

Board of Supervisors

City and County of San Francisco

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



AGENDA

**Tuesday, March 16, 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.

3. **040163 [Settlement of Lawsuits and Assessment Appeals]**

Ordinance authorizing settlement of lawsuits and assessment appeals filed by Mission Housing Development Co., Thomas Paine, Ltd., Vista del Monte, Ltd., Buchanan Park, Ltd., Prince Hall Ltd., Laurel Gardens, St. Francis Square Apartments, Friendship Village Inc., Casa de La Raza, Third Baptist Gardens/F. D. Haynes Apartments, and Glenridge Apartments versus the City and County of San Francisco by payment of a total amount not to exceed \$1,800,000.00; the cases and appeals are Mission Housing I (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A075003), Mission Housing II (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A085462), Mission Housing III (San Francisco Co. Super Ct No. 300781), Mission Housing IV (those assessment appeals for which a decision was rendered by the Assessment Appeals Board on September 9, 2003), and Mission Housing V (San Francisco Co. Superior Ct. No. 502335, Court of Appeal No. A104180); the settlement includes any claims for reduced assessment for the 2002-2003 tax year and Plaintiffs/Claimants shall not file any claims for refund based on Sections 1604 or 2635 of the Revenue and Taxation Code. (A copy of proposed Settlement Agreement placed in Board File No. 040163.) (City Attorney)

3/9/2004, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Maxwell

4. **031151 [Creating the Divisadero Street Alcohol Restricted Use District]**

Supervisor Gonzalez

Ordinance adding Section 783 to the Planning Code to create a Divisadero Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheets 2SU and 7SU of the City and County of San Francisco to indicate the boundaries of the Divisadero Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

[No fiscal impact.]

3/9/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. **040031 [Modification of parking regulations on portions of Mission Street]**

Ordinance repealing Section 32.6.4 of the San Francisco Traffic Code, pertaining to part-time tow-away parking restrictions on portions of Mission Street (between 22nd and Cesar Chavez

Streets). (Parking and Traffic Department)

3/9/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 040032 [Modification of traffic regulations on portions of Mission Street]

Ordinance repealing Section 35.1 of the San Francisco Traffic Code, pertaining to part-time left turn restrictions on portions of Mission Street (between 22nd and Cesar Chavez Streets). (Parking and Traffic Department)

3/9/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 040074 [Speed Limit - Portion of Octavia Boulevard]

Ordinance adding Section 175.35 to the San Francisco Traffic Code establishing a 30-MPH speed limit along a portion of Octavia Boulevard (central lanes only, between Fell and Market Streets). (Parking and Traffic Department)

3/9/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 040075 [Speed Limit - Portion of Octavia Frontage Road]

Ordinance adding San Francisco Traffic Code Section 174.8 to establish a 15-MPH speed limit along a portion of Octavia Frontage Road (between Hayes and Market Streets). (Parking and Traffic Department)

3/9/2004, PASSED ON FIRST READING.

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 Redevelopment Agency

9. 040187 [Ground Lease of Redevelopment Agency Land for Mariposa Gardens Apartments] Mayor

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 4014, Lot 1, commonly known as 2445 Mariposa Street, to Mariposa Gardens II, L.P., for 55 years for the purpose of preserving a housing development for very low and low income households.

(Fiscal impact.)

3/9/2004, CONTINUED. Continued to March 16, 2004

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Services Committee

Present: Supervises Dufty, Ma, Alioto-Pier

10. 032029 [Extended Hours Permits] Supervisors Dufty, Daly

Ordinance amending Section 1070.19 of the Police Code to permit bona fide public eating places or places of entertainment that have no liquor license to apply for and receive an extended hours permit from the Entertainment Commission.

1/6/2004, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance, approved as to form, bearing same title.

3/9/2004, CONTINUED. Continued to March 16, 2004 Supervisor Daly requested to be added as a co-sponsor.

