

**Board of Supervisors**

**City and County of San Francisco**

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



**AGENDA**

**Monday, January 13, 2003**

**2:00 PM**

**Regular Meeting**

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**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**

**APPROVAL OF MEETING MINUTES**

*Motion to approve the December 9, 2002 and December 16, 2002 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 Finance Committee**

*Present: Supervisors Peskin, Maxwell*

- 1. 021939 [Extension of Agreement with City Carshare] Supervisors Peskin, Maxwell, Newsom**

Resolution authorizing a six month extension to the existing grant agreement between the City and County of San Francisco and City Carshare. (Parking and Traffic Department)  
(No Public Benefit Recipient.)

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

- 2. 021975 [Accept-Expend Regional Grant] Supervisor Peskin**

Resolution authorizing the Airport Commission to accept and expend five (5) grants totaling \$1,089,000 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators. (Airport Commission)  
(Public Benefit Recipient.)

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

- 3. 021978 [California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2002-03] Supervisor Maxwell**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2002-03 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2002-03. (Public Health Department)  
(No Public Benefit Recipient.)

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

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

*Present: Supervisors Gonzalez, Sandoval*

**4. 021937 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by plaintiff the Department of Fair Employment and Housing and intervening plaintiff Alane Bernadette Baca against the City and County of San Francisco and Andrew Blackwell for (1) payment of \$100,000.00, including all damages, attorneys' fees and costs, (2) a credit of six (6) weeks of sick leave to intervening plaintiff Baca, and (3) the Police Department issuing a specified Department Bulletin, incorporating that Bulletin into specified EEO trainings, and beginning the process of reviewing and, where applicable, revising Department General Order 11.07; the lawsuit was filed on October 4, 2001, in San Francisco Superior Court, Case No. 325-126; entitled Department of Fair Employment and Housing, et al., v. City and County of San Francisco, et al (Real Party in Interest: Alane Bernadette Baca). (City Attorney)

(Public Benefit Recipient.)

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

**5. 021938 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by William J. Sepatis against the City and County of San Francisco for \$100,000; the lawsuit under US District Court Case No. C00-2299 MHP filed on May 31, 2000 and the lawsuit under US District Court Case No. C00-1626 MHP filed on May 8, 2000 were consolidated, entitled William James Sepatis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

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

**6. 021986 [Settlement of Litigation]**

Ordinance authorizing settlement of litigation by the City and County of San Francisco against Haruo Abe by accepting the total amount of \$21,250 plus interest as provided in the settlement and Mutual Release and directing its attorney to sign the dismissal with prejudice of the subject litigation upon completion of all of the terms of the settlement agreement.

(Treasurer-Tax Collector)

(No Public Benefit Recipient.)

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

*Present: Supervisors Hall, Gonzalez, Sandoval*

**7. 021630 [Appointment]**

Resolution appointing Mark Reader, Ilya Weber, Jymi Shores, Kent Uyehara, and Ted Loewenberg, terms to be determined, to the Skateboarding Task Force.

Mark Reader, new position, seat 1, must be a voting representative from the skateboarding community knowledgeable about the sport for a period of 5 years. Three-year term; Ilya Weber, new position, seat 2, must be a voting representative from the in-line skating community knowledgeable about the sport for a period of 5 years. Three-year term;

Jymi Shores, new position, seat 3, must be a voting representative from the BMX or alternative biking community knowledgeable about the sport for a period of 5 years. Three-year term;

Kent Uyehara, new position, seat 4, must be a voting representative with expertise in skateboarding businesses or services. Three-year term;

Ted Loewenberg, new position, seat 5, must be a voting representative from the business community with expertise in skateboarding prevention services, property management, or insurance services. Three-year term.

Supervisor Hall absent for appointment of Mark Reader.

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

*Present: Supervisors Hall, Gonzalez*

**8. 021891 [Appointment]**

Resolution appointing Melvin Beetle, John Melone, Delbert Scott, and Lynne Armstrong, terms to be determined, to the Homeless Senior Task Force, residency requirement waived.

