

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, June 8, 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

Meeting Days

Budget and Appropriations Committee

Supervisors Haney, Safai, Mar, Ronen, Walton

Wednesday

1:00 PM

Budget and Finance Committee

Supervisors Haney, Safai, Mar

Wednesday

10:30 AM

Government Audit and Oversight Committee

Supervisors Preston, Chan, Mandelman

1st and 3rd Thursday

10:00 AM

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Monday

1:30 PM

Public Safety and Neighborhood Services Committee

Supervisors Mar, Stefani, Haney

2nd and 4th Thursday

10:00 AM

Rules Committee

Supervisors Peskin, Mandelman, Chan

Monday

10:00 AM

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Melgar

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, June 8, 2021, with President Shamann Walton presiding.

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

Remote Access to Information and Participation

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>. 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, Preston, Ronen, Safai, Stefani, and Walton were noted present.

Supervisor Peskin was noted not present.

A quorum of the Board was 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.

Supervisor Peskin was noted present at 2:05 p.m.

COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, announced that the Minutes will reflect that 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.*

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the April 27, 2021, Board Regular Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Peskin, seconded by Supervisor Ronen, moved to approve the April 27, 2021, Board Regular Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

210371 [Settlement of Lawsuit - Mohammad Joiyah - \$200,000]

Ordinance authorizing settlement of the lawsuit filed by Mohammad Joiyah against the City and County of San Francisco for \$200,000; the lawsuit was filed on August 6, 2018, in San Francisco Superior Court, Case No. CGC-18-568689; entitled Mohammad Joiyah v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

210341 [Settlement of Unlitigated Claim - Grace International Consortia, Inc. - \$316,250]

Resolution approving the settlement of the unlitigated claim filed by Grace International Consortia, Inc. against the City and County of San Francisco for \$316,250; the claim was filed on May 8, 2020; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

ADOPTED

210409 [Settlement of Unlitigated Claim - Bruce Storrs - \$55,000]

Resolution approving the settlement of the unlitigated claim filed by Bruce Storrs against the City and County of San Francisco for \$55,000; the claim was filed on October 20, 2020; the claim involves an employment dispute. (City Attorney)

ADOPTED

Recommendation of the Land Use and Transportation Committee

210537 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]

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

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 June 30, 2021, to September 30, 2021.

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

FINALLY PASSED

Recommendation of the Rules Committee

210303 [Administrative Code - Neighborhood Anchor Business Registry]

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

Ordinance amending the Administrative Code to create a Neighborhood Anchor Business Registry under the Office of Small Business and make it City policy to promote participation by Neighborhood Anchor Businesses in City grant programs for small businesses related to COVID-19 relief and for commercial eviction defense.

FINALLY PASSED

Recommendation of the Youth, Young Adult, and Families Committee

210380 [Youth Programs for Summer 2021]

Sponsors: Chan; Ronen, Melgar, Safai and Mar

Ordinance requiring the Department of Children, Youth, and Their Families (DCYF) and the Recreation and Park Department (RPD) to develop and implement a program to maximize public school youth access to summer programming in 2021; and requiring DCYF and RPD to submit a report regarding implementation of the program to the Board of Supervisors and the Students and Families Recovery and Inclusive Successful Enrichment (RISE) Working Group within 60 days of program completion.

Supervisor Mar 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 Budget and Finance Committee

210422 [Appropriation - GO Bond Proceeds - Transportation & Road Improvement 2021C - MTA - \$122,785,000 - Health & Recovery 2021D - RPD, HSH, DPH, DPW - \$425,000,000 - Earthquake Safety & Emergency Response 2021E - DPW and PUC - \$90,000,000 - FY2020-2021]

Sponsor: Mayor

Ordinance appropriating \$122,785,000 of proceeds from Series 2021C Transportation and Road Improvement General Obligation (GO) Bonds to the Municipal Transportation Agency (MTA) for street and transit projects; \$425,000,000 of proceeds from Series 2021D Health and Recovery General Obligation Bonds to the Recreation and Park Department (RPD), Department of Homelessness and Supportive Housing (HSH), Department of Public Health (DPH), and Department of Public Works (DPW) for improvements to parks, recreation facilities, and open spaces, permanent supportive and transitional housing, mental/behavioral health facilities, and street resurfacing and right-of-way projects; \$90,000,000 from Series 2021E Earthquake Safety and Emergency Response General Obligation Bonds to DPW and the Public Utilities Commission (PUC) for Fire Department facilities and emergency firefighting water system improvements; and placing these funds on Controller's Reserve pending receipt of bond proceeds.

