

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

City Hall, 401 Van Ness Ave.  
San Francisco, Ca. 94102-4532

## MEETING MINUTES

Monday, March 22, 1999 2:00 PM

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

Regular Meeting

DOCUMENTS DEPT.

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**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*

### BOARD COMMITTEES

#### Committee Membership

##### **AUDIT AND GOVERNMENT EFFICIENCY COMMITTEE**

Supervisors Kaufman, Newsom, Katz

##### **FINANCE AND LABOR COMMITTEE**

Supervisors Yee, Bierman, Ammiano

##### **HOUSING AND SOCIAL POLICY COMMITTEE**

Supervisors Teng, Bierman, Becerril

##### **PARKS AND RECREATION COMMITTEE**

Supervisors Brown, Newsom, Leno

##### **PUBLIC HEALTH AND ENVIRONMENT COMMITTEE**

Supervisors Bierman, Brown, Yaki

##### **PUBLIC UTILITIES AND DEREGULATION COMMITTEE**

Supervisors Ammiano, Yee, Becerril

##### **RULES COMMITTEE**

Supervisors Leno, Teng, Kaufman

##### **SMALL BUSINESS, ECONOMIC VITALITY AND CONSUMER SER**

Supervisors Newsom, Leno, Becerril

##### **TRANSPORTATION AND LAND USE COMMITTEE**

Supervisors Katz, Yaki, Yee

#### Meeting Days

1st Tuesday  
1:00 PM

Wednesday  
10:00 AM

1st and 3rd Tuesday  
10:00 AM

2nd Tuesday  
1:00 PM

2nd & 4th Thursday  
1:00 PM

3rd Tuesday  
1:00 PM

2nd & 4th Thursday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

2nd and 4th Tuesday  
10:00 AM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair, of the Committee.



**Members Present:** Tom Ammiano, Alicia Becerril, Sue Bierman, Amos Brown, Leslie Katz, Barbara Kaufman, Mark Leno, Gavin Newsom, Mabel Teng, Michael Yaki, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

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

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Becerril, Brown, Katz - 3.*

*Quorum present.*

*Supervisor Becerril was noted present at 2:06 p.m.*

*Supervisor Brown was noted present at 2:01 p.m.*

*Supervisor Katz was noted present at 2:01 p.m.*

## APPROVAL OF MEETING MINUTES

Supervisor Kaufman, seconded by Supervisor Newsom, moved to approve the January 19, 1999 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

### Privilege of the Floor

Supervisor Teng, seconded by Supervisor Bierman, moved to suspend Rule 4.25 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Becerril

## Women's History Month

*Woman Making History Awards Ceremony honoring various women for their contributions to the quality of life for the people of San Francisco.*

*Mayor's Award: Janice Mirikitani;  
President Ammiano: Martina Gillis;  
Supervisor Brown: Raye Gilbert Richardson;  
Supervisor Becerril: Tracy Brown;  
Supervisor Bierman: Jane Morrison;  
Supervisor Katz: Catherine Muther;  
Supervisor Kaufman: Isabel Wade;  
Supervisor Leno: Assemblywoman Carole Migden;  
Supervisor Newsom: Feysan Lodde;  
Supervisor Teng: Beckie Masaki;  
Supervisor Yaki: Amy Meyer;  
Supervisor Yee: Nancy Lim Yee.*

## Recess

*The Board, at the hour of 2:44 p.m., took a brief recess.*

## Reconvening of the Board

*The Board, at the hour of 2:46 p.m., reconvened.*

## Introduction of Guests

*Supervisor Yaki introduced and welcomed his relatives from Italy, Karen and Bruno Paniale.*

## **CONSENT AGENDA**

### Recommendation of the Finance and Labor Committee

#### 990246 [Appropriation, Dept. of Public Works]

Ordinance appropriating and certifying \$89,967, Department of Public Works, for a capital improvement project (Ashbury water storage tank) to cover ten percent (10%) overage as per Charter Section 7.203, providing for ratification of action previously taken, for fiscal year 1998-1999. (Controller)

Ordinance No. 56-99

**FINALLY PASSED**

### Recommendations of the Public Health and Environment Committee

**990257 [Grant - Private]**

Resolution authorizing the Department of Public Health, Population Health and Prevention, to accept retroactively and expend a grant in the amount of \$25,000 from the Open Society Institute, the Lindesmith Center, for the "Bridging the Gap" Conference and to enter into an agreement which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken. (Department of Public Health)

