisors Hall, Dufty, Gonzalez*

**9. 030905 [Settlement of Lawsuit - JMB Construction, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by JMB Construction, Inc., against the City and County of San Francisco, for \$200,000; the lawsuit was filed on June 10, 2002, in San Francisco Superior Court, Unlimited Jurisdiction, Case No. 408-928; entitled JMB Construction, Inc. v. City and County of San Francisco; other material terms of said settlement are: (1) The City reserves all rights to pursue claims against JMB for latent defects in the contract work, and JMB agrees to retain full responsibility for latent defects in the contract work; (2) All warranties under the contract and which are not yet expended shall remain in full force and effect; (3) The City shall retain responsibility for any future claims made by Union Pacific Railroad Company ("Union Pacific") arising from the contract, except that JMB shall retain full responsibility for any claims by Union Pacific arising from damage caused by JMB; (3) In consideration for the proposed settlement payment, JMB has agreed to dismiss the action with prejudice in its entirety; and (4) the City and JMB each shall bear its own legal costs and fees arising from this action.

(Public Benefit Recipient.)

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

*Present: Supervisors Hall, Gonzalez*

**10. 031012 [Appointment]**

Resolution appointing Tsuyako Kitashima, term ending March 31, 2005 to the Commission on Aging Advisory Committee.

Tsuyako Kitashima, succeeding herself, term expired, seat 8, must be a nominee of District 1 Supervisor for a two year term ending March 31, 2005.

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

**11. 031020 [Appointment]**

Resolution appointing Janice Voorsluys and Dale Butler, terms ending November 19, 2004 to the Bicycle Advisory Committee.

Janice Voorsluys, new appointment, seat 4, must be a nominee of District 4 Supervisor for a two year term ending November 19, 2004.

Dale Butler, new appointment, seat 6, must be a nominee of District 6 Supervisor for a two year term ending November 19, 2004.

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

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **Recommendation of the Budget Committee**

*Present: Supervisors Daly, Maxwell, Ma*

**12. 030830 [Public Works Code Permit Fees and Assessment] Mayor**

Ordinance adding Article 2.1 of the Public Works Code to add sections 2.1.1, 2.1.2, 2.1.3, and 2.1.4 concerning permit fees and occupancy assessments, specifying procedures to establish such permit fees and assessments, amending section 2.4.45 to modify the procedures for fee review and adjustments, and making environmental findings. (Mayor)

6/10/2003, AMENDED.

6/10/2003, PASSED ON FIRST READING AS AMENDED.

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

### **Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, McGoldrick*

**13. 030577 [Parental Leave] Supervisor Daly**

Ordinance approving rules for administration, interpretation and regulation of Parental Leave as submitted by the Department of Human Resources.

(Fiscal impact.)

6/10/2003, PASSED ON FIRST READING.

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



for professional services to implement a ranked-choice voting system for the Department of Elections for fiscal year 2002-03.

(Fiscal impact.)

6/10/2003, PASSED ON FIRST READING.

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

**19. 030845 [Appropriation - \$526,000, Department of Elections]**

Ordinance appropriating \$526,000 from the General Fund Reserve to implement the ranked-choice voting public education plan for the Department of Elections for fiscal year 2002-03, placing \$250,000 on reserve by the Finance Committee.

6/10/2003, PASSED ON FIRST READING AS AMENDED.

6/10/2003, AMENDED.

6/10/2003, PASSED ON FIRST READING AS AMENDED.

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

**20. 030780 [Lease of Real Property]**

Resolution authorizing a Sublease renewal of approximately 117,826 square feet of space at 1235 Mission Street for the Department of Human Services. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient.)

6/10/2003, CONTINUED. Continued to June 17, 2003

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

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Dufty, Gonzalez*

**21. 030328 [Settlement of Unlitigated Claim] Supervisors Hall, Ma**

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of three coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to one or more entities formed by Glenn Meyers, Dayna Meyers, and Garrett Meyers, approving the suspension of the Minimum Annual Guarantee for two Airport restaurants, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

5/6/2003, CONTINUED. Continued to May 13, 2003

5/13/2003, CONTINUED. Continued to May 20, 2003

5/20/2003, CONTINUED. Continued to June 10, 2003

6/10/2003, PASSED ON FIRST READING.

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

**22. 030034 [Campaign Finance Reform Amendments of 2003] Supervisor Gonzalez**

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code

by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarify that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to \$5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-rata is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to \$5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections shall decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

6/10/2003, PASSED ON FIRST READING.