Melvin Beetle, new position, seat 1, must be a senior who is currently homeless or marginally housed, term to be determined;

John Melone, new position, seat 2, must be a senior who is currently homeless or marginally housed, term to be determined;

Delbert Scott, new position, seat 3, must be a senior who is currently homeless or marginally housed, term to be determined;

Lynne Armstrong (residency requirement waived), new position, seat 4, must have extensive experience providing direct services to homeless seniors, term to be determined.

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

**9. 021998 [Appointment to Telecommunications Commission]**

**Mayor**

Resolution approving the Mayor's appointment of Michael Rouan to the Telecommunications Commission for the term ending July 1, 2004. (Mayor)

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

**Recommendation of Transportation and Commerce Committee**

*Present: Supervisors McGoldrick, Hall, Ammiano*

**10. 021880 [Accept - Expend State Grant]**

Resolution authorizing the Executive Director to apply for, accept, and expend matching grant funds from the CEC Energy Efficiency Program to install Battery Back-Up Systems (BBS) at signalized intersections with Light Emitting Diode (LED) traffic signal modules at 91 intersections throughout the City. (Parking and Traffic Department)

(No Public Benefit Recipient.)

**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**

**From the Clerk**

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

- 11. 021873 [Conditional Use Appeal, 2444-2454 Noriega Street]**  
Motion approving decision of the Planning Commission by its Motion No. 16471, approving Conditional Use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)  
12/9/2002, CONTINUED. Continued to January 13, 2003 meeting  
**Question: Shall this Motion be ADOPTED?**
- 12. 021874 [Conditional Use Appeal, 2444-2454 Noriega Street]**  
Motion disapproving decision of the Planning Commission by its Motion No. 16471, approving Conditional Use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)  
12/9/2002, CONTINUED. Continued to January 13, 2003 meeting  
**Question: Shall this Motion be ADOPTED?**
- 13. 021875 [Findings - 2444-2454 Noriega Street]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, for action by the Board at its next meeting. (Clerk of the Board)  
12/9/2002, CONTINUED. Continued to January 13, 2003 meeting  
**Question: Shall this Motion be ADOPTED?**

**Recommendations of the Finance Committee**

*Present: Supervisors Peskin, Daly*

- 14. 021504 [Prevailing rate of wage and displaced worker protection for workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased] Supervisors Daly, Ammiano, Peskin, Gonzalez**

Ordinance adding Section 21.25-2 to the Administrative Code to require that workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a lease, management agreement or other contractual arrangement is terminated.

12/16/2002, PASSED ON FIRST READING. Supervisor Gonzalez requested to be added as a co-sponsor.

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

*Present: Supervisors Peskin, Maxwell*

- 15. 021893 [Settlement of Lawsuit] Supervisors Maxwell, McGoldrick**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Williams Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; which settlement provides a modification of the long-term contracts between the State of California and Williams, transfer to the City and County of San Francisco of four electric generating turbines for use within the City, payment of approximately \$19 million to assist with siting and developing electric generating equipment in San Francisco and elsewhere; and payment to City and County of San Francisco of \$500,000 for attorney's fees and other expenses of litigation.

(No Public Benefit Recipient.)

12/9/2002, CONTINUED. Continued to December 16, 2002 in Closed Session Supervisor McGoldrick requested to be added as a co-sponsor.

12/16/2002, PASSED ON FIRST READING. Supervisor McGoldrick requested to be added as a co-sponsor.

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

- 16. 021914 [Laguna Honda Replacement Project] Supervisors Hall, Newsom**

Ordinance authorizing the Director of Public Works (Director) to issue a competitive request for proposals (RFP) for the services of a Construction Manager-At-Risk (CM-at-Risk) for the Laguna Honda Hospital Replacement Project, and to award a contract for such services based on best qualifications; further authorizing the Director to modify and approve the assignment of the City's current professional services contract for construction management services with Turner Construction Company/Cooper Pugeda Management, Inc., a joint venture (Turner/CPM, JV) to Cooper Pugeda Management, Inc. (CPM); and to permit Turner Construction Company to participate in the RFP for the services of a CM-at-Risk.

