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Board of Supervisors

City and County of San Francisco

Legislative Chamber - Room 404
Veterans Building, 401 Van Ness Avenue
San Francisco, CA 94102

City Seal



AGENDA

Monday, December 14, 1998

2:00 PM

Regular Meeting

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

Gloria L. Young, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

COMMUNICATIONS

CONSENT AGENDA

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 40

Recommendations of the Finance Committee

Present: Supervisors Teng, Kaufman

1. 981849 [Appropriation, Public Library] Mayor
Ordinance appropriating \$250,000 of 1988 Public Library improvement bond interest earnings to capital improvement projects for the Public Library for fiscal year 1998-1999.
(Fiscal impact.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
2. 981850 [Membership in Organizations] Mayor
Ordinance amending Administrative Code Section 16.6-47-1 relating to Police Department memberships by adding specified organizations.
(Amends Section 16.6-47-1.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
3. 981868 [Airport Lease Agreement for Federal Aviation Administration (FAA)]
Resolution approving lease agreement for operation of Runway End Identification Lights (REIL), RWY 01L between the United States of America and the City and County of San Francisco, acting by and through its Airport Commission; retroactive to October 1, 1998. (Airport Commission)

Question: Shall this Resolution be ADOPTED?
4. 981869 [Airport Lease Agreement for Federal Aviation Administration (FAA)]
Resolution approving lease agreement for Precision Approach Path Indicator (PAPI) between the United States of America and the City and County of San Francisco, acting by and through its Airport Commission; retroactive to October 1, 1998. (Airport Commission)

Question: Shall this Resolution be ADOPTED?
5. 981874 [Appropriation, Juvenile Probation]
Ordinance appropriating \$572,586, Juvenile Probation Department, of Federal Temporary Assistance to Needy Families (TANF) for salaries, training, professional services, materials and supplies, facilities

maintenance and repairs, equipment and services of other departments, for fiscal year 1998-1999.
(Controller)

(Fiscal impact.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 981875 [Appropriation, Juvenile Probation]

Ordinance appropriating \$389,513, and rescinding \$119,762, from Overhead-Budget and \$137,045 from Professional Services to provide funds for salaries, fringe benefits, equipment, services of other departments and the creation of one (1) position for the Department of Juvenile Probation for fiscal year 1998-1999. (Controller)

(Fiscal impact; companion measure to File 981882.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 981882 [Annual Salary Ordinance Amendment, Juvenile Probation]

Ordinance amending Ordinance No. 243-98 (Annual Salary Ordinance, 1998-1999), Juvenile Probation Department, reflecting the creation of one position (Class 1372 Special Assistant XIII). (Human Resources Department)

(Companion measure to File 981875.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 981909 [Sale of Real Property Easement Rights]

Resolution authorizing the sale of a 10-foot wide strip of Public Utilities Commission (PUC) surplus property easement rights identified as the Newark to Hayward Aqueduct located in Newark, Fremont, and Union City, Alameda County, California to the City of Hayward. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

9. 981917 [Real Property Exchange]

Resolution approving an exchange agreement between the City and County of San Francisco and the Peninsula Corridor Joint Powers Board (JPB), by which the JPB will quitclaim to the City its easement rights in a parcel between Fifth and Sixth Streets adjacent to King Street in exchange for the City transferring a temporary easement to the JPB in an area encroaching King Street between Fourth and Fifth Streets; and adopting findings pursuant to Planning Code Section 101.1. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

10. 981924 [Grant - Federal Funds]

Resolution authorizing Airport Commission to accept and expend grant of \$11,458,450.00 from Federal Aviation Administration for assistance in improvements at the Airport (A.I.P. 13: Application No. 98-01). (Airport Commission)

Question: Shall this Resolution be ADOPTED?

11. 981951 [Emergency Repair, Oakhurst Lane Sewer]

Resolution approving the expenditure of funds for the emergency work to repair the structurally inadequate sewer on Oakhurst Lane from Warren Drive to Crestmont Drive - \$72,710. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

12. 981953 [Lease of Property, 1760 Ocean Avenue]

Resolution authorizing a lease of real property at 1760 Ocean Avenue, San Francisco, for OMI Family Center of the Mental Health Division of the Department of Public Health. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

13. 981974 [Tobacco Multi-State Settlement]

Supervisors Kaufman, Newsom

Ordinance authorization to participate in proposed multi-state settlement of tobacco litigation. (Superior Court 980-864.)

Question: Shall this Ordinance be FINALLY PASSED?

