Agenda & Minutes Archive

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

City Seal

?

AGENDA Monday, December 13, 1999 2:00 PM

Regular Meeting

TOM AMMIANO, PRESIDENT ALICIA BECERRIL, SUE BIERMAN, AMOS BROWN, LESLIE KATZ, BARBARA KAUFMAN, MARK LENO, GAVIN NEWSOM, MABEL TENG, MICHAEL YAKI, LELAND Y. YEE

Gloria L. Young, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

COMMUNICATIONS

CONSENT AGENDA

12-13-1999.htm[11/19/2013 3:56:50 PM]

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 22

Recommendations of the Audit and Government Efficiency Committee

Present: Supervisors Kaufman, Newsom

 1. 991951 [Settlement of Lawsuit, Ideal Paint Co., Inc. vs. CCSF, and Consolidated Actions]
 Ordinance authorizing the settlement of the litigation between the City and County of San Francisco ("City") and John Shimmick Construction, Inc./Obayashi, Joint Venture, and Foundation Constructors, Inc. (collectively referred to as "Shimmick") in the lawsuits consolidated under Ideal Paint Co., Inc. vs. City and County of San Francisco, and Consolidated Actions. (City Attorney)

(S.F. Superior Court No. 967-708.)

Question: Shall this Ordinance be FINALLY PASSED?

2. 992107 [Settlement of Lawsuit, Darcel Grace]

Ordinance authorizing settlement of litigation of Darcel Grace against the City and County of San Francisco by payment of \$131,050.00. (City Attorney)

(U.S. District Court No. C98-3090 CRB.)

Question: Shall this Ordinance be FINALLY PASSED?

3. 992108 [Settlement of Lawsuit, Sharon Norris]

Ordinance authorizing settlement of litigation of Sharon Norris against the City and County of San Francisco by payment of \$50,000. (City Attorney)

(S.F. Superior Court No. 975-399.)

Question: Shall this Ordinance be FINALLY PASSED?

 4. 992109 [Settlement of Lawsuit, Iokhvetta Altman, Vita Burmenko and Marianna Burmenko]
 Ordinance authorizing settlement of litigation of Iokhvetta Altman, Vita Burmenko and Marianna Burmenko against the City and County of San Francisco by payment of \$210,000. (City Attorney) (S.F. Superior Court No. 990-594.)

Question: Shall this Ordinance be FINALLY PASSED?

5. 992137 [Settlement of Lawsuit, Ran Erez]

Ordinance authorizing settlement of litigation of Ran Erez against the City and County of San Francisco by the receipt of \$102,081.45. (City Attorney)

(S.F. Superior Court No. 304-955.)

Question: Shall this Ordinance be FINALLY PASSED?

6. 992138 [Settlement of Lawsuit, Bobby Lee Addison]

Ordinance authorizing settlement of litigation of Bobby Lee Addison against the City and County of San Francisco by payment of \$47,500.00 (City Attorney)

(S.F. Superior Court No. 998-450.)

Question: Shall this Ordinance be FINALLY PASSED?

7. 991834 [Gift Acceptance, Chronicle Publishing Company, to fund red light camera] Mayor Resolution authorizing the acceptance of a gift of one hundred thousand dollars (\$100,000) from the Chronicle Publishing Company to fund a red light camera at the intersection of 5th and Mission Streets.

Question: Shall this Resolution be ADOPTED?

8. 991995 [Settlement of Claim, SOMA Partners]

Resolution approving the settlement of the unlitigated claim of SOMA Partners by payment of \$33,797. (City Attorney)

(Claim Number 99-03960.)

Question: Shall this Resolution be ADOPTED?

9. 992106 [Settlement of Claim, Marc Libarle]

Resolution approving the settlement of unlitigated claim of Marc Libarle by payment of \$80,000.00 (City Attorney)

(Unlitigated Claim No. 98-01832.)

Question: Shall this Resolution be ADOPTED?

10. 992139 [Settlement of Claim, Veronica Cooke]

Resolution approving the settlement of the unlitigated claim of Veronica Cooke by payment of \$37,000. (City Attorney)

(Claim No. 99-03490.)

Question: Shall this Resolution be ADOPTED?

11. 992140 [Accepting a gift of a passenger bus for Laguna Honda Hospital]

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift of equipment, a passenger bus, donated by Laguna Honda Hospital Volunteers, Inc. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Finance and Labor Committee

Present: Supervisors Yee, Bierman

12. 991991 [Public Service Easement Vacation - 1098 Huron Avenue]

Supervisor Yee

Ordinance ordering the summary of vacation and sale of the public service easement located in Assessor's Block 7145, Lot 17, which comprises a portion of 1098 Huron Avenue, making findings pursuant to the California Streets and Highways Code Chapter 4 Sections 8330 et seq. (Public Streets, Highways, and Service Easements Vacation Law, Summary Vacation), making findings of conformity with the General Plan and priority policies of Planning Code Section 101.1, and requesting official actions in connection with the vacation and sale.

