

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, February 10, 2004
2:00 PM**

Regular Meeting

**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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF 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*
- 4) *Department or Agency cover letter and/or report*
- 5) *Public correspondence*

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

CONSENT AGENDA

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

Items 1 through 10

Recommendations of the City Services Committee

Present: Supervisors Dufty, Ma

1. **032044** **[Liquor License Transfer, 60 Dorman Avenue]**
Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 144 King Street to 60 Dorman Avenue (District 10), to Mats Engstrom for Tsar Nicoulai Caviar, LLC, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Question: Shall this Resolution be ADOPTED?

2. **032046** **[Liquor License Transfer, 447 Broadway Street]**
Resolution determining that the transfer of a Type 48 on-sale general public premises license from 839 Howard Street to 447 Broadway Street (District 3), to Isaac Lee for a lounge/bar establishment, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Question: Shall this Resolution be ADOPTED?

3. **040017** **[Accept-Expend State Grant]**
Resolution authorizing the Office of Emergency Services to accept and expend a grant in the amount of \$413,323 from the California Governor's Office of Emergency Services for emergency response equipment.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, Sandoval, McGoldrick

- 4. 031985 [Appropriate funding for the Laguna Honda Hospital Replacement Program] Mayor, Supervisors Hall, Sandoval, McGoldrick, Dufty**
- Ordinance appropriating \$189,427,586 of General Obligation Bond proceeds, \$1,046,158 in bond interest, \$15,992,796 in tobacco settlement revenues, and \$5,072,941 of interest earnings on tobacco settlement revenue for a total of \$211,539,481 to fund the Laguna Honda Replacement Program for the Public Health Department for fiscal year 2003-04.
- (Fiscal impact.)
- 2/3/2004, PASSED ON FIRST READING. Supervisor Dufty requested to be added as a co-sponsor.
- Question: Shall this Ordinance be FINALLY PASSED?**
- 5. 031986 [Laguna Honda Hospital General Obligation Bond Issuance] Mayor, Supervisors Hall, Sandoval, McGoldrick, Dufty**
- Ordinance providing for the issuance of not to exceed \$299,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Laguna Honda Hospital, 1999); providing that such bonds may be issued as fixed or variable interest rate obligations; providing for the levy of a tax to pay the principal and interest of said bonds and authorizing payment of bonds from other legally available funds of the City; authorizing the execution of a Master Trust Agreement and Declaration of Trust which provide for the terms of said bonds; providing for the appointment of depositories and other agents of said bonds; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.
- (Fiscal impact.)
- 2/3/2004, PASSED ON FIRST READING. Supervisor Dufty requested to be added as a co-sponsor.
- Question: Shall this Ordinance be FINALLY PASSED?**
- 6. 031990 [Business Tax] Supervisors Ma, McGoldrick**
- Ordinance amending the Business and Tax Regulations Code to: (1) amend Article 12-A (Payroll Expense Tax Ordinance) to (i) conform Article 12-A (Payroll Expense Tax Ordinance) with the amendments to Article 6 (Common Administrative Provisions) and (ii) consolidate exemptions, definitions and other administrative provisions, as amended, that apply to Article 12-A (Payroll Expense Tax Ordinance) and other Articles of the Business and Tax Regulation Code, and place them in Article 6 (Common Administrative Provisions); (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with amendments to Article 12-A (Payroll Expense Tax Ordinance) and Article 6 (Common Administrative Provisions); and (3) amend Article 6 (Common Administrative Provisions) to (i) clarify common administrative provisions and conform them with amendments to Article 12-A (Payroll Expense Tax Ordinance) and Article 12 (Business Registration Ordinance), (ii) consolidate exemptions, definitions and other administrative provisions that apply to Article 12-A (Payroll Expense Tax Ordinance), Article 12 (Business Registration Ordinance) and other Articles of the Business and Tax Regulations Code, and (iii) eliminate the Board of Review. (Treasurer-Tax Collector)

2/3/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Maxwell, Ammiano

7. 032052 [Use of ramped taxi medallion in a spare taxicab sedan when ramped taxi is out of service]

Ordinance adding Section 1148.6 of the Police Code to provide that the Taxi Commission may adopt a policy that allows ramped taxi permits to be used to operate spare regular taxicabs when the ramped taxi is out of service for necessary repairs or must be replaced due to breakdown of or damage to the vehicle, provided that the policy meets certain conditions. (Taxi Commission)

(No Public Benefit Recipient.)

