

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, September 14, 2021 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

(remote public access provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AISHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee
Supervisors Haney, Safai, Mar, Ronen, Walton

Budget and Finance Committee
Supervisors Haney, Safai, Mar

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee
Supervisors Mar, Stefani, Haney

Rules Committee
Supervisors Peskin, Mandelman, Chan

Youth, Young Adult, and Families Committee
Supervisors Ronen, Safai, Melgar

Meeting Days

Wednesday
1:00 PM

Wednesday
10:30 AM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

2nd Friday
10:00 AM

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

Members Present: Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session, and provided public comment through teleconferencing, on Tuesday, September 14, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:01 p.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors (Board) authorized their Board and Committee meetings to convene remotely and allow remote public comment via teleconference. Effective June 29, 2021, the Board and staff began to reconvene for in-person Board proceedings. Committee meetings will continue to convene remotely until further notice. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.

All Members were present.

President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.

COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt, dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

210762 [Administrative Code - Eviction of Commercial Tenants for Unpaid Rent Due to COVID-19 Financial Impacts]

Sponsors: Safai; Haney, Mar and Mandelman

Ordinance amending the Administrative Code to revise the eviction protections for commercial tenants related to unpaid rent due to financial impacts from the COVID-19 pandemic to create a six-month forbearance period for tenants with between 50 and 99 full-time employees, and to authorize the Office of Economic and Workforce Development to create incentive programs to encourage landlords and tenants to agree to repayment plans.

Ordinance No. 148-21

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee

201151 [Various Codes - Construction and Demolition Debris Recovery]

Sponsors: Safai; Walton and Mandelman

Ordinance amending the Environment, Public Works, Health, and Administrative Codes to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection and submits to the Director of the Department of Environment a material reduction and recovery plan to provide for at least 75% recovery away from disposal instead of 65% as required under existing law, and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

Ordinance No. 144-21

FINALLY PASSED

Recommendation of the Public Safety and Neighborhood Services Committee**210540 [Police Code - "Ghost Guns"]****Sponsors: Stefani; Mandelman, Mar, Haney, Safai, Melgar, Ronen and Walton**

Ordinance amending the Police Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions; and prohibiting any person from manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions.

Ordinance No. 145-21**FINALLY PASSED****Recommendation of the Rules Committee****210677 [Administrative Code - Composition of Committee on Information Technology (COIT)]****Sponsors: Walton; Preston, Haney, Mar, Chan, Ronen, Peskin, Mandelman and Safai**

Ordinance amending the Administrative Code to add the Clerk of the Board of Supervisors and the Executive Director of the Human Rights Commission as permanent members of the Committee on Information Technology (COIT).

Ordinance No. 147-21**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

210815 [Accept and Expend Grant - Retroactive - Department of Homeland Security Federal Emergency Management Agency - FY2020 Port Security Grant Program - \$1,161,830]

Sponsor: Mayor

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$1,161,830 from the Department of Homeland Security Federal Emergency Management Agency for the Fiscal Year (FY) 2020 Port Security Grant Program to upgrade the existing 3D Sonar System, purchase a Vessel Mounted Thermal Camera System, send members to Advanced Underwater Remotely Operated Vehicle (ROV) Operations Training, refurbish and perform deck safety upgrades on the existing response vessel, and purchase a response vessel for the period of September 1, 2020, through August 31, 2023, and waiving indirect costs. (Police Department)

Resolution No. 420-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendation of the Rules Committee

210604 [Municipal Elections Code - Expanded Vote-by-Mail for Exclusively Municipal Elections]

Sponsor: Safai

Ordinance amending the Municipal Elections Code to require the Department of Elections to expand use of vote-by-mail ballots at exclusively municipal elections and encourage further use of vote-by-mail ballots in all elections.

Ordinance No. 146-21

FINALLY PASSED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

NEW BUSINESS

Recommendations of the Budget and Finance Committee

President Walton requested File Nos. 210742 and 210743 be called together.

