

Monday, August 17, 1998

Journal of Proceedings

The Minutes of the

Board of Supervisors

City and County of San Francisco

DOCUMENTS DEPT.

MAR 24 1999

SAN FRANCISCO
PUBLIC LIBRARY

JOURNAL OF PROCEEDINGS

BOARD OF SUPERVISORS

Monday, August 17, 1998 - 2:00 p.m.

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Barbara Kaufman presiding.

CALLING THE ROLL

The meeting was called to order at 2:03 p.m. On call of the roll, the following Supervisors were noted present:

Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Noted absent at first roll call:

Supervisor Teng - 1.

Quorum present.

Supervisor Teng excused. (See infra.)

Supervisor Teng Excused

The Clerk stated Supervisor Teng requested to be excused from attending today's meeting.

Supervisor Medina, seconded by Supervisor Leno, moved to excuse Supervisor Teng from attendance.

Motion adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

APPROVAL OF JOURNALS

There being no errors, corrections or omissions, Supervisor Yaki, seconded by Supervisor Newsom, moved that the Journal of Proceedings for Monday, June 15, 1998, be approved.

Motion carried by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Presentation of Guests
Suspension of the Rules

Supervisor Leno introduced and welcomed Mr. James Gabbert.

Supervisor Leno, seconded by Supervisor Brown, moved to suspend Rule 4.25 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to Mr. Gabbert.

Motion to suspend the rule adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leal, Medina, Newsom Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Mr. Gabbert thanked the Board of Supervisors for the opportunity to speak and for recognizing his 41 years in San Francisco's radio and telecommunications industry. He indicated pleasure at working in San Francisco and declared it the best City in the United States.

SPECIAL ORDER 2:00 P.M.

Recommendations of Rules Committee

Adopted

[Ballot Argument, Police Retirement Benefits]

Motion authorizing proponent's ballot argument in favor of Proposition "A", a charter amendment concerning retirement benefits for police officers. (Supervisor Kaufman)

File 98-1309, Motion No. M98-111

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Ballot Argument, Customer Service Initiative]

Motion authorizing proponent's ballot argument in favor of Proposition "B", a charter amendment concerning customer service. (Supervisor Newsom)

File 98-1306, Motion No. M98-108

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Adopted as Amended

[Ballot Argument, Fire Department Pension Benefits]

Motion authorizing proponent's ballot argument in favor of Proposition "C", a charter amendment concerning retirement benefits for uniformed members of the Fire Department who were previously paramedics. (Supervisor Medina)

File 98-1308, Motion No. M98-110

Supervisor Medina, seconded by Supervisor Yaki, moved an amendment of the whole ballot argument.

Supervisor Katz, seconded by Supervisor Newsom, moved substitute amendment by incorporating the pending amendment of the whole with change to page 1, second paragraph, last line by reversing two words to read: "responsibly addressed".

Substitute amendment adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Adopted as amended by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Adopted

[Ballot Argument, Taxi Commission]

Motion authorizing proponent's ballot argument in favor of Proposition "D", a charter amendment concerning creation of Taxi Commission. (Supervisor Newsom)

File 98-1307, Motion No. M98-109

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Ballot Argument, Stadium Operators Tax]

Motion authorizing proponent's ballot argument in favor of Proposition "F", an ordinance approving the continued imposition of the Stadium Operator Admission Tax and the Temporary Admission Tax on stadium admissions. (Supervisor Leno)

File 98-1311, Motion No. M98-113

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Ballot Argument, Hotel Tax Continuation]

Motion authorizing proponent's ballot argument in favor of Proposition "H", an ordinance approving the continued imposition of a two percent Hotel Tax Surcharge. (Supervisor Kaufman)

File 98-1310, Motion No. M98-112

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

CONSENT CALENDAR

Recommendations of Finance Committee

Finally Passed

[Appropriation, Administrative Services]

Ordinance appropriating \$30,100,000, Administrative Services, from Convention Facilities Fund Balance to finance land acquisition, improvements, and tenant relocation for the Moscone Convention Center expansion, for fiscal year 1998-99. (Supervisor Yaki)

File 98-1179, Ordinance No. 272-98

(Fiscal Impact.)

Finally passed.

[Municipal Elections Code]

Ordinance amending Elections Code to reduce the fee for publication of ballot arguments in the voter information pamphlet from \$200 plus \$3 per word to \$200 plus \$2 per word and increase the value of signatures submitted in lieu of fees from \$.25 per signature to \$.50 per signature; effective January 1, 1999. (Supervisors Yee, Newsom)

File 98-0664, Ordinance No. 270-98

(Amends Sections 830 and 840.)

Finally passed.