2/3/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 031880 [Amending Fire Code to require self-contained breathing replenishment systems in high rise building] Supervisors Dufty, Daly, Hall, Peskin, Ma

Ordinance amending San Francisco Fire Code by adding Section 9001.1.4 to require self-contained breathing replenishment systems in high rise buildings where permits have been issued after March 30, 2004.

1/13/2004, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing same title.

2/3/2004, AMENDED. Supervisor Dufty, seconded by Supervisor Hall, moved to amend on page 1, line 5, by replacing "June 30, 2004" with "March 30, 2004." New Title

2/3/2004, PASSED ON FIRST READING AS AMENDED. Supervisors Hall, Peskin and Ma requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Hall, Dufty, Gonzalez

9. 031656 [Campaign Consultants Lobbying Current and Former Clients] Supervisors Daly, Ammiano

Ordinance amending Article II, Chapter 1, Section 2.100, adding section 2.117 to Article II, Chapter 1, and adding section 1.545 to Article I, Chapter 5 of the Campaign and Governmental Conduct Code to prohibit campaign consultants and employees of campaign consultants from lobbying current and former clients.

10/21/2003, SUBSTITUTED. Supervisor Newsom presented a substitute ordinance approved as to form, replacing a draft previously submitted.

1/13/2004, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing same title.

2/3/2004, PASSED ON FIRST READING. Supervisor Ammiano requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

- 10. 031989 [Transfer of City-Owned Property - Public Notice] Supervisors Dufty, Ma, Hall**
Ordinance amending the San Francisco Administrative Code by adding Section 23.7 to require public notice before the Board of Supervisors may approve the sale, transfer, or other conveyance of City-owned property.

1/13/2004, AMENDED.

1/13/2004, PASSED ON FIRST READING AS AMENDED.

1/27/2004, AMENDED. Amended on page 1, after "conveyance of" by inserting "fee title to"; and on page 2, by adding last paragraph "failure to comply with these notice requirements shall not invalidate conveyance of such property"

1/27/2004, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

- 11. 040135 [Adopting findings related to the conditional use appeal on property located at 1160 Mission Street]**
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0628CEKVX, (which allowed, subject to certain conditions, for a Commercial Public Parking Garage with up to 381 parking spaces and for Residential-serving off-street parking in excess of accessory amounts, in conjunction with the construction of a 23-story apartment building with up to 246 dwelling units), in a C-3-G (Downtown General Commercial) District and a 150-S and 240-S Height and Bulk District, on property located at 1160 Mission Street, northwest side between Seventh and Eighth Streets, with additional frontage on Stevenson Street (Lots 37, 38 and 56 in Assessor's Block 3702). (Clerk of the Board)

(Companion measure to Files 040045, 040046, 040047, 040048, 040049.)

2/4/2004, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

NEW BUSINESS

Recommendation of the Budget Committee

Present: Supervisors Daly, Maxwell, Peskin

12. 032026 [Clerk of the Board of Supervisors - Amendments to fees charged by the Clerk]

Ordinance amending Section 8.37 of the San Francisco Administrative Code to add new fees and repeal other fees charged by the Clerk of the Board of Supervisors, including new fees for copies of audio tape recordings of Board and Committee meetings; providing for an annual adjustment by the Controller based on the CPI. (Clerk of the Board)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the City Services Committee

Present: Supervisors Dufty, Ma

13. 040006 [Grant - Recreation and Park, \$154,020] Mayor, Supervisors Hall, Dufty

Resolution authorizing the Recreation and Park Department to accept and expend a grant from the Land and Water Conservation Funds in the amount of \$154,020 for the renovation of McLaren Park, Yosemite Creek and Marsh.

Question: Shall this Resolution be ADOPTED?

