

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 4, 2021 - 2:00 PM

Held via Videoconference
(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

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 through videoconferencing, and provided public comment through teleconferencing, on Tuesday, May 4, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:00 p.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. 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>. As the COVID-19 disease progresses, 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, announced that due to the COVID-19 health emergency, Board Members will participate in the meeting remotely, through videoconference and to the same extent as if they were physically present. To the members of the public, when general public comment is called, you may contribute live comments for up to two minutes by dialing the provided telephone number. When you are connected, you 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

Recommendations of the Government Audit and Oversight Committee

210245 [Settlement of Lawsuit - Frank Villa - \$64,250]

Ordinance authorizing settlement of the lawsuit filed by Frank Villa against the City and County of San Francisco for \$64,250; the lawsuit was filed on May 14, 2019, in San Francisco Superior Court, Case No. CGC-19-575979; entitled Frank Villa v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a fall in a City parking lot. (City Attorney)

FINALLY PASSED

210246 [Settlement of Lawsuit - Luis Angel Garcia Valencia - \$41,000]

Ordinance authorizing settlement of the lawsuit filed by Luis Angel Garcia Valencia against the City and County of San Francisco for \$41,000; the lawsuit was filed on November 30, 2018, in San Francisco Superior Court, Case No. CGC-18-571714; entitled Luis Angel Garcia Valencia v. City and County of San Francisco, et. al; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

FINALLY PASSED

210247 [Settlement of Lawsuit - Jennifer Galarza - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Jennifer Galarza against the City and County of San Francisco for \$100,000; the lawsuit was filed on September 7, 2018, in San Francisco Superior Court, Case No. CGC-18-569532; entitled Jennifer Galarza v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

210330 [Settlement of Lawsuit - Elena Ruiz-Diaz and Mercedes Arroyo - \$600,000]

Ordinance authorizing settlement of the lawsuit filed by Elena Ruiz-Diaz and Mercedes Arroyo against the City and County of San Francisco for \$600,000; the lawsuit was filed on July 30, 2020, in San Francisco Superior Court, Case No. CGC-20-585869; entitled Elena Ruiz-Diaz, by and through her attorney-in-fact, Mercedes Arroyo, and Mercedes Arroyo, individually v. City and County of San Francisco, et al.; the lawsuit involves allegations of medical negligence, elder neglect/abuse, violations of the Patient's Bill of Rights, and negligent infliction of emotional distress concerning Ms. Ruiz-Diaz's care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

FINALLY PASSED

210331 [Settlement of Lawsuit - Armin Abdollahvand - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Armin Abdollahvand against the City and County of San Francisco for \$50,000; the lawsuit was filed on August 27, 2019, in San Francisco Superior Court, Case No. CGC-19-578732; entitled Armin Abdollahvand v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in a rear-end automobile collision involving a City employee. (City Attorney)

FINALLY PASSED

210332 [Settlement of Lawsuit - Ramsey Abouremeleh - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Ramsey Abouremeleh against the City and County of San Francisco, et al. for \$275,000; the lawsuit was filed on January 5, 2021, in the Superior Court of California, County of San Francisco, Case No. CGC-21-588689; entitled Ramsey Abouremeleh v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee**210346 [Housing Code - Community Kitchens]****Sponsors: Peskin; Mandelman and Chan**

Ordinance amending the Housing Code to prohibit removal of existing community kitchens in group housing; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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 Land Use and Transportation Committee

210288 [Emergency Ordinance - Enforcement of Workplace Ventilation Standards - COVID-19]

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

Emergency ordinance to require property owners of high-rise buildings with 50,000 square feet or more of nonresidential floor area that use mechanical ventilation systems, to certify that such systems are operating in compliance with applicable laws; to require businesses operating within those buildings to post certification within their work spaces; and to require the Department of Public Health and the Department of Building Inspection to post information on their websites about how to file complaints about noncompliance with workplace ventilation standards, and to coordinate to ensure that all such complaints are inspected within five business days.

