

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 8, 2019 - 2:00 PM

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

Regular Meeting

NORMAN YEE, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN,
GORDON MAR, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI,
SHAMANN WALTON

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Fewer, Stefani, Mandelman

Government Audit and Oversight Committee

Supervisors Mar, Brown, Peskin

Joint City, School District, and City College Select Committee

Supervisors Haney, Walton, Mar (Alt), Commissioners Cook, Collins, Moliga (Alt),
Trustees Randolph, Williams, Selby (Alt)

Land Use and Transportation Committee

Supervisors Peskin, Safai, Haney

Public Safety and Neighborhood Services Committee

Supervisors Mandelman, Stefani, Walton

Rules Committee

Supervisors Ronen, Walton, Mar

Meeting Days

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

Members Present: Vallie Brown, Sandra Lee Fewer, Rafael Mandelman, Gordon Mar, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, October 8, 2019, with President Norman Yee presiding.

President Yee called the meeting to order at 2:03 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, and Yee were noted present.

Supervisors Haney and Walton were noted not present.

A quorum was present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of communications from Supervisors Matt Haney and Shamann Walton, dated October 7, 2019, informing the Board of their absences and requesting to be excused from today's meeting.

Supervisors Haney and Walton Excused from Attendance

Supervisor Safai, seconded by Supervisor Mandelman, moved that Supervisor Haney and Walton be excused from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Board Member had any corrections to the September 3, 2019, Regular Board Meeting Minutes. There were no corrections requested.

Supervisor Mandelman, seconded by Supervisor Mar, moved to approve the September 3, 2019, Regular Board Meeting Minutes. The motion carried by the following vote, following general public comment:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

AGENDA CHANGES

There were no agenda changes.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

There were no questions submitted from the eligible Supervisors representing Districts 9, 10, and 11. Mayor London N. Breed addressed the Board of Supervisors regarding mental health, including the state of San Francisco's crisis, recent negative news coverage, the programs and services the Department of Public Health continues to provide, newly identified concerns and solutions by the Director of Public Health, and how the Board and Mayor can work together to bring change. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

190778 [Settlement of Unlitigated Claim - Farmers Insurance Exchange - \$300,472 - Appropriation - Water Enterprise Fund Balance]

Ordinance approving the settlement of the unlitigated claim filed by Farmers Insurance Exchange against the City and County of San Francisco for \$300,472; the claim was filed on September 7, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$300,472 from the San Francisco Public Utilities Commission Water Enterprise fund balance for payment of settlement. (City Attorney)

FINALLY PASSED

190806 [Settlement of Lawsuit - Innsbruck, LP - \$1,557,420 Plus Interest]

Ordinance authorizing settlement of the lawsuit filed by Innsbruck, LP against the City and County of San Francisco for \$1,557,420 plus interest; the lawsuit was filed on May 14, 2018, in San Francisco Superior Court, Case No. CGC-18-566560; entitled Innsbruck, LP v. City and County of San Francisco, et al.; the lawsuit involves a transfer tax refund. (City Attorney)

FINALLY PASSED

190807 [Settlement of Lawsuit - Plaza GB, LP - \$1,294,995 Plus Interest]

Ordinance authorizing settlement of the lawsuit filed by Plaza GB, LP against the City and County of San Francisco for \$1,294,995 plus interest; the lawsuit was filed on May 14, 2018, in San Francisco Superior Court, Case No. CGC-18-566558; entitled Plaza GB, LP v. City and County of San Francisco, et al.; the lawsuit involves a transfer tax refund. (City Attorney)

FINALLY PASSED

190870 [Settlement of Lawsuit - Yvonne Marie Ellis - \$33,000]

Ordinance authorizing settlement of the lawsuit filed by Yvonne Marie Ellis against the City and County of San Francisco for \$33,000; the lawsuit was filed on June 6, 2018, in San Francisco Superior Court, Case No. CGC-18-567012; entitled Yvonne Marie Ellis v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury on a City street. (City Attorney)

FINALLY PASSED

190871 [Settlement of Lawsuit - Michael Pannone - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Pannone against the City and County of San Francisco for \$30,000; the lawsuit was filed on October 5, 2017, in San Francisco Superior Court, Case No. CGC-17-561728; entitled Michael Pannone v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