210742 [Accept and Expend Grant - Retroactive - John D. and Catherine T. MacArthur Foundation - Safety and Justice Challenge - Amendment to the Annual Salary Ordinance for FYs 2020-2021 and 2021-2022 - \$2,000,000]

Sponsor: Ronen

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,000,000 from the John D. and Catherine T. MacArthur Foundation to support San Francisco's participation as an implementation site in the Safety and Justice Challenge, and amending Ordinance No. 166-20 (Annual Salary Ordinance File No. 200568 for Fiscal Years (FYs) 2020-2021 and 2021-2022) to provide for the addition of one grant funded Class 1824 Principal Administrative Analyst position (FTE 1.0) at the Office of the District Attorney for the period of January 1, 2021, through December 31, 2022. (District Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210743 [Accept and Expend Grant - Retroactive - U.S. Department of Justice - Justice Reinvestment Initiative - Amendment to Annual Salary Ordinance - FYs 2020-2021 and 2021-2022 - \$1,000,000]

Sponsor: Walton

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$1,000,000 from the U.S. Department of Justice to fund the Justice Reinvestment Initiative; and amending Ordinance No. 166-20 (Annual Salary Ordinance File No. 200568 for Fiscal Years (FYs) 2020-2021 and 2021-2022) to provide for the addition of two grant funded Class 8133 Victim/Witness Investigator III positions (FTE 2.0) in the Office of the District Attorney for the period of October 1, 2020, through September 30, 2023. (District Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210828 [Business and Tax Regulations Code - Administrative Provisions]

Ordinance amending the Business and Tax Regulations Code to revise its common administrative provisions and other provisions to implement Proposition F amending the gross receipts tax and repealing the payroll expense tax and Proposition L imposing the overpaid executive gross receipts tax, approved at the November 3, 2020, election, and make clarifying and other nonsubstantive changes. (Treasurer-Tax Collector)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 210164, 210675, 210676, 210736, and 210796 be called together.

210164 [Lease Agreement - HG SFO Retailers 2017 JV, a joint venture dba Green Apple Books - Harvey Milk Terminal 1 Retail Concession Lease No.12 - \$460,000 Minimum Annual Guarantee]

Resolution approving the Harvey Milk Terminal 1 Retail Concession Lease No. 12 - Lease No. 20-0047, between HG SFO Retailers 2017 JV, a joint venture dba Green Apple Books, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of twelve years, and a minimum annual guarantee of \$460,000 for the first year of the Lease, to commence upon Board approval. (Airport Commission)

Resolution No. 413-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210675 [Lease Agreement - Genesco Partners Joint Ventures #11 - Harvey Milk Terminal 1 Retail Concession - \$365,000 Minimum Annual Guarantee]

Resolution approving the Harvey Milk Terminal 1 Retail Concession Lease No. 11 - Lease No. 20-0046, between Genesco Partners Joint Ventures #11, a joint venture of Genesco, Inc. and Corliss Stone-Littles, LLC, as joint tenants, dba Johnston & Murphy, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of 12 years, and a minimum annual guarantee of \$365,000 for the first year of the Lease, to commence upon Board approval. (Airport Commission)

Resolution No. 415-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210676 [Lease Agreement - Culinary Heights Hospitality - Harvey Milk Terminal 1 Food and Beverage Concession Leases in Phases 3 and 4 - Lease 13, Lease No. 20-0043 - \$385,000 Minimum Annual Guarantee]

Resolution approving the Harvey Milk Terminal 1 Food and Beverage Concession Leases in Phases 3 and 4 - Lease 13, Lease No. 20-0043 between Culinary Heights Hospitality, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of 12 years with one two-year option to extend at the Airport's sole discretion, and a minimum annual guarantee of \$385,000 for the first year of the Lease, to commence upon approval by the Board of Supervisors. (Airport Commission)

Resolution No. 416-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210736 [Lease Agreement - ProperFood SFO Airport, LLC - Harvey Milk Terminal 1 Food and Beverage Concession Lease in Phases 3 and 4 - Lease 10, Lease No. 20-0041 - \$275,000 Minimum Annual Guarantee]

Resolution approving the Harvey Milk Terminal 1 Food and Beverage Concession Lease in Phases 3 and 4 - Lease 10, Lease No. 20-0041 between ProperFood SFO Airport, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of 12 years with one two-year option to extend at the Airport's sole discretion, to commence upon approval by the Board of Supervisors, and a minimum annual guarantee of \$275,000 for the first year of the Lease. (Airport Commission)