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

Supervisor Safai, seconded by Supervisor Mandelman, moved that this Ordinance be TABLED. The motion carried 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. 210261, 210311, and 210312 be called together.

210261 [Accept and Expend Grant - Retroactive - California Department of Parks and Recreation - Statewide Park Development and Community Revitalization Program - 900 Innes Boatyard Park - \$8,500,000]

Sponsor: Mayor

Resolution retroactively authorizing the Recreation and Park Department (Department) to accept and expend a grant in the amount of \$8,500,000 from the California Department of Parks and Recreation a Statewide Park and Community Revitalization Program to support the 900 Innes Boatyard Park Expansion Project; and approving the Grant Contract and Contract Amendment No. 1 which requires the Department to maintain the project for the duration of the contract performance period from July 1, 2018, through June 30, 2048, pursuant to Charter, Section 9.118(a). (Recreation and Park Department)

ADOPTED by the following vote:

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

210311 [Accept and Expend Grant - University of California Board of Regents (UCSF) - Esprit Park Renovation Project - \$4,165,000]

Sponsors: Mayor; Walton

Resolution authorizing the Recreation and Park Department to accept and expend a cash grant of \$4,165,000 from the University of California Board of Regents to be used for construction of the Esprit Park Renovation Project; and approving a grant agreement with the University of California Board of Regents, for the project term of December 1, 2021, through December 31, 2023. (Recreation and Park Department)

ADOPTED by the following vote:

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

210312 [Accept and Expend In-Kind Grant - Retroactive - Dogpatch and Northwest Potrero Hill Green Benefit District - Esprit Park Renovation Design Grant - Valued at Approximately \$835,000]

Sponsors: Mayor; Walton

Resolution retroactively authorizing the Recreation and Park Department to accept and expend an in-kind grant valued at approximately \$835,000 from the Dogpatch and Northwest Potrero Hill Green Benefit District of design services for the Esprit Park renovation project, for the project term of March 1, 2021, through December 31, 2023. (Recreation and Park Department)

Privilege of the floor was granted unanimously to Nathan Tinclair (Recreation and Park Department) and Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Chan, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of May 11, 2021. The motion FAILED by the following vote:

Ayes: 3 - Chan, Peskin, Safai

Noes: 8 - Haney, Mandelman, Mar, Melgar, Preston, Ronen, Stefani, Walton

ADOPTED by the following vote:

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

Supervisor Walton, seconded by Supervisor Preston, moved to rescind the previous vote. The motion carried by the following vote:

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

Supervisor Peskin, seconded by Supervisor Walton, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of May 11, 2021. The motion carried by the following vote:

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

President Walton requested File Nos. 210280 and 210335 be called together.

210280 [Lease Amendment - Skyline Concessions, Inc. - Boarding Area E Newsstand Lease, a Small Business Enterprise Set-Aside Lease No. 13-0136 - Term Extension]

Resolution approving Amendment No. 2 to the Boarding Area E Newsstand Lease, a Small Business Enterprise Set-Aside Lease No. 13-0136, between Skyline Concessions, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, as landlord, to extend the Lease by two years and six months, for an extension of the term to no later than June 30, 2023, with a condition that the Airport Director, at his sole and absolute discretion, may terminate earlier by providing six months' advance written notice, with no change to the current minimum annual guarantee, subject to adjustment in accordance with the terms and conditions of the Lease, effective upon approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

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

210335 [Lease Extension Modification - 2011 Lease and Use Agreements - Various Airlines]

Resolution approving a Lease Modification to the 2011 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and 39 various Signatory Airlines, extending the term for two years from July 1, 2021, through June 30, 2023; and affirming the Planning Department's determination under the California Environmental Quality Act. (Airport Commission)

Supervisor Mandelman, seconded by Supervisor Haney, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of May 18, 2021. The motion carried by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Noes: 1 - Melgar

