

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 6, 2018 - 2:00 PM

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

Regular Meeting

LONDON BREED, PRESIDENT

MALIA COHEN, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN,
AHSHA SAFAI, JEFF SHEEHY, CATHERINE STEFANI, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Thursday
10:00 AM

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

2nd and 4th Thursday
1:00 PM

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

1st and 3rd Wednesday
10:00 AM

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Monday
1:30 PM

Public Safety and Neighborhood Services Committee
Supervisors Sheehy, Ronen, Peskin

2nd and 4th Wednesday
10:00 AM

Rules Committee
Supervisors Safai, Yee, Stefani

2nd and 4th Wednesday
2:00 PM

Members Present: London Breed, Malia Cohen, Sandra Lee Fewer, Jane Kim, Aaron Peskin, Hillary Ronen, Ahsha Safai, Jeff Sheehy, Catherine Stefani, Katy Tang, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, February 6, 2018, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:03 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.

COMMUNICATIONS

There were no communications.

AGENDA CHANGES

There were no agenda changes.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

171275 [Appropriation and De-Appropriation - Airport NARC Forfeiture and Asset Seizure Fund Balance - Police Training Support Facility Capital Project - FY2017-2018 - \$1,100,000]

Ordinance appropriating \$1,100,000 consisting of \$333,163 from fund balance in the Airport NARC Forfeiture and Asset Seizure Fund; and \$766,837 de-appropriated from Programmatic Projects - Budget in the Airport NARC Forfeiture and Asset Seizure Fund, and re-appropriated to Building, Structures, & Improvements Project - Budget; to support the Airport Commission's Police Training Support Facility capital project. (Airport Commission)
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171215 [Real Property Agreement - California Department of General Services, California Military Department - 100 Armory Drive - San Francisco Westside Recycled Water Project - \$2,000]

Resolution approving and authorizing an agreement for conveyance and acceptance of interests in real property from State of California Department of General Services acting on behalf of the State of California Military Department consisting of easements for subsurface tiebacks, access, and maintenance over real property located at 100 Armory Drive, for \$2,000 as part of the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW30201, Westside Recycled Water Project; and authorizing the General Manager of the San Francisco Public Utilities Commission, or Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution, as defined herein. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171217 [Accept and Expend Grant - Department of Homeland Security Federal Emergency Management Agency - Port Security Grant Program - \$165,000]

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$165,000 from the Department of Homeland Security Federal Emergency Management Agency for the Safe Boat Refurbishment and Service Life Extension Program, for the period of September 1, 2017, through August 31, 2020. (Police Department)

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171242 [Lease Modification - United States of America - United States Transportation Security Administration Administrative Offices - International Terminal and Terminal 2 - Not to Exceed \$5,988,335.04]

Resolution retroactively approving Modification No. 1 to Lease No. GS-09B-03014 with the United States of America for offices occupied by the United States Transportation Security Administration at the International Terminal and Terminal 2 at the San Francisco International Airport, to extend the lease term by three years through October 31, 2020, and adjust the annual rent to \$1,996,111.68 for a total amount not exceed \$5,988,335.04. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

President Breed requested File Nos. 171262 and 171291 be called together.

171262 [Accept and Expend Grant - Public Health Foundation Enterprises - DOT Diary - \$173,559]

Sponsor: Sheehy

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$173,559 from Public Health Foundation Enterprises to participate in a program entitled DOT Diary for the period of August 1, 2017, through July 31, 2018. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171291 [Accept and Expend Grant - California Department of Public Health - Oral Health Program-Proposition 56-Support Local Oral Health Programs - \$308,879]**Sponsor: Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$308,879 from California Department of Public Health to participate in a program entitled, California Department of Public Health Oral Health Program-Proposition 56-Support Local Oral Health Programs, for the period of January 1, 2018, through June 30, 2018. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171322 [Real Property Lease Amendment - BGCA Management, LLC - Bill Graham Civic Auditorium, 99 Grove Street - \$25,000 per Month Base Rent]**Sponsor: Kim**

Resolution authorizing and approving an Amendment to Lease with BGCA Management, LLC, a Delaware limited liability company, for Bill Graham Civic Auditorium, at 99 Grove Street; increasing monthly base rent to \$25,000; requiring tenant to be responsible for all utilities and a minimum of \$10,250,000 in building improvements, new participation rent calculation, and other changes as set forth in Amendment; with no change to the term length to expire on December 31, 2030, to commence upon approval by the Board of Supervisors and Mayor.

