

Agenda & Minutes Archive
Board of Supervisors

City and County of San Francisco

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



AGENDA

Monday, March 20, 2000
2:00 PM

Regular Meeting

TOM AMMIANO, PRESIDENT

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

Gloria L. Young, Clerk of the Board

<>ROLL CALL AND PLEDGE OF ALLEGIANCE

<>APPROVAL OF MEETING MINUTES

<>AGENDA CHANGES

<>COMMUNICATIONS <>

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

<>CONSENT AGENDA <>All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

<>Items 1 through 10

<>Recommendations of the Audit and Government Efficiency Committee

Present: Supervisors Kaufman, Newsom

<>1. 000175 [Reward Authorization] Supervisor Newsom <>Ordinance authorizing payment of reward to John P. Doyle (also known as Sean Doyle) and George R. Forster. (Mayor)

3/13/2000, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>2. 000232 [Settlement of Lawsuit] <>Ordinance authorizing settlement of the lawsuit filed by Joanne Yu (in the amount of \$38,500) and Mimi Yu (a minor) by her Guardian Ad Litem, Xiao Ping Chen (in the amount of \$3,000) against the City and County of San Francisco; the lawsuit was filed on May 6, 1999 in San Francisco entitled Yu, et al., v. City and County of San Francisco, et al. (City Attorney) <>(S.F. Superior Court - Unlimited Civil Jurisdiction, Case No. 303-305; filed on May 6, 1999.)

3/13/2000, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>3. 000288 [Settlement of Lawsuit] <>Ordinance authorizing settlement of litigation of Gina Balestrieri against the City and County of San Francisco by payment of \$65,000. (City Attorney) <>(S. F. Superior Court No. 985-591; filed on March 26, 1997.)

3/13/2000, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>4. 000300 [Settlement of Lawsuit] <>Ordinance authorizing settlement of litigation of Caryn Lamp (\$110,000), Leland Lamp (\$1,000), and Mariah Lamp (\$4,000) by and through her Guardian Ad Litem against the City and County of San Francisco for a total amount of \$115,000. (City Attorney) <>(S.F. Superior Court No. 301.009; filed on February 5, 1999.)

3/13/2000, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>5. 000333 [Settlement of Lawsuit, Eminent Domain for Moscone Convention Center Expansion Project] Supervisor Kaufman <>Ordinance authorizing settlement of litigation of City and County of San Francisco against Main Street California, Inc., dba TGI Friday's for \$1,694,647. <>(Fiscal impact; City and County of San Francisco v. WCB More II Limited Partnership, San Francisco Superior Court No. 997-764; filed September 10, 1998.)

3/13/2000, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>6. 000334 [Settlement of Lawsuit, Eminent Domain for Moscone Convention Center Expansion Project] Supervisor Kaufman <>Ordinance authorizing settlement of litigation of City and County of San Francisco against Chelsea Development Company, LLC et al. for \$7,840,667. <>(Fiscal impact; City and County of San Francisco v. Chelsea Development Co., LLC et al., San Francisco Superior Court No. 997-765; filed September 10, 1998.)

3/13/2000, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Ammiano

<>7. 000384 [Appropriating \$502,008, Department of Elections, for new Vote Scanning System] Supervisors Newsom, Becerril <>Ordinance appropriating \$502,008 from the General Fund Reserve for temporary salaries, minor furnishings and equipment, for the new Vote Scanning System at the Department of Elections, for Fiscal Year 1999-2000. (Controller) <>(Fiscal Impact)

3/13/2000, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

<>8. 000268 [Approving the concession lease of Host International, Inc. for a specialty store and newsstand located at the North Terminal Hub of the Airport, at a minimum annual rent for the first <>Resolution approving the North Terminal Hub Principal Retail Concession lease between Host International, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

<>Recommendation of the Public Health and Environment Committee

Present: Supervisors Brown, Yaki

<>9. 000279 [Grant funds to implement clean air vehicle projects of MUNI Railway and Department of Administrative Services, to reduce air pollution from motor vehicles] Supervisor Becerril <>Resolution authorizing the Director of Administrative Services to accept retroactively and expend \$1,986,000 from the Bay Area Air Quality Management District's Transportation fund for clean air for various projects including one to be developed by the San Francisco Municipal Railway, and authorizing the Directors of Administrative Services and San Francisco Municipal Railway to execute agreements with the Bay Area Air Quality Management District, whereby, the City would indemnify the District from claims resulting from the City's performance of said agreements. (Administrative Services Department)

Question: Shall this Resolution be ADOPTED?