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 040182 [Improve working conditions for day laborers in the San Francisco Mission District]

Resolution authorizing the San Francisco Department of Public Health, Occupational and Environmental Health (SFDPH), to accept and expend retroactively a grant in the amount of \$212,584 from the Centers for Disease Control and Prevention (CDC), to improve working conditions for day laborers in the San Francisco Mission District 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)

3/9/2004, CONTINUED. Continued to March 16, 2004

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

year renewal of Agreement No. CS-524, Program Management Services, with the Water Infrastructure Partners (WIP) to provide program management services for the SFPUC Capital Improvement Program, for an amount not to exceed \$11 million; approving the Contract Year 3 performance fee for an amount not to exceed \$497,000; requiring that the PUC report to the Finance and Audits Committee as part of the PUC's annual budget review process. (Public Utilities Commission)

(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

16. 040181 [MOU - Amendment No. 1 and Amendment No. 2, Local 21] Mayor

Ordinance adopting and implementing Amendment No. 1 and Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, to be effective July 1, 2004 through June 30, 2005 setting forth: (a) an addendum of terms and conditions of employment for specified covered classes working on capital projects; (b) modifications to existing MOU language addressing eligibility for assignment pay.

(Fiscal impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 031977 [Amendment to Agreement for the PGA Tour to Host Tournament to be held at Harding Park Golf Course] Supervisor Hall

Resolution approving and authorizing an amendment to the Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

(Fiscal impact.)

Question: Shall this Resolution be ADOPTED?

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

18. 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.

19. 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 20 through 33

20. **040279** **[Extension of Planning Commission Review Period - Supervisor Peskin
690 Market Street]**
- Resolution extending for an additional 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by adding Section 249.25 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-0) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006).
- 3/9/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
-
21. **040284** **[Contract funds to evaluate the impact of a resource Supervisor Peskin
center for drug users]**
- Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH,CBHS), to enter retroactively into an agreement with the University of California San Francisco (UCSF), the primary contractor, and expend funds in the amount of \$4,697 to provide research evaluation services; for the period of July 1, 2003 to June 30, 2004.
- 3/9/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

[Brown Act Finding]

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

[Imperative Resolutions, if any]

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from March 2, 2004 through March 8, 2004, for reference by President to appropriate committee on March 16, 2004.

040230 [Conforming with official street name change - Cesar Chavez Street]

Ordinance amending Sections 174.04 and 174.13 of the San Francisco Traffic Code, pertaining to speed limits on Cesar Chavez Street. (Parking and Traffic Department)

3/5/2004, RECEIVED AND ASSIGNED to Land Use Committee.

040261 [Settlement of Lawsuit - Laura Bianchi]

Ordinance authorizing settlement of the lawsuit filed by Laura Bianchi against the City and County of San Francisco for \$70,000; the lawsuit was filed on August 14, 2003 in San Francisco Superior Court, Case No. 03-423459; entitled Laura Bianchi v. City and County of San Francisco, et al. (City Attorney)

3/8/2004, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from March 2, 2004 through March 8, 2004, for reference by President to appropriate committee on March 16, 2004.

040226 [Sale of Surplus Property at 107 24th Avenue]

Resolution authorizing the sale of surplus City-owned real property located at 107 24th Avenue (Block 1334, Lot 1); adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to proceed with its sale at public auction. (Real Estate Department)

3/9/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040227 [Construct retaining walls in public right-of-way to provide for parking garage driveway and level entry to a new resident at 719 Peru Avenue]

Resolution granting revocable permission to Alan Tran to occupy a portion of the street area along Peru Avenue for the purpose of constructing and maintaining retaining walls in order to provide for a parking garage driveway and a level entry to a new building at 719 Peru Avenue (Assessor Block 5943, Lot 024). (Public Works Department)

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

040228 [Construct retaining walls in public right-of-way to provide for a parking garage driveway and level entry to a new resident at 715 Peru Avenue]

Resolution granting revocable permission to Robert C. M. & Lori O. W. Chiang to occupy a portion of the street to construct retaining walls in public right-of-way in order to provide for a parking garage driveway and a level entry to a new resident at 715 Peru Avenue (Block 5943, Lot 025). (Real Estate Department)

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

040229 [Contracting out laundry services at S.F. General Hospital]

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

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

040239 [Extending provisional appointments]