14. 981975 [Settlement of Lawsuit]

Supervisor Kaufman

Ordinance authorizing to participate in the settlement of litigation of State of California ex rel. Stull against the Bank of America. (Superior Court 968-484.)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Housing and Neighborhood Services Committee

Present: Supervisors Medina, Yee, Leno

15. 980335 [Specialty Grocery and Retail Coffee Stores]

Supervisor Bierman

Ordinance amending Planning Code Section 728.40 to prohibit retail coffee stores and accessory take-out food service use associated with these stores or specialty groceries in the 24th Street-Noe Valley Neighborhood Commercial District; amending Section 728 by adding a new table to describe this prohibition; amending Section 703.2 to cross-reference the prohibition on accessory take-out food service use; and adopting findings pursuant to City Planning Code Section 101.1.

(Amends Section 703.2, 728 and 728.40; 6/24/98, From Planning Department, Planning Commission, Resolution No. 14644 adopted June 18, 1998, recommending the proposed amendment and General Rule Exclusion dated May 22, 1998.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

16. 981084 [Roller Skates and Skateboards]

Supervisor Brown

Ordinance amending Traffic Code Section 100 to prohibit the use of coasters, roller skates, skateboards and similar devices on portions of the sidewalk of Terra Vista Avenue to establish penalties for violation of the section.

(Amends Section 100)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

17. 981202 [Temporary Parking Restrictions]

Supervisor Yee

Ordinance amending Article 3, Chapter XI, Part II of the Traffic Code by amending Section 33.1 regarding temporary no-parking signs to include a contact person and telephone number for information regarding the reasons for the restrictions.

(Amends Section 33.1; companion to Files 98-1239, 98-1240.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

18. 981239 [Temporary Parking Restrictions]

Supervisor Yee

Ordinance amending the Traffic Code by amending Section 33, regarding temporary no parking signs to include a contact person and telephone number for information regarding the reasons for the restrictions.

(Amends Section 33; companion to Files 981202, 981240.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

19. 981240 [Temporary Parking Restrictions]

Supervisor Yee

Ordinance amending Article 3, Chapter XI, Part II of the Traffic Code by amending Section 33.1A, regarding temporary no-parking signs to include a contact person and telephone number for information regarding the reasons for the restrictions.

(Amends Section 33.1A; companion measure to Files 98-1202, 98-1239.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

20. 981785 [Traffic Regulations, Guerrero Street]

Ordinance amending Traffic Code by repealing Section 175.14 and adding Section 174.08, changing the speed limit on Guerrero Street from 30 MPH to 25 MPH. (Parking and Traffic Department)

(Repeals Section 175.14; adds Section 174.08.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Yee, Leno

21. 981908 [Hold Harmless Agreement, U. S. Department of Interior]

Resolution authorizing the Chief of Police to execute a hold harmless agreement with the United States Department of the Interior contained in a Special Use Permit for use and occupancy by the Police Department's Wilderness Program at Facility No. 1621 in the Presidio. (Police Commission)

Question: Shall this Resolution be ADOPTED?

22. 981921 [Traffic Regulations, Various Streets]

Resolution enacting and rescinding traffic regulations on various streets:

NO U-TURN - ESTABLISH

The Embarcadero, northbound, at Broadway

TOW-AWAY, NO STOPPING, 4 PM - 6 PM, MONDAY THROUGH FRIDAY - RESCIND

TOW-AWAY, NO STOPPING, 3 PM - 7 PM, EVERYDAY - ESTABLISH

Masonic Avenue, west side, from Geary Boulevard to 150 feet northerly (150-foot zone, change in effective days and hours only)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

4th Street, east side, from Howard Street to a point 332 feet south of Mission Street (320-foot zone)

4th Street, east side, from Mission Street to 212 feet southerly (200-foot zone)

San Jose Avenue, west side, from Baden Street to 40 feet northerly (40-foot zone) (Parking and Traffic Department)

Question: Shall this Resolution be ADOPTED?

23. 981922 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations:

UNMETERED MOTORCYCLE PARKING - ESTABLISH

Capp Street, east side, from 17 feet to 58 feet north of 17th Street (41-foot zone, accommodating 10 motorcycle spaces)

RESIDENTIAL PERMIT PARKING AREA "C" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

691 Post Street, south side, between Jones and Shannon Streets (Adds specified address only)

RESIDENTIAL PERMIT PARKING AREA "G" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

1533 Sutter Street, south side, between Octavia and Gough Streets (Adds specified address only)

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

222 Webster Street, east side, between Haight and Page Streets (Adds specified address only)

398 Haight Street, north side, between Webster and Buchanan Streets (Adds specified address only)

Hickory Street, both sides, between Buchanan and Laguna Streets (400 block)

RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

2126 Mission Street, west side, between Clarion Alley and Sycamore Street (Adds specified address only)

RESIDENTIAL PERMIT PARKING AREA "U" (1-HOUR TIME LIMIT, 8 AM - 10 PM, EVERYDAY) - ESTABLISH
95 Federal Street, south side, between 2nd Street and east terminus (Adds specified address only)
(Parking and Traffic Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Ammiano, Yee

24. 981910 [William Fazio, et al. v. CCSF, et al.]