<>Recommendation of the Rules Committee

Present: Supervisors Leno, Teng

<>10. 000428 [Appointment]

Question: Shall this Resolution be ADOPTED?

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

<>REGULAR AGENDA

<>UNFINISHED BUSINESS

<>Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Bierman, Ammiano

<>11. 991307 [Final Negative Declaration, Jobs-Housing Linkage Ordinance] Supervisor Katz <>Resolution adopting Final Negative Declaration, finding and determining that the Jobs-Housing Linkage Ordinance will have no significant impact on the environment, and adopting and incorporating findings of final negative declaration. (Planning Commission) <>(Final Negative Declaration adopted and issued on April 27, 1999; companion measure to File 991304.)
Supervisor Bierman dissenting in Committee.

2/14/2000, MOTION to rerefer this matter to the Planning Commission for consideration.

2/14/2000, CONTINUED. Supervisor Ammiano requested this item be continued to March 20, 2000.

Question: Shall this Resolution be ADOPTED?

<>12. 991304 [Planning Code amendment to rename "Office Affordable Housing Production Program" as the "Jobs-Housing Linkage Program" and to apply the program to hotel, entertainment, and retail space Supervisor Katz <>Ordinance amending Planning Code by amending Sections 313, 313.1, 313.2, 313.3, 313.4, 313.5, 313.6, 313.7, 313.8, 313.9, 313.10, 313.11, 313.12, 313.13, and 313.14, and by adding Section 313.15, to rename the "Office Affordable Housing Production Program" as the "Jobs-Housing Linkage Program," to apply the program to all new and expanded hotel space of at least 25,000 square feet, to all new and expanded entertainment space of at least 50,000 square feet, and to all new and expanded retail space of at least 100,000 square feet, and by amending Section 314.1 of the childcare ordinance to conform to the new definition of "hotel." (Planning Department) <>(Amends Sections 313, 313.1, 313.2, 313.3, 313.4, 313.5, 313.6, 313.7, 313.8, 313.9, 313.10, 313.11, 313.12, 313.13, 313.14, 314.1; adds Section 313.15; Final Negative Declaration dated April 27, 1999; Planning Commission Resolution No. 14832 adopted June 3, 1999 recommending proposed amendments to the Planning Code.)
Supervisor Bierman dissenting in Committee.

2/14/2000, MOTION to rerefer this matter to the Planning Commission for consideration.

2/14/2000, CONTINUED ON FIRST READING. Supervisor Ammiano requested this item be continued to March 20, 2000.

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>NEW BUSINESS

<>Recommendations of the Audit and Government Efficiency Committee

Present: Supervisors Kaufman, Newsom, Katz

<>13. 000198 [Administrative Code Revision, Chapter 11, Franchises] Supervisors Kaufman, Newsom <>Ordinance amending Chapter 11 of the San Francisco Administrative Code by replacing Articles I, II, and IV in their entirety with new Articles I through VII and making minor amendments to Article III and renumbering Article III to become Article IX.

2/28/2000, SUBSTITUTED. Supervisor Kaufman submitted an amendment of the whole (substitute) in Board.

Question: Shall this Ordinance be FINALLY PASSED?

<>14. 000270 [Settlement of Lawsuit] <>Ordinance authorizing settlement of litigation of Yellow Cab Cooperative Inc. v. Board of Appeals, et al., Civil Action No. 995839, by execution of the settlement agreement on file. (City Attorney) <>(Civil Action No. 995839; filed on June 17, 1998.)

Question: Shall this Ordinance be FINALLY PASSED?

<>15. 000274 [Settlement of Lawsuit] <>Ordinance authorizing settlement of litigation of Luxor Cabs, Inc. v. San Francisco Police Commission, et al., Civil Action No. 995896, by execution of the settlement agreement on file. (City Attorney) <>(Civil Action No. 995896; filed on June 18, 1998.)

Question: Shall this Ordinance be FINALLY PASSED?