(No Public Benefit Recipient.)

12/16/2002, PASSED ON FIRST READING. Supervisor Newsom requested to be added as a co-sponsor.

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

**Recommendations of Health and Human Services Committee**

*Present: Supervisors Daly, Maxwell*

- 17. 021645 [Pet Guardian - Definition and Duties] Supervisors Gonzalez, Daly, Maxwell**

Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code (Health Code) by amending Section 41, to add the definition of "Guardian", and amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20, 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is referenced.

12/9/2002, PASSED ON FIRST READING.

12/16/2002, CONTINUED. Continued to January 13, 2003

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

*Present: Supervisors Maxwell, Ammiano*

- 18. 020716 [Settlement of lawsuit and, as part of the settlement, amending the Rent Control Ordinance] Supervisors Ammiano, Maxwell**

Ordinance authorizing settlement of the lawsuit filed by residential landlords against the City and County of San Francisco to invalidate Proposition H passed in the November 2000 general election, concerning the pass through of capital improvement costs by landlords to tenants; the lawsuit was filed on November 22, 2000, in San Francisco Superior Court, Case No. 316-928 entitled Quigg v. City and County of San Francisco, et al.; and, as part of the settlement, amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) regarding permissible passthrough of bond costs from landlords to tenants by providing for 50% passthrough of the change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters in the future; and regarding permissible passthrough from landlords to residential tenants of certain costs for capital improvements, rehabilitation,

energy conservation improvements, and renewable energy improvements, by codifying and expanding existing amortization schedules, by establishing specified maximum annual passthroughs at 5% of a tenant's base rent for properties with five or fewer units and at 10% of a tenant's base rent for properties with six or more units, by capping certification for work and improvements on properties with six or more residential units at 50% of landlord costs unless the tenant elects 100% passthrough of costs with a lifetime rent increase cap of 15% of base rent, by lengthening the amortization period from 10 years to 20 years for certain improvements required by law (including certain seismic improvements to unreinforced masonry buildings), by providing tenants and the Rent Board with pre-application notice of large projects, by providing that each petition totaling more than \$25,000 must pay the cost of an estimator hired by the Rent Board unless the applicant provides copies of competitive bids received or copies of time and materials billing, by providing for the Commission on the Environment to conduct hearings and recommend new passthrough provisions encouraging energy conservation improvements and renewable energy improvements, and by expanding the provisions for tenant hardship applications for relief from such passthroughs by providing that a tenant can file such an application at any time instead of only at the time the passthrough is originally approved. This Ordinance amends Sections 37.2, 37.3, and 37.7, and 37.8B, with most provisions operative May 1, 2002 or 60 days prior to passage of this Ordinance on Second Reading by the Board of Supervisors, whichever is later.

(12/9/02 in Board: Supervisor Ammiano submitted a substitute ordinance bearing new title.)

12/16/2002, PASSED ON FIRST READING. Supervisor Maxwell requested to be added as a co-sponsor.

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

## **NEW BUSINESS**

### **Recommendations of the Finance Committee**

*Present: Supervisors Peskin, Maxwell*

19.           **021804**       **[Garbage Collection Truck Licensing Fee]**  
Ordinance increasing the licensing fee for garbage trucks and the amount deposited into the Mandatory Refuse Collection Service Fund by amending Section 249.6 of the San Francisco Business and Tax Regulations Code and Section 10.100-7 of the San Francisco Administrative Code and ratifying past actions taken in connection with such licensing fee. (Public Health Department)  
(No Public Benefit Recipient.)

