

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, May 16, 2017 - 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, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN,  
HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

|                                                                                              |                                   |
|----------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Budget and Finance Committee</b><br>Supervisors Cohen, Yee, Tang, Kim, Sheehy             | Thursday<br>1:00 PM               |
| <b>Budget and Finance Federal Select Committee</b><br>Supervisors Cohen, Sheehy, Fewer       | 2nd and 4th Thursday<br>1:05 PM   |
| <b>Budget and Finance Sub-Committee</b><br>Supervisors Cohen, Yee, Tang                      | Thursday<br>10:00 AM              |
| <b>Government Audit and Oversight Committee</b><br>Supervisors Kim, Peskin, Breed            | 1st and 3rd Wednesday<br>10:00 AM |
| <b>Land Use and Transportation Committee</b><br>Supervisors Farrell, Peskin, Tang            | Monday<br>1:30 PM                 |
| <b>Public Safety and Neighborhood Services Committee</b><br>Supervisors Ronen, Sheehy, Fewer | 2nd and 4th Wednesday<br>10:30 AM |
| <b>Rules Committee</b><br>Supervisors Safai, Fewer, Yee                                      | 2nd and 4th Wednesday<br>1:00 PM  |

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

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, May 16, 2017, with President London Breed presiding.*

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*President Breed called the meeting to order at 2:01 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.*

## COMMUNICATIONS

*There were no communications.*

## APPROVAL OF MEETING MINUTES

*President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of April 4, 2017. There were no corrections.*

**Supervisor Yee, seconded by Supervisor Kim, moved to approve the Board Meeting Minutes of April 4, 2017. The motion carried by the following vote, following general public comment:**

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

## AGENDA CHANGES

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Sub-Committee

**170274 [Accept and Expend Grant - Federal Emergency Management Agency - Adequate Fire and Emergency Response Grant Program - Amend the Annual Salary Ordinance - \$8,533,872]**

**Sponsor: Sheehy**

Ordinance retroactively authorizing the Fire Department to accept and expend a grant in the amount of \$8,533,872 from the Federal Emergency Management Agency for staffing for the Adequate Fire and Emergency Response Grant Program; and amending Ordinance No. 146-16 (Annual Salary Ordinance FYs 2016-2017 and 2017-2018) to reflect the addition of 36 grant-funded Class H002 Firefighters at 36.00 FTE for July 1, 2016, through June 30, 2017, and 36.00 FTE for July 1, 2017, through June 30, 2018. (Fire Department)  
(Fiscal Impact)

**FINALLY PASSED**

**170298 [Administrative Code - Animal Shelter Fund]****Sponsor: Tang**

Ordinance amending the Administrative Code to create a gift fund for the construction and furnishing of the new animal shelter.

**FINALLY PASSED****Recommendations of the Government Audit and Oversight Committee****170123 [Public Works Code - Construction Site Runoff on Port Property - Enforcement]**

Ordinance amending the Public Works Code to authorize the Port Executive Director to impose penalties for failure to comply with requirements relating to construction site runoff on property within Port Commission jurisdiction. (Port)

**FINALLY PASSED****170317 [Settlement of Lawsuit - Laurie Kassel - \$102,915.40]**

Ordinance authorizing settlement of the lawsuit filed by Laurie Kassel against the City and County of San Francisco for \$102,915.40; the lawsuit was filed on December 27, 2016, in San Francisco Superior Court, Case No. CGC 16-556160; entitled Laurie Kassel v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**FINALLY PASSED****170318 [Settlement of Lawsuit - Protect Our Benefits - \$750,000]**

Ordinance authorizing settlement of the plaintiff's claim for attorney's fees and costs in the lawsuit filed by Protect Our Benefits against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 25, 2013, in San Francisco Superior Court, Case No. CPF-13-512788; entitled Protect Our Benefits v. City & County of San Francisco; the lawsuit involves Supplemental Cost of Living Adjustment pension benefits payable to San Francisco Employees' Retirement System retirees. (City Attorney)

**FINALLY PASSED****170319 [Settlement of Lawsuit - Yelp Inc. - \$599,000]**

Ordinance authorizing settlement of the lawsuit filed by Yelp Inc. against the City and County of San Francisco for \$599,000; the lawsuit was filed on February 23, 2017, in San Francisco Superior Court, Case No. CGC-17-557250; entitled Yelp Inc. v. City and County of San Francisco et al.; the lawsuit involves a refund of payroll expense taxes and gross receipts taxes. (City Attorney)