(Fiscal Impact)

Privilege of the floor was granted unanimously to Phil Ginsburg, General Manager (Recreation and Park Department), who responded to questions raised throughout the discussion.

FINALLY PASSED by the following vote:

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

Recommendations of the Budget and Appropriations Committee

President Walton requested File Nos. 210453 and 210454 be called together.

210453 [Appropriation - COVID Contingency Reserve - Municipal Transportation Agency - Free Muni Pilot Program - \$12,500,000 - FY2020-2021]

Sponsors: Preston; Haney, Walton, Ronen and Chan

Ordinance appropriating \$12,500,000 from the COVID Contingency Reserve to the San Francisco Municipal Transportation Agency to support a Free Muni Pilot Program in July, August, and September 2021 in Fiscal Year (FY) 2020-2021.

(Fiscal Impact)

(Supervisor Safai dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 7 - Chan, Haney, Mar, Peskin, Preston, Ronen, Walton

Noes: 4 - Mandelman, Melgar, Safai, Stefani

210454 [Administrative Code - Free Muni Pilot Program Fund]**Sponsors: Preston; Haney, Walton, Ronen and Chan**

Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund.
(Supervisor Safai dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 7 - Chan, Haney, Mar, Peskin, Preston, Ronen, Walton

Noes: 4 - Mandelman, Melgar, Safai, Stefani

NEW BUSINESS**Recommendations of the Budget and Finance Committee**

President Walton requested File Nos. 210068 and 210444 be called together.

210068 [Lease Amendment - Domestic Terminal 3 Common Use Club Lease No. 13-0006 - American Express Travel Related Services Company, Inc. - Minimum Annual Guarantee \$3,226,546 - Annual Promotional Charge \$15,287]

Resolution approving Amendment No. 2 to the Domestic Terminal 3 Common Use Club Lease No. 13-0006 between American Express Travel Related Services Company, Inc. and the City and County of San Francisco, acting by and through its Airport Commission, to increase the square footage of the Lounge premises to approximately 15,287 square feet, establish a new Minimum Annual Guarantee amount of \$3,226,546 for the newly expanded premises, increase the annual Promotional Charge to \$15,287 in proportion to the net increase in square footage of the premises and to extend the ten year term by seven years with a new expiration date of November 5, 2031, to commence upon Board approval. (Airport Commission)

ADOPTED by the following vote:

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

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)

ADOPTED by the following vote:

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

210361 [Accept and Expend Grant - Retroactive - State of California, Employment Development Department - WIOA 25% Dislocated Worker Supportive Services - \$775,000]

Sponsor: Mayor

Resolution retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$775,000 from the California Employment Development Department, a recipient of the grant award from the United States Department of Labor for Workforce Innovation and Opportunity Act (WIOA) 25% Dislocated Worker Supportive Services, for the grant period of March 1, 2020, through June 30, 2021.

ADOPTED by the following vote:

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

210458 [Accept and Expend Grant - Retroactive - The Regents of the University of California, San Francisco - Institute for Global Health Sciences International Training Program - \$112,210]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase in the amount of \$29,169 for a total amount of \$112,210 from the Regents of the University of California, San Francisco for participation in a program, entitled "Institute for Global Health Sciences International Training Program," for the period of September 1, 2016, through June 30, 2021. (Public Health Department)

ADOPTED by the following vote:

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

210483 [Comparative Fault Indemnification Provision - General Electric Renewable US LLC - Design-Build Construction Contract]

Resolution approving the negotiated comparative fault indemnification provision in the San Francisco Public Utilities Commission design-build construction contract with General Electric Renewable US LLC for the Moccasin Powerhouse Generator Rehabilitation Project, pursuant to Administrative Code, Section 6.22(c), to commence following Board approval. (Public Utilities Commission)

Privilege of the floor was granted unanimously to John Scarpulla (Public Utilities Commission), and Anne Pearson and Randy Parent, Deputy City Attorneys (Office of the City Attorney), who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee

210304 [Administrative Code - Departmental Overdose Prevention Policies]

Sponsors: Haney; Ronen, Safai and Mandelman

Ordinance amending the Administrative Code to require the Department of Public Health, Department of Homelessness and Supportive Housing, Human Services Agency, and Department of Emergency Management to develop and submit to the Board of Supervisors departmental overdose prevention policies.