Ordinance authorizing settlement of litigation of William Fazio against the City and County of San Francisco by payment of \$45,000. (City Attorney)

(U.S. District Court No. C95-1995 WHO.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

25. 981911 [Gloria Francesca Dodd v. CCSF, et al.]

Ordinance authorizing settlement of litigation of Gloria Francesca Dodd against the City and County of San Francisco by payment of \$175,000. (City Attorney)

(U.S. District Court No. C96-3633 VRW.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

26. 981954 [Teresita Crooms, et al. v. CCSF, et al.]

Ordinance authorizing settlement of litigation of Teresita Crooms against the City and County of San Francisco by payment of \$35,000. (City Attorney)

(S.F. Superior Court No. 977-940.)

Question: Shall this Ordinance be FINALLY PASSED?

27. 981957 [James Chin v. CCSF, et al.]

Ordinance authorizing settlement of litigation of James Chin and the City and County of San Francisco, San Francisco Fire Department, et al. by payment of \$225,000. (City Attorney)

(S.F. Superior Court No. 990-935.)

Question: Shall this Ordinance be FINALLY PASSED?

28. 981959 [Unlitigated Claims, Susan Wiginton/Kerry Robishaw v. CCSF, et al.]

Ordinance authorizing settlement of the unlitigated claim of Susan L. Wiginton against the City and County of San Francisco for \$250,000; and settlement of the unlitigated claim of Kerry Robishaw against the City and County of San Francisco for \$175,000. (City Attorney)

Question: Shall this Ordinance be FINALLY PASSED?

29. 981960 [Stolte v. CCSF, et al., Cross-Complaint Against Vanir Construction Management]

Ordinance authorizing settlement of litigation of the City and County of San Francisco against Vanir Construction Management, Inc. by payment to the City and County of San Francisco of \$260,000. (City Attorney)

(S.F. Superior Court Action No. 976083.)

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Ammiano, Yee, Brown

30. 980907 [Appointments]

Resolution appointing member to the Skating Advisory Committee. (Rules Committee)

(Appointing Darla Bratton, Seat 6, must represent environmental organizations, three year terms to be determined by lot.)

Question: Shall this Resolution be ADOPTED?

31. 981732 [Appointment]

Resolution appointing member to the Drug Abuse Advisory Board. (Rules Committee)

(Appointing Georgia Bates Creel, to succeed Beverly Guardino, Seat 14, must represent the public at large, unexpired three year term ending October 1, 2000.)

Question: Shall this Resolution be ADOPTED?

32. 981870 [Appointment]

Resolution appointing member to the Hazardous Materials Advisory Committee, and making findings waiving residency requirement. (Rules Committee)

(Appointing Alice Glasner to succeed herself, Seat 19, must be representative of City Planning Department, for new four year term ending July 1, 2002.)

Question: Shall this Resolution be ADOPTED?

33. 982018 [Appointments]

Resolution appointing members to the Developmental Disabilities Board Area 5. (Rules Committee)

(Appointing Theresa Gallegos to succeed herself, Seat 1, must represent public at large, new three year term ending December 31, 2001;

Sara Desumala to succeed Julie Hsu, Seat 2, must have a demonstrated interest and leadership in human services, new three year term ending December 31, 2001.)

Question: Shall this Resolution be ADOPTED?

34. 982022 [Appointment]

Resolution appointing member to the Maternal Child Adolescent Health Board. (Rules Committee)
(Appointing Neil Gendel to succeed Barbara Phillips, Seat 21, must be a health educator, new three year term ending, August 31,2001.)

Question: Shall this Resolution be ADOPTED?

35. 982069 [Appointment]

Resolution appointing member to the Maternal Child Adolescent Health Board. (Rules Committee)
(Appointing Judith Levine to succeed herself, Seat 13, must be nutritionist, new three year term ending August 31, 2001.)

Question: Shall this Resolution be ADOPTED?

36. 982070 [Appointments]

Resolution appointing members to the Assessment Appeals Board. (Rules Committee)
(Appointing Lawrence Lee to succeed Peter Fatooh, Seat 2, new three year term ending September 7, 2001;
Steven Cox to succeed himself, Seat 12, new three year term ending September 7, 2001;
Joseph Koman to succeed himself, Seat 14, new three year term ending September 7, 2001;
John McGary to succeed himself, Seat 15, new three year term ending September 7, 2001.)