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

**23. 030660 [Settlement of Lawsuit - Carmi L. Johnson]**

Ordinance authorizing settlement of the lawsuit filed by Carmi L. Johnson against the City and County of San Francisco for \$85,000; the lawsuit was filed on March 2, 2001 in United States District Court, Northern District, Case No. C01-0904 SBA; entitled Carmi L. Johnson v. City and County of San Francisco, Roland Chen, Therese Madden; other material terms of said settlement are: 1. PUC to redistribute policies regarding prevention of harassment and retaliation; 2. City to provide contact individual at City Department of Human Resources for future EEO issues. (City Attorney)

(Public Benefit Recipient.)





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

- 29. 030968 [MOU - Deputy Probation Officers' Association] Mayor**  
Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Probation Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

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

- 30. 030969 [MOU - District Attorney Investigators' Association] Mayor**  
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the District Attorney Investigators' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

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

- 31. 030970 [MOU - Union of American Physicians and Dentists (Unit 8CC)] Mayor**  
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2003 through June 30, 2005. (Mayor)

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

- 32. 030972 [MOU - San Francisco Institutional Police Officers' Association] Mayor**  
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

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

- 33. 030974 [MOU - Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO] Mayor**  
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)

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

- 34. 030975 [MOU - San Francisco Interns and Residents Association] Mayor**  
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Interns and Residents Association, to be effective July 1, 2003 through June 30, 2005. (Mayor)

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



Commission to initiate amendments to the General Plan to incorporate the Precautionary Principle. (Mayor)

6/3/2003, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

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

**41. 030779 [Speed Limit - Fulton Street between Masonic Avenue and Stanyan Street]**

Ordinance adding Section 174.05 and amending Section 175.22 of the San Francisco Traffic Code to reduce the speed limit from 30-MPH to 25-MPH on Fulton Street between Masonic Avenue and Stanyan Street. (Parking and Traffic Department)

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

**42. 030862 [Restricted Traffic Streets] Supervisor Hall**

Ordinance adding Traffic Code Sections 28.1.107, 28.1.108, and 28.1.109 to restrict any person from operating a vehicle with gross weight in excess of 6,000 pounds on Claremont Boulevard between Portola Drive and Taraval Street, Dewey Boulevard between Laguna Honda Boulevard and Taraval Street, and Taraval Street between 14th Avenue and Dewey Boulevard.

(5/16/03: 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.)

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

**43. 030828 [Housing Element of General Plan] Supervisor McGoldrick**

Resolution requesting that the Planning Department give the highest priority to completion of environmental review for the revision of the Housing Element of the City's General Plan.

5/13/2003, REFERRED to Land Use Committee.

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

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Gonzalez*

**44. 030923 [Appointment - Municipal Transportation Agency] Mayor**

Resolution confirming the appointment of Michael G. Kasolas to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007. (Mayor)

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

**45. 031011 [Appointment]**

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Mental Health Board.

Bevan Dufty, succeeding Aaron Peskin, term expired, seat 17, must be a member of the Board of Supervisors for a two year term ending January 31, 2005.

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

## SPECIAL ORDER 3:00 P.M.

**46. 030704 [Public Hearing - Appeal, Conditional Use, 1017 Ocean Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16558 dated March 27, 2003 approving a conditional use authorization, Case No. 2002.1231C, to install a total of three (3) panel antennas and related equipment at an existing three-story, multi-use structure (Commercial/Residential) as part of Verizon's wireless telecommunications network within a NC-2 (Small Scale Neighborhood Commercial) Zoning District, and within a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues; Lot 041, in Assessor's Block 6945.

(Appeal filed April 24, 2003; categorically exempt from environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 030705, 030706, 030707; District 11.)

5/20/2003, CONTINUED. Continued to June 17, 2003

**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.*

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

**47. 030705 [Appeal, Conditional Use - 1017 Ocean Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 16558, approving Conditional Use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

5/20/2003, CONTINUED. Continued to June 17, 2003

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

**48. 030706 [Appeal, Conditional Use - 1017 Ocean Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 16558, approving Conditional Use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

5/20/2003, CONTINUED. Continued to June 17, 2003

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

**49. 030707 [Findings - 1017 Ocean Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional

use Application No. 2002.1231C on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues, for action by the Board at its next meeting. (Clerk of the Board)

5/20/2003, CONTINUED. Continued to June 17, 2003

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

## **SPECIAL ORDER 3:00 P.M.**

**50. 030886 [Appeal, Mitigated Negative Declaration - O'Shaughnessy Dam at the Yosemite National Park]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16573 adopted May 1, 2003, approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park, Tuolumne County. (Restore Hetch Hetchy and Sierra Club Appellants)

(Appeal filed May 9, 2003 and May 15, 2003 by Restore Hetch Hetchy and Sierra Club SF Chapter respectively.