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

20.           **021856**       **[Providing for a new complaint procedure for the enforcement of the prevailing wage requirements]**       **Supervisors Ammiano, Peskin, Maxwell**  
Ordinance adding Subsection 6.24(C) to San Francisco Administrative Code, Chapter 6,



Article II, Section 6.24 to establish a procedure for the Labor Standards Enforcement Officer's administration of complaints in the enforcement of prevailing wage requirements.

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

21.            **021911**            **[MOU, H-1 Fire Rescue Paramedics, Local 790]**            **Mayor**  
Ordinance adopting and implementing the terms of the Memorandum of Understanding between the Service Employees International Union, Local 790 for H-1 Fire Rescue Paramedics and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)

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

22.            **021839**            **[Redevelopment Agency Budget Amendment for Fiscal Year 2002-2003]**  
Resolution approving an amendment to the Budget of the Redevelopment Agency of the City and County of San Francisco for Fiscal Year 2002-2003 by increasing the Agency's expenditure authority in an amount not to exceed \$43,100,000; authorizing the Agency's issuance of Tax Allocation Bonds, in one or more series, each in either Variable Rate or Fixed Rate Mode, in an amount not to exceed \$43,100,000; authorizing the Agency's receipt of additional Tax Increment necessary to repay the principal and interest on said bonds; and approving a Cooperation and Tax Increment Reimbursement Agreement with the Agency with respect to the Yerba Buena Center Redevelopment Project Area; and authorizing an agreement between the Agency and the Parking Authority pertaining to the operation of the proposed Jessie Square Garage. (Redevelopment Agency)  
(Fiscal impact.)

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

23.            **021877**            **[Amendment to the Operating Agreement for the Moscone Convention Center]**  
Resolution authorizing the Director of Convention Facilities to execute an amendment to the operating agreement increasing the agreement from \$15,015,100.00 to \$15,844,209.00. (Administrative Services Department)  
(Fiscal impact; Public Benefit Recipient.)

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

24.            **021919**            **[Treasure Island Development Authority Cooperative Agreement with U.S. Navy]**  
Resolution approving and authorizing the Treasure Island Development Authority to enter into the 15th modification to the Cooperative Agreement with the United States Navy to extend the Cooperative Agreement retroactively from October 1, 2002 to September 30, 2003. (Mayor)  
(Fiscal impact.)  
(No Public Benefit Recipient.)

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

## Recommendations of Neighborhood Services and Recreation Committee

*Present: Supervisors Newsom, McGoldrick*

25.      021320      **[Liquor License, 132 Eddy Street]**  
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Monika Bernstein dba "Realspace Art Gallery" located at 132 Eddy Street (District 6), will serve the public convenience and necessity 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?**
26.      021800      **[Liquor License, 1419-18th Street]**  
Resolution determining that the issuance of a Type 20 off-sale beer and wine alcoholic beverage control license to Joel Bleskacek and John David-Malone for Potrero Market located at 1419-18th Street (District 10), will serve the public convenience and necessity 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?**
27.      021751      **[Liquor License, 615-7th Street]**  
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 490 Post Street to 615-7th Street (District 6), to Harold Hoogasian dba "Hoogasian Flowers, Inc." will serve the public convenience and necessity 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?**
28.      021753      **[Liquor License Transfer, 365 Tehama Street]**  
Resolution determining that the transfer of a Type 17 (wholesaler), Type 20 (off-sale beer and wine), and Type 09 (beer and wine importer) alcoholic beverage control licenses, from 375 Tehama Street to 365 Tehama Street, District 6, to Charles H. Hine dba "Aesculapius Imports", will serve the public convenience and necessity 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?**

## Recommendations of the Rules and Audits Committee

*Present: Supervisors Gonzalez, Sandoval*

29.      020913      **[Amending the Appointment Process for the Child Care Planning and Advisory Council and Establishing Child Care Planning Advisory Council Account]** **Supervisor Maxwell**  
Ordinance amending the San Francisco Administrative Code by amending section 5.200 to:  
(1) provide that the Board of Supervisors appoints 15 members of the Child Care Planning

and Advisory Council ("Council") and that the Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him, appoints 15 members of the Council and to; (2) amend compensation provisions for Council members to provide for compensation for all members who are not otherwise compensated for attending committee meetings; and amending the San Francisco Administrative Code by adding section 10.100-367 to establish the Child Care Planning and Advisory Council Fund.