Question: Shall this Resolution be ADOPTED?

37. 982071 [Appointment]

Resolution appointing member to the Delinquency Prevention Commission. (Rules Committee)
(Appointing Ted Frazier to succeed James Mayo, Seat 4, must have interest in and be knowledgeable of juvenile delinquency, unexpired term ending December 31, 1998, new four year term ending December 31, 2002.)

Question: Shall this Resolution be ADOPTED?

38. 982072 [Appointment]

Resolution appointing member to the Park and Open Space Advisory Committee. (Rules Committee)
(Appointing Fannie Camille She to succeed herself, Seat 6, must be nominee of Supervisor Teng, new two year term ending July 15, 2000.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Parks and Recreation Committee

Present: Supervisors Brown, Bierman

39. 981896 [Waiving Competitive Bid Requirements]

Supervisor Medina

Ordinance waiving competitive bid requirements and prevailing wage requirements for the Recreation and Park Commission's award of contract to the San Francisco Conservation Corps for renovation of play area at Rolph Playground at Potrero Avenue and Cesar Chavez Street.

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

40. 981970 [Civic Center Plaza Lighting]

Supervisors Brown, Bierman

Ordinance authorizing the Department of Public Works to install an interim lighting project at Civic Center Plaza with the use of City forces.

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance Committee

Present: Supervisors Teng, Kaufman

41. 981810 [New Jobs Tax Credit Expansion]

Supervisors Kaufman, Katz, Leno, Teng, Newsom

Ordinance amending Municipal Code Part III, Sections 906B and 1005.6 to add two additional years of tax credits for new jobs created on or after January 1, 1998.

(Amends Part III, Sections 906B and 1005.6.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

42. 981812 [Surplus Business Tax Revenue Credit]

Supervisors Kaufman, Leno, Newsom

Ordinance amending Municipal Code Part III by adding Section 906E, creating a \$500 payroll expense tax credit to taxpayers for any taxable year ending within a fiscal year of the City and County of San Francisco immediately following a fiscal year for which the City and County has surplus business tax revenue.

(Fiscal impact; Adds Section 906E.)

12/7/1998, MOTION to adopt an amendment of the whole bearing same title.

12/7/1998, PASSED ON FIRST READING. The roll was then called on the pending ordinance.

Question: Shall this Ordinance be FINALLY PASSED?

43. 981813 [Surplus Business Tax Revenue Credit]

Supervisors Kaufman, Leno, Newsom

Ordinance amending Municipal Code Part III by adding Section 1005.9, creating a \$500 business tax credit to taxpayers for any taxable year ending within a fiscal year of the City and County of San Francisco immediately following a fiscal year for which the City and County has surplus business tax revenue.

(Fiscal impact; Adds Section 1005.9.)

12/7/1998, MOTION to adopt an amendment of the whole bearing same title.

12/7/1998, PASSED ON FIRST READING. The roll was then called on the pending ordinance.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Housing and Neighborhood Services Committee

Present: Supervisors Medina, Yee, Leno

44. 981597 [Candlestick (3COM Park) Access Road Parking]

Ordinance amending Traffic Code by amending Section 32.4.1, providing for a penalty for violation of Traffic Code Section 32.4. (Parking and Traffic Department)

(Amends Section 32.4.1; companion measure to File 98-1608.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

45. 981688 [Condominium Conversion Limitation]

Ordinance amending Subdivision Code by amending Article 9, Section 1396 to extend the Annual Condominium Conversion Limitation for two additional years. (Public Works Department)

(Amends Section 1396.)

12/7/1998, MOTION to excuse Supervisors Kaufman and Yee from voting.

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

From Housing and Neighborhood Services Committee Without Recommendation

Present: Supervisors Medina, Yee, Leno

46. 981492 [Liquor License Transfer, 536 Broadway Street]

Resolution opposing the request for the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license for Muhammad Daher and Khaled Zoubi for North Beach Market, from 1262 Stockton Street to 536 Broadway Street, and determining that it will not serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

10/26/1998, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor Medina presented an amendment of the whole to correct the name of one of the applicants.

10/26/1998, RE-REFERRED to Housing and Neighborhood Services Committee. Supervisor Medina requested this item be re-referred to Committee.

12/7/1998, CONTINUED. Supervisor Yaki requested this item be continued to December 14, 1998.

Question: Shall this Resolution be ADOPTED?