Resolution approving extension to June 30, 2005 of provisional appointments of employees in classifications 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI, 0942 Manager VII, 0943 Manager VIII, 1237 Training Coordinator, 1410 Chief Clerk, 1842 Management Assistant, 2998 Representative, Commission on Status of Women, 3280 Assistant Recreation Director, 3284 Recreation Director, 4321 Cashier 2, 5278 Planner 2, 5283 Planner 5, 5293 Planner 4, 5608 Senior

Energy Specialist, 7334 Stationary Engineer, and 9343 Roofer, and H-30 Captain (Fire Department). (Human Resources Department)

3/5/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040259 [Settlement of Claim - Weston Ngo]

Resolution approving the settlement of the unlitigated claim filed on October 8, 2003 by Fire Insurance Exchange as subrogees for Weston Ngo against the City and County of San Francisco in the amount of \$50,000.00. (City Attorney)

3/8/2004, RECEIVED AND ASSIGNED to Rules Committee.

040260 [Settlement of Claim - Suzanna Hernandez]

Resolution approving the settlement of the unlitigated claim filed on October 8, 2003 by Fire Insurance Exchange as subrogees for Suzanna Hernandez against the City and County of San Francisco in the amount of \$50,000.00. (City Attorney)

3/8/2004, RECEIVED AND ASSIGNED to Rules Committee.

040262 [Mayor's Summer Food Service Program]

Resolution authorizing the Department of Children, Youth, and Their Families to accept and expend a grant in the amount of \$599,215 from the United States Department of Agriculture for the 2004 Mayor's Summer Food Service Program. (Mayor)

3/8/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040316 [Petitions and Communications]

Petitions and Communications received from March 2, 2004 through March 8, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 16, 2004.

From the Mayor, submitting nomination of Douglas Chan to serve as a member of the Police Commission for a term commencing at 12:00 Noon on April 30, 2004, in accordance with the 1996 Charter Section 4.109, which provides the appointment is subject to confirmation by a majority of the Board of Supervisors. (1)

From the Mayor, submitting nomination of Dr. Joe Marshall to serve as a member of the Police Commission for a term commencing at 12:00 Noon on April 30, 2004, in accordance with the 1996 Charter Section 4.109, which provides the appointment is subject to confirmation by a majority of the Board of Supervisors.(2)

From the Mayor, submitting nomination of Louise Renne to serve as a member of the Police Commission for a term commencing at 12:00 Noon on April 30, 2004, in accordance with the 1996 Charter Section 4.109, which provides the appointment is subject to confirmation by a

majority of the Board of Supervisors. (3)

From the Mayor, submitting nomination of Joseph Veronese to serve as a member of the Police Commission for a term commencing at 12:00 Noon on April 30, 2004, in accordance with the 1996 Charter Section 4.109, which provides the appointment is subject to confirmation by a majority of the Board of Supervisors.(4)

From the Mayor, submitting nomination of Ann Lazarus to serve as a member of the Port Commission in accordance with the 1996 Charter Section 4.114, which provides the appointment is subject to confirmation by a majority of the Board of Supervisors. Copy: Each Supervisor(5)

From various signators, submitting Form 700 Statement of Economic Interests: Diana Parker, Sarah He, Marti Paschal, Olivia Scanion, Ohn Myint, Donna Hall Jerry Threet.(6)

From Department of Elections, submitting an update regarding implementation of ranked-choice voting.(7)

From Department of Parking and Traffic, regarding the feasibility of a No U-turn for southbound Alemany Boulevard at Santa Rosa Avenue. (Reference No. 20031021-003) Copy: Supervisor Sandoval(8)

From Department of Human Services, submitting final report regarding San Francisco's implementation of the Safely Surrendered Baby Law (Senate Bill 1368). Copy: Each Supervisor(9)

From Fire Department, submitting request for release of reserved funds (\$1,543,139) so the Department can carry out its training mandate.(10)

From the Port, submitting report on the scope and costs of programs and activities addressing waterfront security in the City and County of San Francisco encompassing the entire waterfront. (Reference No. 20040203-014) Copy: Supervisor Alioto-Pier(11)

From Municipal Transportation Agency, submitting list of respective current and pending sole source contracts for Municipal Railway and the Department of Parking and Traffic. (12)