14. 040010 [Grant - Recreation and Park, \$4,742,243] Mayor, Supervisors Hall, Dufty

Resolution authorizing the San Francisco Recreation & Park Department to accept and expend funds available under The Roberti-Z'berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 in the amount of \$4,742,243.

Question: Shall this Resolution be ADOPTED?

15. 040011 [State Grant - Recreation and Park, \$5,651,000] Mayor, Supervisors Hall, Dufty

Resolution authorizing the San Francisco Recreation and Park to accept and expend State Grant Funds under the Per Capita Grant Program in the total amount of \$5,651,000 from the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 to funding the following projects: Harding Park Club House, \$3,500,000; Harvey Milk Center, \$1,800,000; Chinese Recreation Center, \$126,000; Minnie and Lovie Ward Recreation Center, \$125,000; and Geneva Office Building/Car Barn, \$100,000.

Question: Shall this Resolution be ADOPTED?

16. **040012** **[State Grant - Recreation and Park, \$32,673,000]** **Mayor, Supervisors Hall, Dufty**
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend grant funds in the amount of \$32,673,000 for following Golden Gate Park projects: Bison Paddock, \$800,000; Children's Quarters Playground, \$1,000,000; Kezar Pavilion Planning and Studies, \$867,000; Concourse Institutions (Academy of Science, \$3,000,000 and DeYoung Museum, \$2,000,000); McLaren Lodge, \$7,000,000; Music Concourse, \$7,050,000; RPD GGP Projects, \$818,000; Park Aid Station, \$1,155,000; Portals of the Past, \$100,000; Rhododendron Dell, \$600,000; Signage for GGP, \$100,000; South and Middle Lakes, \$3,000,000; Stables, \$1,400,000; Strybing, \$3,000,000; and Urban Forestry Yard, \$783,000.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, McGoldrick

17. **030677** **[Requiring Slip Resistant Manhole, Vault, and Sub-** **Supervisor Peskin**
sidewalk Basement Covers, Grilles, Grates, or Other
Lids on the Public Sidewalk]

Ordinance adding Public Works Code Section 790 to require the installation of slip resistant manhole, vaults, and sub-sidewalk basement covers, grilles, grates, or other lids on the public sidewalk, to grant the Director of Public Works authority to enforce requirements, and to provide for administrative and civil penalties for violations.

(Fiscal impact.)

Supervisor Sandoval dissenting in Committee.

11/18/2003, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

1/13/2004, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Peskin, Sandoval, McGoldrick

18. **031609** **[Authorizing an alternative procedure for establishing** **Supervisor Peskin**
property and business improvement districts]

Ordinance amending Article 15 of the Business and Tax Regulations Code by amending Sections 1510 and 1511 to authorize the Board of Supervisors to initiate proceedings to establish property and business improvement districts upon receipt of a petition signed by property owners responsible for 30 percent of the proposed assessment; authorizing such districts to be formed for a term of up to 15 years; authorizing such districts to encompass and assess residential property; authorizing such districts to recover start-up costs through assessments; authorizing the Board of Supervisors to disestablish a district without cause upon a supermajority vote of the Board; requiring a minimum level of representation by business owners on the governing body of the proposed district; requiring that the Clerk of the Board notify business owners in English, Spanish and Cantonese when a petition for district formation is received; making technical corrections to Sections 1534 and 1535,

repealing existing Sections 1513 through 1533 and 1540 through 1591, and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 19. 031974 [Establishing Monthly Contribution Amount]**
Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)
(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

- 20. 031981 [Reimbursement Resolution] Mayor**
Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future indebtedness; and approving and ratifying previous actions in connection therewith.

Question: Shall this Resolution be ADOPTED?