From Economic Development, Transportation and Technology Committee Without Recommendation

Present: Supervisors Yaki, Katz, Leno

47. 981766 [Vacation and Sale - Portion of 23rd Street]

Ordinance ordering the vacation of a portion of 23rd Street located on the west side of Pennsylvania Avenue, and authorizing other official actions in connection therewith. (Real Estate Department)

(Companion measure to File 981919.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

From Parks and Recreation Committee Without Recommendation

Present: Supervisors Brown, Bierman

48. 981555 [Park Code, Alcoholic Beverages]

Supervisor Brown

Ordinance amending Park Code Section 4.10 to add parks and portions of parks in which alcohol consumption will be prohibited without permission and setting forth standards for obtaining permission.

(Amends Section 4.10.)

12/7/1998, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Finance Committee

Present: Supervisors Teng, Kaufman

49. 981707 [Gift Certificates for Payment for Parking and City Garages] Supervisors Kaufman, Teng, Newsom
Ordinance amending Administrative Code by amending Section 2A.180 to grant authority to the Department of Parking and Traffic to sell gift certificates for payment for parking at city garages.
(Amends Section 2A.180.)

Question: Shall this Ordinance be FINALLY PASSED?

50. 981811 [Grievance Settlement Authority] Supervisors Kaufman, Teng
Ordinance amending Administrative Code Section 10.25-12 to increase the settlement limitations for individual grievance claims to \$50,000 per claimant and \$50,000 for class grievance claims.
(Amends Section 10.25-12.)

Question: Shall this Ordinance be FINALLY PASSED?

51. 981848 [Assessment Appeals Board Membership] Supervisor Kaufman
Ordinance amending Administrative Code Sections 2B1 through 2B.8 and 2B.10 through 2B.14 to increase the number of Assessment Appeals Board members, to establish eligibility requirements for Assessment Appeals Board members, to establish criteria for selection of Assessment Appeals Board panels and hearing officers, to establish guidelines for joint meetings of the Assessment Appeals Boards, and to make nonsubstantive clarifying revisions.
(Amends Sections 2B1 through 2B.8 and 2B.10 through 2B.14.)

Question: Shall this Ordinance be FINALLY PASSED?

52. 981873 [Appropriation, Port Commission]
Ordinance appropriating \$6,434,954, Port Commission, from San Francisco Harbor Operating Fund Balance to fund the cost of various capital improvement projects (lease property improvements, cargo berth dredging, preventive maintenance, Ferry building and terminal projects, China Basin shoreline stabilization) for fiscal year 1998-1999. (Controller)
(Fiscal impact.)

Question: Shall this Ordinance be FINALLY PASSED?

53. 981876 [Amendment to Municipal Executives Association MOU]
Ordinance implementing the provisions of an amendment to the Memorandum of Understanding between the Municipal Executive Association and the City and County of San Francisco pursuant to Article III.E.3, Subsections (B.1) and (E) of the Memorandum of Understanding, to provide internal adjustments for the time period beginning July 1, 1998 through June 30, 2001. (Human Services Department)

Question: Shall this Ordinance be FINALLY PASSED?

54. 981958 [Appropriation, Airport]
Ordinance appropriating \$220,000,000, Airport Commission, of San Francisco International Airport Bond Proceeds, for the construction of infrastructure projects for fiscal year 1998-1999. (Controller)
(Fiscal impact.)

Question: Shall this Ordinance be FINALLY PASSED?

55. 981980 [Appropriation, Department of Human Services]

Mayor

Ordinance appropriating \$11,308,174 of State and Federal revenues to fund augmentation of various welfare programs and services, implementation of the new statewide welfare information network, and to provide the necessary infrastructure and administrative capacity to make these changes and for the creation of 58.5 positions at the Department of Human Services for fiscal year 1998-1999; companion measure to File 981981.

(Fiscal impact.)

Question: Shall this Ordinance be FINALLY PASSED?

56. 981981 [Public Employment]

Mayor

Ordinance amending Ordinance No. 243-98 (Annual Salary Ordinance) reflecting the creation of 58.5 positions in Department of Human Services; companion measure to File 981980.

(Fiscal impact.)

Question: Shall this Ordinance be FINALLY PASSED?

57. 982015 [Amendment No. 2 to MOU, Municipal Executives Association]

Ordinance implementing the provisions of an amendment to the Memorandum of Understanding between the Municipal Executives Association for Bargaining Units M, EM, and MSA, and the City and County of San Francisco to amend Appendix E of the Memorandum of Understanding by adding Classes 1682 and 5156 and the titles of Controller and Division Manager of suburban operations to the list to correct a clerical omission, and to amend Appendix F of the Memorandum of Understanding by adding Class 9278 and the title of Director of Airports to the list to correct a clerical omission. (Human Resources Department)

Question: Shall this Ordinance be FINALLY PASSED?

