

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 17, 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

Budget and Finance Committee

Supervisors Cohen, Yee, Tang

Thursday

10:00 AM

Budget and Finance Federal Select Committee

Supervisors Cohen, Sheehy, Fewer

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 Farrell, Peskin, Tang

Monday

1:30 PM

Public Safety and Neighborhood Services Committee

Supervisors Ronen, Sheehy, Fewer

2nd and 4th Wednesday

10:00 AM

Rules Committee

Supervisors Safai, Fewer, Yee

1st and 3rd Wednesday

1:00 PM

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

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

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, October 17, 2017, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:05 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 September 5, 2017, or September 12, 2017. There were no corrections.

Supervisor Ronen, seconded by Supervisor Kim, moved to approve the Board Meeting Minutes of September 5, 2017, and September 12, 2017. The motion carried by the following vote, following general public comment:

AGENDA CHANGES

There were no agenda changes.

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

There were no questions submitted from Supervisors representing the even districts. Mayor Edwin Lee addressed the Board of Supervisors regarding the senseless act of gun violence in Las Vegas, provided his heartfelt sympathies to those affected by the Northern California fires, the need for affordable housing, the executive directive the Mayor signed to streamline the permitting process for affordable housing, and legislative actions that have been taken and proposed to provide solutions for the creation of more affordable housing. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

170903 [Settlement of Lawsuit - Andre Price, Kenneth Farris, Jr., Abdelaziz Aineb - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Andre Price, Abdelaziz Aineb, and Kenneth Farris, Jr. against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 22, 2014, in San Francisco Superior Court, Case No. CGC-14-543349; entitled Andre Price, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

170924 [Settlement of Lawsuit - Linda Chen - \$350,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Chen against the City and County of San Francisco for \$350,000; the lawsuit was filed on November 7, 2014, in San Francisco Superior Court, Case No. CGC 14-542604; entitled Linda Chen v. San Francisco Police Department, et al.; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

170925 [Settlement of Lawsuit - Peter Firestone - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Peter Firestone against the City and County of San Francisco for \$50,000; the lawsuit was filed on October 24, 2014, in San Francisco Superior Court, Case No. CGC-14-542359; entitled Peter Firestone v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from vehicle collision; other material terms of the settlement are co-defendants to pay \$60,000. (City Attorney)

PASSED ON FIRST READING

170926 [Settlement of Lawsuit - Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing - \$259,800]

Ordinance authorizing settlement of the lawsuit filed by Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing against the City and County of San Francisco for \$259,800; the lawsuit was filed on July 24, 2014, in the United States District Court for the Northern District of California, Case No. 3:14-cv-3352-CRB; entitled Daniel Levin et al. v. City and County of San Francisco; the lawsuit involves whether Ordinance No. 54-14, which required landlords to provide increased relocation payments to displaced tenants following certain types of evictions, unlawfully took plaintiffs' property. (City Attorney)

PASSED ON FIRST READING

170927 [Settlement of Lawsuit - Pacific Rod & Gun Club - City to Receive \$8,250,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Rod & Gun Club for \$8,250,000; the lawsuit was filed on March 27, 2014, in San Francisco Superior Court, Case No. CGC-14-538294; entitled City and County of San Francisco v. Pacific Rod & Gun Club; the City sued its former tenant Pacific Rod & Gun Club for nuisance and breach of contract to recover the City's hazardous material remediation expenses resulting from the Club's use of shotgun shells containing lead and arsenic and targets containing asphalt compounds at a gun range that it operated on City property on Lake Merced from 1933 to 2015. (City Attorney)

PASSED ON FIRST READING

170670 [Settlement of Unlitigated Claim - 1fb.net, Inc. - \$37,740.98]

Resolution approving the settlement of the unlitigated claim filed by 1fb.net, Inc. against the City and County of San Francisco for \$37,740.98; the claim was filed on March 13, 2017; the claim involves a refund of payroll expense taxes. (City Attorney)

ADOPTED

171005 [Settlement of Unlitigated Claim - Ronald Terry - \$89,500]

Resolution approving the settlement of the unlitigated claim filed by Ronald Terry against the City and County of San Francisco for \$89,500; the claim was filed on September 27, 2016; the claim involves an employment dispute. (City Attorney)

ADOPTED

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

From the Board

170834 [Planning Code - Inclusionary Affordable Housing Fee and Requirements]

Sponsors: Breed; Kim, Peskin, Safai 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 clarify Inclusionary Housing requirements in the Transbay C-3 Special Use District; 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.