Resolution No. 249-99

**ADOPTED**

**990263 [Grant - State]**

Resolution authorizing the Department of Public Health, Population Health and Prevention, to retroactively accept and expend a grant in the amount of \$5,000 from the San Diego State University Foundation for the Kids' Plates Bike Helmet Safety Program and to enter into an agreement which includes an indemnification clause and which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken. (Department of Public Health)

Resolution No. 250-99

**ADOPTED**

### Recommendations of the Rules Committee

**990001 [Appointments]**

Resolution appointing members to the Living Wage Task Force; waiving residency requirement. (Rules Committee)

(Appointing NaNoshka Johnson, Seat 12, must represent a small, medium or large business that contracts with the City;

Appointing Robert O'Malley, Seat 13, must represent low-income workers from non-profits or businesses that contract with the City;

Appointing Alina Laguna, Seat 14, must represent non-profit organizations that contract with the City;

Appointing Walter Johnson, Seat 15, must represent organized labor, for new terms ending July 11, 1999.)

Resolution No. 247-99

**ADOPTED**

**990131 [Appointments]**

Resolution appointing member to the Ballot Simplification Committee. (Rules Committee)

(Appointing Betty Packard to succeed herself, Seat 2, must represent CA Association of Broadcast Editorial Directors, new two year term ending November 30, 2000.)

Resolution No. 248-99

**ADOPTED**

**Recommendations of the Transportation and Land Use Committee**

982065 [Zoning, Liquor Establishments]  
Supervisor Yee

Ordinance amending Planning Code Section 249.5 thereof, to prohibit establishments selling alcoholic beverages for consumption off of the premises, subject to specified exceptions, and establishing good neighbor policies for all establishments selling alcoholic beverages, in the North of Market Residential Special Use District, and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Amends Section 249.5.)

Ordinance No. 55-99  
FINALLY PASSED

990264 [Weight Restrictions]

Ordinance amending Traffic Code by adding Sections 28.1.99 through 28.1.104, establishing a weight restriction on various streets. (Department of Parking and Traffic)

(Adds Traffic Code Sections 28.1.99 through 28.1.104.)

Ordinance No. 57-99  
FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Recommendations of the Finance and Labor Committee****990243 [Appropriation, District Attorney]**

Ordinance appropriating \$118,932, District Attorney, of Federal and State Public Assistance to fund the Non Custodial Parent (NCP) Project that provides employment and training services to unemployed non custodial parents whose children are recipients of public assistance, for the creation of one (1) position for fiscal year 1998-1999. (Controller)

(Companion measure to File 990244.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990244 [Public Employment]**

Ordinance amending Ordinance No. 243-98 (Annual Salary Ordinance, 1998-1999), reflecting the creation of one position (Class 8159 Family Support Investigator III), in the District Attorney's Office. (Department of Human Resources)

(Companion measure to File 990243.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990281 [MOU, Iron Workers, Local 377 (9346)]**

Ordinance implementing the provisions of an amendment to Article 111.E of the Memorandum of Understanding between the International Association of Bridge, Structural Ornamental, Reinforced Iron Workers, Riggers and Machinery Movers, Local 377 and the City and County of San Francisco, providing for additional compensation for Port employees of the Maintenance Department in Classification 9346 Fusion Welder, who are assigned to work in watch-standing, maintenance and/or repair of container cranes for all hours actually worked in cranes at the crane site, effective July 1, 1999 through the remaining term of the Memorandum of Understanding. (Department of Human Resources)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990282 [MOU, Local 21 (9395)]**

Ordinance implementing the provisions of an amendment to the Memorandum of Understanding between the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, and the City and County of San Francisco to provide a 6.25% internal adjustment for Class 9395, Assistant Rental Manager for the time period beginning July 1, 1999. (Department of Human Resources)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990371 [MOU, Local 21]**

Ordinance implementing the provisions of an amendment to the Memorandum of Understanding between the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO and the City and County of San Francisco to add Appendix B, entitled Schedules of Compensation, for informational purposes, and to add Appendix D, entitled Civil Service Provisions; Glossary, pursuant to Section VI.C of the Memorandum of Understanding, which provides for modifications by mutual consent of the parties. (Department of Human Resources)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990372 [Compensation, Locals 790, 535, 250]**

Ordinance implementing an agreement adjusting the compensation of certain classifications pursuant to the Memorandum of Understanding between the Service Employees International Union, AFL-CIO, Locals 790, 535, 250 and the City and County of San Francisco, to be effective July 1, 1999. (Department of Human Resources)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990374 [MOU, Locals 250, 535, 790]**

Ordinance implementing the provisions of an amendment to the Memorandum of Understanding between the Service Employees International Union, Locals 250, 535 and 790 and the City and County of San Francisco by incorporating Appendix A, which was previously set forth in the Airport's Departmental MOU between SEIU, Local 790 and the City and County of San Francisco, and which provides for the Airport to pay the costs of additional laboratory tests. (Department of Human Resources)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**990445 [Grant, Federal Funds, Lead Based Paint Hazard Control Program]  
Supervisors Bierman, Newsom**

Resolution authorizing the Mayor (Director, Mayor's Office of Housing) to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard control in a total amount not to exceed \$3,000,000 which include indirect costs of \$72,690.