12/6/1999, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Housing and Social Policy Committee

Present: Supervisors Teng, Bierman, Becerril

13. 992103 [Accepting private foundation grants to pay for a consultant contract to begin implementation of a Family Assessment Center Project to work with abused or neglected children and their Resolution authorizing the Department of Human Services to accept and expend two grants in the amounts of \$40,000 and \$110,000 from the Zellerbach Family Fund and the Stuart Foundation respectively for a consultant contract to begin the implementation of a family assessment center. (Human Services Department)

Question: Shall this Resolution be ADOPTED?

14. 992190 [Federal funds to be used for San Francisco's older refugee populations; the project includes case management, interpretation and translation, escorts, health and nutrition, mental Resolution authorizing the Private Industry Council of San Francisco, Inc. to accept and expend, retroactive to October 1, 1999, \$210,999 of federal refugee discretionary funds for services to older refugees in line with the Refugee County Plan. (Private Industry Council)

Question: Shall this Resolution be ADOPTED?

15. 992191 [Federal funds to be used for Bosnian Refugee Community Health Outreach Project] Supervisor Brown Resolution authorizing the Private Industry Council of San Francisco, Inc. to accept and expend, retroactive to October 1, 1999, \$33,592 of federal refugee employment social services set aside funds for health program referral services to refugees in line with the Refugee County Plan. (Private Industry Council)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Small Business, Economic Vitality and Consumer Services Committee

Present: Supervisors Newsom, Leno, Becerril

16. 992142 [Accepting grant for soil restoration and planting at the Endangered Garden Project at the Sunnydale Pump Station]

Resolution authorizing the Director of Cultural Affairs of the Arts Commission to retroactively accept and expend a grant in the amount of \$22,732 from the San Francisco Urban Resources Partnership which is administrated through the Natural Resources Conservation Service, the Forest Service of the United States Department of Agriculture and the Environmental Protection Agency for the restoration of the Endangered Garden Public Art Project at the Sunnydale Pump Station. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

17. 992143 [Accepting grant funds for the Harvey Milk Memorial Plaza Design Competition to ensure community participation in the planning and development of the project]

Resolution authorizing the Director of the Arts Commission to accept and expend \$35,000 in State funds granted through the Transportation for Livable Communities Program of the Metropolitan Transportation Commission for the Harvey Milk Memorial Plaza Design Competition project; waiving the two percent (2%) associated indirect costs. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Transportation and Land Use Committee

Present: Supervisors Katz, Yee

18. 990862 [Double Parking on Municipal Railway Bus Routes Prohibited] Supervisors Newsom, Brown Ordinance amending Article 3, Chapter XI, Part II of the San Francisco Municipal Code (Traffic Code) by adding Section 53, regarding double parking on Municipal Railway bus routes.

(Adds Section 53.)

12/6/1999, PASSED, ON FIRST READING. Supervisor Brown requested to be added as co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

19. 991871 [Text amendment to Article 10 of the Planning Code in connection with the proposed Washington Square Landmark designation proposal]
 Ordinance amending Planning Code by amending Sections 1004, 1005, 1006, and 1006.2 to provide for certificate of appropriateness approval of alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies the alterations that require such approval.

(Amends Sections 1004, 1005, 1006, and 1006.2; Planning Commission Resolution No. 14878 approving the proposed amendments to the Planning Code; Certificate of Determination of Exemption/Exclusion from Environmental Review, dated August 31, 1999.)

12/6/1999, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

20. 992021 [Operation of spare vehicles as taxicabs on New Year's Eve] Supervisor Newsom Ordinance authorizing the Taxi Commission to authorize color scheme permit-holders to operate approved spare vehicles as taxicabs without a taxicab permit from the City for the period from 6:00 p.m. on December 31, 1999 through 6:00 a.m. on January 1, 2000. (Government Agency) 12/6/1999, PASSED, ON FIRST READING. Supervisor Newsom requested to be added as co-sponsor. Question: Shall this Ordinance be FINALLY PASSED?

- 21. 992041 [Landmark Designation, 4040 Seventeenth Street] Supervisors Becerril, Bierman, Brown Ordinance designating 4040 Seventeenth Street, the McCormick House, as Landmark No. 208 pursuant to Article 10 of the Planning Code.
 (September 2, 1999 Planning Commission Resolution No. 14874 adopted recommending approval.)
 12/6/1999, PASSED, ON FIRST READING. Supervisor Brown requested to be added as co-sponsor. Question: Shall this Ordinance be FINALLY PASSED?
- 22. 992042 [Underground District No. 355]

Supervisor Bierman

Ordinance creating Underground District No. 355 in the Third Street and Bayshore Boulevard Area.