210344 [Grant Agreement Amendment - Institute on Aging - Community Living Fund - Not to Exceed \$22,408,928]

Resolution approving a third amendment to the grant agreement between the City and County of San Francisco and the Institute on Aging for the provision of the Community Living Fund, to extend the grant term by two years from the period of July 1, 2021, for a total term of July 1, 2019, to June 30, 2023, and to increase the amount of the grant by \$10,767,634 for a revised total amount not to exceed \$22,408,928. (Human Services Agency)

(Fiscal Impact)

ADOPTED by the following vote:

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

210359 [Accept and Expend Grant - Retroactive - National Institute of Allergy and Infectious Diseases - Research Triangle Institute International - AMBER Statement of Work - Department of Public Health - \$113,581]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$113,581 from the National Institute of Allergy and Infectious Diseases through Research Triangle Institute International for participation in a program, entitled "AMBER Statement of Work - San Francisco Department of Public Health," for the period of December 15, 2020, through July 31, 2025. (Public Health Department)

ADOPTED by the following vote:

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

210364 [Contract Amendment - Transdev Services, Inc. - Paratransit Services - Not to Exceed \$308,271,023]**Sponsor: Mayor**

Resolution approving the Sixth Amendment to Contract No. SFMTA-2016-17, Paratransit Broker and Operating Agreement, with Transdev Services, Inc., to exercise the option to extend the term by five years to June 30, 2026, and to increase the amount of the Contract by \$165,368,919 for a total Contract amount not to exceed \$308,271,023.

(Fiscal Impact)

ADOPTED by the following vote:

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

President Walton requested File Nos. 210383 and 210384 be called together.

210383 [Acquisition of Real Property - 4840 Mission Housing Associates LP - 4840 Mission Street - 100% Affordable Housing - \$0 in Exchange for \$8,150,000 Credit - Ground Lease with Base Rent of \$15,000 - Loan Not to Exceed \$28,751,450]**Sponsors: Mayor; Safai**

Resolution 1) approving and authorizing the Director of Property, on behalf of the Mayor's Office of Housing and Community Development ("MOHCD"), to acquire real property located at 4840 Mission Street ("Property") from 4840 Mission Housing Associates LP ("Developer") for \$0 in exchange for a \$8,150,000 credit; 2) placing the Property under the jurisdiction of MOHCD for use in constructing affordable housing for San Franciscans; 3) approving and authorizing a Loan Agreement in an amount not to exceed \$28,751,450 for a minimum loan term of 57 years ("Loan Agreement") to finance the construction of a 100% affordable, 137-unit multifamily rental housing development (plus two staff units) on the Property for low income households with 40 parking spaces and an ancillary commercial space of approximately 4,407 square feet for public benefit or community-serving purposes ("Residential Project") and the construction of the cold shell for a nonprofit community-serving health clinic ("Clinic Project," and together with the Residential Project, the "Project"); 4) approving and authorizing an Agreement for Purchase and Sale for acquisition of the Property ("Purchase Agreement"); 5) approving and authorizing a Ground Lease back to the Developer for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$15,000 in order to construct the Residential Project ("Residential Ground Lease"), and a Ground Lease back to the Developer for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$5,000 in order to construct the Clinic Project ("Clinic Ground Lease"); 6) adopting findings that the Purchase Agreement, Loan Agreement, Residential Ground Lease, and Clinic Ground Lease are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and 7) authorizing the Director of Property and/or the Director of MOHCD to execute the Purchase Agreement, Loan Agreement, Residential Ground Lease, and Clinic Ground Lease, make certain modifications to such agreements, as defined herein, and take certain actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

210384 [Multifamily Housing Revenue Note - 4840 Mission Housing Associates, LP - Not to Exceed \$75,000,000]**Sponsors: Mayor; Safai**

Resolution authorizing the execution and delivery of a multifamily housing revenue note in one or more series in an aggregate principal amount not to exceed \$75,000,000 for the purpose of providing financing for the construction of a 137-unit multifamily rental housing project known as "4840 Mission Apartments;" approving the form of and authorizing the execution of a funding loan agreement, providing the terms and conditions of the loan from the funding lender to the City, and the execution and delivery of the note; approving the form of and authorizing the execution of a project loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents, as defined herein; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.