FINALLY PASSED

190872 [Settlement of Lawsuit - Katharine Savin - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Katharine Savin against the City and County of San Francisco for \$40,000; the lawsuit was filed on October 4, 2016, in United States District Court, Northern District of California, Case No. 16-cv-05627-JST, entitled Katharine Savin v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

190873 [Settlement of Lawsuit - The Roman Catholic Archbishop of San Francisco, et al. - City to Receive \$913,970 from U.S. Pipe & Foundry Company]

Ordinance authorizing settlement of the lawsuit filed by The Roman Catholic Archbishop of San Francisco, et al. against the City and County of San Francisco for payment of \$913,970 by U.S. Pipe & Foundry Company to the City; the lawsuit was filed on April 11, 2013, in United States District, Case No. 13-cv-2220 MEJ; entitled The Roman Catholic Archbishop of San Francisco, et al. v. City and County of San Francisco, et al.; the lawsuit involves dangerous condition of public property and inverse condemnation. (City Attorney)

FINALLY PASSED

190874 [Settlement of Unlitigated Claim - Property & Casualty Company of Hartford - \$73,273 - Appropriation - Water Enterprise Fund Balance]

Ordinance approving the settlement of the unlitigated claim filed by Property & Casualty Insurance Company of Hartford against the City and County of San Francisco for \$73,273; the claim was filed on August 30, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$73,273 from the San Francisco Public Utilities Commission Water Enterprise fund balance for payment of settlement. (City Attorney)

FINALLY PASSED

190875 [Settlement of Lawsuit - Kai Kopp - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Kai Kopp against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 28, 2016, in San Francisco Superior Court Case No. CGC-16-551183; entitled Kai Kopp v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in a City park. (City Attorney)

FINALLY PASSED

190876 [Settlement of Lawsuit - Abuon Mayen - \$225,000 - Appropriation - Water Enterprise Fund Balance]

Ordinance authorizing settlement of the lawsuit filed by Abuon Mayen against the City and County of San Francisco for \$225,000; the lawsuit was filed on March 6, 2018, in San Francisco Superior Court, Case No. CGC-18-566751; entitled Abuon Mayen v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision; and appropriating \$225,000 from the San Francisco Public Utilities Commission Water Enterprise fund balance for payment of settlement. (City Attorney)

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee**180637 [Acacia Street - Dedication as Public Right-of-Way and Acceptance of Sidewalk and Roadway Improvements for Maintenance and Liability]**

Ordinance accepting Acacia Street and the irrevocable offer of improvements on Acacia Street for City maintenance and liability, subject to specified limitations; dedicating Acacia Street and improvements thereon to public use, declaring this area as shown on official Public Works drawings as open public right-of-way, and designating it for street and roadway purposes; establishing official sidewalk widths, public right-of-way widths, and street grades for Acacia Street; accepting two Public Works Orders making recommendations and certifications related to the Acacia Street improvements; authorizing official acts in connection with this Ordinance, as defined herein; adopting the Planning Department's determinations under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

FINALLY PASSED

Recommendation of the Rules Committee**190497 [Administrative Code - Mental Health Board/Behavioral Health Commission]
Sponsors: Stefani; Mandelman**

Ordinance amending the Administrative Code to change the name of the Mental Health Board to the Behavioral Health Commission; to include in the definition of a "consumer" one who receives substance use services; and to permit a consumer who is an employee in a behavioral health public or private agency and who does not have any interest, influence, or authority over any financial or contractual matter concerning the employer, to be appointed to the Commission.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

President Yee requested File Nos. 190879 and 190880 be called together.

190879 [Grant of Easement and Acceptance of Quitclaim - Pacific Gas & Electric Company - Airport West-of-Bayshore Property - Replacement of Natural Gas Pipeline - \$0]

Resolution approving an Easement Agreement and Quitclaim of Easement between the City and County of San Francisco, acting by and through its Airport Commission, and Pacific Gas & Electric Company, for the exchange of easement areas at San Francisco International Airport's West-of-Bayshore property, for \$0, to accommodate the replacement of a natural gas pipeline; authorizing the Airport Director and the Director of Property to execute documents, make certain modifications, and take actions in furtherance of this Resolution, as defined herein; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting California Environmental Quality Act findings. (Airport Commission)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee
Excused: 2 - Haney, Walton

190880 [2011 Airport Lease and Use Agreement - El Al Israel Airlines Limited - Estimated Rent \$1,300,879.46]