Supervisor Mandelman 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

Recommendation of the Rules Committee

210407 [Mayoral Reappointment, Treasure Island Development Authority Board of Directors - Julia Prochnik]

Motion approving the Mayor's nomination for the reappointment of Julia Prochnik to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2025. (Clerk of the Board)

(Pursuant to the Treasure Island Conversion Act of 1997, appointments of Directors who are not City officers are only effective upon approval by a majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action.

Transmittal Date: April 16, 2021.)

Motion No. M21-093

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.

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 210486, 210487, 210488, and 210489 be called together.

210486 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 1801 Mission Street Project]

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on November 18, 2020, for the proposed project at 1801 Mission Street, Assessor's Parcel Block No. 3548, Lot No. 039 for establishment of a limited restaurant use (coffee shop) on the ground floor of a vacant commercial space, measuring 1,763 square feet within a newly-constructed seven-story residential building. (District 9) (Appellant: Ben Terrall, on behalf of the Cultural Action Network) (Filed April 26, 2021) (Clerk of the Board)

President Walton opened the public hearing and inquired as to whether any individual wished to address the Board. Ben Terrall (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Megan Wilson; Speaker; Bob Graham; Josh Frasier; David Woo; Natalie Aguire; Isaac Deloria; Theresa Flandrich; Tanya Reyes; Claire Melblay; Marie Sorenson; Kelly Hill; Speaker; Kayla; Speaker; Maria Delora; Guva Hustay; Claire Calderon; Raul Maldonado; Gabby; Luis Pope; Eric Muella; George Sullivey; Georgia; Speaker; Marc Bruno; Norma; Susan Seepatch; Mike Bean; Louise Petricelli; Martin Peramino; Speaker; Speaker; Janelle Cornado; William Cortez; Martha Thatchett; Jordan; spoke in support of the appeal. Michael Li (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Steven Vettel (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. Raul Maldonado; Speaker; Speaker; Sean Kiegran; Calvin; Sam Deutsche; Nate Boran; Speaker; Julian; Adam Bevelecka; Barry Toronto; Mike Chena; spoke in support of the project and in opposition to the appeal. Ben Terrall (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Walton closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

210487 [Affirming the Categorical Exemption Determination - 1801 Mission Street]

Motion affirming the determination by the Planning Department that the proposed project at 1801 Mission Street is categorically exempt from further environmental review. (Clerk of the Board)

Motion No. M21-092

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

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

210488 [Conditionally Reversing the Exemption Determination - 1801 Mission Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 1801 Mission Street is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

210489 [Preparation of Findings to Reverse the Exemption Determination - 1801 Mission Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 1801 Mission Street is exempt from further environmental review. (Clerk of the Board)

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

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

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

210391 [Lease of Real Property - 1076 Howard Street LLC - 1076 Howard Street - \$854,235 Per Year in Base Rent - Up to \$1,888,990 in Tenant Improvements]

Sponsor: Mayor

Resolution approving and authorizing the Director of Property, on behalf of the Department of Public Health, to lease real property located at 1076 Howard Street, for an initial term of eight years and six months, from 1076 Howard Street LLC, at a base rent of \$854,235 per year with 3% annual increases, and the City will contribute up to an additional \$1,888,990 in tenant improvements; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the Lease and 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 findings under the California Environmental Quality Act.

(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. 210502, 210503, 210569, and 210570 be called together. During discussions on these matters, privilege of the floor was granted unanimously to Amy Chan and Eric Shaw, Director (Mayor's Office of Housing and Community Development), who responded to questions raised.

