

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 15, 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

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

Action: _____

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

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 a continuance or a tabling of the appeal.

2.

17. **040616** **[Public Hearing - Appeal, FEIR for the proposed
Transbay Terminal/Extension of Caltrain
/Redevelopment Project at 425 Mission Street]**

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report, Case No. 2000.048E, dated April 22, 2004, for the proposed Transbay Terminal/Extension of Caltrain/ Redevelopment Plan generally bounded by Mission, Main, Spear, Folsom, Essex, I-80, Second and Minna Streets; and the track alignment is under Townsend and Second Streets located at 425 Mission Street. (Appellants: Timothy A.Tosta on behalf of Myers Natoma Venture, LLC and Myers Development Company; Oliver L. Holmes; and Joseph J. Brecher representing 14 appellants).

(Dates Filed: 5/10/04 and 5/12/04; companion measure to Files 040629, 040630, 040631.)

6/8/2004, CONTINUED. Continued to June 15, 2004

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)

18. **040629** **[Affirming certification of the final environmental
impact report for the Transbay Terminal]**

Motion affirming the Planning Commission certification of the final environmental impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project.
(Clerk of the Board)

6/8/2004, CONTINUED. Continued to June 15, 2004

Question: Shall this Motion be ADOPTED?

19. **040630** **[Reversing certification of the final environmental**

impact report for the Transbay Terminal]

Motion reversing the Planning Commission certification of the final environmental impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project. (Clerk of the Board)

6/8/2004, CONTINUED. Continued to June 15, 2004

Question: Shall this Motion be ADOPTED?

20. 040631 [Preparation of findings for the final environmental impact report for the Transbay Terminal]

Motion directing the Clerk of the Board to prepare findings concerning the Board of Supervisors' action on the Planning Commission certification of the final environmental impact report for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project. (Clerk of the Board)

6/8/2004, CONTINUED. Continued to June 15, 2004

Question: Shall this Motion be ADOPTED?

COMMITTEE REPORTS

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

The following item will be considered by the Rules Committee at a Special Meeting on Monday, June 14, 2004 at 10:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report.

21. 040828 [Reducing the size of the Budget Committee to three members year-round] Supervisor Gonzalez

Motion amending Rule 5.1 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco to reduce the size of the Budget Committee to three members year-round.

Question: Shall this Motion be ADOPTED?

22. 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.

23. 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

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 24 through 37

- 24. 040838 [Commending Instituto Laboral de la Raza] Supervisor Ammiano**
Resolution commending Instituto Laboral de la Raza on the occasion of their Annual Labor Awards Dinner, and, because of their compassionate work for the protection of all workers, but especially the rights of immigrant workers and because of their commitment to building a strong and united San Francisco, declare Friday, June 11, 2004, as Workers Rights Day.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 25. 040839 [Accept-Expend State Grant - MTA, DPT] Supervisor Ammiano**
Resolution authorizing the Municipal Transportation Agency, Department of Parking and Traffic to apply for, accept and expend a grant in the amount of \$100,359 from the California Department of Transportation for an Environmental Justice Planning grant to produce a comprehensive community-based pedestrian and traffic safety plan for Valencia Street.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 26. 040840 [Commending Laura Ware] Supervisor Daly**
Resolution commending Laura Ware for 14 years of service at Community Housing Partnership and declaring June 30, 2004 Laura Ware Day.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 27. 040841 [Urging United States Postal Service to recognize Single Room Occupancy as permanent housing] Supervisor Daly**
Resolution urging the United States Postal Service to recognize Single Room Occupancy as permanent low-cost housing for many San Franciscans, and to afford residents the right to receive their mail with the same security and privacy as tenants of traditional apartments.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Public Land to the Recreation and Park Department for India Basin Shoreline Park.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 34. 040850 [Urging peaceful resolution of grocery workers contract negotiations] Supervisor McGoldrick**

Resolution urging parties to the upcoming Grocery Store union contract negotiations to bargain in good faith to reach a fair and equitable collective bargaining agreement.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 35. 040851 [Commending Craigslist] Supervisor McGoldrick**

Resolution commending Craigslist for their success serving and building community among the residents of the City and County of San Francisco, and declaring October 10, 2004 as "Craigslist Day" in the City and County of San Francisco.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 36. 040852 [Declaring the first day of October of each year as the "Day of Humanitarians in the City and County of San Francisco"] Supervisor McGoldrick**

Resolution declaring the first day of October of each year as the "Day of Humanitarians in the City and County of San Francisco".