[Settlement of Grievance]

Ordinance authorizing settlement of the pay grievance of Mark Dorian filed pursuant to Memoranda of Understanding between the International Federation of Professional and Electrical Engineers, Local 21, AFL-CIO, and the City and County in the amount of Eighteen Thousand Dollars (\$18,000.00). (Department of Human Resources)

File 98-1120, Ordinance No. 271-98

Finally passed.

[Sale of Real Property]

Ordinance authorizing the Public Utilities Commission to prepare and solicit invitations to bid and/or hold a public auction for the sale of the Bernal Property located in Alameda County, subject to the review and approval by the Board of Supervisors, by resolution, and Mayor of any final sale of the Bernal Property. (Supervisor Yaki)

File 98-1254, Ordinance No. 274-98

Finally passed.

Recommendations of Rules Committee

Passed on First Reading

[Yee v. CCSF and Consolidated Actions]

Ordinance authorizing the settlement of the cross complaints of the City and County against cross-defendants A. Ruiz Construction Company ("Ruiz"), Haley and Aldrich ("Haley"), EPC Consultants, Inc. ("EPC"), and Underground Construction Managers ("Underground"), in the consolidated actions entitled Yee v. City and County and Consolidated Actions, for a combined settlement payment to the City in the amount of \$7,816,666. (City Attorney)

File 98-1237, Ordinance No.

(Superior Court No. 980-740.)

Passed on first reading.

[Settlement of Grievance - MEA v. CCSF]

Ordinance authorizing settlement of class grievance regarding medical reimbursement by the Municipal Executives Association against the City and County by the payment of an amount not to exceed a combined total of \$350,000. (Department of Human Resources)

File 98-1282, Ordinance No.

Passed on first reading.

[Settlement, Stuart Beach v. CCSF, et al.]

Ordinance authorizing settlement of the sexual discrimination lawsuit titled Stuart Beach v. City and County, et al., and grievance filed by Stuart Beach in an amount not to exceed \$79,739.31. (City Attorney)

File 98-1283, Ordinance No.

(Superior Court No. 994-565.)

Passed on first reading.

[Settlement, Stephens v. City and County]

Ordinance authorizing settlement of litigation of Maria Stephens against the City and County for \$600,000. (Supervisor Ammiano)

File 98-1293, Ordinance No.

Passed on first reading.

Adopted

[Appointments]

Resolution appointing members to the Shopping Cart Task Force, terms ending October 28, 1998; and making findings waiving residency requirement. (Rules Committee)

File 98-1352, Resolution No. 685-98

(Mara Raider, Seat No. 6, Coalition of Homelessness;
Jerome Reid, Seat No. 7, Coalition of Homelessness;
Jerry Waller, Seat No. 2, Lucky Stores, Inc.;
Rebecca Philbert, Seat No. 3, Safeway Stores, Inc..)

Adopted.

[Appointments]

Resolution appointing members to the City-Wide Alcoholism Advisory Board, terms expired, for new three year terms ending July 1, 2001. (Rules Committee)

File 98-1357, Resolution No. 686-98

(E. Lucille Ramstetter, succeeding herself, Seat No. 20607, must have professional, research, or personal interest in alcoholism;
Leon Winston, succeeding himself, Seat No. 20610, must have professional, research, or personal interest in alcoholism;
James Matter, succeeding Harold T. West, Seat No. 20615, must have professional, research, or personal interest in alcoholism.)

Adopted.

Resolution nominating member for appointment by the Mayor to the Citizens Advisory Committee on Elections, for new four year term ending May 15, 2002. (Rules Committee)

File 98-1358, Resolution No. 687-98

(Joan Lewis succeeding Gail Morthole, Seat No. 30102, term expired.)

Adopted.

Recommendations of Housing and Neighborhood Services Committee

Adopted

[State Grant, Career Criminal Prosecution Program]

Resolution authorizing retroactively the District Attorney of the City and County to apply for, accept, and expend funds made available through the Office of Criminal Justice Planning for a project entitled "Career Criminal Prosecution", and waiving indirect costs due to funding constraints. (District Attorney)

File 98-1102, Resolution No. 667-98

Adopted.

[State Grant, Elder Abuse Victim Services]

Resolution authorizing the District Attorney of the City and County to accept and expend funds made available through the Office of Criminal Justice Planning for a project entitled "Special Emphasis Victim Assistance Program-Elder Abuse", and waiving indirect costs due to funding constraints. (District Attorney)

File 98-1106, Resolution No. 668-98

Adopted.

[State Grant, Victim and Witness Assistance Program]

Resolution authorizing retroactively the District Attorney of the City and County to apply for, accept, and expend funds made available through the Office of Criminal Justice Planning for a project entitled "Victim and Witness Assistance Program", and waiving indirect costs due to funding constraints. (District Attorney)

File 98-1107, Resolution No. 669-98

Adopted.