**FINALLY PASSED****170320 [Settlement of Lawsuit - Leslie Stewart - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Leslie Stewart against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 10, 2015, in San Francisco Superior Court, Case No. CGC-15-547872; entitled Leslie Stewart v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

**FINALLY PASSED**

**170389 [Settlement of Lawsuit - Maryam Mozafari - \$70,000]**

Ordinance authorizing settlement of the lawsuit filed by Maryam Mozafari against the City and County of San Francisco for \$70,000; the lawsuit was filed on June 16, 2015, in San Francisco Superior Court, Case No. CGC-15-546389; entitled Maryam Mozafari v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park. (City Attorney)

**FINALLY PASSED**

**Recommendation of the Land Use and Transportation Committee****170156 [Planning Code, Zoning Map - Production, Distribution, and Repair Controls; Eliminating the Transit-Oriented Retail Special Use District, and Correcting Height Limits in the UMU District]**

**Sponsors: Mayor; Ronen**

Ordinance amending the Planning Code and Zoning Map to prohibit Gym and Massage uses in the Production, Distribution, and Repair (PDR) zoning districts, eliminate the Transit-Oriented Retail Special Use District, which includes all parcels in PDR districts along 16th Street from Mission Street to Potrero Avenue, and correct the height limits on certain parcels in the Urban Mixed Use (UMU) District to allow for groundfloor PDR uses; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

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

**REGULAR AGENDA****UNFINISHED BUSINESS****Recommendations of the Budget and Finance Sub-Committee****170200 [Appropriation - Capital Improvement Projects - \$4,832,455,418 - FY2016-2017]**

**Sponsor: Mayor**

Ordinance appropriating \$4,832,455,418 of proceeds from the sale of revenue bonds or commercial paper for capital improvement projects to the Airport Commission for FY2016-2017; placing \$2,100,000,000 of those proceeds on Controller's reserve, pending receipt of proceeds of indebtedness; and placing the remaining \$2,732,455,418 on Board of Supervisors' reserve. (Fiscal Impact)

**FINALLY PASSED by the following vote:**

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

**170210 [Administrative, Environment Codes - Zero Emission Vehicle Requirements for City Fleet]****Sponsors: Tang; Farrell**

Ordinance amending the Administrative and Environment Codes to require that any new passenger vehicle procured for the City fleet be a Zero Emission Vehicle, absent a waiver, and that all passenger vehicles in the City fleet be Zero Emission Vehicles by December 31, 2022; and to encourage selection of Zero Emission Vehicles in other vehicle classes as technology improves. (Fiscal Impact)

*Privilege of the floor was granted unanimously to T. Adam Nguyen, Finance and Planning Director (Office of the City Administrator), and Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.*

**Supervisor Tang, seconded by Supervisor Yee, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Lines 1-6, by striking 'Vehicles shall be replaced in order of age', adding 'Departments shall make best efforts to replace in order of age' before 'such that oldest', and adding 'unless compelling reasons such as wear and tear, mileage, and safety concerns warrant a deviation from strict compliance to the replacement of oldest vehicles' after 'light-duty vehicles'. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
(Fiscal Impact)

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

**170271 [Administrative Code - Transfer of Moscone Center Garage and Performing Arts Garage to Municipal Transportation Agency]**

Ordinance amending the Administrative Code to transfer the Moscone Center Garage (255-3rd Street) and the Performing Arts Garage (360 Grove Street) from the Parking Authority to the Municipal Transportation Agency; assigning a ground lease for certain Public Works property for access between the Performing Arts Garage and Gough Street; affirming the 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. (Municipal Transportation Agency)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to the Board of Supervisors meeting of May 23, 2017. The motion carried by the following vote:**

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

**170424 [Accept and Expend Gift - San Francisco General Hospital Foundation - Public Health/Community Outreach Campaign - \$664,567]****Sponsor: Sheehy**

Resolution retroactively authorizing the Department of Public Health to accept and expend a gift in the amount of \$664,567 from the San Francisco General Hospital Foundation, to participate in a program entitled Public Health/Community Outreach Campaign, for the period of February 1, 2017, through January 31, 2019, and waiving indirect costs. (Public Health Department)

**Supervisor Sheehy, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED to the Budget and Finance Sub-Committee. The motion carried by the following vote:**

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

## **Recommendations of the Land Use and Transportation Committee**

### **161014 [Planning Code - Exempting Certain Historic Landmarks from Requirement to Obtain Conditional Use and Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses]**

**Sponsor: Kim**

Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; 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.