*Supervisor Newsom requested to be added as co-sponsor.*

Resolution No. 245-99

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee



**Recommendation of the Public Health and Environment Committee**

981989 [Dioxin]

Supervisors Newsom, Leno, Bierman, Katz, Yaki, Brown, Ammiano, Teng, Becerril

Resolution establishing dioxin as a high priority for immediate action for the City and County of San Francisco in order to restore water, air and total environment quality.

*Supervisors Katz, Yaki, Brown, Ammiano, Teng, Becerril requested to be added as co-sponsors.*

Resolution No. 246-99

**ADOPTED** by the following vote:

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**Recommendations of the Rules Committee**

990382 [Rules of Order, Legislative Analyst]

Supervisors Ammiano, Yaki, Leno, Teng, Kaufman, Becerril, Katz, Newsom, Brown

Motion adding Rule 3.12 of the Rules of Order of the Board of Supervisors concerning requests to the Legislative Analyst and renumbering the current Rule 3.12 to 3.13.

(Adds new Rule 3.12; renumbers Rule 3.12 to 3.13.)

Motion No. M99-27

**APPROVED** by the following vote:

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki

Noes: 1 - Yee

990383 [Rules of Order, Legislative Analyst]

Supervisors Ammiano, Yaki, Leno, Teng, Kaufman, Becerril, Katz, Newsom, Brown

Motion amending Rule 6.21 of the Rules of Order of the Board of Supervisors concerning the Legislative Analyst.

(Amends Rule 6.21.)

Motion No. M99-28

**APPROVED** by the following vote:

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki

Noes: 1 - Yee

**SPECIAL ORDER 3:00 P.M.****990258 [Appeal, Conditional Use, 2161 Sutter Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 14763, dated January 14, 1999, approving Conditional Use Application No. 98.809C, authorizing the establishment of an 18-bed residential care facility with no exterior alterations to the existing building (defined by Planning Code Section 790.50 as "Other Institution, Large") for ambulatory mentally disordered adults in an NC-2 (Small-Scale Neighborhood Commercial) District within an 50-X Height and Bulk District, on property located at 2161 Sutter Street, between Pierce and Steiner Streets; Lot 5 in Assessor's Block 682.

(Appeal filed February 12, 1999; categorically exempt from environmental review process pursuant to Title 14 of the California Administrative Code; companion measure to Files 990259, 990260, 990261.)

*The following persons were sworn in and granted privilege of the floor:*

*Appellants: Michelle Hagan; Daniel Berkeley; Ed Kramer; David Rosenthal; Howard Ash; Jan Bolaski.*

*Respondents: Gerald Green, Director, Planning Department; Paul Harrell; Bob Planthold; Mark Fleishman; Sydney Lam, Department of Public Health; Louise Vaughn; Earsie Harrell.*

*A rebuttal period was allowed.*

*The President then declared the hearing closed.*

**HEARD AT PUBLIC HEARING.**

**990259 [Appeal, Conditional Use, 2161 Sutter Street]**

Motion approving decision of the Planning Commission by its Motion No. 14763 approving Conditional Use Application No. 98.809C, on property located at 2161 Sutter Street between Pierce and Steiner Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Yaki requested this item be continued to April 5, 1999.*

**Supervisor Yaki, seconded by Supervisor Brown, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Kaufman

**990260 [Appeal, Conditional Use, 2161 Sutter Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 14763 approving Conditional Use Application No. 98.809C, on property located at 2161 Sutter Street between Pierce and Steiner Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Katz, seconded by Supervisor Bierman, moved to amend by inserting the following language: "and approving granting a conditional use permit subject to conditions imposed by Planning Commission and additional conditions" that "the Department of Human Services and the Department of Building Inspection shall conduct regular and periodic inspections of 2161 Sutter Street, and shall take all actions necessary to enforce compliance by the applicant with all City laws which apply to the operation of this facility."*