[State Grant, Homicide Victim Services]

Resolution authorizing the District Attorney of the City and County to accept and expend funds made available through the Office of Criminal Justice Planning for a project entitled "Special Emphasis Victim Assistance Program-Surviving Families of Homicide Victims", and waiving indirect costs due to funding constraints. (District Attorney)

File 98-1108, Resolution No. 670-98

Adopted.

[State Grant, Extending SRVPP Grant]

Resolution authorizing the District Attorney to accept and expend grant funds made available through the California Office of Criminal Justice Planning (OCJP) for the continued operation of the "Statutory Rape Vertical Prosecution Program (SRVPP)" and waiving indirect costs due to funding constraints. (District Attorney)

File 98-1109, Resolution No. 671-98

Adopted.

[State Grant, Drug Abatement Program]

Resolution authorizing the Mayor's Criminal Justice Council of the City and County to implement a Drug Abatement Program for the purposes of applying for funds made available through the Office of Criminal Justice Planning for the twelve month period July 1, 1998, through June 30, 1999. (Mayor's Office of Criminal Justice Council)

File 98-1187, Resolution No. 675-98

Adopted.

[Grant - Private Funds]

Resolution authorizing the Sheriff's Department to apply for, retroactively, accept and expend \$600,000 over 3 years in funds from the Center on Crime, Communities, and Culture to support the "Resolve to Stop the Violence Project". (Supervisor Katz)

File 98-1220, Resolution No. 676-98

Adopted.

Recommendation of Economic Development, Transportation
and Technology Committee

Finally Passed

[Restricted Parking - Construction Activity]

Ordinance amending Traffic Code, extending the date that limits on parking in construction zones should be restricted to June 30, 1999. (Supervisors Yaki, Katz, Leno, Medina, Newsom)

File 98-1201, Ordinance No. 273-98

(Amends Section 33.1A.)

Finally passed.

The foregoing items on the Consent Calendar were acted upon by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

REGULAR CALENDAR

NEW BUSINESS

Recommendations of Finance Committee

Passed on First Reading

[Appropriation, Recreation and Park Department]

Ordinance appropriating \$426,800, Recreation and Park Department, of Culture and Recreation Special Fund Revenue balance for the dredging project - Marina Yacht Harbor, for fiscal year 1998-1999. (Mayor Willie L. Brown, Jr.)

File 98-1291, Ordinance No.

Passed on first reading by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Passed on First Reading as Amended

[Patient Day Rates, Fiscal Year 1998-1999]

Ordinance amending Health Code, fixing patient rates for services furnished by City and County Healthcare institutions; authorizing retroactively the effective date of July 1, 1998. (Department of Public Health)

File 98-1236, Ordinance No.

(Amends Section 128.)

Supervisor Yaki, seconded by Supervisor Newsom, moved an amendment of the whole bearing same title.

Amendment of the whole adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Passed on first reading as amended by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Adopted

[Recovery of Medical Costs]

Resolution authorizing the Bureau of Delinquent Revenue to recover the cost of medical and dental care provided to persons injured by third parties under circumstances creating tort liability, as authorized by Government Code Sections 23004.1 through 23004.3, and giving the Bureau the authority to compromise, settle or waive claims in connection with such recovery. (Supervisor Kaufman)

File 98-1159, Resolution No. 673-98

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Waiver of Fees]

Resolution waiving fees to be charged for crowd control and re-routing transit lines in connection with the Pink Saturday Party on June 27, 1998. (Supervisors Leno, Bierman, Katz, Ammiano)

File 98-1160, Resolution No. 674-98

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Zoo General Obligation Bond Issuance]

Resolution providing for the issuance of not to exceed \$48,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Zoo Facilities Bonds, 1997), including the issuance of an initial series thereof in the aggregate principal amount of not to exceed \$11,000,000 and designated as the City and County of San Francisco General Obligation Bonds (Zoo Facilities Bonds, 1997), Series 19980; authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds; companion measure to File 98-1952. (Mayor)

File 98-1251, Resolution No. 677-98

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Zoo General Obligation Bond Sale]

Resolution authorizing and directing the sale of not to exceed \$11,000,000 City and County of San Francisco General Obligation Bonds (Zoo Facilities Bonds, 1997), Series 19980; prescribing the form and terms of said Bonds; authorizing the execution, authentication and registration of said Bonds; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale of Bonds and notice of intention to sell Bonds; directing the publication of official notice of sale and notice of intention to sell Bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modification to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds; companion measure to File 98-1251. (Mayor)

File 98-1252, Resolution No. 678-98

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Prop J Contract, Intake/Shelter Services]

Resolution concurring with the Controller's certification that intake and shelter services to status offenders can be practically performed by private contractor for lower cost than similar work services performed by City and County employees; effective retroactive to July 1, 1998. (Juvenile Probation Department)

File 98-1279, Resolution No. 679-98

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Recommendation of Rules Committee

Passed on First Reading

[Board of Appeals]

Ordinance amending Part III, Municipal Code, to reduce the number of votes required to grant a rehearing from 4 to 3 when there is a vacant seat on the Board. (Board of Appeals)

File 98-1250, Ordinance No.