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

180055 [Accept and Expend Grant - California Department of Housing and Community Development - Budget Act of 2017 - Expansion of Navigation Centers - \$10,000,000]**Sponsors: Mayor; Ronen**

Resolution authorizing the Department of Homelessness and Supportive Housing to accept and expend a grant in the amount of \$10,000,000 from the California Department of Housing and Community Development for the expansion of Navigation Centers for people experiencing homelessness.

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Recommendations of the Land Use and Transportation Committee**171193 [Planning Code - Inclusionary Affordable Housing Program]****Sponsors: Peskin; Kim**

Ordinance amending the Planning Code to amend the Inclusionary Housing Ordinance to remove the requirement that on-site and off-site inclusionary units within a new development be ownership units rather than rental units, or alternatively, that the project sponsor submit a contract demonstrating the proposed on-site or off-site units are exempt from the Costa-Hawkins Rental Housing Act; making conforming amendments to Planning Code, Section 124; updating references in Planning Code, Section 406; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171251 [Underground District - Second Street]

Sponsor: Kim

Ordinance creating Underground District No. 361 on Second Street from Bryant Street to Townsend Street; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Supervisor Safai dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

171285 [Housing Code - All-Gender Bathrooms in Hotels]

Sponsors: Mayor; Ronen, Kim, Sheehy, Peskin, Fewer, Safai, Breed and Cohen

Ordinance amending the Housing Code to require that single-stall bathroom facilities in hotels be made available for the use of all residents, regardless of gender or gender identity, and to require that signage be posted to indicate the same; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Supervisors Breed and Cohen requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

President Breed recessed the meeting at 2:56 p.m. and reconvened at 3:32 p.m.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

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

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Appointment of President Pro Tempore

At the request of President Breed, Supervisor Cohen assumed the chair at 3:34 p.m. so that Supervisor Cohen could preside over the Black History Month commendations and President Breed participated from the floor. President Breed resumed the chair at 4:58 p.m.

BLACK HISTORY MONTH

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support, as referenced below:

*Supervisor Cohen recognized Tsion "Sunshine" Lencho;
Supervisor Fewer recognized Reverend Ayana Moore;
Supervisor Peskin recognized Carl Payne;
Supervisor Tang recognized Robert Muhammad;
Supervisor Yee recognized Evernease McKnight;
Supervisor Breed recognized Trina Johnson;
Supervisor Ronen recognized Gina Dacus;
Supervisor Safai recognized Al Harris;
Supervisor Stefani recognized Nadia Sesay;
Supervisor Kim recognized La'Shawndra Breston; and
Supervisor Sheehy recognized Janetta Louise Johnson.*

COMMITTEE REPORTS

Recommendation of the Budget and Finance Committee

171287 [Negotiate Purchase and Sale or Lease Agreements - California Department of Transportation (Caltrans) - Homeless Services on Caltrans Property]

Sponsors: Mayor; Sheehy

Resolution authorizing the Director of the Real Estate Department to negotiate with the California Department of Transportation (Caltrans) for the purpose of executing purchase and sale or lease agreements to provide homeless services on Caltrans property to protect the health safety and welfare of people experiencing homelessness.

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Recommendation of the Rules Committee

171308 [Charter Amendment - Revenue Bonds for Public Utilities Commission Clean Power, Water, and Clean Water Facilities]

Sponsors: Peskin; Tang and Safai

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors, and to clarify the scope of the Commission's bond authority with regard to the City's water and clean water utilities; at an election to be held on June 5, 2018.

Supervisor Peskin, seconded by Supervisor Safai, moved that this Charter Amendment be CONTINUED to the Board of Supervisors meeting of February 13, 2018. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdalla Megahed; shared concerns regarding homelessness and the need for affordable housing.
Speaker; shared various religious concerns.*

Andrew Yip; shared his various thoughts and experiences with the Board.

Wynship W. Hillier; requested that the members of the Board resign due to concerns regarding Citywide Case Management.

Patricia Vaughn; shared concerns regarding discrimination for political gain.

Michael Wright; shared concerns regarding bias and differential treatment.

John Fitch; shared concerns regarding the appointment of an Interim Mayor and the conference of Mayors.

Tom Gilbert; shared the effects of various cannabis strain and provided literary suggestions.

Francisco Da Costa; shared concerns regarding greed and the need for unity.

C.W. Johnson; shared the benefits of the mental health hotline.