**FINALLY PASSED by the following vote:**

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

*President Breed requested File Nos. 170348 and 170408 be called together.*

### **170348 [Planning Code, Zoning Map - 1500 Mission Street Special Use District]**

**Sponsor: Mayor**

Ordinance amending the Planning Code to create the 1500 Mission Street Special Use District to facilitate development of the 1500 Mission Street (Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007) project, to regulate bulk controls in the Special Use District, to modify Zoning Map SU07 to place the project site into this Special Use District, and Zoning Map HT07 to establish the height and bulk district designations for the project site; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Planning Commission)

**FINALLY PASSED by the following vote:**

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

### **170408 [General Plan Amendments - 1500 Mission Street Project]**

Ordinance amending the General Plan by revising the height and bulk designations for the 1500 Mission Street project, Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

**FINALLY PASSED by the following vote:**

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

**170467 [Temporary Housing for Homeless People During Shelter Crisis - LMC San Francisco I Holdings, LLC - 1515 South Van Ness Avenue]****Sponsors: Mayor; Ronen**

Ordinance approving an agreement between the City and LMC San Francisco I Holdings, LLC, to allow the City to use the property at 1515 South Van Ness Avenue to utilize and operate a facility to provide temporary housing and services to homeless persons; directing the City Administrator, Public Works, Department of Homelessness and Supportive Housing, Department of Building Inspection, and other City departments to make repairs or improvements, consistent with health and safety standards, to use the property for temporary housing to address encampments in the Mission District; authorizing Public Works, Department of Homelessness and Supportive Housing, and Department of Public Health to enter into contracts without adhering to competitive bidding and other requirements for construction work, procurement, and personal services at the facility; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact; No Budget and Legislative Analyst report.)

**FINALLY PASSED by the following vote:**

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

**NEW BUSINESS****Recommendation of the Budget and Finance Committee****170297 [Administrative Code - Increasing the Minimum Compensation Hourly Rate]****Sponsors: Sheehy; Kim and Fewer**

Ordinance amending the Administrative Code to increase the minimum hourly compensation rate for employees of City contractors other than nonprofit corporations or public entities to \$15.86 per hour on July 1, 2017, \$16.86 per hour on July 1, 2018, and followed thereafter by annual cost-of-living increases; and to require that City contractors pay the minimum hourly compensation rate to employees who perform any work funded under an applicable contract with the City.

(Fiscal Impact)

*Supervisor Fewer requested to be added as a co-sponsor.*

**Supervisor Sheehy, seconded by Supervisor Safai, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:**

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

## **Recommendations of the Budget and Finance Sub-Committee**

*President Breed requested File Nos. 170256, 170257, 170258, 170259, 170260, 170261, 170262, and 170263 be called together.*

### **170256 [Lease Agreement - San Francisco Soup Company, dba Ladle & Leaf - Post-Security Concession - \$250,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0309 between San Francisco Soup Company, dba Ladle & Leaf, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of six years to commence following Board approval, with two one-year options to extend, and an initial Minimum Annual Guarantee of \$250,000. (Airport Commission)

**ADOPTED by the following vote:**

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

### **170257 [Lease Agreement - Host International, Inc. - Post-Security Concession - \$250,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0310 between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of six years to commence following Board approval, with two one-year options to extend and an initial minimum annual guarantee of \$250,000. (Airport Commission)

**ADOPTED by the following vote:**

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

### **170258 [Lease Agreement - Paradies Lagardere @ SFO, LLC - Post-Security Concession - \$250,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0311 between Paradies Lagardere @ SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of six years to commence following Board approval, with two one-year options to extend and an initial Minimum Annual Guarantee of \$250,000. (Airport Commission)

**ADOPTED by the following vote:**

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

### **170259 [Lease Agreement - Amoura International, Inc. - Post-Security Concession - \$250,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0312 between Amoura International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of six years to commence following Board approval, with two one-year options to extend and an initial minimum annual guarantee of \$250,000. (Airport Commission)

**ADOPTED by the following vote:**

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

**170260 [Lease Agreement - Bun Mee LLC - Post-Security Concession - \$250,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0313 between Bun Mee LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of six years to commence following Board approval, with two one-year options to extend and an initial Minimum Annual Guarantee of \$250,000. (Airport Commission)

**ADOPTED by the following vote:**

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

**170261 [Lease Agreement - Gate 74, Inc. - Post-Security Concession - \$250,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0314 between Gate 74, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of six years to commence following Board approval, with two one-year options to extend and an initial minimum annual guarantee of \$250,000. (Airport Commission)