12/6/1999, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Severed from Consent Agenda

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Bierman

23. 991619 [Establishment of Airport Special Event Account]

Supervisor Newsom

Ordinance amending Administrative Code by adding Section 10.114-3 to establish an Airport Promotion and Event Account; allow for the acceptance of gifts by the Airport Commission; and, authorize the Airport Commission to expend monies in account; this section shall expire on September 30, 2001. (Airport Commission)

(Fiscal impact; Adds Section 10.114-3.)

12/6/1999, MOTION to excuse Supervisor Becerril from voting on this matter.

12/6/1999, PASSED ON FIRST READING.

Present; Supervisors Yee, Bierman, Ammiano

24. 991428 [Truth in Disclosure Act]

Supervisor Yee

Ordinance amending Planning Code Sections 306.1 and 306.3 to require disclosure in a conditional use or variance application and notice for public hearing of the name under which the applicant intends to conduct business, and requiring that applications be signed under penalty of perjury; and authorizing the Zoning Administrator to reject and delay the re-filing of an application that includes material misstatements or omissions; amending Building Code Section 106.3 to require disclosure in a building permit application of the name under which the applicant intends to conduct business, requiring that applications be signed under penalty of perjury, and authorizing the Director of Building Inspection to cancel and delay the re-filing of an application that includes material misstatements or omissions.

(Amending Planning Code Sections 306.1 and 306.3; amends Building Code Section 106.3.) (Planning Commission Resolution No.14929 adopted November 18, 1999 recommending proposed amendment with revision disclosed in the resolution. Certification of Exemption from environmental review dated September 9, 1999.)

12/6/1999, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor Yee moved an amendment of the whole bearing new title.

12/6/1999, CONTINUED AS AMENDED ON FIRST READING. A request was made to continue this matter to December 13, 1999.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Housing and Social Policy Committee

Present: Supervisors Teng, Bierman, Becerril

25. 991998 [Tour Bus Restriction on a portion of 6th Avenue between Lincoln Way and Kirkham Street] Supervisors Teng, Becerril, Bierman, Newsom, Brown Ordinance amending Police Code by adding Section 1183.30, establishing a tour bus restriction on a portion of 6th Avenue; setting expiration date of December 31, 2001. (Parking and Traffic Department)

(Adds Section 1183.30.)

11/22/1999, PASSED, ON FIRST READING. Supervisor Newsom requested to be added as co-sponsor.

12/6/1999, SEVERED FROM CONSENT AGENDA. Supervisor Yaki requested this item be severed so it could be considered separately.

12/6/1999, AMENDED. Supervisor Yaki moved to amend by adding the following language: "Section 2. The provisions of this ordinance shall expire December 31 ,2001." Title amended accordingly.

12/6/1999, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Transportation and Land Use Committee

26. 991872 [Designation of Washington Square, limited to and comprising all of Lots 1 and 2 in Assessor's Block No. 102, as City Landmark No. 226]
 Ordinance designating Washington Square, as Landmark No. 226 pursuant to Article 10 of the Planning Code.

(Planning Commission Resolution No. 14879, which approved the landmark designation at its meeting of Sept. 9, 1999; Landmark Preservation Advisory Board Resolution No. 512 adopted April 21, 1999, initiating the landmark designation of the property and recommending Planning Commission approval; Final Landmark Designation Report dated April 1999; companion measure to Files 990140, 991871.)

12/6/1999, AMENDED. Supervisor Becerril moved to amend page three, line 9 by deleting item (4) in its entirety; amend page four, lines 14 through 16 by deleting item (5) in its entirety.

12/6/1999, PASSED ON FIRST READING AS AMENDED. Supervisor Brown requested to be added as co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Audit and Government Efficiency Committee

Present: Supervisors Kaufman, Newsom

27. 992043 [Administrative Code Revision, Chapters 15, 16 and 19A]
Supervisors Kaufman, Newsom Ordinance amending Administrative Code, Chapters 15 (Mental Health); 16 (Officers and Employees) and 19A (Public Health) by adding new Sections 15.1 (Definitions) and 15.19 (Alcoholism Advisory Board); repealing Sections 15.6, 15.8, 15.11, 15.12, 15.12-1, 15.12-2, 15.12-3, 15.12-4, 15.12-5, 15.12-6 and 16.803; renumbering Sections 15.1, 15.3, 15.4, 15.4-1, 15.5, 16.800, 16.801, and 16.802 as Sections 15.10, 15.12, 15.13, 15.14, 15.15, 15.20, 15.21, and 15.22 respectively and renumbering Sections 15.2, 15.7-1, 15.9 and 19A.14 as Sections 15.11, 15.16, 15.17 and 15.18, respectively and amending the same, to consolidate the chapters and to eliminate out-dated and obsolete provisions; by adding a new Section 15.100 and renumbering Sections 19A.18, 19A.22, 19A.19 and 19A.36 as Sections 15.101, 15.102, 15.103, and 15.104, respectively; to create a new Article II ("Public Health Contracts") to Chapter 15; and by repealing Sections 19A.1, 19A.2, 19A.3, 19A.4, 19A.6, 19A.7, 19A.8, 19A.9, 19A.10, 19A.12, 19A.35, 19A.37, 19A.38, 19A.39 and 19A.40 to eliminate out-dated and obsolete provisions relating to contract approvals.