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 37. 040853 [Proclaiming June 15, 2004 as Prescription Drug Awareness Day] Supervisors Sandoval, Peskin**

Resolution proclaiming June 15, 2004 as Prescription Drug Awareness Day in the City and County of San Francisco.

6/8/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

- 38. 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 1, 2004 through June 7, 2004, for reference by President to appropriate committee on June 15, 2004.

040712 [Settlement Of Lawsuit - Ray Mizyed and Gary Thompson]

Ordinance authorizing settlement of Ray Mizyed's claims in the lawsuit filed by Ray Mizyed and Gary Thompson against the City and County of San Francisco for \$135,000; the lawsuit was filed on May 14, 2003, in the United States District Court for the Northern District of California, Case No. CV 03-02243 WDB, entitled Ray Mizyed, Gary Thompson v. City and County of San Francisco, Johnny Miller, Jesse Williams, Donald Sanders, Mercedes Hernandez, Gwendolyn Tucker. (City Attorney)

6/3/2004, RECEIVED AND ASSIGNED to Rules Committee.

040713 [Settlement of Lawsuit [Partial Settlement] - Ki-Man Song, et al.]

Ordinance authorizing partial settlement of the lawsuit filed by Ki-Man Song, Young Soo Lee, Leobardo Trejo, Suk In Yi, Chae Hun Yi, and James Nam against the City and County of San Francisco for \$280,540; the lawsuit was filed on June 3, 2003 in United States District

Court, Northern District of California, Case No. C03 2580; entitled Ki-Man Song, et al. v. Jin Construction & Electric Co., et al.; other material terms of said settlement are material terms. (City Attorney)

6/3/2004, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from June 1, 2004 through June 7, 2004, for reference by President to appropriate committee on June 15, 2004.

040714 [Grant of Federal Funds]

Resolution authorizing the Municipal Transportation Agency Board to Accept and Expend \$41,002,071 of Federal Formula Section 5307 and Congestion Mitigation for Air Quality Capital Assistance for San Francisco Capital Projects and activities, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

6/3/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040715 [Grant of Federal Funds]

Resolution authorizing the Municipal Transportation Agency Board to accept and expend \$35,351,840 of Federal Formula Section 5309 Fixed Guideway capital assistance for construction of Muni's Metro East Light Rail Facility, excluding administrative overhead costs. (Municipal Transportation Agency)

6/3/2004, RECEIVED AND ASSIGNED to Land Use Committee.

040868 [Petitions and Communications]

Petitions and Communications received from June 1, 2004 through June 7, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 15, 2004.

From concerned citizens, submitting support for the Mayor's efforts to create greater budget efficiency by contracting out appropriate city services to private companies. 70 letters(1)

From Planning Department, submitting the revised and updated Housing Element of the General Plan for the City and County of San Francisco. Copy: Each Supervisor(2)

From Department of Administrative Services, submitting annual report on Sole Source Contracts.(3)

From RCN Corporation, submitting Chapter 11 Reorganization Proceedings for RCN Corporation. Copy: Department of Telecommunication and Information Services(4)

From Office of the Mayor, submitting notice of the number or reorganizations that will improve efficiency and provide budgetary savings. Copy: Budget Committee(5)

From John Kelly, commenting that museums are grossly over funded by the City and County of San Francisco. Copy: Each Supervisor(6)

From S.F. Mental Health Board, submitting resolution urging San Francisco be a role model and deliver a message to our nation about the importance of protecting our infrastructure and protecting all of our residents, even or especially, during a time of international crisis and danger.(7)

From S.F. Mental Health Board, submitting resolution responding to the crystal methamphetamine crisis in San Francisco.(8)

From Mayor, submitting the Mayor's proposed Budget for fiscal year 2004-2005. Copy: Each Supervisor(9)

From Controller, submitting response to data request for tax rate scenarios for the Real Property Transfer Tax and Commercial Occupancy Tax.(10)

From Tenant Associations Coalition of San Francisco, submitting copy of letter sent to the Department of Parking and Traffic regarding various traffic issues affecting the tenants who live in and or access the Geary and O'Farrell Street corridor.(11)

From the Department of Aging and Adult Services, regarding the budget reduction impact on the department's proposed layoffs of employees in public contact positions. (Reference No. 20040427-015) Copy: Supervisors Ma and Dufty(12)

From Office of the Treasurer, submitting correspondence that shows the investment activity (for fiscal year to date) of the portfolios under management. Copy: Each Supervisor(13)

From Duane Morris LLP, responding to issues raised by the Planning Department regarding appeal of the certification of the Transbay Terminal/Caltrain Extension/Redevelopment Project EIS/EIR. File 040616(14)