**ADOPTED by the following vote:**

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

**170262 [Lease Agreement - Tastes on the Fly San Francisco, LLC - Post-Security Concession - \$650,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Boarding Area F Food and Beverage Concession Lease No. 16-0315 between Tastes on the Fly San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with term of seven years to commence following Board approval, with two one-year options to extend and an initial minimum annual guarantee of \$650,000. (Airport Commission)

**ADOPTED by the following vote:**

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

**170263 [Lease Agreement - High Flying Foods SFO, LLC - Post-Security Concession - \$1,000,000 Minimum Annual Guarantee]**

Resolution approving Terminal 1 Boarding Area C Food and Beverage Concession Lease No. 16-0316 between High Flying Foods SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a post-security concession with a term of seven years to commence following Board approval, with two one-year options to extend and an initial minimum annual guarantee of \$1,000,000. (Airport Commission)

**ADOPTED by the following vote:**

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

**170266 [Agreement Amendment - Cerner Health Services, Inc. - Clinical and Financial Software Services to Facilitate a New Electronic Health Record System - Not to Exceed \$87,478,859]**

Resolution approving a second amendment to the agreement between the Department of Public Health and Cerner Health Services, Inc., for clinical and financial software applications to facilitate the transition to a new Electronic Health Record system, to extend the contract by three years for a total term of July 1, 2010, through June 30, 2020, with a corresponding increase of \$35,183,879 for a total agreement amount not to exceed \$87,478,859. (Public Health Department)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**170343 [Professional Services Agreement - HDR Engineering, Inc. - Construction Management Staff Augmentation Services for the New Headworks Facility Project - Not to Exceed \$17,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Professional Services Agreement No. PRO.0028, New Headworks Facility Construction Management Staff Augmentation Services, with HDR Engineering, Inc., to provide construction management staff augmentation services for the New Headworks Facility Project, for an amount not to exceed \$17,000,000 over a term of six years to commence following Board approval through July 2023. (Public Utilities Commission)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**170423 [Accept and Expend Grant - Board of State and Community Corrections - Evidence-Based Practices Training - \$17,370]**

**Sponsor: Safai**

Resolution retroactively authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$17,370 from the Board of State and Community Corrections for Evidence-Based Practices training, with the term of November 1, 2016, through February 28, 2018.

**ADOPTED by the following vote:**

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

President Breed requested File Nos. 170475, 170476, 170477, and 170478 be called together.

**170475 [Apply for, Accept, and Expend Grant - U.S. Department of Housing and Urban Development - Community Development Block Grant Program - \$18,782,824 - FY2017-2018]**

**Sponsor: Mayor**

Resolution approving the FY2017-2018 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2017-2018 CDBG Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$16,485,875 and to expend program income in the amount of \$2,296,949 for a combined total of approximately \$18,782,824 for a period beginning July 1, 2017, through the date when all funds are expended.

**ADOPTED by the following vote:**

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

**170476 [Apply for, Accept, and Expend Grant - U.S. Department of Housing and Urban Development - Emergency Solutions Grants Program - \$1,484,425 - FY2017-2018]**

**Sponsor: Mayor**

Resolution approving the FY2017-2018 Emergency Solutions Grants (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2017-2018 ESG Program entitlement from the U.S. Department of Housing and Urban Development, in the amount of \$1,484,425 for an unspecified period starting July 1, 2017.

(Fiscal Impact; No Budget and Legislative Analyst report.)

**ADOPTED by the following vote:**

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

**170477 [Apply for, Accept, and Expend Grant - U.S. Department of Housing and Urban Development - Housing Opportunities for Persons with AIDS Program - \$6,785,026 - FY2017-2018]**

**Sponsor: Mayor**

Resolution approving the FY2017-2018 Housing Opportunities for Persons with AIDS ("HOPWA") Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2017-2018 HOPWA Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$6,735,026 and to expend program income in the amount of \$50,000 for a combined total of \$6,785,026 for the period of July 1, 2017, through June 30, 2022.

**ADOPTED by the following vote:**

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

**170478 [Apply for, Accept, and Expend Grant - U.S. Department of Housing and Urban Development - HOME Investment Partnership Program - \$4,258,751 - FY2017-2018]**  
**Sponsor: Mayor**

Resolution approving the FY2017-2018 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2017-2018 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$4,158,751 and to expend program income in the amount of \$100,000 for a combined total of \$4,258,751 for the term of July 1, 2017, through June 30, 2022.

(Fiscal Impact; No Budget and Legislative Analyst report.)