Resolution No. 417-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210796 [Airport Professional Services Agreement Modification - Vanderlande Industries Inc. - Operate, Maintain and Repair Airport-Owned Passenger Boarding Bridges and Baggage Handling Systems - Not to Exceed \$16,610,647]

Resolution approving Modification No. 3 to Airport Contract No. 50030.01, Vanderlande Industries Inc., to increase the contract amount by \$3,862,816 for a new not to exceed contract amount of \$16,610,647 to operate, maintain, and repair Airport-owned passenger boarding bridges and baggage handling systems in the domestic terminals; and to extend the contract term by one-year from October 1, 2021, through September 30, 2022, pursuant to Charter, Section 9.1189(b), to commence following Board approval. (Airport Commission)
(Fiscal Impact)

Resolution No. 418-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210774 [Real Property Lease Extension - BC Capp, LLC - Homeless Resource Center - 165 Capp Street - \$270,685 Annual Base Rent]

Sponsors: Mayor; Ronen

Resolution authorizing the Director of Property, on behalf of the Department of Homelessness and Supportive Housing, to exercise a Lease Extension Option for the real property located at 165 Capp Street, with BC Capp, LLC for continued operation of an approximately 6,500 square foot building as a neighborhood drop-in and referral center and administrative offices serving people experiencing homelessness, for an approximately five-year term commencing on September 22, 2021, through September 30, 2026, at the monthly base rent of \$22,557 for a total annual base rent of \$270,685 with no rent payable for the month of October 2021.
(Fiscal Impact)

Resolution No. 412-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210813 [Lease Agreement - Pilara Family Foundation - Pier 24 Annex - Minimum Base Rent of \$92,857.40 Per Month]**Sponsor: Mayor**

Resolution authorizing a new lease between the Port of San Francisco and the Pilara Family Foundation for the premises located at Pier 24 Annex on The Embarcadero for a term of approximately three years and ten months to commence following Board approval at a monthly rent of \$92,857.40 with a monthly rent credit of \$87,122.09 in respect of previously completed capital improvements to the property. (Port)

Resolution No. 419-21**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210837 [Apply for Grant - Department of Housing and Community Development Infill Infrastructure Program - Balboa Reservoir Project]**Sponsors: Mayor; Melgar**

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a grant application, as defined herein, under the Department of Housing and Community Development Infill Infrastructure ("IIG") Program for the project area located generally north of the Ocean Avenue commercial district, west of City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School ("Balboa Reservoir"); authorizing the City to assume liability for completion of the project required by the terms of any grant awarded under the IIG Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

Resolution No. 421-21**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210838 [Contract Modification - Siemens Mobility, Inc. - Option for 30 Light Rail Vehicles - \$130,409,780 Plus Escalation Costs]**Sponsors: Mayor; Mandelman, Melgar and Mar**

Resolution approving Modification No. 10 to Municipal Transportation Agency Contract No. 2013-19: Procurement of New Light Rail Vehicles, with Siemens Mobility, Inc., to exercise an option to procure 30 additional light rail vehicles in the amount of \$130,409,780 plus applicable escalation costs, with cancellation provisions through June 2025, with no increase in the total Contract price or in the term of the Contract. (Municipal Transportation Agency)
(Fiscal Impact)

Supervisor Mar requested to be added as a co-sponsor.

Privilege of the floor was granted unanimously to Julie Kirschbaum (Municipal Transportation Agency), Anne Pearson (Office of the City Attorney), and Sophia Kittler (Mayor's Office) who responded to questions raised throughout the discussion.

Supervisor Preston, seconded by Supervisor Chan, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of September 21, 2021. The motion carried by the following vote:

Ayes: 8 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Walton

Noes: 3 - Melgar, Safai, Stefani

210875 [Accept and Expend Grant - California Department of Housing and Community Development - Permanent Local Housing Allocation Program - \$52,308,210]**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Housing and Community Development (MOHCD), on behalf of the City and County of San Francisco, to execute the annual Standard Agreements with the California Department of Housing and Community Development under the Permanent Local Housing Allocation Program for a total award of \$52,308,210 for the period starting on the execution date of the Standard Agreements through June 30, 2030, and authorizing MOHCD to accept and expend the grant of \$52,308,210 for programming approved by the California Department of Housing and Community Development.