Resolution approving a 2011 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and El Al Israel Airlines Limited, a corporation in Israel, to conduct flight operations at San Francisco International Airport, effective the first day of the month following full approval by the City and expiring on June 30, 2021, with an estimated rent of \$1,300,879.46 for Exclusive Use Space rent, plus Joint Use Space rent and landing fees. (Airport Commission)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee
Excused: 2 - Haney, Walton

190906 [Amended and Restatement of Lease - Java House Restaurant - \$4,000 Monthly Base Rent]**Sponsor: Haney**

Resolution approving the Amended and Restatement of Lease No. L-14100 between the Port Commission and Java House, LLC, a California limited liability company, for the Java House Restaurant located at Pier 40½ at the Embarcadero and Townsend Street, increasing the monthly base rent from \$3,314 to \$4,000 including a conditional tenant option to extend for ten years, with no change to the initial length of term through August 31, 2023. (Port)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

190921 [Contract - Retroactive - Sentinel Offenders Services, LLC - Home Detention and Electronic Monitoring Services - \$3,400,000]

Resolution retroactively approving the Sheriff Department's contract with Sentinel Offenders Services, LLC to administer a Home Detention and Electronic Monitoring Program, for a term of three years from August 1, 2019, through July 31, 2022, with two one-year options to renew, for a total contract amount of \$3,400,000. (Sheriff)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

190950 [Issuance of Bonds - California Municipal Finance Authority - HealthRIGHT 360 - Not to Exceed \$65,000,000]**Sponsor: Brown**

Resolution approving in accordance with Internal Revenue Code of 1986, Section 147(f), as amended, the issuance of revenue bonds or a loan by the California Municipal Finance Authority in one or more series pursuant to a plan of financing and in an aggregate issue price not to exceed \$65,000,000 ("Bonds") to refinance all or a portion of certain outstanding debt obligations that originally financed and refinanced the acquisition, construction, improvement, equipping and furnishing of facilities located at 890 Hayes Street, 815 Buena Vista West, 214 Haight Street, 1563 Mission Street, 1735 Mission Street, and 154 Coleridge Street within the City and County of San Francisco ("City"), owned and managed by HealthRIGHT 360, a California nonprofit public benefit corporation, in connection with the provision of residential treatment services in the City; finance additional improvements to and equipping and maintenance of such facilities; pay capitalized interest on the Bonds; fund a reserve fund for the Bonds; and pay certain expenses incurred in connection with the issuance of the Bonds. (Controller)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

Recommendations of the Land Use and Transportation Committee

190644 [Planning Code - Landmark Designation - 2031 Bush Street (aka the Kinmon Gakuen Building)]

Sponsors: Brown; Peskin

Ordinance amending the Planning Code to designate 2031 Bush Street (aka the Kinmon Gakuen Building), Assessor's Parcel Block No. 0676, Lot No. 027, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience and welfare findings under Planning Code, Section 302. (Historic Preservation Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

190793 [Environment, Police Codes - Electric Vehicle Charging in Commercial Parking]

Sponsors: Mayor; Peskin, Mandelman, Safai, Brown and Ronen

Ordinance amending the Environment Code to require commercial parking lots and garages with more than 100 parking spaces to install electric vehicle charging equipment; amending the Police Code to add compliance with the new requirement as a condition of existing as well as future permits for commercial parking lots and garages; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

Recommendations of the Public Safety and Neighborhood Services Committee

President Yee requested File Nos. 190830 and 190831 be called together.

190830 [Liquor License Transfer - 399 Geary Street - CVS]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Garfield Beach CVS, LLC, doing business as CVS Pharmacy, located at 399 Geary Street (District 3), will not serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control deny the issuance of the license, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

190831 [Liquor Licenses - 1169 Market Street - Whole Foods Market]

Resolution determining that the premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license, and the issuance of a Type-86 instructional tasting license to Whole Foods Market California, Inc., doing business as Whole Foods Market located at 1169 Market Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

Recommendations of the Rules Committee**181215 [Administrative, Planning Codes - South of Market Community Advisory Committee]****Sponsor: Haney**

Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Planning Advisory Committee to advise City officials and agencies on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA Community Stabilization Fund Community Advisory Committee and the Eastern Neighborhoods Citizens Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