- 21. 031984 [Appropriate interest earned from the Educational Facilities Bond - 1997, Series - 1999A and Series 2000A to pay for the 75-year ground lease of 106 Bartlett Street] Mayor**
Ordinance appropriating \$4,400,000 of interest earned from the Educational Facilities Bond - 1997 - series 1999A and 2000A used to pay for the seventy - five year ground lease for the City College of San Francisco Mission Campus and related costs for the San Francisco Community College District for fiscal year 2003-04.
(Fiscal impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 22. 040020 [Airport Concession Lease]**
Resolution approving Amendment No. 4 to the Post-Security Master Retail/Duty Free Concession in the New International Terminal Building Lease No. 99-0035 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Peskin, McGoldrick

- 23. 031884 [Expend Federal Funds - Fiscal Year 2003 Lead Hazard Reduction Demonstration Grant Program] Mayor**
Resolution authorizing the Mayor of the City and County of San Francisco to expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$2,600,000, which includes indirect costs of \$30,000.

(No Public Benefit Recipient.)

12/16/2003, RE-REFERRED to Finance and Audits Committee.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

24. 031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]

Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.

10/7/2003, CONTINUED. Continued to October 21, 2003 at 4:00 p.m.

10/21/2003, CONTINUED. Continued to November 25, 2003

11/25/2003, CONTINUED. Supervisor Peskin, seconded by Supervisor Ammiano, moved to continue this matter to December 16, 2003.

12/16/2003, CONTINUED. Continued to January 13, 2004

1/13/2004, CONTINUED. Continued to February 10, 2004

Question: Shall this Resolution be ADOPTED?

APPEAL PROCEDURE

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request

SPECIAL ORDER 4:00 P.M.

25. 031969 [Public Hearing - Appeal of Categorical Exemption - 899 North Point Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 12, 2003, approving a Certificate of Determination of Exemption/Exclusion from Environmental Review for the proposed construction project located at 899 North Point Street, on Assessor's Block 0026, Lot 020. (Appellants: Roland Salvato and Malana Moberg, on behalf of The Aquatic Park Neighborhood Association and The Russian Hill Improvement

Association.)

(Appeal filed December 4, 2003; companion measure to Files 031970, 031971, 031972.)

1/13/2004, CONTINUED. Continued to January 27, 2004

1/27/2004, CONTINUED. Continued to February 10, 2004

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

- 26. 031970 [Affirming the categorical exemption issued for 899 North Point Street]**
Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
1/13/2004, CONTINUED. Continued to January 27, 2004
1/27/2004, CONTINUED. Continued to February 10, 2004
Question: Shall this Motion be ADOPTED?
- 27. 031971 [Disapproving the categorical exemption issued for 899 North Point Street]**
Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
1/13/2004, CONTINUED. Continued to January 27, 2004
1/27/2004, CONTINUED. Continued to February 10, 2004
Question: Shall this Motion be ADOPTED?
- 28. 031972 [Preparation of findings related to the categorical exemption issued for 899 North Point Street]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
1/13/2004, CONTINUED. Continued to January 27, 2004
1/27/2004, CONTINUED. Continued to February 10, 2004
Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 5:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File 040152.)

29. 040151 **[Hearing - Police Department]**
Hearing to discuss with the Police Department what they are doing to curb violence and prevent additional meaningless deaths in the Southeast sector of the City. (Clerk of the Board)
- Action: _____

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

From the City Services Committee

The following item will be considered by the City Services Committee at a Regular Meeting on Thursday, February 5, 2004 at 9:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report.

30. 040057 **[State law change related to alcohol closing hours]** **Supervisor Peskin**
Resolution urging the California State Legislature to pass legislation to modernize laws related to alcohol closing hours.
- 1/27/2004, REFERRED to City Services Committee. Supervisor Maxwell requested that this matter be referred to Committee.
- Question: Shall this Resolution be ADOPTED?**

From the Land Use Committee

The following items will be considered by the Land Use Committee at a Regular Meeting on Monday, February 9, 2004 at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report.

31. 031739 **[Prohibition on Demolition of Residential Buildings Supervisors Daly, Maxwell
With 20 or More Dwelling Units Unless the Residential
Building Proposed for Demolition Requires
Substantial Rehabilitation]**
- Ordinance to amend the Planning Code by adding Section 317 and by amending Sections 710.39, 711.39, 712.39, 713.39, 714.39, 715.39, 716.39, 717.39, 718.39, 719.39, 720.39,

721.39, 722.39, 723.39, 724.39, 725.39, 726.39, 727.39, 728.39, 729.39, 730.39, 813.13, 814.13, 815.13, 816.13, 817.13, 818.13, 212, 242, 243, 249.5, and 249.21 to make findings as to the need to preserve affordable housing in San Francisco and to prohibit the demolition of residential buildings with 20 or more dwelling units unless the applicant for the proposed demolition provides documentation that the residential building requires substantial rehabilitation, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Question: Shall this Ordinance be PASSED ON FIRST READING?