ADOPTED by the following vote:

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

Recommendation of the Land Use and Transportation Committee**210286 [Planning Code - Landmark Designation - Lyon-Martin House, 651 Duncan Street]****Sponsors: Mandelman; Preston, Peskin, Safai and Mar**

Ordinance amending the Planning Code to designate Lyon-Martin House, 651 Duncan Street, Assessor's Parcel Block No. 6604, Lot No. 036, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*Supervisor Mar requested to be added as a co-sponsor.***PASSED ON FIRST READING by the following vote:**

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

Recommendations of the Public Safety and Neighborhood Services Committee**210059 [Supporting California State Senate Bill No. 110 (Wiener) - Recovery Incentives Act]****Sponsors: Safai; Stefani, Haney, Mar, Mandelman, Ronen, Melgar, Preston and Walton**

Resolution supporting California State Senate Bill No. 110, also known as the Recovery Incentives Act, authored by Senator Scott Wiener, and introduced on January 11, 2021, which would legalize the substance use disorder treatment known as contingency management, an incentive based program that gives financial rewards to those struggling with a substance use disorder if they enter substance use treatment programs and authorize Medi-Cal to cover it.

*Supervisors Mandelman, Ronen, Melgar, Preston, and Walton requested to be added as co-sponsors.***ADOPTED by the following vote:**

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

President Walton requested File Nos. 210210 and 210253 be called together.

210210 [Liquor License Transfer - 535 Scott Street - Lucinda's Deli & More]

Resolution determining that the transfer of a Type-20 off-sale beer and wine liquor license to Lucinda's Deli and More, LLC, doing business as Lucinda's Deli & More, located at 535 Scott Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; 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: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210253 [Liquor License Issuance - 2166 Market Street - The Academy]

Resolution determining that the issuance of a Type-57 special on-sale general beer, wine, and distilled spirits liquor license to Two Gents, LLC, to do business as The Academy located at 2166 Market Street (District 8), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; 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: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210264 [Supporting California State Senate Bill No. 299 (Leyva) - Victim Compensation: Use of Force by a Peace Officer]

Sponsors: Safai; Walton, Haney, Chan and Mandelman

Resolution supporting California State Senate Bill No. 299, authored by Senator Connie Leyva (SD-20) and introduced on February 3, 2021, to remove barriers faced by victims and families of peace officer violence with the California Victim Compensation Board Fund.

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

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

201406 [Appointment, Health Officer - Susan Philip, MD]

Sponsors: Peskin; Safai

Motion appointing Susan Philip, MD, to the position of Health Officer for the City and County of San Francisco.

Motion No. M21-073

APPROVED by the following vote:

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

210417 [Appointments, African American Reparations Advisory Committee - J. L. Taylor, T. Hollins, E. McDonnell, A. Brown, O. Hamilton, N. Cunningham, G. Berry, D. Landry, T. Walker-Carter, G. Brown, A. Ekanem, S. Williams, S. O’Cain, L. Erving, and Y. Harris]

Motion appointing James Lance Taylor (residency requirement waived), Tinisch Hollins (residency requirement waived), Eric McDonnell, Amos Brown, Omerede ‘Rico’ Hamilton, Nikcole Cunningham, Gloria Berry, Daniel Landry, Tiffany Walker-Carter, Gwendolyn Brown, Anietie Ekanem, Starr Williams, Shakeyla O’Cain, Laticia Erving, and Yolanda Harris, for indefinite terms, to the African American Reparations Advisory Committee. (Rules Committee)

Motion No. M21-074

APPROVED 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 suspended all commendations during the declaration of local health emergency.