190068 [Appointments, Cannabis Oversight Committee - Ali Jamalian, Aaron Flynn, Doug Bloch, Leah "Nina Parks" Weitz, Jesse Stout, Theresa Foglio, and Sara Payan]

Motion appointing Ali Jamalian, Aaron Flynn, Doug Bloch (residency requirement waived), Leah "Nina Parks" Weitz (residency requirement waived), Jesse Stout, Theresa Foglio (residency requirement waived), Sara Payan (residency requirement waived), terms ending December 3, 2020, to the Cannabis Oversight Committee. (Rules Committee)

Motion No. M19-142**APPROVED by the following vote:**

Ayes: 8 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani

Noes: 1 - Yee

Excused: 2 - Haney, Walton

190990 [Appointments, Children and Families First Commission - Joan Miller, Linda Asato, Suzanne Giraud, and Lynn Merz]

Motion appointing Joan Miller, indefinite term, and Linda Asato, Suzanne Giraud, and Lynn Merz (residency requirement waived), terms ending April 29, 2023, to the Children and Families First Commission. (Rules Committee)

Motion No. M19-143

APPROVED by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

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

Supervisor Brown, seconded by Supervisor Stefani, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

Supervisor Brown introduced, welcomed, and presented a Certificate of Honor to Maurice Dotson (Recology) in recognition of his heroic actions that helped solve a string of burglaries on the westside of San Francisco over the summer.

Supervisor Stefani introduced, welcomed, and presented a Certificate of Honor to Bertina Cannizzaro in recognition of her advocacy for the Italian American community in San Francisco, including the Madonna del Lume society.

Supervisor Peskin and President Yee introduced, welcomed, and presented a Certificate of Honor to Sandy Gartzman (Rent Board) on the occasion of her retirement from the City and County of San Francisco, and in recognition of her tireless work creating programs, policies, and regulations that made the Rent Board accessible to the people of San Francisco. Supervisor Fewer shared in this commendation.

Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Polly Marshall (Rent Board) in recognition of her over 35 years of service on the Rent Board and advocacy for tenants' rights in San Francisco.

President Yee introduced, welcomed, and presented a Certificate of Honor to San Francisco Hep B Free, Bay Area - accepted by Caryl Ito, Stuart Fong, Sharon Lai, Francis Tsang, and Richard So - on the occasion of their 12th Annual "Be A Hero" Awards Dinner and Gala, and in recognition of their accomplishments bringing awareness to the disease.

President Yee acknowledged former Supervisor Jake McGoldrick who was in attendance during today's meeting.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 190890, 190891, 190892, and 190893 be called together.

190890 [Hearing - Appeal of Determination of Community Plan Evaluation - 344-14th Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on May 30, 2019, for the proposed project at 344-14th Street, approved on July 25, 2019, proposing new construction of a seven-story, 78-foot tall, mixed use residential building (measuring approximately 84,630 square feet) with 5,890 square feet of ground floor retail use and 60 dwelling units, consisting of four studio units, 17 one-bedroom units, 14 two-bedroom/one-bathroom units, and 25 two-bedroom/two-bathroom units which would utilize the state density bonus law and invoke waivers from the development standards for: rear yard (Planning Code, Section 134), usable open space (Planning Code, Section 135), and height (Planning Code, Section 260), located at Lot No. 013 in Assessor's Parcel Block No. 3532, within the Urban Mixed Use (UMU) Zoning District and a 58-X Height and Bulk District. (District 9) (Appellant: Larisa Pedroncelli and Kelly Hill, on behalf of Our Mission No Eviction) (Filed August 26, 2019) (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Ronen provided opening remarks and background information on the project and appeal. Larisa Pedroncelli and Kelly Hill (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Francisco Da Costa; Joel Montenegro; Francesca Granhold; Maria Chavez; Speaker; Speaker; Speaker; Roberto Hernandez; Speaker; spoke in support of the appeal. Sherrie George and Lisa Gibson (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. John Kevlin, Reuben, Junius & Rose, LLP (on behalf of the Project Sponsor), provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Craig Shields (Rockridge Geotechnical) presented additional information and answered questions raised throughout the discussions. Speaker; spoke in support of the project and in opposition to the appeal. Larisa Pedroncelli and Kelly Hill (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Yee closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

190891 [Affirming the Community Plan Evaluation - 344-14th Street]

Motion affirming the determination by the Planning Department that a proposed project at 344-14th Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Motion No. M19-144