32. 040019 [Union Pacific Railroad track lease for Third St. and Carroll Avenue for the Third Street LRT Project]

Resolution authorizing the Director of Transportation to execute a track lease with the Union Pacific Railroad (UP) that leases approximately six hundred (600) feet of the Union Pacific Railroad's track at Third Street and Carroll Avenue for a term of 25 years, rent of \$10 per year, and a one-time administrative fee of \$500 per lease, for a total cost of \$750, and requires the City to maintain and repair the track and construct and maintain a railroad crossing signal system. (Municipal Transportation Agency)

Question: Shall this Resolution be ADOPTED?

33. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

34. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

35. 040150 [Legislative Analyst Request - Waterfront Security] Supervisor Alioto-Pier
Motion requesting the Legislative Analyst to research and evaluate the programs and systems

used by similar waterfront cities in North America to ensure waterfront security. Specifically examine Boston, Vancouver, New York City, Seattle, Portland, and Baltimore.

Question: Shall this Motion be ADOPTED?

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 36 through 43

- 36. 040152 [Committee of the Whole - Violence in the Southeast Sector of the City] Supervisors Maxwell, Daly, Dufty, Hall**
- Motion scheduling a Committee of the Whole on February 10, 2004, at 5:30 p.m. to hold a hearing to discuss with the Police Department what they are doing to curb violence and prevent additional meaningless deaths in the Southeast sector of the City.
- 2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?**
- 37. 040153 [Urging support for the transfer of vacant properties on High Street Assessor's Block 2848, Lot 001 and Assessor's Block 2850, Lot 023 from DPW to Recreation and Park Department] Supervisor Dufty**
- Resolution urging support for the transfer of vacant properties on High Street identified as Assessor's Block 2848, Lot 001 and Assessor's Block 2850, Lot 023 from the Department of Public Works to the Recreation and Park Department for the creation of open space.
- 2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 38. 040154 [Urging Rejection of Lease Extension Option for Premises at 2350 19th Avenue] Supervisor Hall**
- Resolution urging the City's Director of Property to reject the Tenant's notice to extend the term of the Lease for the Premises at 2350 19th Avenue.
- 2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 39. 040155 [Entertainment Commission] Supervisor Maxwell**
- Resolution urging the Entertainment Commission to prioritize their efforts to educate and outreach to both promoters and operators of cultural, entertainment, athletic and similar events and establishments throughout the City about the regulations and policy surrounding

the permitting process.

2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. 040156 [William Alexander Leidesdorff, Jr.] Supervisors Maxwell, Duffy

Resolution recognizing William Alexander Leidesdorff, Jr. as the African Founding Father of California.

2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. 040157 [Creating City Website for Canadian Pharmacies] Supervisors Peskin, Sandoval

Resolution urging the Department of Public Health to develop a list of approved Canadian pharmacies and to develop an online resource to educate San Francisco residents about how to safely import pharmaceuticals from Canadian pharmacies.

2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 040158 [Nathan Ratner] Supervisor Peskin

Resolution declaring Nathan Ratner a living treasure of San Francisco.

2/3/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 040140 [Needle Exchange Emergency] Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Duffy

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

2/3/2004, 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: _____

44. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown

Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

[Imperative Resolutions, if any]

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from January 27, 2004 through February 2, 2004, for reference by President to appropriate committee on February 10, 2004.