**ADOPTED by the following vote:**

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

*Supervisor Farrell was noted absent at 2:44 p.m. and for the remainder of the meeting.*

**Supervisor Farrell Excused from Attendance**

Supervisor Peskin, seconded by Supervisor Tang, moved that Supervisor Farrell be excused from attending the remainder of the Board of Supervisors meeting of May 16, 2017, beginning at 3:04 p.m. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Farrell

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**Referred Without Recommendation from the Land Use and Transportation Committee****150969 [Planning Code - Affordable Housing Bonus Programs]****Sponsors: Mayor; Tang and Safai**

Ordinance amending Planning Code, Section 206, to amend the 100 Percent Affordable Housing Bonus Program to add the HOME-SF Program, the Analyzed State Density Bonus Program, and the Individually Requested State Density Bonus Program, to provide for development bonuses and zoning modifications for increased affordable housing, in compliance with, and above those required by the State Density Bonus Law, Government Code, Section 65915, et seq.; to establish the procedures in which the HOME-SF Program shall be reviewed and approved; adding a fee for applications under the Programs; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*Privilege of the floor was granted unanimously to AnMarie Rodgers (Planning Department), Kate Hartley (Mayor's Office of Housing and Community Development), and Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.*

Supervisor Tang, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 12, Line 24, through Page 13, Line 5, and Page 25, Lines 6-12, to clarify that Formula Retail prohibitions on ground floor does not apply to sites with existing fringe financial, self-storage, motel, automobile sales/rental, gas station, car wash, mortuaries, adult entertainment, massage, medical cannabis dispensary, and tobacco shop uses; on Page 13, Lines 6-16, and Page 26, Lines 1-12, by removing the Northeast quadrant area north of Post Street and east of Van Ness Avenue, with exception of soft sites; on Page 14, Line 24, through Page 25, Line 1, to ensure all HOME-SF units are marketed at least 20% less than current market rate for that unit size and neighborhood, and direct the Mayor's Office of Housing and Community Development to reduce the Area Median Income levels to maintain such pricing; on Page 15, Lines 12-16, to require HOME-SF units meet minimum unit sizes as set forth by the California Tax Credit Allocation Committee as of May 16, 2017; on Page 15, Lines 15-16, by requiring at least 40% of units be 2-3 bedrooms, with at least 10% of the 40% being 3-bedrooms; and conforming the Analyzed State Density Bonus Program to contain same programmatic details as HOME-SF, with the exception of three state requirements. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Farrell

Supervisor Tang, seconded by Supervisor Yee, moved that this be CONTINUED AS AMENDED ON FIRST READING to the Board of Supervisors meeting of May 23, 2017. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Farrell

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**Recommendations of the Public Safety and Neighborhood Services Committee**

*President Breed requested File Nos. 160532, 170272, 170293, and 170339 be called together. After the matters were called, Supervisor Kim requested File No. 170272 be severed and considered separately.*

**160532 [Liquor License - 2340 Chestnut Street]**

Resolution determining that the issuance of a Type 40 on-sale beer license to Frank Lee, Jr., dba Presidio Theatre, located at 2340 Chestnut Street (District 2), 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 recommending 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: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**170272 [Liquor License Transfer - 708 Polk Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license to S.A.K. Bars, Inc., dba Hotel Epik, located at 708 Polk Street (District 6), 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 recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED to the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**170293 [Liquor License Transfer - 345 Taraval Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license to Guerra Quality Meats, Inc. located at 345 Taraval Street (District 7), 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 recommending that the California Department of Alcoholic Beverage Control impose the condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**ADOPTED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**170339 [Liquor License - 650 California Street]**

Resolution determining that the issuance of a Type 40 on-sale beer license to Juice Beans Brew 650, LLC, dba Hermanos Coffee & Juice Bar, located at 650 California Street (District 3), 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 recommending 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: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**Recommendations of the Rules Committee****170505 [Appointments, Single Room Occupancy Task Force - Dan Jordan, Sam Patel, Bruce Burge, Angela Chu, Raul Fernandez-Berriozabal, Chirag Bhakta, Diana Martinez, Clifford Gilmore, and Jordan Davis]**

Motion reappointing Dan Jordan, Sam Patel, Bruce Burge (residency requirement waived), Angela Chan, and Raul Fernandez-Berriozabal, and appointing Chirag Bhakta, Diana Martinez (residency requirement waived), Clifford Gilmore (residency requirement waived), and Jordan Davis, terms ending December 31, 2018, to the Single Room Occupancy (SRO) Task Force. (Rules Committee)

**Motion No. M17-073****APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**170532 [Mayoral Appointment, Commission on the Status of Women - Marjan Ghafourpour Philhour]**

Motion approving the Mayor's appointment of Marjan Ghafourpour Philhour to the Commission on the Status of Women, for a term ending January 22, 2019. (Rules Committee)  
(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 25, 2017.)