COMMITTEE REPORTS

Recommendation of the Land Use and Transportation Committee

210353 [Supporting California State Senate Bill No. 37 (Cortese) - Contaminated Sites]

Sponsors: Mar; Walton, Melgar, Peskin, Preston, Chan, Haney and Safai

Resolution supporting California State Senate Bill No. 37, Contaminated Sites: The Hazardous Waste Site Cleanup and Safety Act, authored by Senator David Cortese, expressly prohibiting the use of the common sense exemption to be applied to construction projects located on contaminated sites identified on the state’s Cortese List.

ADOPTED 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

Linda Chapman; expressed concerns regarding various zoning changes and approvals.

Pat; expressed concerns regarding flag stops that hinder accessibility for pedestrians.

Peter Warfield; expressed gratitude for the reopening of certain library services and concerns regarding the limited access for those without internet service.

Wynship Hillier; expressed concerns regarding the seats on the Behavioral Health Commission.

Speaker; expressed the need to reopen outdoor spaces as we recover from the pandemic.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

President Walton requested File Nos. 210475 and 210329 be called together.

The Board recessed at the hour of 4:05 p.m. to convene in closed session pursuant to the verbal motion made and approved on April 27, 2021, during consideration of File No. 210329.

210475 [Closed Session - Existing Litigation - Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company - San Francisco Refuse Ratepayers to Receive \$94,520,000 in Restitution; City to Receive \$7,000,000 - May 4, 2021]

Closed Session for the Board of Supervisors to convene on May 4, 2021, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d) (1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation relating to the lawsuit filed by the City and County of San Francisco against Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company for payment of at least \$94,520,000 in restitution and related interest as well as \$7,000,000 in civil penalties; the lawsuit was filed on March 4, 2021, in San Francisco Superior Court, Case No. CGC-21-590091; entitled People of the State of California, acting by and through Dennis J. Herrera as City Attorney of San Francisco; and City and County of San Francisco v. Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company; the lawsuit involves Defendants' violations of California's Unfair Competition Law and San Francisco Campaign and Governmental Conduct Code based on improper overcharging of San Francisco refuse Ratepayers and unlawful gifts and contributions made to city employees and officers or to third-parties at their request; other material terms of the settlement are that Defendants agree to be bound to a four-year injunction to be presented and entered by the court after the settlement agreement is approved. (Clerk of the Board)

CONVENED IN CLOSED SESSION

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

Persons in attendance:

Anne Pearson, Ronald Flynn, and Yvonne Mere, Deputy City Attorneys (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

Matter was heard in closed session and no action was taken.

RECONVENED AS THE BOARD OF SUPERVISORS

The Board of Supervisors reconvened at the hour of 4:37 p.m.

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

HEARD IN CLOSED SESSION

[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 Preston, moved not to disclose the Closed Session deliberations. The motion carried by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

210329 [Settlement of Lawsuit - Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company - San Francisco Refuse Ratepayers to Receive \$94,520,000 in Restitution; City to Receive \$7,000,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company for payment of at least \$94,520,000 in restitution and related interest as well as \$7,000,000 in civil penalties; the lawsuit was filed on March 4, 2021, in San Francisco Superior Court, Case No. CGC-21-590091; entitled People of the State of California, acting by and through Dennis J. Herrera as City Attorney of San Francisco; and City and County of San Francisco v. Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company; the lawsuit involves Defendants' violations of California's Unfair Competition Law and San Francisco Campaign and Governmental Conduct Code based on improper overcharging of San Francisco refuse Ratepayers and unlawful gifts and contributions made to city employees and officers or to third-parties at their request; other material terms of the settlement are that Defendants agree to be bound to a four-year injunction to be presented and entered by the court after the settlement agreement is approved. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

210460 [Asian Pacific American Heritage Month - May 2021]

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

Resolution recognizing and celebrating May 2021 as Asian Pacific American Heritage Month in the City and County of San Francisco and honoring the significant contributions of the Asian Pacific American community.