040131 [Settlement of Lawsuit - Michelle Asami]

Ordinance authorizing settlement of the lawsuit filed by Michelle Asami against the City and County of San Francisco for \$43,900; the lawsuit was filed on November 26, 2002 in San Francisco Superior Court, Case No. 415-098; entitled Michelle Asami, et al., v. City and County of San Francisco, et al. (City Attorney)

2/2/2004, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from January 27, 2004 through February 2, 2004, for reference by President to

040128 [Provide supportive services to newly housed people with disabilities]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$699,028 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide supportive services to newly housed people with disabilities and to enter into an agreement for the use of these funds; for the period of September 30, 2003 to September 29, 2004. (Public Health Department)

1/29/2004, RECEIVED AND ASSIGNED to City Services Committee.

040129 [Reduce sexual risk for HIV transmission in substance using men who have sex with men]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$130,866 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to reduce the sexual risk for HIV transmission in substance using men who have sex with men (SU-MSM), for the period of September 30, 2003, to September 29, 2004. (Public Health Department)

1/27/2004, RECEIVED AND ASSIGNED to City Services Committee.

040130 [Grant of Federal Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$2,441,395 of United States Department of Justice, 2003 Urban Area Security Initiative grant funds to develop and implement security enhancements for the San Francisco Municipal Railway. (Municipal Transportation Agency)

1/27/2003, RECEIVED AND ASSIGNED to Land Use Committee.

040132 [Settlement of Claim - Larry Oldham]

Resolution approving the settlement of the unlitigated claim filed by Larry Oldham against San Francisco for \$75,000, claim was filed on May 22, 2003. (City Attorney)

2/2/2004, RECEIVED AND ASSIGNED to Rules Committee.

040133 [Onsite medical and other healthcare services for TARC clients living with and/or at high risk for HIV/AIDS]

Resolution authorizing the San Francisco Department of Public Health, Tom Waddell Health Center (SFDPH, TWHC) to enter retroactively into an agreement with the Tenderloin AIDS Resource Center (TARC) the primary contractor, and expend funds in the amount of \$597,710 to provide onsite medical and other healthcare services for TARC clients living with and/or at high risk for HIV/AIDS; for the period of September 29, 2003 to March 31, 2007. (Public Health Department)

2/2/2004, RECEIVED AND ASSIGNED to City Services Committee.

040179 [Petitions and Communications]

Petitions and Communications received from January 27, 2004 through February 2, 2004 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 10, 2004.

From Public Utilities Commission, regarding what plans if any the Department has that would add 5,000 new jobs to the City's workforce within the next five years at no cost to the taxpayers of San Francisco. (Reference No. 20031216-008) Copy: Supervisor Hall (1)

From Sunshine Ordinance Task Force, submitting notice that the Board of Supervisors is in violation of Sunshine Ordinance Sections 67.7(a) and 67.7(b), specifically File #031545 (Edgehill Park) because the subject property was discussed and action was taken by the Board on the above legislation that were not identified by street address, cross-street or other distinctive landmarks. Identification by real estate block and lot numbers did not adequately apprise the public of the actual location of the properties and the public could not reasonably determine if the subject matter would be of interest to them. (2)

From Department of Human Services, submitting list of all the Single-Adult and Family Shelters in San Francisco. Copy: City Services Committee (3)

From Port, submitting budget report for the second quarter of fiscal year 2003-04. Copy: Each Supervisor (4)

From Police Department, submitting information regarding pedestrian accidents, jaywalking tickets and hit and run accidents in the Ingleside District from 1998-2002. Copy: Supervisor Hall (5)

From Board of Appeals, submitting notice that the Board of Appeals annual report for fiscal year 2002/03 is available for viewing and/or printing on the City's website at www.sfgov.org/boa. (6)

From Law Library, regarding quarterly budget status report. (7)

From Office of the Sheriff, submitting quarterly budget status report with expenditures that exceed its General Fund budget in three areas. (8)

From Comcast Communications Inc., submitting notice of rescheduled date (March 17, 2004) for programming adjustment to add the Starz! Kids channel to Comcast Digital cable service. (9)

From Department of Human Services, submitting quarterly update for the Human Services Care Fund. (10)

From Greg O'Flynn, submitting request for a premise to premise transfer of a type 20 off sale beer and wine license, and also for an original type 42 on sale beer and wine license for California Wine Merchant at 2113 Chestnut Street. (11)