(Adds new Sections 15.1 and 15.19; repeals Sections 15.6, 15.8, 15.11, 15.12, 15.12-1, 15.12-2, 15.12-3, 15.12-4, 15-5, 15.12-6 and 16.803; renumbers Sections 15.1, 15.3, 15.4, 15.4-1, 15.5, 16.800, 16.801, and 16.802 as Sections 15.10, 15.12, 15.13, 15.14, 15.15, 15.20, 15.21, and 15.22; renumbers Sections 15.2, 15.7-1, 15.9 and 19A.14 as Sections 15.11, 15.16, 15.17 and 15.18; adds a new Section 15.100; renumbers Sections 19A.5, 19A.18, 19A.22, 19A.19 and 19A.36 as Sections 15.101, 15.102, 15.103, 15.104 and 15.105; to create a new Article II ("Public Health Contracts") to Chapter 15; repeals Sections 19A.1, 19A.2, 19A.3, 19A.4, 19A.6, 19A.7, 19A.8, 19A.9, 19A.10, 19A.12, 19A.13, 19A.15, 19A.17,

19A.20, 19A.21, 19A.23, 19A.25, 19A.26, 19A.31, 19A.32, 19A.33, 19A.34, 19A.35, 19A.37, 19A.38, 19A.39 and 19A.40.)

Question: Shall this Ordinance be FINALLY PASSED?

28. 992044 [Administrative Code Revision, Chapter 17]

Supervisors Kaufman, Newsom, Brown Ordinance amending Administrative Code Section 17.1 to correct a statutory reference and amending Section 17.14 regarding trial and special event rates for the use of parking facilities under the jurisdiction of the Parking and Traffic Commission.

(Amends Sections 17.1 and 17.14.)

Question: Shall this Ordinance be FINALLY PASSED?

29. 992045 [Administrative Code Revision, Chapter 20]

Supervisors Kaufman, Newsom

Ordinance amending Administrative Code Sections 20.1 and 20.8 to correct references to the Department of Human Services and repealing Sections 20.1-1, 20-8-1, 20.8-2, 20.9, 20.10, 20.11, 20.20, 20.21, 20.22, 20.23, 20.24, 20.25, 20.25-2, 20.26, 20.27, 20.28, 20.30, 20.33, 20.34, 20.35, 20.36, 20.37, 20.38, 20.38-1, 20.39, 20.40, 20.40-1, 20.42, 20.43, 20.44, 20.45, 20.46, 20.47 and 20.53, regarding the Department of Human Services, to eliminate out-dated and obsolete provisions.

(Amends Sections 20.1 and 20.8; repeals Sections 20.1-1, 20-8-1, 20.8-2, 20.9, 20.10, 20.11, 20.20, 20.21, 20.22, 20.23, 20.24, 20.25, 20.25-2, 20.26, 20.27, 20.28, 20.30, 20.33, 20.34, 20.35, 20.36, 20.37, 20.38, 20.38-1, 20.39, 20.40, 20.40-1, 20.42, 20.43, 20.44, 20.45, 20.46, 20.47 and 20.53.)

Question: Shall this Ordinance be FINALLY PASSED?

30. 992046 [Administrative Code Revision, Chapter 58, Conflict of Interest Code] Supervisors Kaufman, Newsom Ordinance amending Administrative Code Sections 58.1, 58.2, 58.7, 58.8, 58.9, 58.105, 58.110, 58.115, 58.120, 58.145, 58.150, 58.155, 58.170, 58.175, 58.180, 58.185, 58.190, 8.200, 58.201, 58.202, 58.205, 58.220, 58.225, 58.275, 58.315, 58.320, 58.375, 58.380, 58.385, 58.390, 58.405, deleting sections 58.9, 58.168, 58.177, 58.195, 58.198, 58.267, 58.272, 58.310, 58.232, 58.340, 58.357, 58.382, 58.383, 58.405, and 58.500, and adding new Sections 58.100, 58.140, 58.160, 58.203, 58.204, 58.206, 58.216, 58.242, 58.257, 58.295, 58.355, 58.395, 58.400, 58.410, 58.415, 58.420 to reorganize and renumber sections in alphabetical order and make other nonsubstantive technical changes; to reflect organizational changes for the Transportation Authority; and to add the Children and Families First Commission, the Taxi Commission, the Treasure Island Development Authority and the Citizens Advisory Committee to the Redevelopment Agency.