210502 [Multifamily Housing Revenue Notes - Balboa Park Housing Partners, L.P. - Balboa Park Upper Yard - Not to Exceed \$90,000,000]

Sponsors: Mayor; Safai

Resolution authorizing the execution and delivery of multifamily housing revenue notes in two or more series in an aggregate principal amount not to exceed \$90,000,000 for the purpose of providing financing for the construction of a 131-unit multifamily rental housing project known as "Balboa Park Upper Yard;" 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 notes; 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; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the notes and the project; 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

210503 [Ground Lease and Loan Agreement - Balboa Park Housing Partners, L.P. - 100% Affordable Housing - 2340 San Jose Avenue - Ground Lease with Annual Base Rent of \$15,000 - Loan Not to Exceed \$24,459,458]

Sponsors: Mayor; Safai

Resolution 1) approving and authorizing the Director of Property and the Mayor's Office of Housing and Community Development ("MOHCD") to enter into a Ground Lease for Real Property owned by the City and located at 2340 San Jose Avenue ("Property") with the Balboa Park Housing Partners, L.P. ("Developer") for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$15,000 ("Ground Lease") in order to construct a 100% affordable, 131-unit multifamily rental housing development affordable to very-low and low-income households, with 39 units set aside for HOPE SF residents voluntarily relocating, and 10,791 sq. ft of commercial space, with an early childhood education center, community space and resource center, community bike space, and two additional spaces for public benefit purposes or community-serving purposes (the "Project"); 2) approving and authorizing a Loan Agreement in an amount not to exceed \$24,459,458 for a minimum loan term of 57 years ("Loan Agreement") to finance the development and construction of the Project; 3) approving and authorizing a Declaration of Restrictions and Reservations of Easements between the City, the San Francisco Bay Area Rapid Transit District ("BART"), and the Developer for \$0 for a no-build area to benefit the Project ("No-Build Easement"); 4) approving and authorizing an Easement Agreement between the City and BART for \$0 to relocate an existing storm drain lateral ("Storm Drain Easement"); 5) adopting findings that the Project and proposed transactions are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and 6) authorizing the Director of Property and/or the Director of MOHCD to execute the Ground Lease, Loan Agreement, No-Build Easement, and Storm Drain Easement, 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

210569 [Accept and Expend Grant - California Department of Housing and Community Development - Infill Infrastructure Grant Program - 2340 San Jose Avenue - \$3,500,000]

Sponsors: Mayor; Safai

Resolution authorizing the Mayor's Office of Housing and Community Development ("MOHCD") to execute the Standard Agreements with California Department of Housing and Community Development ("HCD") under the Infill Infrastructure Grant Program for a total award of \$3,500,000 disbursed by HCD as a grant to the Mission Housing Development Corporation, A California nonprofit corporation for infrastructure improvements to the Balboa Park Plaza adjacent to and in support of a 100% affordable housing project at 2340 San Jose Avenue, for the period starting on the execution date of the Standard Agreements through June 30, 2023, and as amended; and authorizing MOHCD to accept and expend the grant of \$3,500,000 for transportation related improvement approved by HCD. (Mayor's Office of Housing and Community Development)

ADOPTED by the following vote:

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

210570 [Accept and Expend Grant - California Department of Housing and Community Development - Affordable Housing and Sustainable Communities Program - 2340 San Jose Avenue - \$25,319,112]

Sponsors: Mayor; Safai

Resolution authorizing the Mayor's Office of Housing and Community Development ("MOHCD") to execute the Standard Agreements with the California Department of Housing and Community Development ("HCD") under the Affordable Housing and Sustainable Communities Program for a total award of \$25,319,112 including \$15,319,112 disbursed by HCD as a loan to the Balboa Park Housing Partners L.P. ("Developer") for a 100% affordable housing project at 2340 San Jose Avenue and \$10,000,000 to be disbursed as a grant to the City and/or Developer for public transportation improvements near 2340 San Jose Avenue, for the period starting on the execution date of the Standard Agreements to June 30, 2040; and authorizing MOHCD to accept and expend the grant of up to \$10,000,000 for transportation, bicycle and pedestrian improvements and other transit oriented programming and improvement approved by HCD. (Mayor's Office of Housing and Community Development)

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

210053 [Emergency Ordinance - Eviction Protection for Tenants Unable to Pay Rent]

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

Emergency ordinance to temporarily restrict landlords from evicting residential tenants for non-payment of rent that came due on or after July 1, 2021, in response to the COVID-19 pandemic; to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants; and making findings as required by the California Tenant Protection Act of 2019. (Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage)

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

FINALLY PASSED 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

Anonymous; expressed concerns regarding Public Utilities Commission's use of certain community-based organization vendors and the lack of itemization for their services.

Linda Chapman; expressed concerns regarding certain In Memoriams and their contributions to San Francisco and their communities.

Peter Warfield; expressed concerns regarding the lack of access to library services for vulnerable populations.