*Supervisor Yaki requested this item be continued, with pending amendment, to April 5, 1999.*

**Supervisor Yaki, seconded by Supervisor Brown, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Newsom, Teng, Yaki, Yee  
Absent: 1 - Kaufman

**990261 [Findings - 2161 Sutter Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 98.809C, on property located at 2161 Sutter Street between Pierce and Steiner Streets, for action by the Board at its next meeting. (Clerk of the Board)

*Supervisor Yaki requested this item be continued to April 5, 1999.*

**Supervisor Yaki, seconded by Supervisor Brown, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Newsom, Teng, Yaki, Yee  
Absent: 1 - Kaufman

## ROLL CALL FOR INTRODUCTIONS

### Appointment of President Pro Tempore

*At the request of the President, Supervisors Katz and Yaki assumed the Chair at different times for a brief moment.*

*The President resumed the Chair shortly thereafter.*

## PUBLIC COMMENT

*Ernestine Weiss, Blocks 202 and 203 jurisdictional transfer;*  
*J. B. Saunders, Human Rights Commission report on contracts;*  
*Bob Planthold, accessibility issues at City Hall cafeteria;*  
*Jakkee Bryson, hearing on Episcopal Sanctuary, Marian Residence for Women, ADA lawsuit;*  
*Abdalla Megahed, mice, 49er stadium, homeless;*  
*Robert O'Malley, adopt San Francisco 49ers name;*  
*Patricia Katie, urge changing Castro Street closing date;*  
*Male speaker, outdoor resident, citations for sleeping in park;*  
*Rodney, street closure, liquor license.*

## 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.*

### 990490 [Commendation]

**Supervisors Brown, Bierman**

Resolution commending Reverend Peter Williams for his years of service to the Neighborhood Baptist Church community in particular and the City and County of San Francisco in general.

*Supervisor Bierman requested to be added as co-sponsor.*

Resolution No. 251-99

**ADOPTED**

### 990502 [UNICEF Day]

**Supervisors Teng, Brown, Katz, Ammiano, Leno, Yee, Bierman, Newsom, Becerril**

Resolution congratulating the U.S. Committee for UNICEF on the occasion of the opening of their Northern California office, and declaring Friday, March 19, 1999, to be "UNICEF Day" in San Francisco.

*Supervisors Bierman, Newsom, Becerril requested to be added as co-sponsors.*

Resolution No. 252-99

**ADOPTED**

### 990503 [Edward Harrington Day]

**Supervisors Teng, Kaufman, Brown, Yaki, Newsom, Leno, Katz, Yee, Bierman, Becerril**

Resolution commending Edward Harrington on the anniversary of his eight years as Controller for the City and County of San Francisco, and declaring Friday, March 19, 1999, to be "Edward Harrington Day" in San Francisco.

*Supervisors Bierman, Becerril requested to be added as co-sponsors.*

Resolution No. 253-99

**ADOPTED**

990505 [Bidu Sayao]  
Supervisors Leno, Bierman

Resolution honoring the life of the legendary soprano, Bidu Sayao.

*Supervisor Bierman requested to be added as co-sponsor.*

Resolution No. 254-99

ADOPTED

990510 [University of California Admission Policy]  
Supervisors Brown, Teng, Bierman, Leno, Katz, Becerril

Resolution encouraging the University of California Board of Regents to consider rescinding its 1995 vote ending any consideration of race in university admissions in light of the dramatic decline in admissions of African American and Latino Students.

*Supervisors Bierman, Leno, Katz, Becerril requested to be added as co-sponsors.*

Resolution No. 255-99

ADOPTED

990511 [State Legislation, AB 1001, Fair Employment and Housing Act]  
Supervisors Leno, Ammiano, Katz, Newsom, Bierman, Becerril

Resolution urging passage of AB 1001, an amendment to the Fair Employment and Housing Act to include sexual orientation.

*Supervisors Bierman, Becerril requested to be added as co-sponsors.*

Resolution No. 256-99

ADOPTED

990512 [State Legislation, AB 703, Ballast Water Discharge]  
Supervisors Leno, Bierman

Resolution urging the California State Legislature to approve Assembly Bill 703 requiring the treatment of ballast water discharges.

*Supervisor Bierman requested to be added as co-sponsor.*

Resolution No. 257-99

ADOPTED

990513 [Joe DiMaggio Memorial]  
Supervisors Newsom, Bierman, Katz

Resolution urging the Mayor of the City and County of San Francisco to consult with the DiMaggio Family and to form a committee to recommend an appropriate way the City should memorialize Joe DiMaggio.