(Amends Sections 58.1, 58.2, 58.7, 58.8, 58.9, 58.105, 58.110, 58.115, 58.120, 58.145, 58.150, 58.155, 58.168, 58.170, 58.175, 58.177, 58.180, 58.185, 58.190, 58.195, 58.198, 58.200, 58.201, 58.202, 58.205, 58.220, 58.225, 58.267, 58.272, 58.275, 58.310, 58.315, 58.320, 58.323, 58.340, 58.357, 58.375, 58.380, 58.382, 58.383, 58.385, 58.390, 58.405, 58.500; adds new Sections 58.145, 58.385 and 58.400.)

Question: Shall this Ordinance be FINALLY PASSED?

31. 991709 [Reimbursement to Employees consisting of one claim in the amount of \$1,215.33]

Resolution authorizing reimbursement for cost of personal property of City and County employees damaged/stolen in the line of duty. (Controller)

Question: Shall this Resolution be ADOPTED?

32. 992113 [Approving an agreement that authorizes the suspension (or tolling) of the statute of limitations on a lawsuit by the Patterson Environmental Response Trust against the City]

Resolution approving the City Attorney's entry into a tolling agreement governing suit by Patterson Environmental Response Trust. (City Attorney)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Bierman, Ammiano

33. 992185 [Government Funding, Superior Court]

Ordinance rescinding and reappropriating \$17,843, professional services to salaries and fringe benefits and creating one (1) position for the Superior Court for fiscal year 1999-2000. (Controller)

(Companion measure to File 992186.)

Question: Shall this Ordinance be FINALLY PASSED?

34. 992186 [Public Employment, Superior Court]

Ordinance amending Ordinance No. 209-99 (Annual Salary Ordinance, 1999-2000, reflecting the creation of one position (Class 0366 Dependency Mediation Assistant), for the Superior Court. (Human Resources Department)

(Companion measure to File 992185.)

Question: Shall this Ordinance be FINALLY PASSED?

35. 992141 [Amendment of leases of real property at 1307 and 317-1317C Evans Avenue for the use of DPH Mental Health Division]

Resolution authorizing an amendment to leases of real property at 1307 and 1317-1317C Evans Avenue, San Francisco, to increase the size of the premises by 601 square feet and establish a uniform expiration date for the Mental Health Division of the Department of Public Health. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

From Finance and Labor Committee Without Recommendation

Present: Supervisors Yee, Bierman, Ammiano

36. 991923 [Expenditure of Community Court Program Fines]

Supervisor Brown

Ordinance amending Administrative Code by adding Section 10.117-124 to require the Controller to separately account for fines awarded to the City through community court dispute resolution programs and appropriating those funds to enhance public safety and the quality of life in the communities served

by the community courts.

(Adds Section 10.117-124.)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Housing and Social Policy Committee

Present: Supervisors Teng, Bierman, Becerril

37. 991265 [Amending Rent Control Ordinance to delete provision that a landlord shall not evict under the Ellis Act unless no other cause exists, specify notice requirements and place other

Ordinance amending Chapter 37 of the San Francisco Administrative Code ("Residential Rent Stabilization and Arbitration Ordinance") to further implement and conform to the Ellis Act (California Government Code Sections 7060 et seq., which provides owner rights to withdraw units from Residential Rental): by amending Section 37.9(a)(13) to remove the provision that the landlord not have other cause under Section 37.9(a) in order to evict under Section 37.9(a)(13); and by amending Section 37.9A to specify additional requirements of notice of withdrawal to the Rent Board and affected tenants, to expand the minimum period between notice and actual withdrawal of a unit from 60 days to 1 year for elderly tenants (age 62 or over) and disabled tenants (as defined in Government Code Section 12955.3) who timely notify the owner of their status, to expand the minimum period between notice and actual withdrawal from 60 days to 120 days for all other tenants, to require Rent Board recordation of a notice of constraints with the County Recorder, to require a register of all units withdrawn, to provide for compliance status investigation, to specify additional requirements for notice/offering the unit to displaced tenants if the unit is again offered for rent or lease within 10 years, and to expand the time from two years to three years for tenants (including former tenants) to sue the owner(s) for violation; and with technical nonsubstantive changes to identify the Central Permit Bureau as part of the Department of Building Inspection (Section 37.9(a)(11)), to further identify the Ellis Act, and to conform to related renumbering within Section 37.9A. (Rent Stabilization and Arbitration Board)

Question: Shall this Ordinance be FINALLY PASSED?