Speaker; expressed concerns regarding the Public Utilities Commission's litigation against the California State Water Resources Control Board (File Nos. 210628 and 210577).

Warner; expressed concerns regarding the Public Utilities Commission's litigation against the California State Water Resources Control Board (File Nos. 210628 and 210577).

Gene Rosenfield; expressed support of the Resolution urging the Public Utilities Commission to pause litigation against the State Water Resources Control Board (File No. 210577).

Barry Toronto; expressed concerns regarding the lack of access to public restrooms in certain neighborhoods.

Peter Drekwild; expressed concerns regarding the Public Utilities Commission's litigation against the California State Water Resources Control Board (File Nos. 210628 and 210577).

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

210628 [Closed Session - Urging the San Francisco Public Utilities Commission to Pause Litigation Against the State Water Resources Control Board - June 8, 2021]

Closed Session for the Board of Supervisors to convene on June 8, 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 the Resolution urging the San Francisco Public Utilities Commission to pause its litigation against the California State Water Resources Control Board and instead heed the beneficial input of a diverse and inclusive group of stakeholders, including subject matter experts in environmental protection, habitat restoration, and the diversification of water supplies based on credible science. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 7:36 p.m. to convene in closed session pursuant to the motion made and approved on May 25, 2021, during action at the Board of Supervisors meeting for File No. 210577.

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, Yvonne Mere, and Matthew Goldberg, Deputy City Attorneys (Office of the City Attorney); Michael Carlin, General Manager, Steve Ritchie, and Tyrone Jue (Public Utilities Commission); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (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 9:00 p.m.

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

Upon reconvening, Supervisor Safai was noted not present and was absent for the remainder of the meeting.

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

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Stefani, Walton
Absent: 1 - Safai

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

210616 [Supporting the Universal School Meals Program Act of 2021]

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

Resolution supporting enactment of the Universal School Meals Program Act of 2021 and urging San Francisco federal legislators to co-sponsor the bill.

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

ADOPTED

210617 [Sean Israel Monterrosa Day - June 2, 2021]

Sponsors: Ronen; Walton, Preston, Mandelman and Haney

Resolution declaring June 2, 2021, as Sean Israel Monterrosa Day in the City and County of San Francisco.

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

ADOPTED

210618 [Supporting California State Assembly Bill No. 1454 (Bloom) - The California Beverage Container and Litter Reduction Act]

Sponsors: Safai; Mandelman

Resolution supporting California State Assembly Bill No. 1454, authored by Assembly Member Richard Bloom, The California Beverage Container and Litter Reduction Act, which is administered by the Department of Resources Recycling and Recovery, would establish to promote beverage container recycling and provide for the payment, collection, and distribution of certain payments and fees based on minimum refund values established for beverage containers.

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

ADOPTED

210619 [Supporting California State Assembly Bill No. 37 (Berman) - Vote by Mail Ballots]

Sponsors: Safai; Mandelman

Resolution supporting California State Assembly Bill No. 37 introduced by Assembly Member Marc Berman that would extend the requirements to mail a ballot to every registered voter for all elections and apply them to all municipal elections and require a vote by mail tracking system to be accessible to voters with disabilities.

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

ADOPTED

210620 [Supporting California State Assembly Bill No. 1584 (Chiu) - Residential Certificate of Preference]**Sponsors: Walton; Mandelman, Safai, Peskin, Chan, Preston and Haney**

Resolution supporting California State Assembly Bill No. 1584, Residential Certificate of Preference, authored by Assembly Member David Chiu, to prioritize descendants of people displaced under redevelopment initiatives for city-funded affordable housing lotteries.

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

ADOPTED

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

Considered after the Closed Session (File No. 210628) was heard.

210577 [Urging the San Francisco Public Utilities Commission to Reach a Voluntary Agreement Regarding the Bay-Delta Plan]**Sponsors: Peskin; Mandelman**