*Supervisors Bierman, Katz requested to be added as co-sponsors.*

Resolution No. 258-99

ADOPTED

990514 [State Legislation, AB 592, Jury Duty Compensation]  
Supervisors Newsom, Bierman, Leno, Katz

Resolution supporting AB 592, which will, in part, treble the daily compensation paid to jurors and require courts to reimburse jurors for child care.

*Supervisors Bierman, Leno, Katz requested to be added as co-sponsors.*

Resolution No. 259-99

**ADOPTED**

990516 [Unionized Culinary Catering Establishments and Workers]  
Supervisors Ammiano, Bierman, Katz

Resolution urging City departments to adopt a policy which utilizes unionized culinary workers and unionized catering establishments during City sponsored banquets, receptions, conventions and other special events.

*Supervisors Bierman, Katz requested to be added as co-sponsors.*

Resolution No. 260-99

**ADOPTED**

990526 [Commendation]  
Supervisors Ammiano, Bierman, Kaufman

Commending Marilyn Cosentino upon her retirement for her untiring dedication and 27 years of public service to the City and County of San Francisco.

*Supervisors Bierman, Kaufman requested to be added as co-sponsors.*

Resolution No. 261-99

**ADOPTED**

990525 [Waiver 30 Day Rule - Bernal Property Sale]  
Supervisor Ammiano

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, the proposed sale of Parcels 16 and 16A of the Bernal Property (Alameda County).

Motion No. M99-30

**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

**Severed From For Adoption Without Committee Reference Agenda**

990440 [Suspend Rule 6.13 for Filming Activity]  
Supervisors Katz, Bierman

Motion suspending Rule 6.13 of the Rules of Order of the Board of Supervisors that limits the use of the Legislative Chamber to governmental purposes during the period of Walt Disney Pictures' filming activity.

*Supervisor Yee requested this matter be severed for the purpose of considering it separately.*

Motion No. M99-29

**SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.**

*Supervisor Bierman requested to be added as co-sponsor.*

**APPROVED** by the following vote:

Ayes: 8 - Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki

Noes: 2 - Ammiano, Yee

Excused: 1 - Becerril

990515 [Census 2000 Complete Count Committee]  
Supervisors Teng, Bierman, Katz

Resolution endorsing the census Complete Count Committee's work in developing and coordinating a strategic plan in all San Franciscans in the 2000 census.

*Supervisor Teng requested this matter be severed for the purpose of requesting the title be corrected on the agenda and continued to March 29, 1999.*

**SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.**

*Supervisors Bierman, Katz requested to be added as co-sponsors.*

**Supervisor Teng, seconded by Supervisor Newsom, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

## 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). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

Supervisor Teng, seconded by Supervisor Newsom, moved **ADOPTION** of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yee  
Absent: 1 - Yaki

*[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.*

Supervisor Teng, seconded by Supervisor Newsom, moved **ADOPTION** of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yee  
Absent: 1 - Yaki

### Imperative Resolution

990536 [Commendation]  
Supervisor Katz

Resolution honoring the leadership, work ethic, humanitarianism and compassion of Rebecca Benoit.

Resolution No. 262-99

Supervisor Teng, seconded by Supervisor Newsom, moved that this Resolution be **ADOPTED**. The motion carried by the following vote:

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yee  
Absent: 1 - Yaki



## OFF-CALENDAR LEGISLATION

### Introduced by Supervisors or Mayor

#### Ordinances

990168 [Rent Ordinance]  
Supervisors Leno, Bierman

Draft ordinance amending Administrative Code (Residential Rent Stabilization and Arbitration Ordinance) Section 37.2(g) to define "housing services" to include the right permitted the tenant by agreement including the right to have a specific number of occupants in a unit, whether express or implied, and whether or not the agreement prohibits subletting or assignment; and by amending Section 37.9(a)(2) to provide that so long as the tenant resides in the unit the landlord shall not endeavor to recover possession of a rental unit as a result of subletting of the rental unit by the tenant if the landlord has unreasonably withheld the right to sublet, notwithstanding any lease provision to the contrary.

(Amends Sections 37.2(g) and 37.9(a)(2).)

2/1/99, ASSIGNED UNDER 30 DAY RULE to Housing and Social Policy Committee, expires on 3/3/1999.

3/22/99, SUBSTITUTED.

3/22/99, ASSIGNED to Housing and Social Policy Committee.