(Amends Section 16.)

Passed on first reading by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Recommendations of Housing and Neighborhood Services Committee

Passed on First Reading

[Zoning Map Amendment, Historic Sign District]

Ordinance adopting changes in property use classification as an amendment to the Zoning Map in the block bounded by Bryant Street, Fifteenth Street, Florida Street and the extension of Alameda Street, identified as Lots 6 and 7 in Assessor's Block 3923, from a M-1 (Light Industrial) District to a M-1 (Light Industrial) and Historic Sign District; finding consistency with Planning Code Section 101.1; companion measure to File 98-0449. (Supervisors Kaufman, Medina)

File 98-0766, Ordinance No.

(Planning Commission Resolution No. 14641 adopted June 11, 1998, recommending the proposed amendment to the Zoning Map.)

Passed on first reading by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

In connection with the above item, Supervisor Medina requested to be added as co-sponsor.

[Historic Sign District]

Ordinance amending the Planning Code, to exempt permitted historic signs from height limits, to clarify that permitted historic signs are exempt from the height limits for signs, to define an historic sign and an Historic Sign District and renumbering the subsequent definition sections; to make technical corrections consistent with the Charter; to permit historic signs to be exempt from certain limitations on roof signs and to have moving features; to exempt historic signs from the size limit of signs visible from freeways and to allow historic signs visible from freeways to be general advertising signs; to establish the criteria and conditions of an Historic Sign District and for authorizing, by conditional use permit, signs qualifying for such designation; companion measure to File 98-0766. (Supervisors Kaufman, Medina)

File 98-0449, Ordinance No.

(Planning Commission Resolution No. 14640 adopted June 11, 1998, recommending the proposed amendment with a suggested amendment.)

(Certificate of Determination of exemption from environmental review adopted May 14, 1998.)

(Amend Sections 260, 262, 604, 607, 608.5;
Adds new Section 602.9, 608.14.)

Passed on first reading by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

In connection with the above item, Supervisor Medina requested to be added as co-sponsor.

[Public Artworks, Historic Landmarks]

Ordinance amending Planning Code, to add historic landmarks to the list of authorized uses of the one percent set aside for public artwork, provided however that said use for historic landmarks terminates three years from the effective date of this ordinance. (Supervisors Newsom, Medina)

File 98-0260, Ordinance No.

(Planning Commission Resolution No. 14619 adopted May 14, 1998 recommending the proposed ordinance with a suggested amendment. General Rule Exclusion from environmental review dated May 5, 1998.)

(Amends Section 149.)

Passed on first reading by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

In connection with the above item, Supervisor Medina requested to be added as co-sponsor.

[Massage Establishments]

Ordinance amending Planning Code, to prohibit certain massage establishments in the North of Market Residential Special Use District, to decrease the period of permitted discontinuance of an existing massage establishment from six months to three months, and to impose conditions upon a change of ownership or operation of existing massage establishment. (Supervisor Yee, Medina)

File 98-0520, Ordinance No.

(Planning Commission Resolution No. 14652 adopted July 9, 1998 recommending the proposed amendment with a suggested amendment. General Rule Exclusion from environmental review dated June 29, 1998.)

(Amend Sections 183, 209.8, 218.1 and 249.5.)

Supervisor Ammiano, seconded by Supervisor Newsom, moved to amend page four, line 12 by changing "10 PM" to "12 AM".

Motion to amend adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

Passed on first reading as amended by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

In connection with the above item, Supervisor Medina requested to be added as co-sponsor.

Adopted

(Supervisor Leno excused from voting in Committee.)

[Liquor License, 384-A Hayes Street]

Resolution determining that the issuance of a Type 20, off-sale beer and wine alcoholic beverage control license to Vanessa F. Johnson for Mad Will's Food Company, Inc., dba The Amphora Wine Merchant located at 384-A Hayes Street, will serve the convenience of the people of the City and County, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions: all sales of alcoholic beverages will be limited to wine only, the alcoholic beverage license shall not be exchanged or transferred. (Housing and Neighborhood Services Committee)

File 98-1155, Resolution No. 672-98

Supervisor Leno Excused from Voting

The Clerk announced that Supervisor Leno requested to be excused from voting because of a possible conflict of interest.

Supervisor Medina, seconded by Supervisor Yaki, moved to excuse Supervisor Leno from voting.

Motion adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

The roll was then called on the pending resolution and it was adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Medina, Newsom, Yaki, Yee - 9.

Excused: Supervisor Leno - 1.

Absent: Supervisor Teng - 1.