Resolution urging the San Francisco Public Utilities Commission to pause its litigation against the California State Water Resources Control Board and instead heed the beneficial input of a diverse and inclusive group of stakeholders, including subject matter experts in environmental protection, habitat restoration, and the diversification of water supplies based on credible science.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1-2, by changing 'Pause Litigation Against the State Water Resources Control Board' to 'Reach a Voluntary Agreement Regarding the Bay-Delta Plan', and Lines 3-5, by changing 'Resolution urging the San Francisco Public Utilities Commission to pause its litigation against the California State Water Resources Control Board and instead heed the beneficial input of a diverse and inclusive group of stakeholders, including subject matter experts in environmental protection, habitat restoration, and the diversification of water supplies based on credible science.' to 'Resolution urging the San Francisco Public Utilities Commission, the State of California, and the California State Water Resources Control Board, to redouble their efforts to reach a voluntary agreement regarding the Bay-Delta Plan.'; and Page 3, Lines 7-12, by changing 'RESOLVED, That the Board of Supervisors of the City and County of San Francisco reiterates its support for the 2018 Update to the Bay-Delta Plan and calls on the San Francisco Public Utilities Commission to pause its litigation against the State of California and the State Water Resources Board to allow for deliberate public engagement on the underlying issues and negotiation among the interested parties.' to 'RESOLVED, That the Board of Supervisors of the City and County of San Francisco reiterates its support for the 2018 Update to the Bay-Delta Plan and calls on the San Francisco Public Utilities Commission, the State of California, and the State Water Resources Board, to redouble the efforts to reach a voluntary agreement which would allow for deliberate public engagement on the underlying issues and negotiation among the interested parties, to obviate the need for further litigation.' The motion carried by the following vote:

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

Absent: 1 - Safai

Resolution urging the San Francisco Public Utilities Commission, the State of California, and the California State Water Resources Control Board, to redouble their efforts to reach a voluntary agreement regarding the Bay-Delta Plan.

ADOPTED AS AMENDED by the following vote:

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

Absent: 1 - Safai

Supervisor Chan requested that File Nos. 210612 and 210613 be severed so that they may be considered separately.

210612 [Urging Extension of Utility Debt Relief]

Sponsors: Chan; Walton, Preston and Mandelman

Resolution urging Governor Gavin Newsom and the California Public Utilities Commission to extend utility debt relief to assist households up to 80% Area Median Income and customers enrolled in Community Choice Aggregation programs.

Supervisors Preston 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

210613 [Supporting California State Senate Bill No. 612 (Portantino) - Allocation of Legacy Resources]

Sponsors: Chan; Mandelman

Resolution supporting California State Senate Bill No. 612, authored by Senator Anthony Portantino, which would require electric investor-owned utilities to offer community choice aggregators and electric service providers an allocation of certain electrical resources paid for through exit fees of the departing load.

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

ADOPTED by the following vote:

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

Supervisor Peskin requested that File No. 210629 be severed so that it may be considered separately.

210629 [Reappointment, Park, Recreation, and Open Space Advisory Committee - Wendy Aragon]

Motion reappointing Wendy Aragon, term ending February 1, 2022, to the Park, Recreation and Open Space Advisory Committee. (Clerk of the Board)

Motion No. M21-094

APPROVED 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 ORDINANCES

210630 [Settlement of Lawsuit - Shanay Jones - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Shanay Jones against the City and County of San Francisco for \$80,000; the lawsuit was filed on December 3, 2019, in United States District Court - Northern District, Case No. 19-cv-07921; entitled Shanay Jones v. City and County of San Francisco; the lawsuit involves an alleged prescription medication error; City and County of San Francisco agreed to pay for any unreimbursed medical costs related to Shanay Jones' care at Zuckerberg San Francisco General Hospital as to Ms. Jones' medical care from January-February 2018 in addition to the \$80,000 payment. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210631 [Settlement of Lawsuit - Omar Abdullah, by and through his Conservator, Theresa Hoskins-Ford - \$800,000]

Ordinance authorizing settlement of the lawsuit filed by Omar Abdullah, by and through his Conservator, Theresa Hoskins-Ford against the City and County of San Francisco for \$800,000; the lawsuit was filed on February 24, 2020, in San Francisco Superior Court, Case No. CGC-20-583155; entitled Omar Abdullah, by and through his Conservator, Theresa Hoskins-Ford v. City and County of San Francisco, et al.; the lawsuit involves allegations of negligence, dependent adult neglect/abuse, violations of the Patient's Bill of Rights, assault, battery, and violation of privacy concerning Mr. Abdullah's care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

210632 [Settlement of Unlitigated Claim - State Farm Insurance - \$46,181.51]

Resolution approving the settlement of the unlitigated claim filed by State Farm Insurance against the City and County of San Francisco for \$46,181.51; the claim was filed on October 30, 2020; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210633 [Settlement of Unlitigated Claim - Julieta Jay Carlos, DMD - \$175,000]