**Motion No. M17-074****APPROVED by the following vote:**

Ayes: 9 - Breed, Cohen, Fewer, Kim, Ronen, Safai, Sheehy, Tang, Yee  
Noes: 1 - Peskin  
Excused: 1 - Farrell

**170533 [Mayoral Appointment, Arts Commission - Mary Y. Jung]**

Motion approving the Mayor's appointment of Mary Y. Jung to the Arts Commission, for a term ending January 15, 2021. (Rules Committee)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 25, 2017.)

**Motion No. M17-075**

**APPROVED by the following vote:**

Ayes: 7 - Breed, Cohen, Fewer, Safai, Sheehy, Tang, Yee

Noes: 3 - Kim, Peskin, Ronen

Excused: 1 - Farrell

*President Breed requested File Nos. 170534, 170535, and 170536 be called together.*

**170534 [Mayoral Appointment, Aging and Adult Services Commission - Perry Lang]**

Motion approving the Mayor's appointment of Perry Lang to the Aging and Adult Services Commission, for a term ending January 15, 2019. (Rules Committee)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 25, 2017.)

**Motion No. M17-076**

**APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Farrell

**170535 [Mayoral Reappointment, Aging and Adult Services Commission - Gustavo Serriñá]**

Motion approving the Mayor's reappointment of Gustavo Serriñá to the Aging and Adults Services Commission, for a term ending July 21, 2020. (Rules Committee)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 25, 2017.)

**Motion No. M17-077**

**APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Farrell

**170536 [Mayoral Appointment, Aging and Adult Services Commission - Jeremy Wallenberg]**

Motion approving the Mayor's appointment of Jeremy Wallenberg to the Aging and Adults Services Commission, for a term ending January 15, 2020. (Rules Committee)  
(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 25, 2017.)

**Motion No.** M17-078

**APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**170546 [Reappointment, Eastern Neighborhoods Citizens Advisory Committee - Fernando Marti]**

Motion reappointing Fernando Marti, term ending October 19, 2017, to the Eastern Neighborhoods Citizens Advisory Committee. (Rules Committee)

**Motion No.** M17-079

**APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

**170550 [Appointment, Balboa Park Station Community Advisory Committee - Nell Selander]**

Motion appointing Nell Selander, term ending February 28, 2018, to the Balboa Park Station Community Advisory Committee. (Rules Committee)

**Motion No.** M17-080

**APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 1 - Farrell

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

Supervisor Farrell, seconded by Supervisor Tang, 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, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

### *SMALL BUSINESS WEEK*

*President Breed opened the special commendation period and Stephen Adams, Vice-President (Small Business Commission) provided opening remarks regarding the importance of small businesses. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Small Business Week, their accomplishments, and their continued community support as referenced below:*

*Supervisor Farrell recognized Hong Clifford Ping (Simply Cuts);  
Supervisor Tang recognized David and Huili Li (Kingdom of Dumplings);  
Supervisor Kim recognized Joel Martin (The Butler and the Chef Bistro);  
Supervisor Sheehy recognized Robert Roddick (Noe Valley Law);  
Supervisor Cohen recognized Leslie Goldberg (Hazel's Kitchen);  
Supervisor Safai recognized Michael Tufo (Calbria Brothers);  
Supervisor Fewer recognized Sean Heaney (The Plough & Stars Inc.), presented by Supervisor Peskin on her behalf;  
Supervisor Peskin recognized Rick Karp (Cole's Hardware);  
Supervisor Breed recognized Michael Krouse and staff (Madrone Art Bar);  
Supervisor Yee recognized Hossam Kaddoura (Java on Ocean); and  
Supervisor Ronen recognized Jean Harrell (Ruth's Children Shoppe).*

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### **170497 [Hearing - Committee of the Whole - Findings and Recommendations Regarding Law Enforcement Practices - Update - May 2, 2017]**

**Sponsors: Cohen; Ronen**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on May 2, 2017, to hear and receive updates on the final reports, findings, and recommendations of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement; the Department of Justice Initial Assessment Report of the San Francisco Police Department; the President's Task Force on 21st Century Policing; and the Civil Grand Jury's Report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings;" and requesting the Police Department, the Department of Human Resources, the Department of Police Accountability, and the Police Commission to report; scheduled pursuant to Motion No. M16-164, approved on November 15, 2016.