6/10/2003, CONTINUED. Continued to June 17, 2003

**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.*

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

**51. 030887 [Affirming adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

6/10/2003, CONTINUED. Continued to June 17, 2003

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

**52. 030888 [Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

6/10/2003, CONTINUED. Continued to June 17, 2003

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

**53. 030889 [Preparation of findings to reverse adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

6/10/2003, CONTINUED. Continued to June 17, 2003

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

## **SPECIAL ORDER 3:00 P.M.**

**54. 030896 [Public Hearing - Appeal, Determination of Exemption of Environmental Review - Secondary Units Legislation]**

Hearing of persons interested in or objecting to the decision of the Planning Department Environmental Review Officer dated April 23, 2003, granting the Secondary Units Legislation (Board of Supervisors File No. 021598), a Statutory Exemption from the California Environmental Quality Act under State CEQA Statutes, Section 2108017; State CEQA Guidelines, Section 15282(i) and General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3)).

(Appeal filed May 14, 2003 by Preserve our Neighborhood; May 20, 2003 by Bud Wilson; June 2, 2003 by Coalition for SF Neighborhoods; Planning Case No. 2002.0418E.)

**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.*

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

**55. 030897 [Affirming the exemption/exclusion issued for Secondary Unit Ordinance]**

Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

**56. 030898 [Disapproving the statutory exemption/exclusion issued for the Secondary Unit Ordinance]**

Motion disapproving the determination by the Planning Department that the Secondary Unit Ordinance is statutorily exempt/excluded from environmental review. (Clerk of the Board)

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

**57. 030899 [Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]**





Ordinance re-appropriating \$9,342,000 of existing departmental revenues to cover over-expenditures in personnel costs, non-personal services, and workers compensation for the San Francisco General and Laguna Honda Hospitals for the Department of Public Health for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

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

**62. 030973 [MOU - Municipal Attorneys' Association] Mayor**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

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

*The following items will be considered by the Budget Committee at a Special Meeting on Wednesday, June 12, 2003 at 9:30 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

**63. 030984 [Redevelopment Agency Budget, Fiscal Year 2003-2004] Mayor**

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004. (Mayor)

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

**64. 030736 [Appropriation, \$4,725,783 - Police Department and Sheriff's Department for the anti-war demonstrations]**

Ordinance appropriating a total of \$4,725,783 from the General Reserve, consisting of \$4,230,573 for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services, and \$495,210 for the Sheriff's Department for overtime, fringe benefits, and food associated with the provision of mutual aid to the Police Department during the anti-war demonstrations, for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

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

**65. 031032 [Treasure Island Development Authority Budget, Fiscal Year 2003-2004] Mayor**

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2003-2004. (Mayor)

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

**From Budget Committee With Recommendation "Do Not Pass"**

**66. 030868 [Elimination of Paid Ballot Arguments] Mayor**



6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 72. 031069 [Commend A Better Chinatown Tomorrow] Supervisors Peskin, Dufty, Ma**  
Resolution commending the efforts of A Better Chinatown Tomorrow in rejuvenating the economy of Chinatown.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 73. 031070 [Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium] Supervisor Daly**  
Resolution authorizing the City Administrator to enter into a Third Amendment to the Management Agreement for Moscone Convention Center and Civic Auditorium.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 74. 031071 [Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority] Supervisor Dufty**  
Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 75. 031072 [Designating Sail San Francisco as official tall ship and training ship] Supervisor Peskin**  
Resolution designating Sail San Francisco as official tall ship and training ship hosting organization for the City and County of San Francisco and commending Sail San Francisco for its contributions to the small business and tourism revitalization of the waterfront.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 76. 031074 [Extension of Planning Commission Review Period] Supervisor Maxwell**  
Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1 9bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street) from M-1 (Light Industrial) to NC-3 (Moderate Scale Neighborhood Commercial District) and the 17th Street and Rhode Island Grocery Store Special Use Subdistrict and a companion ordinance to amend the Planning Code by adding Section 781.10 to create the 17th and Rhode Island Grocery Store Special Use Subdistrict.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT

BOARD MEETING.