<>16. 000324 [Acceptance of gift and approval of easement agreement - dog head sign] Supervisors Becerril, Brown <>Resolution accepting gift of dog head sign located at 2750 Sloat Boulevard, San Francisco, California; approving easement agreement in which Sloat Garden Center grants the City and County of San Francisco a non-exclusive easement over property upon which the dog head sign is located for a term up to January 1, 2005; and agreeing to maintain and relocate the dog head sign in San Francisco's Ocean Beach neighborhood.

2/28/2000, SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA. Supervisor Becerril requested this matter be severed so it could be considered separately.

2/28/2000, AMENDED. Supervisor Becerril moved to amend page two, line 10, by inserting the word "shall" after "That the Board of Supervisors"; amend page two, lines 18 through 20, by substituting the following: "Further resolved, That following the City Attorney's review and approval of the termination provisions of Sloat Garden Center's lease to Mr. Silver

2/28/2000, MOTION to rescind the previous vote which failed to adopt the resolution as amended.

2/28/2000, REFERRED to Audit and Government Efficiency Committee. Supervisor Brown requested to be added as co-sponsor.

Question:
Shall this
Resolution
be
ADOPTED?

<>Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Ammiano

<>17. 991412 [Study of Rent Control Ordinance Socio-Economic Effects; Requiring Findings] Supervisors Brown, Teng, Kaufman, Becerril, Newsom <>Ordinance directing the Executive Director of the Residential Rent Stabilization and Arbitration Board to obtain a neutral comprehensive fact-based socio-economic study of housing in San Francisco; providing a goal of completing the study within one year; providing that substantive amendments to various housing ordinances and policies must be supported by findings of fact; and, findings in support of this ordinance.

Question: Shall this Ordinance be FINALLY PASSED?

<>18. 991413 [Appropriation, \$175,000, Rent Arbitration Board Fact-Based Socio Economic Study] Supervisor Brown

Question: Shall this Ordinance be FINALLY PASSED?

<>19. 000183 [Limitation Period for Filing Tax Claim] <>Ordinance amending Article 6 of Part III of the San Francisco Municipal Code by amending Section 6.15-1 to providing that any claim for refund of taxes paid be filed within six months from the time the return was filed or the tax was paid, whichever period expires later, with the exception that in no event shall such period expire prior to the shortest period allowable for filing tax refund claims under Title 1, Division 3.6, Part 3, Section 911.2 of the California Government Code. (City Attorney)

Question: Shall this Ordinance be FINALLY PASSED?

<>Recommendations of the Public Health and Environment Committee

Present: Supervisors Brown, Yaki

<>20. 000291 [Authorizing DPH to enter into an agreement with UCSF Stanford Health Care to provide administrative services for UCSF pursuant to its contract with S.F. Health Plan for providing <>Resolution authorizing the Department of Public Health, Community Health Network (CHN), to enter into an agreement with UCSF Stanford Health Care (UCSF) which does not include intellectual property indemnification and false claims clauses to provide administrative services for UCSF pursuant to its contract with the San Francisco Health Plan for the provision of services to Medi-Cal beneficiaries; retroactive to January 1, 2000. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

<>21. 000351 [Authorizing DPH to enter into a subcontract agreement with Continuum HIV Day Services, the primary contractor, to provide home health services] <>Resolution authorizing the Department of Public Health, Community Health Network, Health at Home Agency, to enter into a subcontract agreement in the amount of approximately \$15,000 per year to provide home health services to Continuum HIV Day Services, the primary contractor, which does not include intellectual property indemnification and false claim clauses; retroactive to January

10, 2000. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

<>SPECIAL ORDER 3:00 P.M.

Communications received from representative of appellant requesting minor sidewalk encroachment appeal matters regarding 955 Green Street be continued to March 27, 2000 and representative of permit applicant concurring in request for a continuance. Files 000375, 000376 and 000377.

<>22. 000375 [Appeal, Minor Sidewalk Encroachment, 955 Green Street] <>Hearing appealing decision of the Director of Public Works through DPW Order No. 172,123 dated January 19, 2000 and issued on February 20, 2000, approving a minor sidewalk encroachment to excavate and to construct two (2) planters, retaining walls and rails, automatic gate control and to excavate and re-grade portion of public right-of-way to gain access to 955 Green Street property as detailed in DPW Order No. 171,730, which was approved and issued on January 5, 1993 by the Department of Public Works. <>(Companion measure to Files 000376, 000377.)