Supervisor Ronen, seconded by Supervisor Fewer, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee
Excused: 2 - Haney, Walton

190892 [Conditionally Reversing the Community Plan Evaluation - 344-14th Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 344-14th Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Fewer, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

190893 [Preparation of Findings to Reverse the Community Plan Evaluation - 344-14th Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 344-14th Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Fewer, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

COMMITTEE REPORTS

Recommendation of the Rules Committee

190899 [Administrative Code - Compliance with Right to Return for Temporarily Displaced Tenants]

Sponsors: Peskin; Brown, Walton and Mandelman

Ordinance amending the Administrative Code to clarify that temporary evictions for capital improvements are intended to cover work that would make the unit hazardous, unhealthy, and/or uninhabitable, and are intended to last for the minimum amount of time required to complete the work; modify the standards that the Rent Board must consider when reviewing a request to authorize a temporary eviction for capital improvements to last more than three months; establish procedures for the landlord to inform the displaced tenant of the tenant's right to reoccupy the unit upon completion of the work; and establish that a landlord's failure to timely allow the tenant to reoccupy the unit may create a rebuttable presumption that the tenancy has been terminated by the landlord rather than by the tenant.

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

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Brown, Fewer, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 2 - Haney, Walton

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Speaker; shared certain political and religious views.

Peter Warfield; shared concerns related to the San Francisco Public Library and the way users receive notifications.

Nick Pescarella; shared concerns related to the San Francisco Public Library and the way users receive notifications.

Francisco Da Costa; expressed concerns regarding campaign contributions and a fair legislative process.

Matthew Sutter; expressed concerns regarding the plight of taxi medallion holders and their issues with the Municipal Transportation Agency.

Speaker; expressed concerns regarding the plight of taxi medallion holders and their issues with the Municipal Transportation Agency.

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Speaker; expressed concerns regarding the death of Mario Woods.

Tom Gilbert; shared concerns regarding the need to ban assault weapons and minimize air pollution.

Otto Duffy; shared concerns regarding affordable housing, climate change, and need for non-violent solutions.

Walter Paulson; shared various old objects and sang retirement songs for Bruce Bochy of the San Francisco Giants.

Speaker; shared their various thoughts and experiences.

Supervisor Fewer was noted absent at 5:15 p.m. and for the remainder of the meeting.

Supervisor Fewer Excused from Attendance

Supervisor Safai, seconded by Supervisor Peskin, moved that Supervisor Fewer be excused beginning at 5:15 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 8 - Brown, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 3 - Fewer, Haney, Walton

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

191007 [Sandy Gartzman Day - October 8, 2019]

Sponsors: Yee; Peskin

Resolution commending Sandy Gartzman on the occasion of her retirement from the Rent Board, and declaring October 8, 2019, as Sandy Gartzman Day in the City and County of San Francisco.

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

ADOPTED

191008 [Commending San Francisco Hep B Free - Bay Area for 12 Years of Community Advocacy and Awareness]**Sponsors: Yee; Mar and Fewer**

Resolution commending San Francisco Hep B Free - Bay Area on their 12th Annual "Be a Hero" Power of Jade Awards Gala on October 18, 2019, and recommitting San Francisco's efforts to preventing and treating Hepatitis B.

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

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Brown, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 3 - Fewer, Haney, Walton

Severed from the For Adoption Without Committee Reference Agenda**191004 [Urging the Municipal Transportation Agency to Ensure Further Compliance With Private Scooter Permit Conditions]****Sponsors: Peskin; Yee, Safai, Brown, Fewer, Stefani and Mar**

Resolution urging the Municipal Transportation Agency to phase expansion of its Powered Scooter Permit Program, pending the actual and equitable installation of bike racks; further the demonstration of permittees' ability to comply with labor, sustainability, community outreach, equitable access, and other requirements, as defined herein; and consider a publicly provided alternative.

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

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding verbiage urging the Municipal Transportation Agency to create a reliable plan to prevent illegal use of scooters on sidewalks, and utilize the City's First Source Hiring Program; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 8 - Brown, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 3 - Fewer, Haney, Walton

Resolution urging the Municipal Transportation Agency to phase expansion of its Powered Scooter Permit Program, pending the actual and equitable installation of bike racks; a reliable plan to prevent illegal use of scooters on sidewalks; further the demonstration of permittees' ability to comply with labor, sustainability, community outreach, equitable access, and other requirements, as defined herein; and consider a publicly provided alternative.