Resolution No. 422-21**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210876 [Accept and Expend Grant - California Department of Housing and Community Development - Housing for Healthy California Program - \$6,798,810]**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Housing and Community Development (MOHCD), on behalf of the City and County of San Francisco, to execute the Standard Agreement with the California Department of Housing and Community Development (HCD) under the Housing for Healthy California Program for a total award of \$6,798,810 for the period starting on the execution date of the Standard Agreement through June 30, 2024, and authorizing MOHCD to accept and expend the grant of \$6,798,810 for programming approved by HCD.

Resolution No. 423-21**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

President Walton announced that the Recognition of Commendations portion of the regular agendas will be reinstated beginning at the October 5, 2021 Regular Meeting.

COMMITTEE REPORTS

Recommendation of the Land Use and Transportation Committee

210535 [Planning Code - Conditional Use Authorization Requirements Regarding Residential Care Facilities]

Sponsors: Mandelman; Ronen, Preston, Peskin, Melgar and Mar

Ordinance amending the Planning Code to eliminate the requirement of Conditional Use Authorization for Residential Care Facilities for seven or more people in Residential, House (RH) Districts; require Conditional Use Authorization for a change of use or demolition of a Residential Care Facility, and consideration of certain factors in determining whether to grant Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Robert Meyers; shared their personal experiences as a homeless person and challenges they've encountered attempting to contact various Members of the Board.

Speaker; spoke in support of the previous caller who had challenges contacting the Board and shared concerns regarding the closure of the Great Highway.

Josh Brach; expressed support of the Resolution urging compliance of Proposition 12, Prevention of Cruelty to Farm Animals (File No. 210951).

Eva Ting; expressed support of newly introduced legislation that will increase participation in School District elections.

Jay Donde; expressed concerns regarding a member of the Police Commission and requested they be removed from the body.

Speaker; expressed concerns regarding the treatment of a homeless individual who has attempted to contact various Members of the Board.

Dwayne Johnson; expressed concerns regarding the treatment of homeless individuals.

Speaker; expressed concerns regarding firearms.

Stephen Martinsen; expressed concerns regarding a member of the Police Commission and requested they be removed from the body.

Barry Toronto; spoke on various concerns regarding the condition of the various neighborhoods and safety issues for pedestrians, bicyclists, and tax drivers.

Crystal Gwen; expressed support of newly introduced legislation that will increase participation in School District elections.

Speaker; spoke on a concern.

Peter Warfield; expressed concerns with tags being used in library books that could be tracked and endanger the privacy of library users.

CLOSED SESSION

President Walton requested File Nos. 210895 and 210528 be called together.

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

210895 [Closed Session - Settlement of Unlitigated Claims - Wing Lok (“Walter”) Wong; W. Wong Construction, et al. - City to Receive Settlement Payments and Credits Totaling \$1,772,271.64 - September 14, 2021]

Closed Session for the Board of Supervisors to convene on September 14, 2021, for the purpose of conferring with, or receiving advice from the City Attorney, pursuant to California Government Code, Section 54956.9, and San Francisco Administrative Code, Section 67.10(d)(1), regarding approving a settlement of unlitigated claims against Wing Lok “Walter” Wong; W. Wong Construction; Alternate Choice, LLC; Jaidin Consulting Group, LLC; and Jaidin International Ventures, LLC, (collectively “the Wong Parties”) for payments and credits totaling \$1,772,271.64; the claims involve allegations that the Wong Parties provided gifts to officials of the City and County of San Francisco (“the City”) in exchange for the unlawful award of City contracts to the Wong Parties, failure to report contacts with City officials, and failure to report contributions to political campaigns as required under City law; other material terms of the settlement are that the Wong Parties will not do business with the City, including as permit expeditors, for five years; scheduled pursuant to a motion made and approved on July 27, 2021, during action at the Board of Supervisors meeting for File No. 210528. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:21 p.m. to convene in closed session pursuant to the motion made and approved on July 27, 2021, during action at the Board of Supervisors meeting for File No. 210528.

The following Members were noted present: Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

Persons in attendance: Anne Pearson and Keslie Stewart, Deputy City Attorneys (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Brent Jalipa (Office of the Clerk of the Board).