Action: _____

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

<>23. 000376 [Minor Sidewalk Encroachment Permit Appeal] <>Motion approving the decision of the Director of Public Works' approval of a minor sidewalk encroachment permit at 955 Green Street, south side between Jones and Leavenworth Streets, and denying the appeal. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

<>24. 000377 [Minor Sidewalk Encroachment Permit Appeal] <>Motion disapproving the decision of the Director of Public Works' approval of a minor sidewalk encroachment permit at 955 Green Street, south side between Jones and Leavenworth Streets, and denying the encroachment permit. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

<>25. Appointment of President Pro Tempore

<>26. PUBLIC COMMENT <>An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak. The President or the Board may limit the total testimony to 30 minutes.

<>FOR ADOPTION WITHOUT COMMITTEE REFERENCE <>These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

◇Items 27 through 34

◇27. 000441 [DPH-SFUSD Transitions Program in Schools] Supervisors Newsom, Becerril, Brown, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

◇28. 000442 [South Sunset Playground] Supervisors Yee, Bierman, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

◇29. 000443 [Diversity Tracking System] Supervisors Ammiano, Bierman, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

◇30. 000444 [Public hearing approval - Bonds, Arriba Juntos] Supervisors Brown, Becerril, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

◇31. 000445 [Extend time for Planning - Upper Market Street] Supervisors Leno, Bierman, Brown, Newsom, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

◇32. 000446 [Extend time for Planning - Castro Street] Supervisors Leno, Bierman, Brown, Newsom, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

◇33. 000447 [Commendation] Supervisors Bierman, Becerril, Brown, Newsom, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

<>34. 000448 [Commendation] Supervisors Leno, Brown, Newsom, Katz

3/13/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this
Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference
Agenda: _____

<>35. IMPERATIVE AGENDA <>Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

<>[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

<>[Purely Commendatory Finding]

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

<>[Brown Act Finding]

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

<>[Imperative Resolutions, if any]

<>OFF-AGENDA LEGISLATION

<>PROPOSED ORDINANCES

Proposed ordinances received from March 9 through noon on March 15, for reference by President to appropriate committee on March 20, 2000.

<>000459 [Settlement of Lawsuit Against CCSF] <>(City Attorney)

3/15/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee. Confidential letter dated March 14, 2000 is on file with the Clerk of the Board.

<>000462 [Settlement of Lawsuit, Linda Laue] <>(City Attorney)

3/15/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee. Confidential letter dated November 18, 1999 is on file with the Clerk of the Board.

<>000464 [Appropriating funds for the installation of an air conditioning system at the Chinatown Branch Library] Supervisor Newsom <>(Controller)

3/15/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee.

<>PROPOSED RESOLUTIONS

Proposed resolutions received from March 9 through noon on March 15, for reference by President to appropriate committee on March 20, 2000.

<>000453 [Grant funds to enable the Metropolitan Medical Response System to address chemical and biological threats or attacks more effectively] <>(Public Health Department)

3/13/2000, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this matter be calendared at the March 23, 2000 meeting.

<>000454 [Grant funds to increase detoxification capacity from a current total of 10 beds to 22 beds to meet high demands for substance abuse services] <>(Public Health Department)

3/13/2000, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this matter be calendared at the March 23, 2000 meeting.

<>000460 [Settlement of Claim, Kitty Yu] <>(City Attorney)

3/15/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee. Confidential letter dated March 1, 2000 is on file with the Clerk of the Board.

<>000461 [Settlement of Claim, Wei Da Yu] <>(City Attorney)

3/15/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee. Confidential letter dated March 1, 2000 is on file with the Clerk of the Board.

<>000463 [Authorizing the City Attorney to enter into 18-month tolling agreement pertaining to a U.S. Environmental Protection Agency Superfund Site] <>(City Attorney)

3/15/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee. Confidential letter dated February 23, 2000 is on file with the Clerk of the Board.

<>000465 [Settlement of Claim against CCSF] <>(City Attorney)

3/15/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee. Confidential letter dated March 15, 2000 is on file with the Clerk of the Board.

<>000466 [Proposed acquisition of 7,500 sq. ft. Palou/Phelps lots in the Bayview district for open space purposes]
<>(Real Estate Department)

3/15/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee.

<>000468 [Petitions and Communications]

<>ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

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

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Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-5163 or by email at Donna_Hall@ci.sf.ca.us

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