990543 [Mid-Mission Zoning Map Amendment (Liquor Moratorium)]  
Supervisor Katz

Draft ordinance adopting changes in property use classification as an amendment to the Zoning Map of the City and County of San Francisco for property bounded by Cesar Chavez on the north, the property fronting the east side of Mission Street on the east, Randall Street on the south and the property fronting the west side of San Jose Avenue on the west (Mission Alcoholic Beverage Special Use Subdistrict).

3/22/99, ASSIGNED UNDER 30 DAY RULE to Small Business, Economic Vitality and Consumer Services Committee, expires on 4/21/1999.

990544 [Ramp Taxi Drivers Employee Designation]  
Supervisor Newsom

Ordinance amending Police Code by adding Section 1148.6 requiring that all drivers of ramped taxis be employees.

(Adds Section 1148.6.)

3/22/99, ASSIGNED UNDER 30 DAY RULE to Housing and Social Policy Committee, expires on 4/21/1999.

**990545 [Mission Alcoholic Beverage Special Use Subdistrict Amendments]  
Supervisor Yee**

Ordinance amending Planning Code Section 781.8(a) to clarify the purpose of the section, to define new establishment, to define ceases to operate, to prohibit the transfer of establishments outside the district to a location within the district, to establishing good neighbor policies for all establishments selling alcoholic beverages in the Mission Alcoholic Beverage Special Use Subdistrict, and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Amends Section 781.8(a).)

3/22/99, ASSIGNED UNDER 30 DAY RULE to Small Business, Economic Vitality and Consumer Services Committee, expires on 4/21/1999. 3/31/99 - Transmitted to Planning Commission for public hearing and recommendation.

**990546 [Youth Services Contracts Sensitivity Training]  
Supervisors Ammiano, Leno, Katz, Bierman**

Ordinance amending Administrative Code by adding Chapter 12N, Sections 12N.1 through Section 12N.4, to require that all contracts between the City and organizations that engage in youth services contain a requirement that such organization provide lesbian, gay, bisexual and transgender sensitivity training for any employee or volunteer who has direct contact with youth or whose work directly effects youth, and that any City employee who has direct contact with youth or whose work directly effects youth undergo lesbian, gay, bisexual and transgender sensitivity training.

(Adds Chapter 12N, Sections 12N.1 through Section 12N.4.)

3/22/99, ASSIGNED UNDER 30 DAY RULE to Housing and Social Policy Committee, expires on 4/21/1999.

## Resolutions

**990547 [Federal Legislation, S. 594; HR 1037, Ammunition Clips]  
Supervisors Leno, Yaki, Bierman, Katz**

Resolution urging the United States Congress to approve S. 594 and HR 1037 banning the importation of high-capacity ammunition clips into the United States.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**990548 [State Legislation, AB 518, Needle and Syringe Exchange Projects]  
Supervisors Newsom, Katz, Bierman, Leno**

Resolution supporting AB 518 to authorize cities and counties to develop clean needle and syringe exchange projects and to authorize project pharmacists, physicians, and others to furnish hypodermic needles and syringes without a prescription or permit.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990549 [Jose Medina Nomination]  
Supervisors Teng, Leno, Becerril, Kaufman, Brown, Yaki, Ammiano, Katz, Newsom, Yee, Bierman

Resolution urging the Rules Committee of the California State Senate to approve the nomination of Jose Medina as Director of the California Department of Transportation.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990550 [Sierra Nevada Forest Planning]  
Supervisors Newsom, Katz

Resolution urging the United States Forest Service to adopt a well considered plan for the eleven national forests in the Sierra Nevada region.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990551 [Gift Acceptance, Recreation and Parks Department]  
Supervisors Leno, Bierman, Katz

Resolution accepting two gifts in the amount of \$4,000 each from the American Guild of Musical Artists and the Friends of Recreation and Parks to fund public performances in the Joseph L. Alioto Performing Arts Piazza from May to October of 1999.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990552 [Street Closure Permit, Castro Street]  
Supervisors Becerril, Brown

Resolution amending Resolution No. 197-99 which authorized the temporary closing of portion of Castro Street on April 4, 1999, by changing the approved date of closure to April 11, 1999.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990553 [San Francisco School Diversity]  
Supervisors Becerril, Bierman, Katz

Resolution urging the San Francisco School Board and Superintendent of Schools to maintain diversity and equal opportunity in schools.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990554 [Pacific Bell 411 Rate Increase]  
Supervisor Bierman

Resolution opposing Pacific Bell's 411 rate increase.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990555 [San Francisco State University 100th Anniversary]  
Supervisors Leno, Katz, Brown, Kaufman, Ammiano, Becerril, Bierman, Newsom, Teng, Yaki, Yee

Resolution celebrating the 100th Anniversary of San Francisco State University and recognizing its contributions to the San Francisco Bay Area.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990556 [Commendation]  
Supervisors Teng, Katz

Resolution commending Beckie Masaki for her outstanding and tireless work on behalf of victims of domestic violence and declaring Monday, March 22, 1999, "Beckie Masaki Day".