The matter was heard in closed session and no action taken.

HEARD IN CLOSED SESSION

RECONVENED AS THE BOARD OF SUPERVISORS

The Board of Supervisors reconvened at the hour of 5:54 p.m.

The following Members were noted present: Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Peskin, seconded by Supervisor Mandelman, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Referred Without Recommendation from the Government Audit and Oversight Committee

210528 [Settlement of Unlitigated Claims - Wing Lok (“Walter”) Wong; W. Wong Construction; Alternate Choice, LLC; Jaidin Consulting Group, LLC; and Jaidin International Ventures, LLC - City to Receive Settlement Payments and Credits Totaling \$1,772,271.64]

Resolution approving settlement of unlitigated claims against Wing Lok “Walter” Wong; W. Wong Construction; Alternate Choice, LLC; Jaidin Consulting Group, LLC; and Jaidin International Ventures, LLC, (collectively “the Wong Parties”) for payments and credits totaling \$1,772,271.64; the claims involve allegations that the Wong Parties provided gifts to officials of the City and County of San Francisco (“the City”) in exchange for the unlawful award of City contracts to the Wong Parties, failure to report contacts with City officials, and failure to report contributions to political campaigns as required under City law; other material terms of the settlement are that the Wong Parties will not do business with the City, including as permit expeditors, for five years. (City Attorney)

Resolution No. 414-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

210947 [Urging the California Supreme Court to Restore LGBTQ Anti-Discrimination Protections]

Sponsors: Mandelman; Stefani, Melgar, Mar, Chan, Walton, Ronen, Safai and Preston

Resolution urging the California Supreme Court to review the Third District Court of Appeals ruling in Taking Offense v. California and restore anti-discrimination protections for LGBTQ residents of long-term care facilities.

Supervisors Ronen, Safai, and Preston requested to be added as co-sponsors.

Resolution No. 424-21

ADOPTED

210948 [Urging Uniform Standards for Healthcare Facilities to Fulfill Vaccine Mandate]**Sponsor: Mar**

Resolution urging the Department of Public Health to set uniform standards for healthcare facilities to fulfill the California Department of Public Health order mandating vaccinations for health care staff, and for healthcare providers to provide support for their workers including on-site vaccinations and supplemental paid time off.

Resolution No. 425-21**ADOPTED****210951 [Urging Full Compliance for California Proposition 12 - Prevention of Cruelty to Farm Animals]****Sponsors: Safai; Mandelman and Haney**

Resolution urging full compliance of California's 2018 Proposition 12, the Prevention of Cruelty to Farm Animals; and urging compliance by January 1, 2022.

Supervisors Mandelman and Haney requested to be added as co-sponsors.

Resolution No. 426-21**ADOPTED****210953 [FemTruth Young Womxn's Health Awareness Month - September 2021]****Sponsors: Walton; Ronen, Stefani, Melgar, Chan, Mandelman, Safai, Preston and Haney**

Resolution recognizing September 2021 as FemTruth Young Womxn's Health Awareness Month.

Supervisors Mandelman, Safai, Preston, and Haney requested to be added as co-sponsors.

Resolution No. 427-21**ADOPTED****210900 [Appointment, Bicycle Advisory Committee - Ariel Earnhardt]**

Motion appointing Ariel Earnhardt, term ending November 19, 2022, to the Bicycle Advisory Committee. (Clerk of the Board)

Ariel Earnhardt, Seat 4, succeeding Maelig Morvan, resigned, must be a nominee of the District 4 Supervisor, to serve for a two-year term ending November 19, 2022, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

Motion No. M21-126**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Severed from the For Adoption Without Committee Reference Agenda

210955 [Recognizing Abortion as Healthcare - Condemning Texas Senate Bill 8]

Sponsors: Melgar; Ronen, Stefani, Chan, Walton, Safai, Mandelman, Haney, Preston and Mar

Resolution recognizing Abortion as Healthcare, objecting to Texas Senate Bill 8 and urging approaches that uplift autonomy for women and other birthing people; urging the Biden Administration and Congress to pass legislation protecting Reproductive Rights; and declaring the City and County of San Francisco a Champion of Reproductive Freedom and Justice.