From Planning Department, submitting Certificate of Determination of Exemption/Exclusion from Environmental Review for proposed ordinance regarding landmark transferable development rights. (13)

From Sue Hestor, filing notice of Conditional Use appeal for 8 Washington Street from action of Planning Commission.(14)

From concerned citizens, submitting petition urging the Board to suspend the liquor license issued to "City Nights" nightclub located at 3rd and Harrison Streets.Copy: Each Supervisor(15)

From Employees' Retirement System, regarding the industrial disability retirement application of a constituent.(16)

From Fire Department, submitting the annual detention facility fire inspection report for the Sheriff's Department, County Jail #8 at 425 -7th Street.(17)

From Department of Parking and Traffic, regarding the feasibility of installing additional stop signs at the intersection of Ocean and Otsego Avenues.(18)

From Police Department, regarding the Police Department's involvement in gun buy back programs. (Reference No. 20040203-17) Copy: Supervisor Daly(19)

From Library Users Association, regarding article in the San Francisco Chronicle (March 4, 2004) regarding privacy concerns about library checkout device.(20)

From Office of the Treasurer, submitting the Cash Differences and Overages Fund report for the period ending February 29, 2004.(21)

From Planning Department, submitting Certificate of Determination of Exemption/Exclusion from Environmental Review for proposed ordinance regarding "Formula Retail Use" legislation. File 031501, Copy: Each Supervisor (22)

From S.F. Child Care Planning and Advisory Council, submitting support for legislation protecting children from lead poisoning caused by unsafe work practices on the interiors of older buildings. Copy: Each Supervisor(23)

From Fire Department, submitting annual detention facility fire inspection report for the Sheriff's Department, County Jail #9 at 425 7th Street.(24)

From concerned citizens, urging the Board to direct the Fire Chief to change the proposed plan to hire 96 single-function firefighters, and instead hire 96 paramedic-licensed recruits.(25)

From King-American Ambulance Company, submitting request for a special exemption from the Board of Supervisors to allow all King-American Ambulance employees to obtain "G" area parking permit stickers for their vehicles so their employees do not receive parking tickets while performing life saving measures to members of the public. Copy: Each Supervisor(26)

From Secretary of State, submitting copy of letter sent to Executive Director of the California Association of Counties regarding the voter verified paper trail and the February 5, 2004 directive to counties using touch-screen systems in the March election.(27)

From Friends of Natural Areas, submitting support for the "Minority Plan" of the Natural Areas Program Citizens Advisory Committee.(28)

From David Tornheim, commenting that Muni has made an insufficient effort to notify Muni riders of public hearings affecting bus service cuts.(29)

From Tortuga Liberty, regarding the implementation of ranked-choice voting in San Francisco.(30)

From North Beach Neighbors, submitting support for the proposed independent Library Citizens Advisory Committee. Copy: Each Supervisor(31)

From concerned citizens, filing notice of appeal from action of the Planning Department's Certificate of Determination of Exemption/Exclusion from Environmental Review for property located at 450 Frederick Street.(32)

From Alice Trepp, concerning the issue of disability sick leave use and how it may alter an

employee's retirement account.Copy: Each Supervisor(33)

From Harvey Alcontin, submitting a formal complaint (as an employee) against the Department of Elections.(34)

From Mario Miranda, submitting a formal complaint (as an employee) against the Department of Elections.(35)

From US Army Corps of Engineers, submitting notice that the Conoco Philips Company, San Francisco Refinery has applied for a ten-year Department of the Army permit to maintenance dredge the Terminal Wharf in the City of Rodeo, Contra Costa County, California.(36)

APPOINTMENTS BY THE MAYOR

Human Rights Commission

Sandy Sohcot

Rabbi Yoel Kahn

Ellouise Patton

Treasure Island Development Authority Board of Directors

Monique Moyer

Health Commission

James Illig

Taxi Commission

Michael Kwok

Arthur Jackson

Commission on Aging and Adult Services

Veneracion Zamora

Commission on the Environment

Christina Desser

Retirement Board

E. David Ellington

Michael Kim

Juvenile Probation Commission

Jim Queen

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.

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

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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.

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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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