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

- 30. 021815 [Publication of Annual Reports - Amend Administrative Code Sections 1.56 and 8.16] Supervisor Daly**

Ordinance amending Administrative Code Sections 1.56 and 8.16 to require that department heads, boards and commissions post annual reports on the City's website, and prohibiting departments, boards and commissions from publishing hard copies of such reports without approval of the Board of Supervisors.

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

- 31. 021987 [Settlement of Litigation]**  
Ordinance authorizing settlement of litigation by the City and County of San Francisco against Hartford Properties, a California Corporation and Helen Parduhn Marshall, individuals by accepting the total amount of \$25,000 directing its attorney to sign the Payment Agreement, Settlement and Release. (Treasurer-Tax Collector)  
(Public Benefit Recipient.)

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

- 32. 020350 [Corporate Property Reassessment] Supervisor Gonzalez**  
Resolution urging the California State Legislature to place on the ballot a constitutional amendment modifying current tax code to close corporate loopholes in Proposition 13 and allow reassessment of corporate property at current value.

3/4/2002, REFERRED to Rules and Audits Committee.

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

- 33. 020392 [Webpage Enhancement and Maintenance for the Board of Supervisors] Supervisor Sandoval**

Motion amending Rules of Order of the Board of Supervisors by adding Rule 6.22, which will direct the Clerk of the Board of Supervisors to provide and maintain enhancements to the Webpage of the Board of Supervisors, and allow individual Supervisors privately to maintain a linked Webpage to be used in furtherance of the conduct of the City's business.

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

- 34. 021890 [Appointment]**  
Resolution appointing Supervisor Gavin Newsom, David Heller, and Paul Giusti, indefinite terms, to the Graffiti Advisory Board.  
Supervisor Gavin Newsom, new position, seat 1, must be a member of the Board of Supervisors, for an indefinite term;

David Heller, new position, seat 6, must represent small business in San Francisco, for an indefinite term;

Paul Giusti, new position, seat 7, must represent large business in San Francisco, for an indefinite term.

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

*Present: Supervisors Hall, Gonzalez*

**35. 021991 [Appointment]**

Resolution appointing Supervisor Tom Ammiano, term ending February 9, 2007, to the Metropolitan Transportation Commission.

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

**36. 021992 [Appointment]**

Resolution appointing Supervisor Jake McGoldrick, term ending February 1, 2005, to the Bay Area Air Quality Management District Board of Directors.

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

**Recommendations of Transportation and Commerce Committee**

*Present: Supervisors McGoldrick, Hall, Ammiano*

**37. 021883 [Accept-Expend Non-Profit Grant]**

Resolution authorizing the Department of Human Resources to accept and expend a grant in the amount of \$25,000 from the Cooperative Personnel Services (CPS) and International Personnel Management Association (IPMA) for the implementation and utilization of innovative human resources program, "The Link Project". (Human Resources Department)

(No Public Benefit Recipient.)

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

**38. 021921 [Grant funds for the preservation and restoration of the Old Mint]**

**Mayor**

Resolution authorizing the Mayor's Office of Economic Development to retroactively accept and expend a federal grant in the amount of \$498,900 for the Preservation and Restoration of the Old Mint. (Mayor)

(No Public Benefit Recipient.)