ADOPTED

210461 [Denouncing the Rise in Violence Against the Asian American and Pacific Islander Community]

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

Resolution denouncing the rise in violence against the Asian American and Pacific Islander (AAPI) community, urging City departments to create a Coordinated Citywide Violence Prevention and Victim Support Plan for the AAPI community, and establishing the Board's budget priority to support violence prevention and victim services.

ADOPTED

210462 [Supporting California State Senate Bill No. 321 (Durazo) - The Health and Safety for All Workers Act]**Sponsors: Mar; Walton, Chan, Mandelman, Preston and Haney**

Resolution supporting California State Senate Bill No. 321, authored by State Senator Maria Elena Durazo, The Health and Safety for All Workers Act, which would eliminate the exclusion of household domestic service from Cal/OSHA workplace health and safety protections and ensure that domestic workers have access to health and safety training, information about risks in the workplace, and necessary protective equipment.

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

ADOPTED**210466 [Petra DeJesus Day - April 21, 2021]****Sponsors: Ronen; Melgar, Walton, Preston, Mandelman, Mar, Haney, Stefani, Safai, Chan and Peskin**

Resolution declaring April 21, 2021, as Petra DeJesus Day in the City and County of San Francisco.

ADOPTED**210467 [Recognizing the One-Year Anniversary of Unidos En Salud]****Sponsors: Ronen; Walton, Melgar, Mandelman, Preston and Haney**

Resolution recognizing the one-year anniversary of Unidos En Salud, a partnership between the University of California San Francisco and the Latino Task Force on COVID-19, and expressing gratitude for lifesaving service to the people of San Francisco.

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

ADOPTED**210469 [Commending Maribel Jaldon]****Sponsor: Stefani**

Resolution commending and honoring Maribel Jaldon for her 36 years of distinguished service with the City and County of San Francisco.

ADOPTED**210470 [Public Works Week - May 17, 2021, through May 21, 2021]****Sponsors: Walton; Mandelman, Chan and Preston**

Resolution commending the staff of San Francisco Public Works and declaring May 17, 2021, through May 21, 2021, as Public Works Week in the City and County of San Francisco.

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

ADOPTED

210471 [Adoption of Findings Related to Conditional Use Authorization - 590 Second Avenue]

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 20849, regarding the Conditional Use Authorization identified as Planning Case No. 2019-015984CUA, which approved the installation of a wireless telecommunications facility consisting of ten panel antennae, for a proposed project at 590 Second Avenue. (Clerk of the Board)

Motion No. M21-075

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**210468 [San Francisco Police Department Insignia - Use for Nash Bridges Television Series]**

Sponsor: Stefani

Resolution approving the use of the San Francisco Police Department insignia on uniforms and vehicles for the television series, Nash Bridges.

Supervisor Peskin provided a friendly amendment on Page 1, Lines 15-18, by adding 'WHEREAS, The Series is an all-union production, in alignment with San Francisco's labor harmony principals, utilizing members of the Directors Guild of America (DGA), the Screen Actors Guild (SAG0, and the International Alliance of Theatrical State Employees (IATSE) Local 16, and'. Supervisor Stefani accepted the amendment as part of her Amendment of the Whole.

Supervisor Stefani, seconded by Supervisor Safai, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 19-21, by striking 'The Board of Supervisors finds that the use of the SFPD insignia in the Series will enhance the image of the SFPD and is in the best interests of the City' and adding 'The Board of Supervisors finds that the use of the SFPD insignia in the series will enhance San Francisco's image as a premier location for film and television productions to film and is in the best interests of the City'; and the amendment as provided by Supervisor Peskin. The motion carried by the following vote:

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

ADOPTED AS AMENDED 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.