Appointment of President Pro Tempore

At the request of the President, Supervisor Yaki assumed the Chair.

PUBLIC COMMENT

The privilege of the floor was granted to the following persons:

Bob Planthold, City departments not up to standards concerning access (Planning, Building Inspection and Landmarks Advisory Board);

Edith McMillan, tobacco advertising near school enforcement, wants public comment section also at committee meetings;

Jason, HIV antibody test;

David Murt, earthquake preparedness, fire boat;

Bob Jacovich, Neighborhood Emergency Response Team;

Mark, Neighborhood Emergency Response Team;

Worldwind Dreamer, corruption in government.

There being no one else wishing to speak, the President declared the public comment portion of the meeting closed.

The President resumed the Chair.

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.

Severed From For Adoption Without Committee Reference Calendar

Supervisor Brown requested that the following measure be severed from the For Adoption Without Committee Reference Calendar and considered separately.

Tabled

[Suspend Thirty Day Rule]

Motion suspending Rule 5.40 of the Rules of Order of the Board of Supervisors to allow the Board of Supervisors to consider, without waiting 30 days after its introduction, ordinance amending Administrative Code Chapter 12D to establish a new MBE/WBE/LBE Ordinance to (1) remedy identified

discrimination against MBE/WBEs in the City's procurement process as to prime contracting; and (2) require City contracting departments to implement a local business enterprise program mandating prime contractors to use good faith efforts to use MBE/WBE/LBES when there are subcontracting opportunities in public works and professional service contracts. (Supervisors Brown, Ammiano, Bierman, Katz, Medina)

File 98-1350, Motion No.

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Supervisor Brown, seconded by Supervisor Medina, moved to table.

Tabled by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

In connection with the above item, Supervisors Ammiano, Bierman, Katz, Medina requested to be added as co-sponsors.

The Board thereupon resumed its consideration of the following items on the For Adoption Without Committee Reference Calendar.

For Adoption Without Committee Reference Calendar

Adopted

[Gift Acceptance, Labor Services]

Resolution authorizing the Director of the Recreation and Park Department to accept, on behalf of that department, a gift of volunteer labor services, including the cost of equipment and materials, valued in excess of \$5,000 from the Carpenters Local 22, Carpenters Local 2236, Glaziers Local 718, Plumbers Local 38, Millwrights Local 102, Painters Local 4 (District Council 8) and the San Francisco Building and Construction Trades Council to repair the Conservatory of Flowers under the coordination and direction of the Recreation and Park Department. (Supervisors Brown, Bierman)

File 98-1338, Resolution No. 68D-98

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Adopted.

In connection with the above item, Supervisors Bierman requested to be added as co-sponsor.

[Commend Barbara Brooten]

Resolution commending Barbara Brooten for her years of service to the City and County of San Francisco and hereby proclaiming August 21, 1998 as "Barbara Brooten Day" in San Francisco. (Supervisors Kaufman, Bierman, Medina, Newsom)

File 98-1343, Resolution No. 681-98

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Adopted.

In connection with the above item, Supervisors Bierman, Medina, Newsom requested to be added as co-sponsors.

[Commend John Marks]

Resolution commending John Marks for being selected to receive the 1998 Key Award for outstanding achievements and leadership in the Association Management Profession. (Supervisors Leno, Kaufman, Yaki, Ammiano, Bierman, Brown, Katz, Medina, Newsom)

File 98-1344, Resolution No. 682-98

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Adopted.

In connection with the above item, Supervisors Yaki, Ammiano, Bierman, Brown, Katz, Medina, Newsom requested to be added as co-sponsors.

[Commend United States Congress]

Resolution commending the United States Congress for passing the Credit Union Membership Access Act. (Supervisors Leno, Bierman, Brown, Medina)

File 98-1345, Resolution No. 683-98

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Adopted.

In connection with the above item, Supervisors Bierman, Brown, Medina requested to be added as co-sponsors.

[Commend John Burton]

Resolution recognizing and commending Senator John Burton and the Legislature of the State of California for passage of SB 844, the AIDS research license plate measure. (Supervisors Newsom, Kaufman, Yaki, Bierman, Brown, Ammiano, Katz, Medina)

File 98-1346, Resolution No. 684-98

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Adopted.

In connection with the above item, Supervisors Yaki, Bierman, Brown, Ammiano, Katz, Medina requested to be added as co-sponsors.

[Needle Exchange Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program. (Supervisors Bierman, Teng, Ammiano, Yaki, Kaufman, Katz, Brown, Newsom, Medina, Yee, Leno)

File 98-1351, Motion No. M98-114

(August 10, 1998 - Introduced in Board for consideration on August 17, 1998.)

Adopted.