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

**77. 031075 [Accept-Expend a Gift-in-Place] Supervisor Newsom**

Resolution authorizing the Recreation and Park Department to accept and expend a gift-in-place valued at \$18,000.00 from Mr. Jeffery G. Edwards to the Recreation and Park Department for resurfacing the athletic courts at Julius Kahn Playground.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**78. 031076 [Support of Proposed Skate Park at Potrero del Sol Park] Supervisors Newsom, Dufty**

Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**79. 031077 [Commend Leslie Caron] Supervisor Newsom**

Resolution commending Leslie Caron for her six decades of outstanding achievement in the theatre and feature films and proclaiming June 30th, 2003 as "Leslie Caron Day" in the City and County of San Francisco.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**80. 031048 [Final Map for a 7 Unit Commercial/Residential Condominium Project]**

Motion approving Final Map of 430 - 438 Judah Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 21 in Assessor's Block No. 1764, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,155; District 5.)

6/5/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**81. 031049 [Needle Exchange Emergency] Supervisors Ammiano, Newsom, 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.

6/10/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**82. 031073 [Extending the San Francisco Zoo Audit Select Committee] Supervisor Ma**

Motion extending the San Francisco Zoo Audit Select Committee.

6/10/2003, 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: \_\_\_\_\_*

## **83. 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 June 3, 2003 through June 9, 2003, for reference by President to appropriate committee on June 17, 2003.*

**030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of \$2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)

6/5/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031013 [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of \$1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.)

6/5/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031019 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]**

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

6/9/2003, RECEIVED AND ASSIGNED to Land Use Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from June 3, 2003 through June 9, 2003, for reference by President to appropriate committee on June 17, 2003.*

**031016 [Study of HIV prevention in beerhalls in Harare, Zimbabwe]**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to enter retroactively into the second year of an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and to accept and expend funds in the amount of \$39,774 to participate in a randomized trial of HIV prevention in beerhalls in Harare, Zimbabwe, for the period of May 1, 2003, to April 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)

6/5/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031017 [Lease of Real Property]**

Resolution authorizing a lease of approximately 51,119 square feet of space at 1650 Mission Street for the Department of Human Services for a term of five years. (Real Estate Department)

(Public Benefit Recipient.)

6/6/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031018 [Lease of Real Property]**

Resolution authorizing a lease of approximately 13,706 square feet of space at 1650 Mission Street for the Department of Building Inspection for a term of five years. (Real Estate Department)

(Public Benefit Recipient.)

6/6/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031085 [Appointing Ed Harrington to the San Francisco Bay Area Regional Water System Financing Authority]**

Resolution appointing Edward Harrington, to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority. (Public Utilities Commission)

6/9/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031093 [Petitions and Communications]**

Petitions and Communications received from June 3, 2003 through June 9, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 17, 2003.

From Treasurer/Tax Collector, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for Federal Express Corporation.(1)

From Police Department, submitting request for waiver of Chapters 12B and 12C of the Administrative Code, for a governmental bulk purchasing arrangement purchase from the State of California, Office of Criminal Justice Planning.(2)

From Department of Children, Youth and Their Families, submitting notice that the Department incurred no cost due to the anti-war protest in March 2003.(20030325-071)  
Copy: Supervisor Hall(3)

From Mayor's Office of Emergency Services, submitting list of Federal grants received related to Homeland Security for fiscal year 2003. (Reference No. 20030408-006) Copy: Supervisor Newsom(4)

From Office of the Mayor, submitting technical adjustments to the Mayor's proposed 2003-04

Budget submission for consideration of the Budget Committee. Copy: Budget Committee(5)

From Office of the Controller, regarding change in the Airport Commission's expenditure budget over the past three years. Copy: Budget Committee(6)

From The Brothers Earl, LLC, submitting request for a type 48 on sale liquor license for "House of Shields" located at 39 New Montgomery Street.(7)

From Scott Wilderman, submitting opposition to proposed legislation regarding "Secondary Units" in San Francisco. Copy: Land Use Committee(8)

From Law Office of J. William Yeates, regarding appeal of the O'Shaughnessy Dam Discharge Modification Project. File 030886, Copy: Each Supervisor(9)