58. 982041 [Muni Fare
Suspension]

Supervisors Newsom, Teng, Kaufman, Yaki, Katz, Brown, Bierman, Leno,
Ammiano, Yee, Medina

Ordinance approving the suspension of fares on Muni revenue vehicles from 8 P.M. on December 31, 1998 to 3 A.M. on January 1, 1999 and ratifying actions previously taken.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Housing and Neighborhood Services Committee

Present: Supervisors Yee, Leno

59. 981795 [Underground District]

Supervisor Teng

Ordinance creating Underground District No. 341 in Spofford Alley and John Street Area.

Question: Shall this Ordinance be FINALLY PASSED?

60. 981971 [Underground District No. 344]

Supervisor Medina

Ordinance creating Underground District No. 344 on San Bruno Avenue from Silver Avenue to Wilde Avenue.

Question: Shall this Ordinance be FINALLY PASSED?

61. 981929 [Encroachment Permit, 212 Union Street]

Resolution granting revocable permission to Leo J. McLaughlin III, to construct an extension of the sidewalk by removing a portion of an existing city retaining wall and constructing a new retaining wall with guardrails and a new planter wall to provide vehicular access to a new garage addition, and to replace existing wood stairs and landings for access to an existing cottage at 212 Union Street (Block 106, Lot 39) and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Question: Shall this Resolution be ADOPTED?

From Housing and Neighborhood Services Committee Without Recommendation

Present: Supervisors Yee, Leno

62. 981871 [Liquor License, 853 Valencia Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine-public premises alcoholic beverage control license to Shawna Lee and Jean-Paul Billault, for the Rooster, located at 853 Valencia Street, will serve the convenience of the people of the City and County of San Francisco in accordance with Section 23958.4 of the California Business and Professions Code.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Ammiano, Yee, Brown

63. 981745 [Sunshine Ordinance Task Force Membership]

Supervisor Brown

Ordinance amending Administrative Code by amending Section 67.30 to add two members to the Sunshine Ordinance Task Force, one member being a journalist from the minority press or electronic media and one member being an additional member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government.

(Amends Section 67.30.)

Question: Shall this Ordinance be FINALLY PASSED?

64. 981469 [Non-Profit Organizations]

Motion amending Rules of Order of the Board of Supervisors by adding Section 2.35 regarding procedures to be used for appeals to the Board of Supervisors concerning public access to records and minutes of Board of Directors of non-profit organizations. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Health, Family and Environment Committee at a Special meeting on Thursday, December 10, 1998 at 10:01 A.M. The Chair intends to request the committee to send the following item to the Board as a committee report.

65. 982040 [Prohibiting Advertising on San Francisco Bay]

Supervisor Katz

Ordinance approving and affirming regulation prohibiting advertising on San Francisco Bay Waters within the jurisdiction and control of the San Francisco Port Commission, subject to specific limitations, as adopted by the San Francisco Port Commission by Resolution 98-113 and approving and affirming that an infraction of those regulations is a misdemeanor.

Question: Shall this Ordinance be FINALLY PASSED?

The following item will be considered by the Health, Family and Environment Committee at a Special meeting on Monday, December 14, 1998 at 10 A.M. The Chair intends to request the committee to send the following item to the Board as a committee report.

66. 982046 [Children and Families First Trust Fund and Commission]

Supervisors Ammiano, Yee

Ordinance amending Administrative Code by adding Section 10.117-122 thereto, creating a San Francisco Children and Families First Trust Fund and by adding Chapter 86, Sections 86.1 through 86.5, establishing the San Francisco Children and Families First Commission and requiring that commission to adopt a San Francisco County Strategic Plan for the support and improvement of early childhood development within the City and County of San Francisco.

(Adds Section 10.117-122 and Chapter 86, Sections 86.1 through 86.5.)

Question: Shall this Ordinance be FINALLY PASSED?

67. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, and letters of request to the City Attorney.

68. 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.

69. 982050 [War Memorial Contract with Restaurant Associates] Supervisors Bierman, Yaki, Katz
Resolution urging the San Francisco War Memorial and Performing Arts Board of Directors to terminate the contract with Restaurant Associates for food concession services at the Opera House, Davies Symphony Hall and Herbst Theatre.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
70. 982051 [Ban on Gasoline Additive MTBE] Supervisors Bierman, Yaki, Katz, Leno, Becerril
Resolution urging Governor-Elect Gray Davis and the State Legislature to urge the Federal Government to act with all due speed in immediately banning the use of the gasoline additive Methyl Tertiary Butyl-Ether (MTBE).
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
71. 982052 [State Earned Income Tax Credit] Supervisors Leno, Katz, Yaki
Resolution urging the California State Legislature to establish a State Earned Income Tax Credit for low income workers.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
72. 982053 [S.F. Court Appointed Special Advocates Grant] Supervisors Yaki, Katz
Resolution approving and acknowledging the submission of a grant application by the San Francisco Court Appointed Special Advocates (SFCASA) to the California Judicial Council.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
73. 982054 [Grant - State and Local Funds] Supervisor Yaki
Resolution authorizing the Executive Director of the Port of San Francisco to accept and expend \$600,000 in State funds from the California Department of Transportation and \$50,000 from the Metropolitan Transportation Commission to support the Water Transit Blue Ribbon Advisory Task Force and foregoing reimbursement of indirect costs; and authorizing the Port of San Francisco to hold the State of California harmless as required in the Fund Transfer Agreement.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