[Final Map]

Motion approving final map of 777 Florida Street, a Live/Work and Commercial Condominium Project, being a subdivision of Lot 11 in Assessor's Block No. 4081, and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)

File 98-1355, Motion No. M-98-115

(August 12, 1998 - Referred to Board for consideration on August 17, 1998.)

Adopted.

The foregoing items on the For Adoption Without Committee Reference Calendar were adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

IMPETATIVE CALENDAR

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 following two motions.

Adopted

[Purely Commendatory Finding]

Motion that the Board finds by roll call vote that the resolution(s) being considered at this time are purely commendatory.

Supervisor Yee, seconded by Supervisor Brown, moved adoption.

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Brown Act Finding]

Motion that the Board finds 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.

Supervisor Yee, seconded by Supervisor Brown, moved adoption.

Adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Imperative Resolutions]

Adopted

[Commend Susan Roth]

Resolution commending Sergeant Susan Roth upon her selection as "My Favorite Cop" for August 1998.

File 98-1387, Resolution No. 688-98

Supervisor Katz presented for immediate adoption.

Resolution adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

[Commend Officers Michael Androvich/Moses Gala]

Resolution commending Michael Androvich, Badge No. 893 and Moses Gala, Badge No. 899, upon their selection as "My favorite cops" for July 1998.

File 98-1388, Resolution No. 689-98

Supervisor Katz presented for immediate adoption.

Resolution adopted by the following vote:

Ayes: Supervisors Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee - 10.

Absent: Supervisor Teng - 1.

OFF-CALENDAR LEGISLATION

ROLL CALL FOR INTRODUCTION OF MEASURES AND COMMUNICATIONS
NOT CONSIDERED OR REPORTED ON BY COMMITTEE

Referred to Committee

[Purchaser's Solicitation Authority]

Ordinance amending Administrative Code by adding Section 21.55 to allow the purchaser to use requests for proposals to solicit contracts for combined commodities and services, and for general services. Supervisor Katz presented. Referred to Rules Committee.

File 98-1379.

[Annual Report]

Ordinance amending Administrative Code by adding Section 1.56 implementing Charter Section 4.103 by requiring every board or commission to prepare an annual report as part of its annual statement of purpose under Charter Section 4.102(2). Supervisor Kaufman presented. Referred to Rules Committee.

File 98-1380.

[Taxicab Drivers Petition for Employee Status]

Ordinance amending Police Code by adding Section 1124.5, establishing procedures for taxicab drivers to petition for employee status and prohibiting independent contractors as drivers upon acceptance of such petition. Supervisor Newsom presented. Referred to Economic Development, Transportation and Technology Committee.

File 98-1381.

[Hold Harmless Agreement, City of Vallejo]

Resolution authorizing the Port of San Francisco to hold the City of Vallejo harmless from all claims arising from a cooperative agreement for construction of a new public ferry terminal at Pier 43, Fisherman's Wharf. Supervisor Yaki presented. Referred to Economic Development, Transportation and Technology Committee.

File 98-1363.

Referred to Board

[Boeddeker Park Cleanup and Oversight]

Resolution urging the Department of Public Works and the Police Department to improve their efforts to maintain a clean and safe area around Boeddeker Park, specifically by trimming the trees and steam cleaning the sidewalks outside the gates, and by maintaining regular police patrols in the area. Supervisor Bierman presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1382.

[Oppose IMPERATIVE 3177 and S 1482, Internet Filtering]

Resolution opposing IMPERATIVE 3177 (Internet Filtering Act) and S 1482 (Communications Decency Act II). Supervisors Katz, Ammiano, Leno presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1383.

[Grant, Airport, K-9 Explosives Detention Team]

Resolution authorizing Airport Commission to accept and expend a funding increase from \$360,000 to \$708,000 or subsequent increases from the Federal Aviation Administration for the K-9 Explosives Detection Team Program. Supervisor Kaufman presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1384.

[Federal Earned Income Tax Credit Program]

Resolution urging the California State Legislation to promote the Federal Earned Income Tax Credit Program. Supervisor Leno presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1385.

[Donation of Equipment]

Resolution urging a donation of three surplus fire engines to the city of Cochabamba, Bolivia. Supervisor Medina presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1386.

[Commend James Gabbert]

Resolution commending James Gabbert for 41 years of leadership in San Francisco's radio and telecommunications industry. Supervisors Leno, Newsom, Kaufman presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1389.

[Commend Emergency Response Team (NERT)]

Resolution recognizing and commending the San Francisco Fire Department's Neighborhood Emergency Response Team (NERT) program for vigilantly preparing for a disaster in the City and County of San Francisco. Supervisor Newsom presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1390.

[Delinquency Prevention Commission Staff]

Resolution transferring the staff serving the Delinquency Prevention Commission from the Department of the Board of Supervisors to the Mayor's Office of Children, Youth and Their Families. Supervisor Kaufman presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1391.