Speaker; shared the benefits of employment programs.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Stefani requested that File Nos. 180121 and 180123 be severed and considered separately.

180121 [Supporting California State Senate Bill 916 (Wiener) - Vehicle Burglary]

Sponsors: Breed; Tang, Yee, Stefani, Safai and Cohen

Resolution supporting California State Senate Bill 916, authored by Senator Scott Wiener and co-authored by Assembly Members David Chiu and Phil Ting, to expand the definition of vehicle burglary to include any forced entry.

Supervisors Tang, Yee, Stefani, Safai and Cohen requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

180123 [Adopting Findings Reversing the Categorical Exemption Determination - 2417 Green Street]

Motion adopting findings reversing the determination by the Planning Department that the proposed project at 2417 Green Street is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 16, by striking 'raises additional issues concerning the potential' and adding 'constituted substantial evidence'; Line 21, by adding 'substantial', Lines 21-22, by striking 'calling into question whether the Categorical Exemption adequately addresses the potential' and adding ', including a report by certified hydrogeologist Matthew Hagemann, C. Hg.', and Line 22, by striking 'will' and adding 'may'; on Page 3, Line 8, by striking 'raised important questions' and adding 'constituted substantial evidence', Line 7, by striking 'could' and adding 'may', Lines 10-11, by striking 'raises issues concerning the adequacy of the record to address the potential' and adding ', including a report by certified hydrogeologist Matthew Hagemann, C. Hg., constituted substantial evidence', and Line 20, by adding 'at 2417 Green Street'; and Page 3, Line 21, through page 4, Line 2, by striking 'directs the Planning Department to undertake further analysis and require the project sponsor to provide further information for review by the Department of Building Inspection concerning whether the Project will cause a substantial adverse change in the historic significance of 2421 Green Street; and, be it FURTHER MOVED, That the Board directs the Planning Department to undertake further analysis and require the project sponsor to provide further information for review by the Department of Public Health concerning whether soils on the Project site contain hazardous materials which may present an unusual circumstance at the project site.' and adding 'finds that there is substantial evidence in the record before the Board that the Project proposed at 2417 Green Street presents unusual circumstances relating to historic resources and hazardous materials and it appears as a result of those circumstances the project may have a significant effect on the environment and, based on the facts presented to the Board of Supervisors on the hearing on January 9, 2018, the Project is therefore not Categorical Exempt from CEQA review.' The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Motion No. M18-012

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

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

180106 [Settlement of Lawsuit - Li Fen Chen - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Li Fen Chen against the City and County of San Francisco for \$250,000; the lawsuit was filed on May 23, 2016, in San Francisco Superior Court, Case No. CGC-16-552173; entitled Li Fen Chen v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/26/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180107 [Settlement of Lawsuit - Lynette White - \$300,000]

Ordinance authorizing settlement of the lawsuit filed by Lynette White against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 29, 2016, in San Francisco Superior Court, Case No. CGC-16-550136; entitled Lynette White v. Blake Cunningham et al.; the lawsuit involves alleged injury from a collision with a Police Department vehicle; other material terms of the settlement include a waiver of the Zuckerberg San Francisco General Hospital lien. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180108 [Settlement of Lawsuit - Nicholas Kafkas - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Nicholas Kafkas against the City and County of San Francisco for \$45,000; the lawsuit was filed on February 3, 2016, in San Francisco Superior Court, Case No. CGC-16-550258; entitled Nicholas Kafkas v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180109 [Settlement of Lawsuit - California Department of Fair Employment and Housing - \$55,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing against the City and County of San Francisco for \$55,000; the lawsuit was filed on August 18, 2017, in San Francisco Superior Court, Case No. CGC-17-560827; entitled Department of Fair Employment and Housing, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180110 [Settlement of Lawsuit - Janet Silk - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Janet Silk against the City and County of San Francisco for \$135,000; the lawsuit was filed on October 17, 2016, in San Francisco Superior Court, Case No. CGC-16-554864; entitled Janet Silk v. Robert J. Franko, City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

180111 [Settlement of Unlitigated Claim - Barry L. Marquardt - \$90,000]

Resolution approving the settlement of the unlitigated claim filed by Barry L. Marquardt against the City and County of San Francisco for \$90,000; the claim was filed on March 20, 2017; the claim involves a personal injury on a City sidewalk. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180112 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property, as defined herein. (Treasurer-Tax Collector)

01/29/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:59 p.m.