From East Mission Improvement Association, commenting on proposed changes to the Discretionary Review Policy, including additional steps to be considered. Copy: Each Supervisor (12)

From Fire Department, submitting notice of annual inspection relative to fire and life safety issues for County Jail No. 1 at 850 Bryant Street, 6th Floor on January 14, 2004. (13)

From Office of the Controller, submitting notice that the Department of Public Works conducted public hearings on proposal to increase fees for issuance of Underground Vault Encroachment Permits. (14)

From Planning Department, submitting Certificate of Determination of Exemption/Exclusion from Environmental Review for proposed ordinance regarding Residential Demolition Controls in San Francisco. File 031739, Copy: Each Supervisor (15)

From Department of Public Works, submitting quarterly report for the Department of Public Works Defective Sidewalk Repair Revolving Account for the period October 1, 2003 through December 31, 2003. (16)

From PG&E, submitting report which provides the names and address of accounts delinquent over 90 days. (17)

From Marcia Sterkel, submitting opposition to proposed legislation regarding the Housing Element of the General Plan. File 030828 (18)

From State Board of Equalization, submitting notice of proposed regulatory action regarding adoption of property tax rule that limits liability companies as qualifying organizations for the welfare exemption. (19)

From Bluewater Network, submitting copy of letter sent to the Director of the Maritime Port thanking him for his efforts in organizing the two-day cruise ship workshop on January 22 and 23, that was sponsored by the Cruise Ship Terminal Environmental Advisory Committee. (20)

From Anthony Byrd, commenting on the consistently sub par customer service that he regularly receives from the Muni Metro Service Booth attendants. Copy: Each Supervisor (21)

From Alison Miller, concerning the danger to homes at 135 Valencia Street from the cranes working on the Central Freeway replacement/widened ramp project. File 030638 (22)

From Judith Patterson, submitting her opposition to building a 20 thousand square foot restaurant on the Rincon Park site area that encompasses the entire open space area between Harrison and Howard Streets along the shoreline of the Embarcadero. File 040072 (23)

From Anile Woods, commenting that the area in front of the Safeway on Market and Church Streets has become a homeless encampment. (24)

From Tishman Speyer Properties and Union Property Capital, responding to procedural concerns raised by Sue Hestor in her letter dated January 23, 2004, regarding proposed General Plan and Zoning Amendments for 201 Folsom Street/300 Spear Street (Rincon Hill). File 040072 (25)

From concerned citizens, submitting support for proposed legislation prohibiting the demolition of residential buildings with 20 or more dwelling units unless the residential building proposed for demolition require substantial rehabilitation. File 031739 (26)

From Trutanich, Michel, LLP, submitting additional code sections that should be repealed along with the ones already identified as obsolete in the Police Code regarding firearms. File 031932, Copy: Each Supervisor (27)

From Coalition for San Francisco Neighborhoods, submitting copy of letter sent to the Planning Commission regarding Discretionary Review; the adoption of a policy to create a pre-application process for all new construction and certain expansion applications in RH and RM Districts and to establish criteria for administrative discretionary review. Copy: Each Supervisor (28)

From Rincon Tenants Association, submitting opposition to the size of the proposed restaurant to be built at Rincon Park. File 040772 (29)

From Ester Honda, submitting opposition to proposed residential towers at 201 Folsom and 300 Spear Streets. File 031627, Copy: Each Supervisor (30)

From concerned citizens, commenting on the proposal to rename the SBC Park playing grounds as "Mays Field". File 040063, Copy: Each Supervisor (31)

From concerned citizens, submitting opposition to proposal to build a parking garage (with 504 spaces) at the 1160 Mission Street project. (32)

From Meghan Fonash, submitting her concern with the slippery stairwells at Muni Metro Stations and requesting something be done to decrease the number of accidents there. (33)

From James Chaffee, submitting his concern with various aspects of the New Main Public Library. Copy: Each Supervisor (34)

From David Baker, submitting support for the proposed Housing Element. (35)

From Marilyn Crosman, submitting opposition to the proposed increase in Green Fees for Harding, Lincoln and Sharp Park. (36)

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.

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

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

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