Supervisors Preston and Mar requested to be added as co-sponsors.

Resolution No. 428-21

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

ORDINANCES

210961 [Municipal Elections Code - Non-United States Citizen Voting in School Board Elections]

Sponsors: Chan; Melgar, Walton, Ronen, Preston, Mar, Mandelman and Peskin

Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District.

09/14/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/14/2021.

210962 [Emergency Ordinance - Extension of Temporary Tenant Protections Due to COVID-19]**Sponsors: Preston; Peskin, Walton, Ronen, Chan, Mandelman, Haney and Melgar**

Emergency ordinance to temporarily extend the COVID-19 based limit on residential evictions, which allows evictions only if based on the non-payment of rent or violence or health and safety issues, and which is currently set to expire on September 30, 2021.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

09/14/21; ASSIGNED to Land Use and Transportation Committee.

210963 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]**Sponsors: Preston; Peskin, Walton, Ronen, Chan, Mandelman, Haney, Melgar and Safai**

Ordinance amending the Administrative Code to extend the COVID-19 based limit on residential evictions, which allows evictions only if based on the non-payment of rent or violence or health and safety issues, from September 30, 2021, through December 31, 2021.

09/14/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/14/2021.

RESOLUTIONS

210964 [Resolution of Intention to Add Territory to and Amend City and County of San Francisco Infrastructure and Revitalization Financing District No.1 (Treasure Island)]**Sponsor: Mayor**

Resolution of intention to add territory to and amend the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; to call a public hearing on the proposed amendments and to provide public notice thereof; and determining other matters in connection therewith, as defined herein.

09/14/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210965 [Authorizing Preparation of an Amended Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No.1 (Treasure Island)]**Sponsor: Mayor**

Resolution authorizing and directing the Director of the Office of Public Finance, or designee thereof, to prepare an amended infrastructure financing plan for the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein, and determining other matters in connection therewith, as defined herein.

09/14/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210966 [Sublease Agreement - California State Lands Commission - Candlestick Point State Recreation Area - Vehicle Triage Center - In-Kind Rent of \$1,796,090]**Sponsors: Mayor; Walton, Safai, Mar and Haney**

Resolution authorizing and approving the Director of Property, on behalf of the Department of Homelessness and Supportive Housing, to negotiate and enter into a sublease agreement for 312,000 square feet of property owned by the California State Lands Commission and leased to the California Department of Parks and Recreation, for the City's use as a Vehicle Triage Center at Candlestick Point State Recreation Area, for an initial term of two years, commencing on or about November 1, 2021, for the base rent of \$312,000 per year to be paid through in-kind, public services with an estimated value of \$2,143,920; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the sublease, as defined herein; adopting findings under the California Environmental Quality Act; and finding the proposed sublease is in conformance with the General Plan, and the eight priorities of Planning Code, Section 101.1.

(Fiscal Impact)

09/14/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210967 [Purchase of Real Property - Mission Smartspace Senior LLC - 1321 Mission Street - Homelessness and Supportive Housing - \$86,673,000]**Sponsors: Mayor; Haney and Safai**

Resolution 1) approving and authorizing the Director of Property, on behalf of the Department of Homelessness and Supportive Housing ("HSH"), to acquire certain property located at 1321 Mission Street ("Property") for \$86,500,000 plus an estimated \$173,000 for typical closing costs, for a total anticipated amount of \$86,673,000 ("Acquisition Cost"); 2) approving and authorizing HSH, on behalf of the City, to apply to the California Department of Housing and Community Development ("HCD") for its 2021 Homekey Grant Program ("Project Homekey") to purchase the Property; 3) approving and authorizing an Agreement of Purchase and Sale for Real Estate for the acquisition of the Property from Mission Smartspace Senior LLC ("Purchase Agreement"), which includes a liquidated damages clause of up to \$5,000,000 in case of default by the City; 4) authorizing the Director of Property to execute the Purchase Agreement, make certain modifications, and take certain actions in furtherance of this Resolution and the Purchase Agreement, as defined herein; 5) affirming the Planning Department's determination under the California Environmental Quality Act; and 6) adopting the Planning Department's findings that the Purchase Agreement, and the transaction contemplated therein, is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

09/14/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210968 [International Day of the Victims of Enforced Disappearances - August 30, 2021]**Sponsors: Melgar; Walton, Preston, Mandelman, Ronen and Haney**

Resolution retroactively declaring August 30 as International Day of the Victims of Enforced Disappearances, and observing this date every year thereafter, and condemning enforced disappearances in El Salvador.