[Donate Ad Revenues]

Resolution urging the San Francisco Chronicle and Examiner to donate joint revenues from publication of the advertisement promoting a cure for homosexuality to the Gay Lesbian Alliance Against Defamation. Supervisors Ammiano, Katz, Bierman, Brown, Leno, Newsom presented. Referred to Board for Adoption Without Committee Reference Calendar August 24, 1998.

File 98-1392.

Referred to Committee

[Labor Dispute, D'Arrigo Brothers Company]

Resolution supporting the demands of employees of D'Arrigo Brothers Incorporated to sign a union contract between their designated union representative the United Farm Workers and D'Arrigo Brothers Company. Supervisor Ammiano presented. Referred to Economic Development, Transportation and Technology Committee.

File 98-1393.

Requests for Hearings:

[Head Start Program]

Hearing to consider the status of the Head Start Program in San Francisco. Supervisor Yaki presented. Referred to Economic Development, Transportation and Technology Committee.

File 98-1364.

[Great Highway]

Hearing to consider the infrastructure needs on the Great Highway. Supervisor Yaki presented. Referred to Economic Development, Transportation and Technology Committee.

File 98-1394.

[Neighborhood Emergency Response Team]

Hearing to consider the City's Neighborhood Emergency Response Team (NERT). Supervisors Yaki, Newsom, Bierman, Brown, Leno presented. Referred to Housing and Neighborhood Services Committee.

File 98-1395.

[Public Participation]

Hearing to consider ways in which to increase the ability of non-English speaking individuals to participate and/or serve on City commissions, boards, committees, task forces and other official decision making bodies on which members of the public may serve. Supervisor Yee presented. Referred to Rules Committee.

File 98-1396.

[Ramp Taxis]

Hearing to consider the current status of ramp taxis. Supervisor Ammiano presented. Referred to Economic Development, Transportation and Technology Committee.

File 98-1397.

[Bus Shelter, 970 Market Street]

Hearing to consider the bus shelter at 970 Market Street concerning public safety and environmental hazards. Supervisor Bierman presented. Referred to Housing and Neighborhood Services Committee.

File 98-1398.

[Marina Cove Sand Mining]

Hearing to discuss the feasibility of sand mining within the Marina Cove and maintenance of docks by the Recreation and Park Department. Supervisor Newsom presented. Referred to Parks and Recreation Committee.

File 98-1399.

Motions:

Referred to Committee

[Rebuttal to Ballot Argument Against Proposition A]

Motion submitting rebuttal to opponent's argument against Proposition A, charter amendment concerning police officers retirement plan. Clerk of the Board. Referred to Rules Committee.

File 98-1367.

[Rebuttal to Ballot Argument Against Proposition B]

Motion submitting rebuttal to opponent's argument against Proposition B, charter amendment concerning customer service plan. Clerk of the Board. Referred to Rules Committee.

File 98-1368.

[Rebuttal to Ballot Argument Against Proposition C]

Motion submitting rebuttal to opponent's argument against Proposition C, charter amendment concerning fire department paramedics retirement plan. Clerk of the Board. Referred to Rules Committee.

File 98-1369.

[Rebuttal to Ballot Argument Against Proposition D]

Motion submitting rebuttal to opponent's argument against Proposition D, charter amendment concerning taxi commission. Clerk of the Board. Referred to Rules Committee.

File 98-1370.

[Rebuttal to Ballot Argument Against Proposition F]

Motion submitting rebuttal to opponent's argument against Proposition F, stadium operator tax ordinance. Clerk of the Board. Referred to Rules Committee.

File 98-1371.

[Rebuttal to Ballot Argument Against Proposition H]

Motion submitting rebuttal to opponent's argument against Proposition H, hotel tax surcharge ordinance. Clerk of the Board. Referred to Rules Committee.

File 98-1372.

[Board Off Site Meeting]

Motion to have the October 19, 1998 meeting of the Board of Supervisors held at the John Yee Hall Chin Elementary School, 350 Broadway Street, multi-purpose room in the Chinatown Neighborhood of San Francisco at 5:00 p.m. Supervisor Yee presented. Referred to Rules Committee.

File 98-1400.

Introduced by the President at the Request of Departments

Ordinances Referred to Committee

File 98-1356. [Appointment of Police Department Executives] Ordinance amending Administrative Code by amending Section 2A.77 to allow the Chief of Police to appoint exempt non-civil service executives from the rank of lieutenant and above; companion measure to Files 98-1359 and 98-1360. (Police Commission) Referred to Housing and Neighborhood Services Committee.

File 98-1359. [Police Department - Creation of New Ranks] Ordinance amending Administrative Code by amending Section 2A.76 to allow for appointments to non-civil service exempt ranks of the Police Department to be made from the ranks of lieutenant and above. (Police Commission) Referred to Housing and Neighborhood Services Committee.