74. 982055 [Anthony J. Pagano] Supervisors Ammiano, Katz, Medina, Yaki
Resolution commending Anthony J. Pagano for eleven years of exemplary service as Dean of Golden Gate University Law School and proclaiming December 11, 1998 as Anthony J. Pagano Day.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
75. 982056 [Augusto Pinochet Extradition] Supervisors Ammiano, Katz
Resolution urging the Home Secretary of the British Government to extradite General Augusto Pinochet to Spain to face trial for crimes against humanity.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
76. 982057 [Commendation] Supervisors Ammiano, Katz, Medina
Resolution commending Julie Cheung for providing 15 years of outstanding service as the project coordinator of the Chinatown Community Arts Program.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
77. 982058 [Commendation] Supervisors Leno, Medina, Yaki
Resolution commending TAX-AID for providing free tax assistance to low-income San Franciscans.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
78. 982066 [Needle Exchange Emergency] Supervisors Bierman, Teng, Ammiano, Yaki, Kaufman, Katz, Brown, Newsom, Medina, Yee, Leno
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
12/7/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be ADOPTED?
79. 982067 [Proclamation of Emergency] Supervisors Kaufman, Katz
Motion concurring in the proclamation of emergency submitted to the Board of Supervisors by his Honor, the Mayor, dealing with emergency conditions arising out of the December 8, 1998 major power outage.
12/9/1998, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be ADOPTED?

Severed From For Adoption Without Committee Reference Agenda

Questions on the For Adoption Without Committee Reference
Agenda:_____

80. 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-CALENDAR LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from December 2 through noon December 9, for reference by President to appropriate committee on December 14, 1998.

None

PROPOSED RESOLUTIONS

Proposed resolutions received from December 2 through noon December 9, for reference by President to appropriate committee on December 14, 1998.

982037 [Grant - State]

Resolution retroactively authorizing the Director of Public Works to expend up to \$1,274,279 from the State of California for roadway work on City streets in accordance with State-Local Transportation Partnership Program (9th Cycle) waiving indirect costs. (Public Works Department)

12/3/1998, RECEIVED AND ASSIGNED to Finance Committee.

982039 [Gift Acceptance]

Resolution authorizing the Chief of Police to accept, on behalf of the San Francisco Police Department, the gift of Six Thousand Five Hundred Dollars (\$6,500) from the Guardsmen for use by the Police Department's Wilderness Program. (Police Commission)

12/4/1998, RECEIVED AND ASSIGNED to Housing and Neighborhood Services Committee.

982042 [PUC-Wastewater Agency Mutual Aid Agreement]

Resolution approving hold harmless provisions for the Wastewater Agency Response Network and Water Agency Response Network Omnibus Mutual Aid Agreements. (Public Utilities Commission)

12/7/1998, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

982043 [Grant - Federal]

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for, retroactively, accept and expend a grant of \$120,000 of fiscal year 1997-1998 Federal Hazard Elimination Safety (HES) Program funds for a guardrail upgrade project, foregoing reimbursement of indirect costs. (Parking and Traffic Department)

12/7/1998, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

982068 [Grant - Federal]

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, to accept retroactively and expend a grant in the amount of \$597,898 from the U.S. Department of Commerce and Telecommunications and Information Administration to provide full implementation of the Reggie Project and to enter into an agreement which does not include patent infringement indemnification and false claims clauses. (Public Health Department)

12/9/1998, RECEIVED AND ASSIGNED to Health, Family, and Environment Committee.

982073 [Petitions and Communications]

Petitions and communications received from December 2 through noon on December 9 for reference by the President to the Committee considering related matters or to be ordered filed by the Clerk on December 14, 1998.

From Department of Public Health, submitting Hazardous Waste Release Report for Fiscal Year 1998-1999.