*President Breed opened the public hearing and Supervisor Cohen provided opening remarks relating to the hearing on the findings and recommendations on law enforcement practices. Jackie Barshner; Male Speaker; Darryl Rodgers; David Carlos Salisbury; Dale; Father Richard Smith; Male Speaker; Andrea Carmena; Yesi Cuman; Nancy Cross; Female Speaker; Mike Lemmons; Dolores Piper; David Pilpel; Male Speaker; Reed Charger; Abdalla Megahed; Tom Gilbert; Felicia Jones; Charles Pitts; shared various concerns relating to the hearing matter. There were no other speakers. Chief William Scott (Police Department); George Gascon, District Attorney (Office of the District Attorney); presented an overview of the hearing matter and responded to questions raised throughout the discussion. President Breed closed public comment, declared the public hearing heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

### Committee of the Whole Adjourn and Report

#### **Appointment of President Pro Tempore**

*At the request of President Breed, Supervisor Safai assumed the chair at 3:45 p.m. The President resumed the chair at 3:54 p.m.*

*At the request of President Breed, Supervisor Safai assumed the chair at 3:56 p.m. The President resumed the chair at 4:01 p.m.*

*At the request of President Breed, Supervisor Safai assumed the chair at 5:50 p.m. The President resumed the chair at 6:05 p.m.*

## COMMITTEE REPORTS

### **170411 [Appropriation - Wastewater Enterprise General Reserve - Claims Settlements and Related Expenses as a Result of Winter Storms - \$5,000,000 - FY2016-2017]**

**Sponsor: Mayor**

Ordinance appropriating \$5,000,000 from Wastewater Enterprise designated for general reserve in the Public Utilities Commission Wastewater Enterprise to pay the claims settlements, legal expenses and related costs due to the large volume of claims arising from the winter 2016-2017 storms in FY2016-2017.

(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Farrell

### **161351 [Planning Code - Inclusionary Affordable Housing Fee and Requirements]**

**Sponsors: Kim; Peskin**

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; adding reporting requirements for density bonus projects; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*This item was not sent as a Committee Report.*

### **170208 [Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]**

**Sponsors: Safai; Breed and Tang**

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; to require minimum dwelling unit mix in all residential districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Economic Impact)

*This item was not sent as a Committee Report.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdalla Megahed; shared concerns and experiences regarding excessive use of force by police officers.*

*Nancy Cross; shared concerns regarding homeless shelters.*

*Female Speaker; spoke in support of an applicant for the Board's appointment to the Police Commission.*

*Tammy Bryant; spoke in support of an applicant for the Board's appointment to the Police Commission.*

*Paul Milstead; spoke in opposition to an applicant for the Board's appointment to the Police Commission.*

*Roland Dill; requested the Board's consideration to landmark a redwood tree.*

*Female Speaker; requested the Board's consideration to landmark a redwood tree.*

*Nina Moore; requested the Board's consideration to landmark a redwood tree.*

*Marshall Smith; requested the Board's consideration to landmark a redwood tree.*

*Anne Tudor; requested the Board's consideration to landmark a redwood tree.*

*Nancy Warthul; requested the Board's consideration to landmark a redwood tree.*

*Tom Gilberty; shared concerns regarding the overhead projector in the Chamber and the percentage of affordable housing units.*

*During general public comment, privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*Supervisor Sheehy was noted absent at 7:28 p.m. and for the remainder of the meeting.*

### **170566 [Supporting California State Senate Bill 687 (Skinner) - Emergency Service Levels at Health Facilities]**

**Sponsor: Cohen**

Resolution supporting California State Senate Bill 687, authored by Senator Nancy Skinner, which would require any non-profit that operates or controls a health facility to provide notice to, and obtain the consent of, the Attorney General prior to a reduction or elimination of the level of emergency services.

**ADOPTED**

### **170567 [Supporting the Campaign for Sustainable Rx (Drug) Pricing]**

**Sponsor: Farrell**

Resolution supporting the National Coalition on Health Care's educational efforts regarding sustainable prescription drug pricing, through their Campaign for Sustainable Rx (Drug) Pricing.