 38. 992197 [Renaming Hearing Officers (arbitrates rental increase disputes), as Administrative
 Supervisor

 Law Judges]
 Newsom

 Ordinance amending Chapter 37 of the San Francisco Administrative Code ("Residential Rent")
 Supervisor

Stabilization and Arbitration Ordinance") to reflect the Civil Service reclassification of Hearing Officers as Administrative Law Judges, by amending all references to "Hearing Officer(s) in Sections 37.2, 37.3, 37.5, 37.6, 37.7, 37.8, 37.8A, 37.8B, 37.9, and 37.10, to be references to "Administrative Law Judge(s)." (Rent Stabilization and Arbitration Board)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Small Business, Economic Vitality and Consumer Services Committee

Present: Supervisors Newsom, Leno, Becerril

39. 991918 [Liquor License, 34 Seventh Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises alcoholic beverage control license to Max R. Young and Sam R. Young for the HiBall Lounge bar and nightclub located at 34 Seventh Street, will serve the convenience of the people of the City and County of San Francisco in accordance with Section 23958.4 of the California Business and Professions Code; with a condition.

Question: Shall this Resolution be ADOPTED?

40. 991952 [Liquor License Transfer, 1001 Page Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 5151 Mission Street to 1001 Page Street, to Majed B. Zeidan for Michael's Pit Stop, will serve the convenience of the people of the City and County of San Francisco in accordance with Section 23958.4 of the California Business and Professions Code; with a condition.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Leno, Becerril

41. 991987 [Liquor Licenses, 231 Scott Street]

Resolution determining that the issuance of a Type 9 beer and wine importer license, a Type 17 beer and wine wholesaler license and a Type 20 off-sale beer and wine alcoholic beverage control license to Carl Jaeger, for The Scott Street Portfolio, Inc. located at 231 Scott Street, will serve the convenience of the people of the City and County of San Francisco in accordance with Section 23958.4 of the California Business and Professions Code; with a condition.

(Supervisor Newsom excused from voting in committee.) Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.

| 42. | 992038 | [Appeal, | Sidewalk | Encroachment, | 3975 | 19th | Street] |
|-----|---|----------|----------|---------------|------|------|---------|
| | /////////////////////////////////////// | L | | , | | - / | ~ |

Hearing appealing decision of the Bureau Manager, Street-Use and Mapping, Department of Public Works by its letter dated October 18, 1999, disapproving a Minor Sidewalk Encroachment Permit to legalize an existing 3' x 9' and a 18" x 3' planters located at the curbside, fronting the property at 3975 19th Street.

Action:_____

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

43. 992039 [Minor Sidewalk Encroachment Permit Appeal]

Motion disapproving the Director of Public Works' denial of an encroachment permit for 3975 19th street and granting an encroachment permit, subject to condition.

Question: Shall this Motion be ADOPTED?

44. 992040 [Minor Sidewalk Encroachment Permit Appeal]

Motion affirming the Director of Public Works' denial of an encroachment permit for 3975 19th street and denying an encroachment permit.

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. The President or the Board may limit the total testimony to 30 minutes.

CLOSED SESSION

Conference with City Attorney - Litigation

[Convene in Closed Session]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney as permitted by Government Code regarding the following litigation:

47. 992195 [Anticipated Litigation]

Supervisor Newsom

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a defendant) which may be filed as a result of the decision of the U. S. Court of Appeals for the Ninth Circuit, Lindsay v. Tacoma Pierce County, No. 98-35416, which concluded that the regulation of outdoor tobacco advertising by the Tacoma Pierce County Health Department Board of Health is preempted by the Federal Cigarette Labeling and Advertising Act. The City and County of San Francisco has local laws regulating certain tobacco advertising. This closed session would be permitted by Government Code Section 54956.9(b).

(The City Attorney advises that, as of January 6, 2000, the City has not been threatened with litigation regarding this issue. Government Code Section 54956.9(b), and City Administrative Code (Sunshine Ordinance) Section No. 67.8 would not permit a closed session, unless the City receives such a threat by January 10, 2000.)

Question: Shall this Motion be ADOPTED?

48. 992266 [Potential Litigation]

Supervisor Brown

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff) which may be filed for the purpose of halting the sale of the San Francisco Chronicle to the Hearst Corporation. This closed session would be permitted by Government Code Section 54956.9(c).

Question: Shall this Motion be ADOPTED?