Health, Family & Environment Committee Clerk (1)

From Department of Human Resources, submitting Administrative Change Nos. 47-53/98/99 to the Annual Salary Ordinance, Fiscal Year 1998/99. File 98-0853 (2)

From Controller's Audits Division, submitting report concerning the concession audit of Auto Symphony of San Francisco. (3)

From Controller's Audits Division, submitting report concerning audit of the Juvenile Probation Department, Finance and Administration Division. (4)

From various departments, submitting statement regarding adequacy of Budget for 1998-99:
Employees' Retirement System
Law Library (5)

From Department of Public Works, responding to William F. Spiers, Spiers Construction Company, regarding 315-319 Edgehill Avenue. Copy: Each Supervisor (6)

From Office of the City Attorney, responding to Supervisor Teng's request to review several petitions submitted in support of the proposed Union Square Business Improvement District. File 98-1844 (7)

From State of California, Office of Historic Preservation, regarding nomination of 465 10th Street to the National Register of Historic Places. (8)

From Sierra Club, Loma Prieta Chapter, urging support for the electrification of Caltrain. (9)

From Police Department, Lt. Michael N. Maloney, responding to Mr. Barker regarding identity fraud case. (10)

From Rob Lim, expressing concern regarding poor service from Pacific Bell. (11)

From Gregory Miller, expressing concern regarding the Asian Art Museum murals. (12)

From J. Miller, expressing concern regarding the poor condition of San Francisco streets. (13)

From Petra Szonyi, expressing concern regarding the need for jobs, volunteer work or school improvement. (14)

From William H. Jones, expressing concern regarding mistreatment of employees of Restaurant Associates. (15)

From Pedro G. Flores, appealing assistance regarding claim as a Crime Victim under the Victims of Crime Program by the State Board of Control. Copy: Each Supervisor, District Attorney (16)

From Bicycle Advisory Committee, regarding Central Freeway Replacement Project Act of 1998. Economic Development, Transportation and Technology Committee. File 98-1900, 98-1937 (17)

From John Barbey, requesting repeal of Anti-Cruising laws on Mission Street. Copy: Each Supervisor. File 98-1612 (18)

From European/American Issues Forum, requesting to meet with Supervisors to discuss grievances. Copy: Each Supervisor (19)

From Department of the Army BRAC Environmental, Office of Presidio of San Francisco, submitting News

Release regarding Presidio Restoration Advisory Board meeting to be held December 8, 1998 at 7:00 p.m. at Fort Mason, Building 201. (20)

From Elizabeth Balaqui, opposing the plan to put a driveway on 15th Street for the 2145 Market Street building. (21)

From Harry S. Pariser, regarding Peter Byrne's article on MUNI, dated December 2-8, 1998. (22)

From various signators, opposing the installation of toilet at 8th and Fulton Street for MUNI drivers. (16 signatures) (23)

From various signators, expressing concern regarding MUNI's poor service. (2 letters received) (24)

From various signators, opposing additional budget for MUNI (2 letters received) (25)

From various signators, expressing concern regarding Bank of America's firing of female executives. (2 letters received) (26)

From various signators, opposing the creation of the proposed Surplus Business Tax Revenue Credit, New Jobs Tax Credit Expansion. File 98-1812, 98-1813, 98-1810 (4 letters received) (27)

From various signators, supporting the development of a frisbee golf course. (5 letters received) Park and Recreation Committee. File 98-1579 (28)

From various signators, supporting the establishment of Union Square Business Improvement District. (9 letters received) File 98-1844 (29)

From Stop the B.I.D, opposing the establishment of Union Square Business Improvement District. File 98-1844 (30)

From various signators, supporting the proposed ban of alcohol in the parks. (2 letters received) File 98-1555 (31)

From Office of the Clerk, United States Court of Appeals for the Ninth Circuit, expressing appreciation to the Neighborhood Emergency Response Team (NERT) training program offered by the Fire Department. (32)

From Jeremy Dennis, Constituent Liaison to Supervisor Kaufman, submitting Form 700 Statement of Economic Interest. (33)

From Airport, responding to the Board's and Supervisor Brown's request for a report on the race and gender composition of the Airport's workforce and breakdown of MBEs/WBEs involved in Airport construction projects. Copy: Supervisor Brown (34)

From Public Utilities Commission, submitting request to Human Rights Commission for waiver of provision of Chapter 12B and 12C of Administrative Code. (35)

From Jamerson Contractors, regarding request for open bidding and more public information on Public Toilet Program. (36)

From Department of Telecommunication & Information Services, requesting a partial release of reserve of \$257,000 of \$1 million on reserve for network design and security and enhancement work for the city's areawide network. Finance Committee (37)

ADJOURNMENT

Meeting Procedures

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

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

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

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

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are televised on channel 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

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

Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

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

For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

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

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

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at

<http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm>

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