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990557 [Take Our Daughters to Work Day]  
Supervisors Teng, Bierman, Leno, Katz

Resolution commending the "Take Our Daughters To Work Day" and urging all City departments to encourage their staff to bring their daughters to work, to set up educational seminars for young women with departmental staff and provide meaningful tasks for young women who come to work on April 22, 1999.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990558 [Commendation]  
Supervisor Bierman

Resolution commending John Barber for distinguished service as Director of the Parking Authority of the City and County of San Francisco.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 990559 [National Community Development Week]  
Supervisors Bierman, Katz

Resolution expressing appreciation and thanks during National Community Development Week to all the community partners and City staff whose hard work and devotion help insure the quality and effectiveness of our Community Development Block Grant program.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**990560 [Commendation]  
Supervisor Brown**

Resolution commending Ronnie Davis and the San Francisco Housing Authority for the successful completion of the new Hayes Valley Apartments South.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Requests for Hearing

**990561 [Liquor License City-wide Master Plan]  
Supervisor Teng**

Hearing to consider the Liquor License City-wide Master Plan compiled by the Planning Department.

3/22/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.

**990562 [Forty-Niner Stadium Project]  
Supervisor Yaki**

Hearing to consider the status of the Forty-Niner stadium project.

3/22/99, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

**990563 [Skateboarders Property Damage Fine Increase]  
Supervisor Brown**

Hearing to consider the possibility of increasing fines for skateboarders who destroy public property and to determine the appropriate placement of signs indicating that fines for such violations exist.

3/22/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.

### Motions

**990564 [Board Off Site Meeting, May 24, 1999]  
Supervisor Ammiano**

Motion moving to have the Monday, May 24, 1999 meeting of the Board of Supervisors convened at Balboa High School located on 1000 Cayuga Street at 6:00 p.m.

3/22/99, RECEIVED AND ASSIGNED to Rules Committee.

**990565 [Budget Analyst Review, PUC Management Contracts]  
Supervisor Ammiano**

Motion directing the Board of Supervisors Budget Analyst to review the proposed Public Utilities Commission's capital improvement program management contract.

3/22/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

- 990566 [Needle Exchange Emergency]  
Supervisors Bierman, Teng, Ammiano, Yaki, Kaufman, Katz, Brown, Newsom, Yee, Leno, Becerril

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

3/22/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

- 990528 [Parking Regulations, Portion of Turk Street]  
Ordinance amending Traffic Code by adding Section 32.6.24, regarding parking regulations on a portion of Turk Street (south side of Turk from 145 feet to 435 feet east of Laguna Street). (Department of Parking and Traffic)

(Adds Section 32.6.24.)

3/17/99, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

- 990529 [Parking Regulations, Portion of 7th Street]  
Ordinance amending Traffic Code by adding Section 32.6.25, regarding parking regulations on a portion of 7th Street (east side of 7th Street, from 178 feet to 246 feet south of Bryant Street). (Department of Parking and Traffic)

(Adds Section 32.6.25.)

3/17/99, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

## PROPOSED RESOLUTIONS

- 990489 [Settlement Agreement, Tanya Meyers]  
Resolution authorizing settlement of claims with Tanya Meyers relating to Ms. Meyers' employment with the Public Transportation Department in the amount of Eighty Five Thousand Dollars (\$85,000). (Public Transportation Commission)

3/12/99, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee.

- 990527 [Lease and Sublease for Pier 1 (Embarcadero/Washington Street)]  
Resolution approving lease and sublease with AMB Property Corporation for the Development of Pier 1 (Embarcadero and Washington Streets) as a maritime office project; approving negative declaration, and indemnity agreement. (Port)

(Fiscal impact.)