After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

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 49 through 69

49. 992226 [Commendation]

Supervisors Brown, Bierman, Teng, Katz

Resolution commending the Mental Health Rehabilitation Facility on the occasion of its receiving the Third Place 1999 Lilly Schizophrenia Reintegration Award in the Nursing Category along with a \$1,500 grant.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

50. 992238 [Recycled Plastics] Supervisors Newsom, Bierman, Teng, Becerril, Katz, Leno Resolution urging Pepsi Cola Corporation, and Cadbury Schweppes Corporation to use recycled plastics in its products.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

51. 992239 [America's Cup]

Supervisors Newsom, Bierman, Teng, Becerril, Katz

Resolution supporting the proposal to bring America's Cup, the oldest and most prestigious international trophy competition for sailing, to the San Francisco Bay in 2003; recognizing the good work of the St. Francis Yacht Club; and wishing AmericaOne, especially Skipper Paul Cayard, the best of luck in winning the America's Cup.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

52. 992240 [Sustainable Funding for School Arts and Music Task Force] Supervisors Teng, Bierman, Becerril, Ammiano, Katz, Yaki, Newsom, Leno

Resolution establishing a sustainable funding for School Arts and Music Task Force to make policy recommendations to the Mayor and the Board of Supervisors of the City and County of San Francisco and setting forth the membership and duties of the task force.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

53. 992241 [Endorsing Lake Merced Task Force] Supervisors Teng, Ammiano, Brown, Bierman, Becerril, Kaufman, Newsom, Katz

Resolution endorsing the work of the Lake Merced Task Force and urging the Mayor, the Board of Supervisors, the Public Utilities Commission, and the Recreation and Parks Department of the City and County of San Francisco to support the work of the Lake Merced Task Force and to review the recommendations of the task force concerning Lake Merced.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

54. 992242 [State Legislation, SB 1902, Japanese Imperial Army Disclosure Supervisors Teng, Yaki, Bierman, Newsom, Katz

Resolution urging the Congress to pass SB 1902 - Japanese Imperial Army Disclosure Act of 1999 - to require the disclosure under the Freedom of Information Act classified records and documents in the possession of the U.S. Government regarding chemical and biological experiments and other wartime activities carried out by Japan during World War II, and directing the Clerk of the City and County of San Francisco to forward a copy of this resolution to California's Congressional Delegation, including Senator Dianne Feinstein, Senator Barbara Boxer, Congresswoman Nancy Pelosi and Congressman Tom Lantos; representatives in the State Legislature, including Assemblymembers Kevin Shelley, Carole Migden, and Mike Honda, and State Senators John Burton and Jackie Speier; Governor Gray Davis; and City's Lobbyists in Washington, D.C.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

55. 992243 [Opposing State Proposition 28, Repeal of the California Children and Families Initiative] Supervisors Yaki, Teng, Bierman, Resolution opposing California State Proposition 28 that seeks to repeal Proposition 10, the California Children and Families Initiative approved by the voters in the November, 1998 General Election.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Resolution urging the City Departments to take all necessary actions to keep Arion Press in San Francisco and work with Arion Press to find a permanent location in San Francisco.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

57. 992245 [Urging City Attorney to Evaluate Litigation Against Merger of Chronicle Supervisors Ammiano, and Examiner] Supervisors Ammiano, Bierman, Yee

Resolution urging the Office of the City Attorney, based upon testimony by the general public and the District Attorney's Office as well as the precedent established in Honolulu, Hawaii, to evaluate the appropriateness of litigation of the proposed sale of the San Francisco Chronicle to the Hearst Corporation and further urging the City Attorney to report back to the Board of Supervisors in a timely manner.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

58. 992246 [Commercial Real Property Notice of Rent Increase or Eviction] Supervisors Ammiano, Bierman Resolution urging the State Legislature to amend the State's Commercial Rental Control Law, California Civil Code Sections 1954.25 et seq., to allow local governments to adopt legislation requiring real property owners to notify certain small and mid-size commercial tenants at least 120 days prior to a major rent increase or eviction without cause.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

59. 992247 [Supporting access to AIDS drugs for Third World Countries] Supervisors Ammiano, Leno, Bierman, Newsom, Teng, Katz, Brown Resolution urging the World Trade Organization (WTO) to eliminate barriers which prevent Third World countries from obtaining affordable life saving HIV-AIDS treatments and further urging the United States

Federal Government, as a member of WTO, to cease its bilateral attempts to discourage developing countries from using compulsory licensing and parallel importing to address vital public health concerns.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

60. 992248 [Social Services Long Range Planning]

Resolution urging the Planning Department, the Department of Human Services, the Department of Public Health, and other City departments to develop a map showing the concentration of existing social services in city neighborhoods; to catalog City-owned property that may be appropriate for future siting of such services; to catalog the distribution of client populations citywide; to study the feasibility of starting a long range planning process for the siting of social services that includes extensive neighborhood input, meets the needs of city residents and provides more equitable distribution of services among neighborhoods; and to recommend to the Board of Supervisors by March 1, 2000 measures to implement such a social services planning process.