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

**39. 021450 [Advisory Board Report, Union Square Business**



*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.)**

- 42. 022021 [Affirming Planning Commission certification of the FSEIR for the S.F. Cruise Terminal Mixed Use Project and Brannan Street Wharf Project]**

Motion affirming Planning Commission certification of the Final Supplemental Environmental Impact Report for a proposed mixed-use cruise terminal facility/residential project, located on Piers 30-32 and Seawall Lot 330 and a public open space project, in the location of Piers 34 and 36, in the Port of San Francisco, in the City and County of San Francisco. (Clerk of the Board)

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

- 43. 022022 [Reversing the Planning Commission certification of the FSEIR for the S.F. Cruise Terminal Mixed Use Project and Brannan Street Wharf Project.]**

Motion reversing the Planning Commission certification of the Final Supplemental Environmental Impact Report for a proposed mixed-use cruise terminal facility/residential project, located on Piers 30-32 and Seawall Lot 330 and a public open space project, in the location of Piers 34 and 36, in the Port of San Francisco, in the City and County of San Francisco. (Clerk of the Board)

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

- 44. 022023 [Preparation of findings reversing the Planning Commission certification of the FSEIR for the S.F. Cruise Terminal Mixed Use Project and Brannan Street Wharf Project]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission certification of the Final Supplemental Environmental Impact Report for a proposed mixed-use cruise terminal facility/residential project, located on Piers 30-32 and Seawall Lot 330 and a public open space project, in the location of Piers 34 and 36, in the Port of San Francisco, in the City and County of San Francisco. (Clerk of the Board)

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

- 45. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, and letters of request to the City Attorney.*

- 46. 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.*

- 47. 022043 [Legislative Analyst Request] Supervisor Hall**  
Motion asking the Legislative Analyst to Review other municipalities (i.e. Washington D.C., Los Angeles, Seattle and New York City) and analyze what legislation and programs these cities have that encourage homeownership for first time homebuyers. Specifically, please analyze the tax credits offered by Washington D.C. to first time homebuyers.

Also, determine how the City and County of San Francisco could issue revenue bonds to create a fund accessible for San Franciscans seeking down payment and mortgage assistance.

**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 48 through 57**

- 48. 022041 [Sitting As A Committee of the Whole 1/13/03 Budget] Supervisor Maxwell**  
Motion scheduling a Committee of the Whole on January 13, 2003, at 3:00 p.m. to hold a hearing on the FY 2002 - 2003 and FY 2003 - 2004 budgets.

12/16/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE  
AGENDA AT THE NEXT BOARD MEETING.

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

- 49. 022006 [Urge Pretrial Diversion Program 50 hours of community service for first time graffiti offenders] Supervisors Hall, Maxwell**

Resolution urging the Executive Director of the Pretrial Diversion program to recommend to the courts at least 50 hours of community service for first time graffiti vandalism offenders.

12/9/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE  
AGENDA AT THE NEXT BOARD MEETING.

12/16/2002, CONTINUED. Continued to January 13, 2003. Supervisor Maxwell requested to be added as a co-sponsor.

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

**50. 022019 [Declaration of December 10, 2002 Run-off Election Results]**

Resolution declaring results of the December 10, 2002 Municipal Run-off Election. (Clerk of the Board)

12/17/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**51. 022034 [Urging SF Federal Legislative Delegation Allocation of HUD McKinney Funds] Supervisor Gonzalez**

Resolution urging San Francisco's Federal legislative delegation to advocate for allocation of HUD McKinney funds at the 2002-03 level to support employment, education and training services to homeless services in San Francisco.

12/16/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**52. 022035 [Declare January 16, 2003 Laura Jo Ruffin Day] Supervisor Peskin**

Resolution declaring January 16, 2003 Laura Jo Ruffin Day in San Francisco.

12/16/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**53. 022044 [Supporting Assembly Bill 18] Supervisors Dufty, Ammiano**

Resolution supporting Assembly Bill 18, eliminating the preemption clause of the State Fair Employment and Housing Act.

12/16/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**54. 022047 [Opposing USA PATRIOT Act] Supervisor McGoldrick**

Resolution opposing the USA PATRIOT Act and related Executive Orders.

12/17/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**55. 030005 [Final Map for an 8 Unit Residential Condominium Project]**



Motion approving Final Map of 1610 Sacramento Street, a Residential Condominium Project, being a subdivision of Lot 7, Assessor's Block No. 621, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,896.)

1/7/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**56. 030006 [Final Map for a 5 Unit Residential Condominium Project]**

Motion approving Final Map of 2077 - 2087 Taylor Street, a Residential Condominium Project, being a subdivision of Lot 2, Assessor's Block No. 92, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,895.)

1/7/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**57. 022045 [Needle Exchange Emergency]**

**Supervisors Ammiano, Newsom,  
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.

12/16/2002, 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: \_\_\_\_\_*

**58. 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 December 12, 2002 through noon on January 8, 2003, for reference by President to appropriate committee on January 13, 2003.*

### **022048 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Scott Nisbet and Daniel David against the City and County of San Francisco and AT&T Corporation in exchange for a waiver of costs by San Francisco; the lawsuit was filed on February 19, 2002 in San Francisco Superior Court, Case No. 02-404691; entitled Nisbet and David v. AT&T Corp. and the City and County of San Francisco; other material terms of said settlement are that AT&T will pay costs and fees to plaintiffs' counsel, and will provide pre-paid telephone calling cards with a value of \$50,000 for free distribution in San Francisco; these cards will be distributed through the San Francisco Convention and Visitors Bureau, the San Francisco Department of Public Health, and the San Francisco Department of Human Services. (City Attorney)

(No Public Benefit Recipient.)

12/17/2002, RECEIVED AND ASSIGNED to Rules and Audits Committee.

### **021541 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Robert Haaland against the City and County of San Francisco for \$107,500; the lawsuit was filed on August 10, 1999 in San Francisco Superior Court, Case No. 305-552; entitled Robert Haaland, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

12/26/2002, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**021586 [Acceptance of Street for Maintenance Purposes]**

Ordinance accepting for maintenance purposes Illinois Street from 25th Street to Marin Street, subject to specified limitations, pursuant to California Streets and Highways Code section 1806, San Francisco Administrative Code section 1.52, and Department of Public Works Order No. 173,794. (Public Works Department)

(No Public Benefit Recipient.)

12/27/2002, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**PROPOSED RESOLUTIONS**

*Proposed resolutions received from December 12, 2002 through noon on January 8, 2003, for reference by President to appropriate committee on January 13, 2003.*

**022018 [Accept- Expend a Bequeathal from the Estate of Mabel L. Schwartz]**

Resolution authorizing the Department of Animal Care and Control to accept and expend a bequeathal in the amount of \$75,040.33 from the Estate of Mabel L. Schwartz (Paula J. Johnson, PR) to be used by the Department of Animal Care and Control to continue its work of helping animals and promoting their welfare. (Animal Care and Control)

(No Public Benefit Recipient.)

12/16/2002, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**022049 [Contracting out Laundry Services at San Francisco General Hospital]**

Resolution concurring retroactively, with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by private contractor for a lower cost than similar work performed by City and County employees. (Public Health Department)

(No Public Benefit Recipient.)

12/18/2002, RECEIVED AND ASSIGNED to Finance Committee.

**022050 [Sale of vintage streetcar to City of Issaquah, Washington]**

Resolution approving the sale of Muni Car No. 96 to the City of Issaquah, Washington pursuant to San Francisco Administrative Code Section 10.84. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

12/23/2002, RECEIVED AND ASSIGNED to Finance Committee.

**021989 [Accept and Expend Federal Grant for Sheriff's Department program providing services to recently released substance abusing offenders]**

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$498,455 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration for providing a substance abuse program to recently released offenders. (Sheriff)

(Public Benefit Recipient.)

12/20/2002, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**022051 [Transfer State funds for contract services to improve access to mental health treatment for children in foster care /other children placed outside of San Francisco]**

Resolution endorsing the transfer of State general funds from the State to the California Mental Health Directors Association for a contract to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2002 through June 30, 2003. (Public Health Department)

(Public Benefit Recipient.)

12/17/2002, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the January 15, 2002 meeting.

**030001**