From Steefel, Levitt & Weiss, submitting supplemental to the May 10, 2004 letter appealing the Planning Commission's/Redevelopment Agency's certification of the Transbay Terminal/CalTrain Downtown Extension/Redevelopment Project's Final Environmental Impact Statement/Environmental Impact Report (collectively, "EIS/EIR").File 040616, Copy: Each Supervisor(15)

From Office of the District Attorney, submitting information regarding the Aggressive Solicitation Ban ("Prop. M"). (Reference No. 20040427-001) Copy: Supervisor Gonzalez(16)

From Office of the Controller, regarding request for a report listing all established city funds along with the requirements that guide the use of money and delineate the process to expend money from the fund. (Reference No. 20040518-003) Copy: Supervisor Maxwell(17)

From Juvenile Probation Department, regarding how the budget reduction will affect the department's ability to implement the Equal Access to Services Ordinance. (Reference No. 20040427-012) Copy: Supervisors Ma and Dufty(18)

From Planning Department, submitting certificate of determination of exemption/exclusion from environmental review for proposed legislation regarding that adult entertainment uses are no less than 1,000-feet from schools, child care facilities and playgrounds. File 040324, Copy: Each Supervisor(19)

From San Francisco Children and Families Commission, submitting Sole Source Contracts entered into fiscal year 2002-03.(20)

From Department of Human Services, regarding how the budget reduction will affect the department's ability to implement the Equal Access to Services Ordinance. (Reference No. 20040427-005) Copy: Supervisors Ma and Dufty(21)

From Fire Department, submitting notice that an annual inspection relating to fire and life safety was conducted at Municipal Courts/Holding Cells at 850 Bryant Street, 1st, 2nd and 3rd floors.(22)

From Department of Public Health, regarding the issue of compensation for the Technologists (also known as Diagnostic Imaging Technologists) employed by the City and County of San Francisco. (Reference No. 20040511-001) Copy: Supervisor Peskin(23)

From Department of Human Resources, submitting the Interim Annual Salary Ordinance for the fiscal year ending June 30, 2005. (24)

From Fire Department, regarding how the budget reduction will affect the department's ability to implement the Equal Access to Services Ordinance. (Reference No. 20040427-011) Copy: Supervisors Ma and Dufty(25)

From the Sunshine Ordinance Task Force, urging the Board to consider Sole Source Contract reporting requirements as a part of the budget process. Copy: Each supervisor(26)

From Sue Hestor, regarding receiving notices/calendars of Board of Supervisors Committee meetings.(27)

From Airport, submitting announcement that the San Francisco International Airport has been awarded the coveted Eagle Award by the International Air Transport Association in recognition of "outstanding performance in providing value for money, constant improvement and a high level of airline customer satisfaction."(28)

From Luce Forward, urging the Board to reject the appeals of the certification of the Final Environmental Impact Report and Final Environmental Impact Statements for the Transbay Terminal/Caltrain Downtown Extension, Redevelopment Projects. Copy: Each Supervisor(29)

From Department of Public Health, EEO and Cultural Competency, regarding how the budget reduction will affect the department's ability to implement the Equal Access to Services Ordinance. (Reference No. 20040427-007) Copy: Supervisors Ma and Dufty(30)

From Office of the Controller, submitting the Interim Annual Appropriation Ordinance for fiscal year 2004-05.(31)

From World Air Transport Summit, submitting announcement that the San Francisco International Airport has been awarded the coveted Eagle Award by the International Air Transport Association in recognition of "outstanding performance in providing value for money, constant improvement and a high level of airline customer satisfaction."(32)

From Bay Rail Alliance, submitting support for the Planning Commission's approval of the FEIS/FEIR for the Transbay Terminal, Caltrain Downtown Extension, Redevelopment Agency Project. File 040629, Copy: Each Supervisor(33)

From Peter Briscoe, submitting support for the appointment of Peter Warfield to the Library Citizens Advisory Committee. Copy: Rules Committee(34)

From Aging and Adult Services Commission, submitting resolution regarding funding for

older adults and younger adults with disabilities.(35)

From concerned citizens, submitting support for granting conditional approval of a historic property contract for the Chronicle Building located at 690 Market Street.File 040329(36)

From concerned citizens, submitting opposition to displaying Guy Coldwell's paintings in City Hall.(37)

From concerned citizens, concerning the addition and revocation of specified yellow and bus zones in and around Geary and O'Farrell Street.(38)

From Department of Consumer Assurance, submitting the Agricultural Crop Report for 2003.(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.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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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