Supervisors Ammiano, Katz

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

61. 992249 [Commendation] Supervisors Kaufman, Newsom, Teng, Becerril, Bierman, Katz Resolution commending the San Francisco Civil Service Commission on the occasion of its 100th Anniversary and the 100th continuous year of operation of the civil service merit system in the City and County of San Francisco.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

62. 992250 [Commendation] Supervisors Newsom, Teng, Becerril, Katz, Brown Resolution commending Arion Press and urging the Mayor's Office of Economic Development to make every effort to keep Arion Press in San Francisco.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

63. 992251 [Commendation] Supervisors Teng, Yaki, Becerril, Bierman, Katz, Brown Resolution commending the Asian Pacific American Labor Alliance on the occasion of their 3rd Awards Dinner "Moving Forward With Vision" and declaring December 2, 1999 to be "Asian Pacific American Labor Alliance Day" in San Francisco.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

64. 992252 [Commendation]

Supervisors Katz, Leno, Ammiano, Bierman

Resolution commending Robin F. Levitt for his tireless efforts to improve safety, housing and transportation for San Franciscans and congratulating him on the adoption of Proposition I, the Octavia Boulevard Plan, by the voters of San Francisco.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

65. 992253 [Commendation] Supervisors Brown, Newsom, Teng, Bierman, Katz Resolution commending the Annual Bayview Hunters Point Unity Parade and Rally.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

66. 992254 [Commendation]

Supervisors Brown, Bierman, Katz

Resolution commending the Tatonka Buffalo Festival Celebration of 100 years of Bison Life in Golden Gate Park.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

67. 992255 [AC Transit Temporary Bus Route]

Supervisor Katz

Resolution approving request by AC Transit to operate its LD Route from the Transbay Terminal to Powell and Bay Streets twice daily on weekdays from approximately seven weeks beginning December 6, 1999, and ending no later than January 31, 2000, for the purpose of transporting persons to a welfare-towork training program.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

68. 992267 [Final Map of 2600 18th Street, a new 24 unit residential condominium project]

Motion approving final map of 2600 18th Street, a Residential Condominium Project, being a subdivision of Lot 2 in Assessor's Block No. 4015, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 172,062.)

12/7/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

 69. 992268 [Final Map of the City Mews II (181 Shipley Street), a 30 unit residential condominium project.] Motion approving final map of the City Mews II, 1 through 28, 30 and 32 Jennifer Place (181 Shipley Street), a Residential Condominium Project, being a subdivision of Lot 154, Assessor's Block 3752, and adopting findings pursuant to Planning Code Section 101. (Public Works Department)

(DPW Order No. 172,063.)

12/7/1999, 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:

70. 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 2 through December 8, for reference by President to appropriate committee on December 13, 1999.

992218 [Landmark Designation, Doggie Diner Sign and Carousel Building at 2750 Sloat Boulevard] Ordinance designating the Doggie Diner Sign and site at 2750 Sloat Boulevard, as Landmark No. 212 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

12/3/1999, SCHEDULED FOR PUBLIC HEARING. Scheduled for Tuesday, January 18, 2000, at 3:00 p.m.

992221 [Landmark Designation, Doggie Diner Sign at 2750 Sloat Boulevard] Ordinance designating the Doggie Diner Sign at 2750 Sloat Boulevard, as Landmark No. 212 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

12/3/1999, SCHEDULED FOR PUBLIC HEARING. Scheduled for Tuesday, January 18, 2000, at 3:00 p.m.

PROPOSED RESOLUTIONS

Proposed resolutions received from December 2 through noon on December 8, for reference by President to appropriate committee on December 13, 1999.

992269 [2000-2002 Children's Services Plan (Charter amendment enacted in November 1991) - The Mayor's Office of Children Youth and Their Families creates this plan each year to allocate the

Resolution approving the Children's Services Plan for the San Francisco Children's Fund in accordance with Charter Section 16.108. (Mayor)

12/8/1999, RECEIVED AND ASSIGNED to Finance and Labor Committee. Sponsor requests this item be scheduled for consideration at the January 5, 2000 meeting.

992270 [Petitions and Communications]

Petitions and Communications received from December 2 through noon on December 8, for reference by the President to the Committee considering related matters or to be ordered filed by the Clerk on December 13, 1999.

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 persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying. Thus applause and booing are both contrary to Board requirements. The Board does not permit signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.ci.sf.ca.us/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Board meetings are televised on channel 26. For video tape copies and scheduling call (415) 557-4293.

Cell phones and pagers are not allowed in the room during a meeting.

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 by the Clerk of the Board of Supervisors at least 48 hours before the meeting. For meetings on a Monday or a Tuesday, the request must be made by noon of the last business day of the preceding week.

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: #42 Downtown Loop, 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.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting: For American Sign Language interpreters, use of a reader during a meeting, or sound enhancement system, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706. 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. Please help the City to accommodate these individuals.

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 more 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 Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-5163 or by email at Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm