

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

## MEETING MINUTES

DOCUMENTS DEPT.

Monday, August 9, 1999 2:00 PM

NOV 15 1999

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

SAN FRANCISCO  
PUBLIC LIBRARY

### Regular Meeting

**TOM AMMIANO, PRESIDENT**

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

*Gloria L. Young, Clerk of the Board*

### 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 Services Committee**

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, Michael Yaki, Leland Y. Yee.

**Members Absent:** Mabel Teng.

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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 2:06 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Becerril, Katz, Teng - 3.*

*Quorum present.*

*Supervisor Becerril was noted present at 2:08 p.m.*

*Supervisor Katz was noted present at 2:24 p.m.*

*Supervisor Teng was excused. (See infra.)*

### Supervisor Teng Excused from Attendance

Supervisor Kaufman, seconded by Supervisor Yaki, moved to excuse Supervisor Teng from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 3 - Becerril, Katz, Teng

## APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Kaufman, moved to APPROVE the June 21, 1999 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 2 - Katz, Teng

**SPECIAL ORDER 2:00 P.M.****COMMITTEE REPORTS****Recommendations of Rules Committee**

- 991398 **]Ballot Argument, Performance Measures for the Municipal Railway; Create a Municipal Transportation Agency to operate Municipal Railway and the Department of Parking and Traffic]**  
Supervisors Newsom, Ammiano, Yaki, Kaufman, Katz, Becerril, Leno, Teng
- Motion authorizing proponent's ballot argument in favor of Proposition E, a charter amendment regarding Municipal Railway.
- Motion No. M99-88
- APPROVED** by the following vote:
- Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee  
Absent: 2 - Katz, Teng
- 991401 **]Ballot Argument, Retirement Benefits for Safety Employees Who Transferred Membership in 1980]**  
Supervisors Katz, Yaki, Ammiano, Bierman, Leno, Becerril, Teng, Newsom, Kaufman, Brown, Yee
- Motion authorizing proponent's ballot argument in favor of Proposition B, a charter amendment regarding retirement benefits, safety employees.
- Motion No. M99-91
- APPROVED** by the following vote:
- Ayes: 9 - Leno, Newsom, Yaki, Yee, Ammiano, Becerril, Bierman, Brown, Kaufman  
Absent: 2 - Teng, Katz
- 991399 **]Ballot Argument, Yerba Buena and Treasure Island district boundaries- Sixth and Eleventh Supervisorial Districts]**  
Supervisor Ammiano
- Motion authorizing proponent's ballot argument in favor of Proposition C, a charter amendment regarding district boundaries of the Sixth and Eleventh Districts.
- Motion No. M99-89
- APPROVED** by the following vote:
- Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee  
Absent: 2 - Katz, Teng

- 991400 [Ballot Argument, Catastrophically-ill Sick Leave and Vacation Credit Transfer to other City employees for use as family leave]  
Supervisors Ammiano, Katz, Bierman, Leno

Motion authorizing proponent's ballot argument in favor of Proposition D, a charter amendment regarding catastrophic sick leave program.

Motion No. M99-90

APPROVED by the following vote:

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 2 - Katz, Teng

## CONSENT AGENDA

### Recommendation of the Public Health and Environment Committee

- 991246 [Integrated Pest Management Ordinance]  
Mayor, Supervisor Newsom

Ordinance amending Administrative Code (The Integrated Pest Management Ordinance) Sections 39.5 and 39.6 to transfer the duties of the Agricultural Commissioner to the Department of the Environment.

(Amends Sections 39.5 and 39.6.)

Ordinance No. 231-99

**FINALLY PASSED**

### Recommendation of Rules Committee

- 991282 [Multilingual Candidate Names on Ballots]  
Supervisor Yaki

Ordinance amending Elections Code by adding Section 401 to require that candidates' names on the official ballot and any sample ballots also appear in Chinese characters.

(Adds Section 401.)

Ordinance No. 233-99

**FINALLY PASSED**



## Recommendations of the Transportation and Land Use Committee

**990991 [Haight Street Alcohol Restricted Use Subdistrict]  
Supervisor Bierman**

Ordinance amending Part II, Chapter II of the Planning Code by amending Sections 186.1, 719.40, 719.41, 719.42, 719.43, 719.44, and 710.40, and by adding Section 781.9, to create the Haight Street Alcohol Restricted Use Subdistrict (RUSD), prohibiting new establishments selling alcoholic beverages in the Haight Street Neighborhood Commercial District and in NC-1 Districts within 1/4 mile of the Haight Street Neighborhood Commercial District; and adding language to the NC-1 and Haight Street Neighborhood Commercial District Use Charts announcing this Restricted Use Subdistrict as a special provision for this Neighborhood Commercial District; and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Amends Sections 186.1, 719.40, 719.41, 719.42, 719.43, 719.44, and 710.40; adds Section 781.9.)

Ordinance No. 229-99

**FINALLY PASSED**

**990992 [Zoning Map Change - Haight Street Alcohol Restricted Use Subdistrict]  
Supervisor Bierman**

Ordinance adopting changes in property use classification as an amendment to the Zoning Map of the City and County of San Francisco for the property currently zoned Haight Street Neighborhood Commercial Use District to add Haight Street Alcohol Restricted Use Subdistrict; and making findings pursuant to Planning Code Section 101.1.

Ordinance No. 230-99

**FINALLY PASSED**

**991277 [Parking Regulations on a portion of Brannan Street]**

Ordinance amending Traffic Code by adding Section 32.6.26, regarding parking regulations on a portion of Brannan Street, north side, from 15 feet to 115 feet east of Boardman Place; and Brannan Street, north side, from 16 feet to 116 feet west of Boardman Place. (Department of Parking and Traffic)

(Adds Section 32.6.26.)

Ordinance No. 232-99

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 2 - Katz, Teng

**REGULAR AGENDA****UNFINISHED BUSINESS****Called from Transportation and Land Use Committee by Supervisor Bierman**

990998 [Zoning - Live/Work Moratorium: Imposing Interim Zoning Controls]  
Supervisors Bierman, Ammiano

Resolution imposing Interim Zoning Controls to prohibit construction of new Live/Work Developments, as defined in Planning Code Section 102.13, in the City and County of San Francisco, for a six (6) month period, and making a determination of consistency with the priority policies of Planning Code Section 101.1.

Supervisor Yaki, seconded by Supervisor Becerril, moved to excuse Supervisor Newsom from voting, at his request, on this item. The motion carried by the following vote:

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee  
Absent: 2 - Katz, Teng

*Supervisor Bierman requested this matter be continued to August 23, 1999.*

Supervisor Bierman, seconded by Supervisor Katz, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Bierman, Katz, Leno, Yee  
Noes: 4 - Becerril, Brown, Kaufman, Yaki  
Absent: 1 - Teng  
Excused: 1 - Newsom

## NEW BUSINESS

### Recommendation of the Audit and Government Efficiency Committee

991156 [Settlement: University of California to vacate its office/classroom space in building to be demolished for expansion of Moscone Convention Center in exchange the City will pay UC for training classes for City employees.]

Supervisor Newsom

Ordinance authorizing settlement of litigation of City and County of San Francisco against the Regents of the University of California for \$880,000 payable to University of California for training City employees. (City Attorney)

(CCSF v. WCB More II Limited Partnership, et al.  
S.F. Superior Court No. 997-764.)

Supervisor Katz, seconded by Supervisor Leno, moved to excuse Supervisor Becerril from voting, at her request, on this item. The motion carried by the following vote:

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

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

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

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Yaki, Yee  
Absent: 1 - Teng  
Excused: 1 - Becerril

### Recommendations of the Finance and Labor Committee

991389 [Amending the Health Code to establish patient rates for services, effective July 1, 1999]

Ordinance amending Health Code by amending Section 128 to fix patient rates for services furnished by Department of Public Health, retroactively to July 1, 1999.

(Amends Section 128)

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

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



- 991423 [Accepting gift donation of construction management services valued at \$150,000 for the construction of the Airport Library, Archive and Museum that will be located at the new S.F. International Airport]  
Resolution accepting a gift from Parsons Infrastructure and Technology Group Inc. for construction management services related to the construction of the Airports Aviation Library, Archive and Museum.  
(Airport Commission)

Resolution No. 759-99

Supervisor Yaki, seconded by Supervisor Yee, moved to excuse Supervisor Becerril from voting, at her request, on this item. The motion carried by the following vote:

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

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Yaki, Yee  
Absent: 1 - Teng  
Excused: 1 - Becerril

- 991452 [Lease: Property owned by Herbst Foundation at 30 Van Ness Avenue for S.F. Police Department Exam Unit, for a term of 5 years at a monthly rental rate of \$2,865.50.]  
Resolution authorizing a lease at 30 Van Ness Avenue for the San Francisco Police Department. (Real Estate Department)

Resolution No. 760-99

ADOPTED by the following vote:

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

### Appointment of President Pro Tempore

*At the request of the President, Supervisor Yaki assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

*The President resumed the Chair shortly thereafter.*

**From Housing and Social Policy Committee Without Recommendation**

990168 [Rent Ordinance]

Supervisors Leno, Bierman

Ordinance amending Administrative Code (Residential Rent Stabilization and Arbitration Ordinance) by amending the definition of "Housing Services" in Section 37.2(g) to include rights 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, notwithstanding any lease provision to the contrary, the landlord shall not endeavor to recover possession of the rental unit as a result of subletting by the tenant if the landlord has unreasonably withheld the right to sublet, so long as the tenant continues to reside in the unit and the sublet constitutes a one-for-one replacement of the departing tenant(s).

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

Supervisor Yaki, seconded by Supervisor Leno, moved to excuse Supervisors Newsom, Kaufman, Yee from voting, at their requests, on this item. The motion carried by the following vote:

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

Supervisor Leno, seconded by Supervisor Brown, moved to excuse Supervisor Katz from voting, at her request, on this item. The motion carried by the following vote:

Ayes: 7 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Yaki  
Absent: 1 - Teng  
Excused: 3 - Kaufman, Newsom, Yee

Supervisor Becerril moved to amend page 18 by adding a "Section 3." as follows: "Section 3. It is the intent of the Board of Supervisors that the provisions as modified from time to time of Residential Rent Stabilization and Arbitration Board Rules and Regulations Section 6.15(c) regarding consent procedures in subletting also substantially apply to this legislation, and that the Rent Board amend its Rules and Regulations as necessary to so provide."

Supervisor Becerril, seconded by Supervisor Leno, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Becerril, Bierman, Brown, Leno, Yaki  
Absent: 1 - Teng  
Excused: 4 - Katz, Kaufman, Newsom, Yee

*Supervisor Becerril moved to amend the definition so it applies to all landlords and their original tenants. (Failed)*

**Supervisor Becerril, seconded by Supervisor Yaki, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:**

Ayes: 2 - Becerril, Yaki  
Noes: 4 - Ammiano, Bierman, Brown, Leno  
Absent: 1 - Teng  
Excused: 4 - Katz, Kaufman, Newsom, Yee

*Supervisor Yaki moved to amend Section 37.2(g) on page 4, line 11, to exempt owner-occupied building containing a total of three or fewer rental units (see file for complete text of the amendment). (Failed)*

**Supervisor Yaki, seconded by Supervisor Becerril, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:**

Ayes: 3 - Becerril, Brown, Yaki  
Noes: 3 - Ammiano, Bierman, Leno  
Absent: 1 - Teng  
Excused: 4 - Katz, Kaufman, Newsom, Yee

Ordinance amending Administrative Code (Residential Rent Stabilization and Arbitration Ordinance) by amending the definition of "Housing Services" in Section 37.2(g) to include rights 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, notwithstanding any lease provision to the contrary, the landlord shall not endeavor to recover possession of the rental unit as a result of subletting by the tenant if the landlord has unreasonably withheld the right to sublet following written notice from the tenant, so long as the tenant continues to reside in the unit and the sublet constitutes a one-for-one replacement of the departing tenant(s); and expressing the Board of Supervisors intent that rent board rules and regulations regarding subletting consent procedures be substantially applied to this legislation.

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

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 6 - Ammiano, Becerril, Bierman, Brown, Leno, Yaki  
Absent: 1 - Teng  
Excused: 4 - Katz, Kaufman, Newsom, Yee

991147 **[Cart Anti-Removal Program]**  
**Supervisor Brown**

Ordinance amending Public Works Code by adding Article 24 Sections 1400-1406, requiring permanently affixed signs on carts and requiring businesses to develop and implement a cart anti-removal program.

(Adds Article 24 Sections 1400-1406.)

*Supervisor Brown requested this matter be re-referred to committee.*

**Supervisor Brown, seconded by Supervisor Yaki, moved that this Ordinance be RE-REFERRED to the Housing and Social Policy Committee. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee  
 Absent: 2 - Katz, Teng

## **PUBLIC COMMENT**

*Edward Evans, regular inspection of sub sidewalk basements, all board meetings have closed caption on Channel 54, perfume definition;*

*Eula Walters, transfer Ferry Park to Recreation and Park Department;*

*Robert O'Malley, support living wage ordinance, business tax collections;*

*Jakkee Bryson, weekly Episcopal Sanctuary shelter hell report on mold, food expiration date;*

*Leboriae P. Smoore, against police brutality, felony laws;*

*Worldwind Dreamer, Mayor's race, corruption in politics;*

*Louise Vaughn, right to speak out, corruption in politics, accountability, live/work ordinance;*

*Abdalla Megahed, Mission Rock Shelter, housing for homeless;*

*Male speaker, supports FBI investigations;*

*Annie, housing;*

*Male speakers, living wage ordinance;*

*Gilbert Criswell, lack of police response to District 6 public inquires, community center funding.*

## **Appointment of President Pro Tempore**

*At the request of the President, Supervisor Yaki assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

## **APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST**

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*



991497 [Legislative Analyst Request]  
Supervisor Brown

Motion directing the Board of Supervisors Legislative Analyst to review and compare the proposed ordinance amending Administrative Code by adding Chapter 12.P, Sections 12.P.1 through 12.P.11, inclusive, concerning preferences in the award of city contracts for contractors that provide certain benefits or certain monetary supplements to employees and to employees' spouses and domestic partners, to Chapter 12D, Minority/Women/Local Business Utilization Ordinance, III to ensure that the preferences created by the former do not undermine the goals of the latter.

*Supervisor Ammiano requested this item be continued to August 16, 1999.*

**President Ammiano, seconded by Supervisor Bierman, moved that this Motion be CONTINUED. The motion carried by the following vote:**

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

Absent: 1 - Teng

*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.*

991500 [Commendation]  
Supervisor Brown

Resolution commending the life of Fannie Jo Peagler for over thirty-seven years of distinguished service with the San Francisco Unified School District.

Resolution No. 761-99

**ADOPTED**

991505 [Proposition 187 Agreement]  
Supervisors Becerril, Katz, Bierman

Resolution commending the Governor, Lieutenant Governor and all parties involved in reaching an agreement resolving the appeal of proposition 187.

Resolution No. 762-99

**ADOPTED**

991506 [State Legislation, AB 106 and SB 130, Requiring Firearm Safety Devices]  
Supervisors Becerril, Katz, Bierman

Resolution urging the State Legislature to adopt Assembly Bill 106 and Senate Bill 130 requiring that all firearms sold, transferred or manufactured in the State be accompanied by a firearms safety device and a warning label and requiring the Attorney General to implement minimum standards for firearms safety devices.

Resolution No. 763-99

**ADOPTED**



**991507 [State Legislation, SB 430, Local Code Enforcement Fees and Charges]  
Supervisors Becerril, Katz**

Resolution urging the State Legislature and Governor to approve Senate Bill 430 to assist local governments in collecting unpaid fees, costs or charges incurred in the enforcement of local ordinances by placing liens against property.

Resolution No. 764-99

**ADOPTED**

**991508 [Community Reinvestment Act]  
Supervisors Leno, Yaki, Katz, Becerril, Bierman, Newsom**

Resolution urging the United States Congress to protect the integrity of the Community Reinvestment Act by rejecting Senate-passed provisions to weaken the Act.

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

Resolution No. 765-99

**ADOPTED**

**991509 [State Legislation, SB 680, tax credit for donations of land to be used as open space]  
Supervisors Newsom, Bierman, Katz**

Resolution supporting SB 680, which would enact the California Land and Water Conservation Act of 1999, authorizing a tax credit donations of qualified property to be used as open space.

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

Resolution No. 766-99

**ADOPTED**

**991510 [Commendation]  
Supervisors Bierman, Katz, Leno, Becerril, Kaufman, Ammiano, Yaki, Brown, Newsom, Yee, Teng**

Resolution honoring Angelo Quaranta for his great contributions to the City and County of San Francisco.

Resolution No. 767-99

**ADOPTED**

**991511 [Commendation]  
Supervisors Katz, Ammiano, Leno, Becerril, Kaufman, Bierman, Newsom**

Resolution commending United Airlines for agreeing to comply with San Francisco's landmark equal benefits ordinance.

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

Resolution No. 768-99

**ADOPTED**

- 991512 [Proclamation]  
Supervisors Katz, Bierman, Newsom, Kaufman, Brown, Teng, Ammiano, Leno, Becerril
- Resolution proclaiming Saturday, August 28, 1999, John Handy Day in San Francisco.  
Resolution No. 769-99  
ADOPTED
- 991513 [Commendation]  
Supervisors Katz, Yaki, Leno, Kaufman, Becerril, Bierman, Newsom
- Resolution honoring Sharyn Saslafsky for her years of dedication and service and her passion for improving transportation for San Franciscans.  
*Supervisor Newsom requested to be added as co-sponsor.*  
Resolution No. 770-99  
ADOPTED
- 991514 [Proclamation]  
Supervisor Yaki
- Resolution declaring August 4, 1999 as Kim Marschner Day.  
Resolution No. 771-99  
ADOPTED
- 991529 [Final Map of 2198 Fell Street, a 6 unit new condominium project]  
Motion approving final map of 2198 Fell Street, a Residential Condominium Project, being a subdivision of Lot 15, Assessor's Block No. 1213, and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)
- (DPW Order No. 171,847.)  
Motion No. M99-92  
APPROVED
- 991535 [Final Map of Fillmore Court at 2295-2299 Bush Street and 1880-1888 Steiner Street, a 39 unit commercial and residential condominium project]  
Motion approving final map of Fillmore Court, 2295-2299 Bush Street and 1880-1888 Steiner Street, a Commercial and Residential Condominium Project, being a subdivision of Lot 30 in Assessor's Block No. 678, and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)
- (DPW Order No. 171,849.)  
Motion No. M99-93  
APPROVED

**991536 [Final Map of 388 Townsend Street, a 20 unit live/work condominium project]**

Motion approving final map of 388 Townsend Street, a Live/Work Condominium Project, being a subdivision of Lot 40 in Assessor's Block No. 3786, and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)

(DPW Order No. 171,850.)

Motion No. M99-94

**APPROVED**

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Teng

## OFF-CALENDAR LEGISLATION

### Introduced by Supervisors or Mayor

#### Ordinances

**991317 [Prompt Review of Fixed Pedestal Permit Denials]**

**Supervisor Kaufman**

Ordinance amending the Public Works Code by amending Section 184.12, regulating the placement and maintenance of newsracks on public sidewalks, streets and rights-of-way, to provide for prompt administrative and judicial review of decisions to grant, deny or revoke fixed pedestal permits, to clarify the grounds and procedures to grant, deny or revoke fixed pedestal permits, to clarify that free-standing newsracks may continue to be placed on public sidewalks, streets and rights-of-way in areas of the city that are not within fixed pedestal zones and that publications may continue to be distributed by other authorized means within fixed pedestal zones, and to make other miscellaneous technical revisions.

(Amends Section 184.12.)

7/6/99, ASSIGNED UNDER 30 DAY RULE to Transportation and Land Use Committee, expires on 8/5/1999.

8/3/99, TRANSFERRED to Finance and Labor Committee.

8/9/99, CALLED FROM COMMITTEE to Board of Supervisors. Pursuant to Rule 5.34, Supervisor Kaufman called this measure from the Finance and Labor Committee.

*Pursuant to Rule 5.34, Supervisor Kaufman called this measure from the Finance and Labor Committee.*

**CALLED FROM COMMITTEE to the Board of Supervisors.**

Supervisor Kaufman, seconded by Supervisor Brown, moved that the Board of Supervisors sit as a Committee of the Whole on August 16, 1999 at 7:00 p.m. at Balboa High School to consider the above matter. The motion carried by the following vote:

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

Noes: 2 - Ammiano, Yee

Absent: 1 - Teng

**991543 [Create Underground District No. 351]  
Supervisor Bierman**

Ordinance creating Underground District No. 351 on 25th Street from Guerrero Street to Church Street.  
8/9/99, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

**991544 [Amend Underground District No. 331]  
Supervisor Bierman**

Ordinance amending Ordinance No. 103-98 to redefine Underground District No. 331 in the Texas and 19th Street area by adding certain property thereto.

8/9/99, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

**991545 [Administrative Code Revision - Chapter 9A]  
Supervisor Kaufman**

Ordinance amending Administrative Code Sections 9A.1 through 9A.15 and 9A.17 through 9A.20 and by repealing Section 9A.16, regarding Farmers' Market.

(Amends Sections 9A.1 through 9A.15, 9A.17 through 9A.20; repeals Section 9A.16.)

8/9/99, ASSIGNED UNDER 30 DAY RULE to Audit and Government Efficiency Committee, expires on 9/8/1999.

**991546 [Administrative Code Revision - Chapter 9B]  
Supervisor Kaufman**

Ordinance amending Administrative Code Sections 9B.1, 9B.4, 9B.5, 9B.6, 9B.7, and 9B.8, regarding the Flea Market.

(Amends Sections 9B.1, 9B.4, 9B.5, 9B.6, 9B.7, and 9B.8.)

8/9/99, ASSIGNED UNDER 30 DAY RULE to Audit and Government Efficiency Committee, expires on 9/8/1999.

**991547 [Administrative Code Revision - Chapter 10D]  
Supervisor Kaufman**

Ordinance amending Administrative Code by repealing Sections 10D.1 through 10D.6, regarding reparations for Japanese-American City employees forcibly relocated during World War II.

(Repeals Sections 10D.1 through 10D.6.)

8/9/99, ASSIGNED UNDER 30 DAY RULE to Audit and Government Efficiency Committee, expires on 9/8/1999.

**991548 [Administrative Code Revision - Chapter 10E]  
Supervisor Kaufman**

Ordinance amending Administrative Code Sections 10E.1 through 10E.4, regarding monitoring the Downtown Plan.

(Repeals Sections 10E.1 through 10E.4.)

8/9/99, ASSIGNED UNDER 30 DAY RULE to Audit and Government Efficiency Committee, expires on 9/8/1999.

**991549 [Administrative Code Revision - Chapter 12]  
Supervisor Kaufman**

Ordinance amending Administrative Code by repealing Sections 12.3, 12.4, 12.5, 12.6, and 12.7 regarding City oversight of accounting, budgetary, and reporting procedures at the Housing Authority.

(Repeals Sections 12.3, 12.4, 12.5, 12.6, and 12.7.)

8/9/99, ASSIGNED UNDER 30 DAY RULE to Audit and Government Efficiency Committee, expires on 9/8/1999.

## **Resolutions**

**991550 [Use of the Public Access Channel]  
Supervisor Bierman**

Resolution designating the public access channel for exclusive public access use; directing the cable operator to remove the California Channel (State Legislature) and the Kaleidoscope Channel (commercial programming directed to the disabled community) from the public access channel effective September 1, 1999; and urging the Department of Telecommunications and Information Services (DTIS) to work with the cable operator to schedule California Channel programming on the government cable access Channel 54 or another channel on the cable system.

8/9/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.



**991551 [Zoning - Live/Work Standards]  
Supervisor Katz**

Resolution urging the Planning Commission and Planning Department to impose development standards, conditions and exactions on new live/work development projects similar to the development standards, conditions and exactions on residential development projects and to develop Planning Code amendments for consideration by the Board of Supervisors redefining live/work units as loft-style residential units with development standards, conditions and exactions similar to those for other types of residential development.  
8/9/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.

**991552 [San Francisco Chronicle Sale]  
Supervisor Yaki**

Resolution urging the Justice Department to require a bona fide offer for the purchase of the Examiner be premised upon the buyer providing competitive daily circulation and further urging that the Hearst Corporation comply with the job rights, classifications, contracts, and protections of all Chronicle and Examiner employees.

8/9/99, RECEIVED AND ASSIGNED to Small Business, Economic Vitality and Consumer Services Committee.

**991553 [Weekly Chinatown Night Market Pilot Project on Grant Avenue, between Washington and Broadway, to begin September between the hours of six and ten]  
Supervisor Becerril**

Resolution establishing a weekly Chinatown Night Market Pilot project.

8/9/99, RECEIVED AND ASSIGNED to Small Business, Economic Vitality and Consumer Services Committee.

**991554 [Excavation Fund Expenditures To Pay For All Costs Associated With The City's Regulation Of Excavation]  
Supervisor Katz**

Resolution ratifying excavation fund expenditures made by the Department of Public Works prior to clarifying additions made in 1998 to the Administrative Code.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**991555 [State Legislation, SB 644, Homeless Adult Education Program Funding]  
Supervisors Kaufman, Newsom**

Resolution supporting SB 644 (Chesbro), which provides \$1,050,000 in funding for the Adult Education for the Homeless consortium, including \$100,000 for the San Francisco Episcopal Community Services Skills Center.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**991556 [San Francisco Bay-Delta Estuaries]  
Supervisors Ammiano, Bierman**

Resolution identifying and endorsing the essential elements that must be incorporated into future policies and programs undertaken by the joint Federal and State program known as "Cal-Fed" to address the issue of maintaining the biodiversity of San Francisco's Bay-Delta estuary ecosystem.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**991557 [Port Chicago Disaster of 1944]  
Supervisors Ammiano, Bierman, Katz**

Resolution urging the Congress and the President of the United States to act to vindicate the sailors unjustly blamed for, and the sailors convicted of mutiny following the Port Chicago Disaster of 1944 and to rectify any mistreatment by the military of those sailors.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**991558 [Oppose Closure of Mount Zion Hospital]  
Supervisors Ammiano, Bierman, Katz, Leno**

Resolution opposing the closure of Mount Zion Hospital and any reduction in services and staff and further pledging appropriate and necessary resources to expedite the continued existence and operation of Mount Zion Hospital and further encouraging the Executive Board of UCSF-Stanford and the University of California Regents to keep Mount Zion open and accessible to residents of the Western Addition and Richmond neighborhoods and further encouraging the efforts of the Executive Board of UCSF-Stanford and the UC Regents to reassess fiscal structure of the merger consider the return of formerly public assets back to the people of San Francisco.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**991559 [Commendation]  
Supervisor Yee**

Resolution commending Jonathan J.G. Mahl on being awarded the honor of Eagle Scout.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Requests for Hearing**

**991560 [Suicide Among San Franciscans]  
Supervisor Leno**

Hearing to consider the public policy implications and prevention efforts to reduce suicide among San Franciscans.

8/9/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.

**991561 [MBE/WBE/LBE Program]  
Supervisor Yee**

Hearing to consider the June 1, 1999 Quarterly Report to the Mayor and the Board of Supervisors on Chapter 12D of the San Francisco Administrative Code - the 1997-1999 Investigation Into Minority/Women Business Participation in City Contracting.

8/9/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

**991562 [Property Purchased By Non-Profits]  
Supervisor Yee**

Hearing to consider the property purchased by non-profits with the use of public funds and/or subsidies, including an inventory of property, the owner of record for these properties, the City's control over these properties, the affordability requirements for these properties, and restrictions, if any, on resale of these properties.

8/9/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

**991563 [Sutro Tower]  
Supervisor Yee**

Hearing to receive an update from the Planning Department regarding the Department's research into un-permitted work at Sutro Tower and requirement for discretionary review hearings.

8/9/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee. Sponsor requests this item be scheduled at the August 17, 1999 meeting.

**991564 [City Employees Commuter Check Benefits]  
Supervisor Ammiano**

Hearing to consider how to provide commuter check benefits to encourage public transit use by City employees.

8/9/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

**Motions**

**991565 [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.

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**991566 [Legislative Analyst Request]  
Supervisor Teng**

Motion requesting the Office of the Legislative Analyst to review the City's definition of graffiti as it relates to skid marks and review the liability of Michelin/B.F. Goodrich Tires for contributing to unsafe driving and the defacement of public streets.

8/9/99, ASSIGNED to Board of Supervisors. Scheduled for consideration August 16,1999.

**991567 [Waiving Thirty Day Rule]  
Supervisor Ammiano**

Motion suspending Rule 5.43 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 concerning reporting requirements of City construction contractors and ordinance declaring contractors and subcontractors irresponsible bidders.

(Files 991502 and 991503.)

8/9/99, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**PROPOSED ORDINANCES**

**991537 [Appropriation, S.F. Unified School District]**

Ordinance appropriating \$60,713,766, San Francisco Unified School District, of school Bond proceeds for capital improvement projects on various school facilities, cost of issuance, and other related costs for fiscal year 1999-2000. (Controller)

8/4/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.

**PROPOSED RESOLUTIONS**

**991496 [Authorizing the PTC General Manager to execute an agreement with BART to pay MUNI \$2,066,513 for transferring riders to BART stations]**

Resolution approving an agreement between the City and County of San Francisco and the Bay Area Rapid Transit District authorizing payment to San Francisco Municipal Railway for transfer trips provided in fiscal year 1999. (Public Transportation Commission)

7/29/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.



- 991524** [State grant funds for the City Administrator-Solid Waste Management to establish the compost (converting plant debris to fertilizer), recycling and market development program at the St. Mary's Urban Youth Farm]  
Resolution authorizing the Solid Waste Management Program of the City and County of San Francisco to accept and expend \$25,000 from the California Integrated Waste Management Board for an urban compost, recycling and market development pilot program. (Administrative Services Department)  
8/3/99, RECEIVED AND ASSIGNED to Public Health and Environment Committee.
- 991525** [State grant in the amount of \$55,000 to purchase equipment for SFPD Marine Unit at Treasure Island, to provide law enforcement services including search and rescue operations]  
Resolution authorizing the Chief of Police of the City and County of San Francisco to apply for retroactively, accept and expend funds made available through the "California Department of Boating and Waterways Safety and Enforcement Equipment Grant" for the San Francisco Police Department's Marine Unit. (Police Department)  
8/3/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.
- 991526** [State grant in the amount of \$55,000 to purchase a vessel and trailer to replace the current 1989 Sea Ark vessel for SFPD Marine Unit at Treasure Island, to provide law enforcement services including search and rescue operations]  
Resolution authorizing the Chief of Police of the City and County of San Francisco to apply for retroactively, accept and expend funds made available through the "California Department of Boating and Waterways Safety and Enforcement Vessel Replacement Grant" for the San Francisco Police Department's Marine Unit. (Police Department)  
8/3/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.
- 991527** [Continuous grant of \$300,000 for Police Department in coordination with City, State and local community organizations to combat crime, reduce drug dealing and drug related violence at the Ocean View/Merced Heights/Ingleside districts]  
Resolution authorizing the Chief of Police of the City and County of San Francisco to accept and expend funds made available through the California Office of Criminal Justice Planning for a project designated "Operation Revitalization - Ocean View/Merced Heights/Ingleside", and waiving indirect costs due to funding constraints. (Police Department)  
8/3/99, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.
- 991528** [State grant funds for Public Health's long-term care services for frail elderly and disabled adults in San Francisco]  
Resolution authorizing the Department of Public Health, Central Administration, to accept retroactively and expend a grant in the amount of \$50,000 from the State Office of Long Term Care for the Long Term Care Integration Project and to enter into an agreement which includes an indemnification clause and rights in data clauses, and does not include patent infringement indemnification and false claims clauses. (Department of Public Health)  
8/4/99, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared for the September 23, 1999 meeting.