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 RESOLUTIONS

210444 [Lease Amendment - Marilla Chocolate Company, Inc. - Terminal 3 Boarding Area F Gourmet Food and Gift Store Lease No. 10-0309 - Term Extension]

Resolution approving Amendment No. 4 to the Terminal 3 Boarding Area F Gourmet Food and Gift Store Lease No. 10-0309, between Marilla Chocolate Company, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for an extension of the term to no later than June 30, 2023, with a condition that the Airport Director, at his sole and absolute discretion, may terminate earlier by providing six months' advance written notice, with no change to the current Minimum Annual Guarantee, subject to adjustment in accordance with the terms and conditions of the Lease, effective upon approval by the Board of Supervisors. (Airport Commission)

04/22/21; RECEIVED FROM DEPARTMENT.

05/04/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210445 [Agreement Amendment - Retroactive - Intersection Media, LLC - Reduce Minimum Annual Guarantee Payments and Add Advertising Program]

Resolution retroactively approving the Second Amendment to the Agreement for advertising on Municipal Transportation Agency vehicles and other property with Intersection Media, LLC, to reduce the minimum annual guarantee payments from March 1, 2020, through June 30, 2022, due to the impacts from the COVID-19 pandemic; to add an advertising program in the Central Subway stations and tunnel; and to exercise the second five-year option to extend the contract. (Municipal Transportation Agency)

04/26/21; RECEIVED FROM DEPARTMENT.

05/04/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210446 [Agreement Amendment - Retroactive - Clear Channel Outdoor, Inc - Transit Shelter Advertising - Reduce Minimum Annual Guarantee Payments]

Resolution retroactively approving the First Amendment to the Transit Shelter Advertising Agreement with Clear Channel Outdoor, Inc., to reduce the minimum annual guarantee payments, as well as administrative and marketing payments, from May 1, 2020, through June 30, 2022, due to the impacts from the COVID-19 pandemic. (Municipal Transportation Agency)

04/26/21; RECEIVED FROM DEPARTMENT.

05/04/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210447 [Contract Amendment - San Francisco New Deal - Great Plates Delivered - Not to Exceed \$46,926,000]

Resolution approving a third amendment between the City and County of San Francisco and San Francisco New Deal, for the administration of the Great Plates Delivered program, to extend the contract term by seven months for a total term of June 1, 2020, through December 31, 2021, and to increase the contract amount by \$21,186,000 for a total not to exceed amount of \$46,926,000 to commence on June 1, 2021. (Human Services Agency)

04/26/21; RECEIVED FROM DEPARTMENT.

05/04/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210448 [Contract Amendment - Off the Grid Services LLC - Great Plates Delivered - Not to Exceed \$50,193,000]

Resolution approving a third amendment between the City and County of San Francisco and Off the Grid Services LLC, for the administration of the Great Plates Delivered program, to extend the contract term by seven months for a total term of May 29, 2020, through December 31, 2021, and to increase the contract amount by \$21,483,000 for a total not to exceed amount of \$50,193,000 to commence on May 29, 2021. (Human Services Agency)

04/26/21; RECEIVED FROM DEPARTMENT.

05/04/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210449 [Contract Amendment - HealthRIGHT 360 - COVID-19 Isolation and Quarantine Services - Not to Exceed \$21,767,146]

Resolution approving Amendment No. 1 to the agreement between HealthRIGHT 360 and the Department of Public Health to operate isolation and quarantine sites delivering behavioral health, nursing and medical support services for people who test positive for COVID-19 and others who are under investigation for COVID-19 infection, to increase the agreement by \$11,989,390 for an amount not to exceed \$21,767,146; and to extend the term by one year from July 1, 2021, through June 30, 2022, for a total agreement term of October 1, 2020, through June 30, 2022. (Public Health Department)

04/26/21; RECEIVED FROM DEPARTMENT.

05/04/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:44 p.m.