From Supervisor Tony Hall, regarding motion directing the Budget Analyst to conduct a priority audit of the Controller's Office. File 030818(10)

From Comcast Cable Communications, Inc., submitting Comcast's rebuild schedule and launch dates in the City and County of San Francisco.(11)

From Peter Warfield, submitting notice that the Library Commission failed to pass the City Librarian's revised Branch Library Improvement Program Advisory Committee at its regular June 5, 2003 meeting.Copy: Each Supervisor(12)

From Tenant Associations Coalition of San Francisco, submitting support for renewal of Department of Public Works funding in the amount of \$135,000 for the Tenderloin Sidewalk Improvement Program. Copy: Each Supervisor, Budget Committee(13)

For Alliance for a Better District 6, submitting support for renewal of Department of Public Works funding in the amount of \$135,000 for the Tenderloin Sidewalk Improvement Program. Copy: Each Supervisor, Budget Committee(14)

From Office of the Controller, submitting performance measure report and sample page from the community indicators report. Copy: Budget Committee(15)

From Planning Department, submitting appeal report for property located at 40-50 Lansing Street. File 031037(16)

From SF Housing Authority, regarding risk management procedures at the Housing Authority. (Reference No. 20030325-086) Copy: Supervisor McGoldrick(17)

From Office of the Treasurer, submitting correspondence with attachments that show the investment activity (for fiscal year to date) of the portfolios under management.(18)

From Planning Department, submitting the Wharf J-10 Statutory Emergency Exemption Question and Answer Sheet. Copy: Each Supervisor(19)

From Fine Arts Museums of San Francisco, submitting copy of letter sent to the Department on the Status of Women and CEDAW Task Force regarding the impact of budget cuts on the City's Equal Access to City Services for limited English speakers. File 030530(20)

From Pedestrian Safety Advisory Committee, submitting opposition to proposed resolution regarding the Motorcycle Sidewalk Parking Policy. File 030808(21)



From Department of the Environment, submitting 2002 annual report for the Resource Conservation Ordinance.(22)

From Sunset Community Democratic Club, submitting opposition to proposal to close the mental health rehabilitation facility at SF General Hospital. Copy: Budget Committee(23)

From Lawrence Maxwell, submitting support for proposal by SPUR, San Francisco Planning and Urban Research, outlining ways to minimize the pain of the budget deficit. Copy: Each Supervisor(24)

From Department of Public Works, regarding the feasibility of replacing concrete sidewalks in San Francisco with Rubbersidewalk material.(25)

From Department of Public Works, regarding the Department's procedures governing risk management. (Reference No. 20030325-180) Copy: Supervisor McGoldrick(26)

From Michael Rhea, urging the Board to find a way to alleviate the homeless situation in San Francisco. Copy: Each Supervisor(27)

From State Department of Health Services, regarding changes to the Child Health and Disability Prevention Program for fiscal 2003-04.(28)

From State Department of Health Services, regarding Child Health and Disability Prevention Program County Match budget revision #1 for fiscal year 2002-03.(29)

From concerned citizens, submitting support for bike lanes on Fell Street. Copy: Each Supervisor, Land Use Committee(30)

From Barbara Austin, submitting request for continuation of proposed legislation regarding the "Housing Element of General Plan" until the residents in the Western part of the City are given adequate notification and education on the project. Copy: Land Use Committee, File 030828(31)

From Urban Counties Caucus, submitting legislative update (June 5, 2003) regarding the State Budget.(32)

From concerned citizens, submitting her concerns with XCEL High School sending 100 ninth graders to Luther Burbank Middle School. Copy: Each Supervisor(33)

From Josh Bernardini, regarding safety issues at China Basin Landing located at 185 Berry Street. Copy: Supervisor Daly(34)

From Michael Bernard, regarding proposed pay raise for the Board of Supervisors. Copy: Each supervisor(35)

From Edwin Wong, submitting support for ending funds for the San Francisco Airport Runway project.(36)

From James Miller, submitting suggestions to alleviate pedestrian safety issues on 19th Avenue.(37)

From Winchell Hayward, submitting support for appeal of Planning Commission decision regarding O'Shaughnessy Dam at Yosemite National Park. File 030886, Copy: Each Supervisor(38)

From David Parker, suggesting the Board of Supervisors create a Hospitality Advisory Board that will have the task of working with restaurant owners, neighborhood leaders and property owners to create solutions for the restaurant exodus in San Francisco.(39)

## 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)