File 98-1360. [Police Inspectors - Examinations] Ordinance amending Administrative Code by amending Section 2A.78 to provide that examinations and selection procedures for the inspector rank will be governed by the Civil Service Rules. (Police Commission) Referred to Housing and Neighborhood Services Committee.

Resolutions Referred to Committee

File 98-1285. [Unlitigated Claim - National Park Service] Substitute resolution authorizing settlement of unlitigated claim of the United States Department of Interior, National Park Service against the City and County of San Francisco for a total settlement of \$508,709. (Public Utilities Commission) Referred to Economic Development, Transportation/Technology Committee.

File 98-1326. [Grant - Federal Funds] Resolution authorizing the Recreation and Park Department to accept and expend \$65,000 grant from the National Recreational Trails Fund Act of 1991 received during fiscal year 1996-1997 for renovation of trails on Strawberry Hill in Stow Lake, Golden Gate Park. (Recreation and Park Department) Referred to Parks and Recreation Committee.

File 98-1331. [Grant - Federal] Resolution authorizing the San Francisco Trial Courts (Juvenile Unit) to retroactively apply for, accept and expend grant funding in the amount of \$400,000 from the Office of Justice Programs to underwrite the cost of the San Francisco Drug Court Program Implementation for the period September 1, 1998 to June 30, 2000. (Superior and Municipal Courts) Referred to Housing and Neighborhood Services Committee.

File 98-1362. [Kaiser Hospital Pedestrian Bridge] Resolution granting revocable permission to Kaiser Foundation Hospitals, Inc. to construct a pedestrian bridge across Geary Boulevard between Broderick and Divisadero Streets connecting two (2) Kaiser outpatient clinic buildings at 2290 Geary Boulevard and a new bridge anchorage building, adjacent to the existing parking garage, at the south side of Geary Boulevard and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works) Referred to Economic Development, Transportation/Technology Committee.

File 98-1365. [Grant - State] Resolution authorizing the Department of Public Health, Population Health and Prevention Division, Community Health and Safety, to accept retroactively and expend grant funds of \$523,318 from the California Department of Health Services to provide immunization services and a collaborative immunization project and to enter into an agreement which includes indemnification and rights in data clauses and which does not include patent infringement indemnification and false claims clauses; waiving indirect costs. (Department of Public Health) Referred to Health, Family and Environment Committee.

File 98-1366. [Appropriations Limit, FY 1998-1999] Resolution establishing the appropriations limit for fiscal year 1998-1999 pursuant to California Constitution Article XIII B. (Controller) Referred to Finance Committee.

Requests Granted

There being no objection, the Board directed the Clerk to comply with the following requests:

By Supervisor Yaki, that City Attorney prepare ordinance limiting the sale of firearm ammunition by banning the sale and possession of expanding ammunition, banning the sale of all ammunition one week prior to New Year's Eve and the fourth of July, banning the sale of magazines with a capacity greater than 10 rounds, establishing a purchasing program requiring valid identification, signature and fingerprinting for all ammunition purchases and requiring a valid California handgun registration for the purchase of strictly handgun ammunition.

By Supervisor Leno, that City Attorney prepare appropriate legislation which would secure the rights of gay and lesbian parents with respect to their non-biological children.

By Supervisor Leno, that City Attorney prepare appropriate legislation which would require the notification of vehicular accidents involving domestic pets and wildlife to the San Francisco Police Department.

By Supervisor Leno, that letter of inquiry be sent to the Department of Building Inspection to determine the feasibility of developing a publicity campaign to raise the awareness of tenants and landlords regarding the need for professional inspections of decks, fire escapes and other structural appendages.

By Supervisor Newsom, that letter of inquiry be sent to the National Park Service, with copies to the Golden Gate National Recreation Area and Representative Nancy Pelosi, to determine why, given the danger of the undercurrents at Ocean Beach and persons continue to swim and surf here, lifeguards are not provided.

By Supervisor Newsom, that letter be sent to Agriculture, Weights and Measures concerning enforcement of the City's restriction on tobacco advertising to determine whether the department intends to enforce the tobacco advertising ban with a top-priority basis given to those locations near schools and playgrounds.

Monday, August 17, 1998

Motions Adopted

Motion that the Board adjourns its meeting this date out of respect to the memory of the following deceased:

Jay Adler (Supervisor Kaufman)
Richard Harrington (Supervisor Yee)
Mark Reed (Supervisor Leno)
James Abrams (Supervisor Leno).

Unanimously adopted by a rising vote.

ADJOURNMENT

There being no further business, the Board at the hour of 4:08 p.m. adjourned.

John L. Taylor, Clerk

N.B. This Journal of Proceedings sets forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 23, 1998.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the Board meeting of the date stated and that it was approved as recited.

Gloria L. Young
Clerk of the Board of Supervisors