- 991530 [State grant funds to reimburse the Public Health Department for indigent health care services to San Francisco residents]**  
Resolution authorizing the Department of Public Health to accept and expend retroactively a grant allocation of up to \$4,910,208 for fiscal year 1999-2000 funding from the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funds for medical services to indigent persons, professional services, medical services contracts, materials and supplies, facilities rental, personal services and indirect costs in the amount of \$60,541, based on 11.3% of administrative and fiscal intermediary costs.  
(Department of Public Health)  
8/4/99, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared for the August 12, 1999 meeting.
- 991532 [Special Assessment Liens for Assessment of Costs - Building Inspection]**  
Resolution confirming report of delinquent charges for code enforcement cases with delinquent assessment of costs, emergency order fees, reinspection fees, and penalties for failure to file the annual unit usage report and or fees pursuant to the provisions of Sections 102.17, 102.18, 102.19 et seq., 108 and Section 110 Table 1-K, of the San Francisco Building Code, and Sections 41.10 and 41.20 of Chapter 41 of the San Francisco Administrative Code submitted by the Director of the Department of Building Inspection for services rendered by said Department the costs thereof having accrued pursuant to the Code violations referenced above.  
(Department of Building Inspection)  
8/4/99, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 23, 1999, at 3:00 p.m.
- 991534 [Reinspection Fee Liens - Department of Public Health]**  
Resolution confirming report of delinquent reinspection fee cost submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.  
(Department of Public Health)  
8/4/99, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 23, 1999, at 3:00 p.m.

### **Requests Granted**

*By Supervisor Bierman, that letter be sent to the City Attorney requesting legislation be drafted which would amend the Health Code to extend the sunset provision of Sections 1615 and 1616 (Pre-1978 hazard notice and affidavits) from January 1, 2000 to January 1, 2003.*

*By Supervisor Katz, that letters be sent to the General Manager, Recreation and Park Department and City Attorney regarding alleged discrimination by the Pakistan Day organizing committee in denying Trikone's request for a booth. Can an organization who uses Golden Gate Park for an event refuse to allow another organization to rent a booth.*

*By Supervisor Katz, that letter be sent to the City Attorney requesting legislation be drafted which would provide both payroll expense tax and business tax credits to businesses that offer benefits to their employees as well as benefits to their spouses and domestic partners..*

*By Supervisor Leno, that letters be sent to the City Attorney, District Attorney, Sheriff, Police Chief, Department of Public Health to inquire whether the departments have established compassionate use policies regarding the use of medicinal marijuana.*

*By Supervisors Leno, Katz, that letter be sent to the Director, Department of Parking and Traffic, to inquire whether there are plans to establish bicycle storage facilities at the end of the bicycle lane on Market Street at Castro Streets.*

By Supervisor Newsom, that letter be sent to the Art Commission inquiring as to the status of repairs to Lotta's Fountain and whether the Commission plans to hold a rededication for the fountain once it is fully restored. If the Commission plans to hold some type of event or recognition ceremony, can it be scheduled to occur during the month of October, in conjunction with the other city-wide events taking place to commemorate the 10 year anniversary of the Loma Prieta Earthquake.

By Supervisor Yaki, that letter be sent to the City Attorney requesting legislation be drafted to extend the sunset clause for the tour bus prohibitions on 25th Avenue and El Camino del Mar to December 31, 2000.

By Supervisor Ammiano, that letter be sent to the City Attorney requesting legislation be drafted to redefine live/work loft developments as "housing" under the city's Planning Code.

By Supervisor Ammiano, that letter be sent to the City Attorney requesting legislation be drafted which would create minimum standards for City employment opportunities for people moving off of welfare, including but not limited to the following guidelines: (1) Welfare to work jobs should be temporary, exempt positions. This may require establishment (at a later date) of new classifications; (2) The positions should pay a minimum of \$9 per hour plus benefits; (3) The positions should provide adequate training and enough actual work experience (9 months to 1 year or more) to allow participants to apply for and be qualified for permanent civil service positions when they have completed their training; (4) Most of the positions should be full-time, except jobs designed for City Community students; (5) The positions should be made available first to workfare participants who are performing similar work in City departments; (6) The work performed should be in addition to, and not as a substitute for, the work of civil servants performing similar work.

By Supervisor Ammiano, that letters be sent to the City Attorney and the Human Rights Commission requesting information regarding the FBI's current investigation of the Human Rights Commission, including the awarding of City contracts to minority-owned businesses.

By Supervisor Becerril, that letter be sent to the Police Chief to inquire whether the query data formats used to provide data on police calls for service and police reports to the Small Business, Economic Vitality and Consumer Services Committee of the Board of Supervisors can be adjusted so that reports show the suite number where incidents take place not just the street address.

By Supervisor Becerril, that letter be sent to the Tax Collector to inquire how much revenue the City has collected from businesses in the Mission District during the last full year as well as the five years previous.

By Supervisor Becerril, that letter be sent to the Director, Administrative Service, concerning recycling and disposal of computers and computer parts. The Board requests a report providing information on current programs, including recycling, that help to divert computers and computer parts from City landfills, and successful programs in other counties that prevent disposal of lead, mercury and other harmful components found in computers and computer parts.

## In Memoriams

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

Anna L. Rowe (Supervisor Bierman)  
Milagros B. Batiquin (Supervisor Bierman)  
Catherine McBride (Supervisor Bierman)  
Virginia S. Barrios (Supervisor Brown)

## ADJOURNMENT

*There being no further business, the Board at the hour of 4:28 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 September 13, 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