09/14/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210969 [Supporting the Green New Deal for Public Schools Act]**Sponsors: Ronen; Melgar, Walton, Preston, Mandelman and Haney**

Resolution supporting the Green New Deal for Public Schools Act of 2021 (H.R. 4442), to invest \$1.43 trillion to provide green renovations and retrofits to public schools to meet health, accessibility, safety needs, identify and alleviate educational and economic disparities among students, and provide funding for special education services.

09/14/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

210970 [Recognizing Korean Chuseok Day - September 21, 2021]**Sponsors: Stefani; Walton, Preston, Mandelman and Haney**

Resolution recognizing September 21, 2021, as Korean Chuseok Day and honoring the Korean Center, Inc. for its contributions to the Korean American community in the City and County of San Francisco.

09/14/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTION

210975 [Reappointment, Association of Bay Area Governments, Executive Board Regional Planning Committee - Supervisor Myrna Melgar]

Motion reappointing Supervisor Myrna Melgar, term ending September 23, 2023, to the Association of Bay Area Governments Executive Board Regional Planning Committee. (Clerk of the Board)

09/14/21; RECEIVED AND ASSIGNED to Rules Committee.

REQUESTS FOR HEARING

210971 [Hearing - Kaiser Permanente - Behavioral Health Services]**Sponsor: Chan**

Hearing regarding the availability of behavioral health services provided by Kaiser Permanente in the San Francisco Bay Area and California, including, but not limited to, patient wait times for initial appointments, length of wait time between visits, efficacy of telehealth medicine, and access to follow up care; and requesting the Health Service System to report.

09/14/21; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

210972 [Hearing - Planning Department Reorganization]**Sponsor: Peskin**

Hearing to discuss the recent reorganization and internal practices at the Planning Department, including with respect to the Zoning Administrator and other department staff; and requesting the Planning Department to report.

09/14/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

210973 [Hearing - 706 Mission PSA - Community Benefits Update]**Sponsor: Peskin**

Hearing to receive updates on the Developer Payments and funding streams required by the 706 Mission Purchase and Sale Agreement (PSA) and to present on legal use of funds, RFP timelines and fund balances; and requesting the Office of the City Administrator, Recreation and Parks Department, and Mayor's Office of Housing and Community Development to report.

09/14/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210974 [Hearing - Cannabis Equity Applicant Review and Possible 5-Year Moratorium]**Sponsor: Safai**

Hearing to discuss the status of the number of Cannabis Equity Licenses that have been granted and the number of equity applicants currently awaiting approval; to examine the number of equity applicants who presently own and operate a Cannabis dispensary, what areas and how their numbers compare with non-equity applicants and the possibility of proposing a five year moratorium once the number of equity owned dispensaries are adequately represented in the market in comparison to non-equity operated dispensaries; and requesting the Office of Cannabis and Office of Economic and Workforce Development to report.

09/14/21; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED RESOLUTION**210931 [Accept and Expend Grant - Retroactive - California Victim Compensation Board - Compensation for Crime Victims - \$2,530,990.23]**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,530,990.23 from the California Victim Compensation Board for a project, entitled "Joint Powers Agreement," to assist victims and witnesses with compensation claims for the period July 1, 2021, through June 30, 2024. (District Attorney)

09/02/21; RECEIVED FROM DEPARTMENT.

09/14/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chan

To: San Francisco Health Services System

Inquiring: Mental Health Care Access for City Employees

From: Supervisor Mar

To: San Francisco Police Department

Inquiring: San Francisco Police Department to Provide Bilingual Officer Staffing Data

In Memoriams

*M. Jean Feilmoser – Supervisor Safai
John Ignatius Alioto – Supervisor Stefani
Edergardo Juanengo Dayrit – Full Board
Marie DeMartini – Supervisors Stefani and Peskin*

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:57 p.m.

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 October 26, 2021.

Angela Calvillo, Clerk of the Board