**ADOPTED**

### **170506 [Final Map 9095 - 255-259 Clara Street]**

Motion approving Final Map 9095, an eight unit residential condominium project, located at 255-259 Clara Street, being a subdivision of Assessor's Parcel Block No. 3753, Lot No. 042, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M17-081**

**APPROVED**

**170575 [Calling from Committee - Committee of the Whole and Closed Session - Settlement of Lawsuit and Tolling Agreement with Airbnb, Inc. and HomeAway.com, Inc. - May 23, 2017]**

**Sponsor: Breed**

Motion calling from the Government Audit and Oversight Committee the proposed Resolution (File No. 170507) endorsing settlement of the lawsuit filed by Airbnb, Inc. and HomeAway.com, Inc. against the City and County of San Francisco, entitled Airbnb, Inc., et al. v. City and County of San Francisco, and authorizing a tolling agreement in that lawsuit; scheduling the Board of Supervisors to sit as a Committee of the Whole at the meeting on May 23, 2017, at 4:00 p.m. to hold a public hearing to consider the proposed Resolution; and scheduling a closed session of the Board of Supervisors at the same meeting for the purpose of conferring with, or receiving advice from, the City Attorney regarding that existing litigation in which the City is a defendant, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1).

**Motion No.** M17-082

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Farrell

Absent: 1 - Sheehy

## IMPERATIVE AGENDA

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest is action is deferred to a later meeting."*

**Supervisor Peskin, seconded by Supervisor Safai, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 9 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Farrell

Absent: 1 - Sheehy

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Peskin, seconded by Supervisor Safai, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 9 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Farrell

Absent: 1 - Sheehy

### **170596 [Urging the California State Legislature to Support Assembly Bill 915]**

**Sponsors: Safai; Breed, Kim and Peskin**

Resolution urging the California State Legislature to support and pass Assembly Bill 915, introduced by Assemblymember Phil Ting, which would add Section 65915.4 to the California Government Code, and provide that if a city, county, or city and county has adopted an inclusionary housing ordinance then the city, county, or city and county shall apply that ordinance to the total number of housing units, including additional units granted under a density bonus.

*President Breed inquired as to whether any member of the public wished to address the Board relating to urging the California State Legislature to support Assembly Bill 915 as referenced in File No. 170596. There were no speakers. The President declared public comment closed.*

**ADOPTED by the following vote:**

Ayes: 9 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Farrell

Absent: 1 - Sheehy

## 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](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

### 170551 [Business and Tax Regulations Code - Emergency Medical Services Fees]

Ordinance amending the Business and Tax Regulations Code to require that payment of emergency medical services fees be made to the Department of Public Health rather than the Department of Emergency Management. (Public Health Department)

05/08/17; RECEIVED FROM DEPARTMENT.

05/16/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 6/15/2017.

### 170552 [Amending Ordinance No. 1061 - Sidewalk Width Change - Masonic Avenue at Fulton and Turk Streets]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to change the official sidewalk width of certain locations along Masonic Avenue at: a) the southwest corner of the intersection of Masonic Avenue and Fulton Street, and; b) the northeast corner of the intersection of Masonic Avenue and Turk Street; 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. (Public Works)

05/03/17; RECEIVED FROM DEPARTMENT.

05/16/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/15/2017.

## PROPOSED RESOLUTIONS

**170509 [Contract Agreement Amendment - NextBus, Inc. - Automatic Vehicle Location System - Not to Exceed \$12,968,676]**

Resolution approving the Third Amendment to San Francisco Municipal Transportation Agency ("SFMTA") Contract No. SFMTA 2013-30, with NextBus, Inc., for software and equipment maintenance services for the SFMTA's Automatic Vehicle Location System, to extend the Agreement for one year for a total term of August 1, 2013, through July 31, 2018, with one one-year option to extend, and increasing the contract amount by \$3,780,474, for a total not to exceed \$12,968,676. (Municipal Transportation Agency)

05/08/17; RECEIVED FROM DEPARTMENT.

05/16/17; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**170510 [Agreement - Intercare Holdings Insurance Services, Inc. - Workers' Compensation Third Party Administrator - Not to Exceed \$26,179,119]**

Resolution authorizing the San Francisco Municipal Transportation Agency and the Department of Human Resources to execute an agreement with Intercare Holdings Insurance Services, Inc., for Workers' Compensation Third Party Administrator services for an amount not to exceed \$26,179,119 and for a term of three years, from August 1, 2017, through July 31, 2020, with an option to extend the term for up to an additional two years. (Municipal Transportation Agency)

05/08/17; RECEIVED FROM DEPARTMENT.

05/16/17; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 7:33 p.m.*