3/17/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

**990530 [Parking Meter Revenue Refunding Bonds]**

Resolution approving the issuance of Parking Meter Revenue Refunding Bonds (not to exceed \$23,500,000) of the Parking Authority of the City and County of San Francisco; approving the form of, and authorizing execution and delivery of a continuing disclosure certificate relating to said Bonds; approving the form and circulation of an official statement relating to said Bonds; authorizing the payment of certain costs of issuance from the proceeds of such Bonds; ratifying previous actions taken in connection with the foregoing matters; and authorizing the taking of appropriate action in connection therewith. (Mayor)

3/17/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

**990532 [Contract, DPH - University of California (Berkeley)]**

Resolution authorizing the Department of Public Health, Community Health Services, Community Mental Health Services, to enter into an agreement in the amount of \$7,844 with the University of California (Berkeley), the primary contractor, to provide data and consultation for a study of the cultural appropriateness of the instruments and approaches being used by community mental health services to measure performance indicators, client outcomes, and satisfaction, which does not include patent infringement indemnification and false claims clauses; waiving indirect costs. (Department of Public Health)

3/17/99, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

## Requests Granted

*By Supervisor Katz, that letter be sent to the Director, Department of Telecommunication and Information Services, requesting the department develop a City position, response and strategy on cable rate increases.*

*By Supervisors Newsom, Katz, that letter be sent to the Director, Department of Public Health, asking for an update on its plan to move six substance abuse treatment beds from San Francisco General Hospital to a community-based facility and in collaboration with the Sheriff's Department give substance abuse offenders an option to go to treatment rather than to jail.*

*By Supervisor Newsom, that letter be sent to the Director, Department of Public Health, asking what the department is doing to regulate acupuncture treatments to drug addicts in Hunters Point through the Bayview Hunters Point Foundation for Community Improvement, to ensure that persons treated through this city contract are enrolled in any substance abuse program, as required and that the Foundation is keeping patient files.*

*By Supervisor Teng, that letter be sent to the Public Utilities Commission and the General Manager, Recreation and Park Department, requesting report to the Board of Supervisors on the condition of Lake Merced and the steps that are being taken to address problems including: low water levels, decreased shoreline access and poor maintenance of grounds, bathrooms, boating area and docks.*

*By Supervisor Teng, that the Legislative Analyst be requested to provide policy analysis on models on liquor license controls.*

*By Supervisor Teng, that letter be sent to the California Department of Alcoholic Beverage Control clarifying the following with respect to the Inner Sunset Liquor License Moratorium passed by the Board of Supervisors in 1997 and renewed in September 1998: (1) the scope and the intent of the Inner Sunset Liquor License Moratorium was to prohibit the issuance of new liquor licenses in that area. Exempt from the moratorium are active licenses which are purchased for use in the same location. If the seller of the license never opened for business, under the moratorium the license is not deemed active. (2) With respect to the application for an On Sale Beer and Wine License at 822 Irving Street, the Board of Supervisors concurs with the recommendation of Captain Michael Yalon of the San Francisco Police Department that the request for a license be denied because it does not involve the transfer of an active license. (3) The Board further requests that the Department of Alcoholic Beverage Control deny the subject license for the foregoing reasons.*

*By Supervisor Yaki, that letter be sent to the City Attorney requesting a formal City Attorney opinion addressing the legitimate uses of the funds passed by the voters in the 1998 special election in the following options: (1) stadium/mall; (2) stadium/no mall; (3) stadium/reduced scale mall.*

*By Supervisor Yaki, that letter be sent to the San Francisco Forty Niners requesting their presence when the hearing to consider the Forty-Niner stadium project is scheduled by the Transportation and Land Use Committee. File 990562.*



By Supervisor Yee, that letter be sent to the City Attorney requesting research on the following issues: (1) legality of legislation and to draft such legislation if appropriate, which would require conditional use authorization for retail and restaurant (including full-service, large fast food, small self-service) uses over 2,500 square feet in all areas of San Francisco which permit retail and restaurant uses; (2) legality of legislation and to draft such legislation if appropriate, which would require conditional use authorization for retail and restaurant uses in which the operator's headquarters are not located in the Bay Area and whose operators already have three or more sites in San Francisco; (3) the ability the City has to apply the above conditional use requirements to existing sites at the point of change of operator to a new operator of the same use category. If legal, the conditional use at point of operator change should be included in the legislation. If this is not possible to enact immediately, is it possible to enact after an amortization period? What is the shortest time such an amortization period could be? (4) amend the Planning Code to shorten the abandonment period in all places it is three years to one year.

### In Memoriams

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

Vivian Hallinan (By the entire Board)

Nell Little Carter (By the entire Board)

Margaret Burns (Supervisor Bierman)

Joseph Martin Anderson (Supervisor Yee)

## ADJOURNMENT

*There being no further business, the Board at the hour of 6:25 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set 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 April 26, 1999.*

*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 Minutes of said Board on the date stated and was approved as recited.*

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Gloria L. Young  
Clerk of the Board