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Brown, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Yee

Excused: 3 - Fewer, Haney, 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.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

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 ORDINANCES

190993 [Settlement of Lawsuit - Lu Xia Tan Chen - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Lu Xia Tan Chen against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 19, 2018, in San Francisco Superior Court, Case No. CGC-18-565891; entitled Lu Xia Tan Chen v. City and County of San Francisco; the lawsuit involves alleged injuries when plaintiff was struck in a crosswalk. (City Attorney)

09/24/19; RECEIVED FROM DEPARTMENT.

10/08/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190994 [Settlement of Lawsuit - Riana Buffin and Crystal Patterson - City to Comply with New Pretrial Detention Policies and Provide Funding for Pretrial Diversion Project]
Ordinance authorizing settlement of the lawsuit filed by Riana Buffin and Crystal Patterson against Sheriff Vicki Hennessy in her official capacity as Sheriff; the settlement prohibits the Sheriff from using the existing bail schedule for arrested individuals and from using any similar policy that determines the existence or length of pre-arraignment detention based on an arrestee's ability to pay, requires the Sheriff to release certain arrestees within 18 hours from the time of booking under some circumstances, and is conditioned on the City providing additional funding to the Own Recognizance Project of the San Francisco Pretrial Diversion Project; the lawsuit was filed on October 28, 2015, in U.S. District Court for the Northern District of California, Case No. 15-CV-04959-YGR; entitled Riana Buffin and Crystal Patterson, on behalf of themselves and others similarly situated v. Vicki Hennessy in her official capacity as the San Francisco Sheriff, et al.; the lawsuit involves claims that the Sheriff's use of the San Francisco Superior Court's bail schedule as a basis for pre-arraignment detention or release of arrestees violates the United States Constitution. (City Attorney)

09/30/19; RECEIVED FROM DEPARTMENT.

10/08/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

190995 [Agreement Amendment - Alliant Insurance Services, Inc. - Insurance Brokerage Services - Not to Exceed \$74,000,000]

Resolution authorizing the Director of the Risk Management Division of the Office of the City Administrator to enter into a First Amendment for insurance brokerage services with Alliant Insurance Services, to increase the agreement amount by \$39,500,000 for a total amount not to exceed \$74,000,000 pursuant to Charter, Section 9.118, with no change to the term length to expire on June 30, 2020, to commence upon approval by the Board of Supervisors. (City Administrator)

09/27/19; RECEIVED FROM DEPARTMENT.

10/08/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190996 [Agreement Amendment - Sunset Scavenger Company, Golden Gate Disposal & Recycling Company, Recology San Francisco - Refuse Collection - Not To Exceed \$48,000,000]

Resolution approving the First Amendment to the Refuse Collection Agreement between the City and County of San Francisco and Sunset Scavenger Company dba Recology Sunset Scavenger, Golden Gate Disposal & Recycling Company dba Recology Golden Gate, and Recology San Francisco, increasing the total not to exceed amount of the Agreement from \$40,000,000 to \$48,000,000 under Charter, Section 9.118(b), with no change to the term length to expire on November 30, 2020, to commence upon approval by the Board of Supervisors. (Office of Contract Administration)

09/27/19; RECEIVED FROM DEPARTMENT.

10/08/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190997 [Purchase and Sale Agreements - Pacific Gas & Electric Company, Southern California Edison Company - Electricity-Related Products - Not to Exceed \$26,070,118 and \$3,500,000, Respectively]

Resolution retroactively authorizing two agreements for CleanPowerSF to purchase electricity-related products from Pacific Gas & Electric Company for a term of January 1, 2020, through December 31, 2022, for a total cost of \$26,070,118; and retroactively authorizing the sale of electricity-related products to Pacific Gas & Electric Company and Southern California Edison Company for a term of January 1, 2020, through December 31, 2022, in an amount not to exceed \$3,500,000. (Public Utilities Commission)

09/26/19; RECEIVED FROM DEPARTMENT.

10/08/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190998 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

Resolution approving Amendment No. 44 to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year to commence December 1, 2019, for a total term of November 19, 1998, through November 30, 2020. (Treasure Island Development Authority)

09/24/19; RECEIVED FROM DEPARTMENT.

10/08/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:45 p.m.