Resolution approving the settlement of the unlitigated claim filed by Julieta Jay Carlos, DMD against the City and County of San Francisco for \$175,000; the claim was filed on July 17, 2020; the claim involves alleged property damage due to sewer flooding. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210634 [Settlement of Unlitigated Claim - State Farm Insurance - \$29,107.03]

Resolution approving the settlement of the unlitigated claim filed by State Farm Insurance against the City and County of San Francisco for \$29,107.03; the claim was filed on August 5, 2020; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210635 [Lease Amendment No. 2 - Stellar Partners, Inc. - Boarding Area F Specialty Store Lease No. 12-0086 - Term Extension]

Resolution approving Amendment No. 2 to the Boarding Area F Specialty Store Lease No. 12-0086, between Stellar Partners, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for an extension of the term for 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)

05/21/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210636 [Mental Health Services Act Annual Update - FY2021-2022]

Resolution authorizing adoption of the San Francisco Mental Health Services Act Annual Update Fiscal Year (FY) 2021-2022. (Public Health Department)

05/25/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210637 [Contract Amendment - Edgewood Center for Children and Families - Behavioral Health Services - Not to Exceed \$57,298,967]

Resolution approving Amendment No. 1 to the agreement between Edgewood Center for Children and Families and the Department of Public Health, for behavioral health services, to increase the agreement by \$33,074,459, for an amount not to exceed \$57,298,967; and to extend the term by five years from June 30, 2021, for a total agreement term of July 1, 2018, through June 30, 2027. (Public Health Department)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210638 [Contract Amendment - Regents of the University of California - Behavioral Health Services - Not to Exceed \$29,291,485]

Resolution approving Amendment No. 2 to the agreement between the Regents of the University of California Alliance Health Project and the Department of Public Health, for behavioral health services, to increase the agreement by \$19,341,317 for an amount not to exceed \$29,291,485; and to extend the term by six years and four months, from March 1, 2022, for a total agreement term of July 1, 2018, through June 30, 2028. (Public Health Department)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

210639 [Official Advertising - Clinton Reilly Communications, dba The San Francisco Examiner - FY2021-2022]

Resolution designating Clinton Reilly Communications, dba The San Francisco Examiner, to be the official newspaper of the City and County of San Francisco for all official advertising for Fiscal Year (FY) 2021-2022. (Office of Contract Administration)

05/28/21; RECEIVED FROM DEPARTMENT.

06/01/21; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

210640 [Outreach Community Advertising and Outreach Neighborhood Advertising - Bay Area Reporter; World Journal SF; El Reportero; San Francisco Bay View; Noe Valley Voice; Marina Times; El Tecolote Newspaper; Wind Newspaper - FY2021-2022]

Resolution designating Bar Media, Inc. (dba Bay Area Reporter) to be the outreach community periodical of the City and County of San Francisco for the Lesbian, Gay, Bisexual and Transgender community; World Journal SF, LLC. to be the outreach community periodical of the City and County of San Francisco for the Chinese community; El Reportero, LLC. to be the outreach community periodical of the City and County of San Francisco for the Hispanic community; SF Bay View, Inc. (dba San Francisco Bay View National Black Newspaper) to be the outreach neighborhood periodical of the City and County of San Francisco for the Bayview and Hunter's Point neighborhoods; Bar Media, Inc. (dba Bay Area Reporter) to be the outreach neighborhood periodical of the City and County of San Francisco for the Castro and Noe Valley neighborhoods; The Noe Valley Voice to be the outreach neighborhood periodical of the City and County of San Francisco for the Noe Valley neighborhood; Street Media Media LLC (dba Marina Times) to be the neighborhood outreach periodical of the City and County of San Francisco for the Marina, Cow Hollow, Russian Hill, Nob Hill, North Beach and Embarcadero neighborhoods; Accion Latina (dba El Tecolote Newspaper) to be the outreach neighborhood periodical of the City and County of San Francisco for the Mission neighborhood; Wind Newspaper to be the outreach neighborhood periodical of the City and County of San Francisco for the Chinatown neighborhood; and to provide outreach advertising for Fiscal Year (FY) 2021-2022. (Office of Contract Administration)

05/28/21; RECEIVED FROM DEPARTMENT.

06/01/21; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 9:09 p.m.