Supervisor Kim, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 12, Line 7, by striking '25% of the' and adding 'at least 60% of the off-site affordable', by striking '50%' and adding '55%', Lines 7-9, by striking 'for off-site housing' and adding 'and the balance of the off-site affordable units using these funds at affordability rates that comply with the requirements of TCAC, CDLAC, and this Section 415', and Line 10, by striking '50%' and adding '55%'; and making other clarifying and conforming changes. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Recommendation of the Budget and Finance Committee

170669 [Software License and Maintenance Agreement - Mythics Inc. - Oracle Licenses and Software Support - Not to Exceed \$11,832,968.89]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1090 with Mythics Inc. for the purchase of certain as-needed Oracle licenses and software support, for an amount not to exceed \$11,832,968.89, and with an anticipated term to commence November 30, 2017, through March 22, 2023. (Public Utilities Commission)

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Ronen, Safai, Sheehy, Tang, Yee

Noes: 2 - Kim, Peskin

Recommendation of the Land Use and Transportation Committee

170209 [Public Works Code - Bicycle Chop Shops]

Sponsor: Sheehy

Ordinance amending the Public Works Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, offer of distribution, or storage of bicycles and bicycle parts on the public right-of-ways, under certain conditions and with certain exceptions; authorize Public Works to remove and seize bicycles and bicycle parts following issuance of a notice of violation; and allow either the recipient of the notice or any other person who can demonstrate lawful ownership to retrieve seized items from Public Works after 30 days.

FINALLY PASSED by the following vote:

Ayes: 9 - Breed, Cohen, Farrell, Kim, Peskin, Safai, Sheehy, Tang, Yee

Noes: 2 - Fewer, Ronen

Recommendation of the Public Safety and Neighborhood Services Committee

170763 [Environment Code - Antibiotic Use in Food Animals]

Sponsors: Sheehy; Ronen

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

170739 [Waiver of Banner Fee - APA Family Support Services]

Sponsor: Cohen

Ordinance retroactively authorizing the installation of up to six banners on City-owned utility poles by APA Family Support Services under Public Works Code, Section 184.78, at 1652 Sunnydale Avenue between August 1, 2017, and January 31, 2018; and waiving the fees for those banners.

PASSED ON FIRST READING by the following vote:

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

170944 [Waiver of Banner Fee - Office of Economic and Workforce Development - Shop and Dine in the 49 Campaign]**Sponsor: Tang**

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for up to 300 banners to be placed by the Office of Economic and Workforce Development to publicize the City's "Shop and Dine in the 49" campaign, beginning on November 20, 2017, and for one year.

PASSED ON FIRST READING by the following vote:

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

170921 [Administrative Code - Establish a Trial Local Business Enterprise Joint Venture and Core Discipline Incentive Program]

Ordinance amending the Administrative Code to establish a trial Local Business Enterprise (LBE) incentive program that would allow an LBE joint venture rating bonus on professional services and design-build contracts over \$20 million, and allow departments to use the amount of LBE subcontractor participation in core disciplines as selection criteria in professional services contract procurements. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:

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

170668 [Lease Agreement - Alliance Ground International, LLC - Airport Building 648 - Estimated Rent of \$3,820,253]

Resolution approving Lease Agreement No. 17-0112 between Alliance Ground International, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for exclusive use of approximately 40,778 square feet of space in Airport Building 648, for an estimated total minimum rent of \$3,820,253 and a projected term of three years and seven months. (Airport Commission)

ADOPTED by the following vote:

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

President Breed requested File Nos. 170798 and 170799 be called together.

170798 [Master Lease Amendment - United States Navy - Treasure Island Childcare]

Resolution approving Amendment No. 13 to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year, for the period of December 1, 2017, through November 30, 2018. (Treasure Island Development Authority)

ADOPTED by the following vote:

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

170799 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

Resolution approving Amendment No. 42 to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year, for the period of December 1, 2017, through November 30, 2018. (Treasure Island Development Authority)

ADOPTED by the following vote:

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

170904 [Mental Health Services Act - Program and Expenditure Plan (Integrated Plan)]

Resolution adopting the Mental Health Services Act Program and Expenditure Plan (Integrated Plan) for FY2017-2018 through FY2019-2020. (Public Health Department)

ADOPTED by the following vote:

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

President Breed requested File Nos. 170951, 170952, 170953, and 170954 be called together.

170951 [Teeter Plan Extension - School Parcel Tax]**Sponsor: Peskin**

Resolution extending the Teeter Plan to special taxes levied for the San Francisco Unified School District under the School Parcel Tax.

(Fiscal Impact)

ADOPTED by the following vote:

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

170952 [Teeter Plan Extension - City College Parcel Tax]**Sponsor: Peskin**

Resolution extending the Teeter Plan to the parcel tax levied for the San Francisco Community College District under the City College Parcel Tax.

(Fiscal Impact)

ADOPTED by the following vote:

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

170953 [Teeter Plan Extension - Bay Restoration Authority Parcel Tax]**Sponsor: Peskin**

Resolution extending the Teeter Plan to parcel taxes levied for the San Francisco Bay Restoration Authority under the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.

(Fiscal Impact)

ADOPTED by the following vote:

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

170954 [Teeter Plan Extension - School Facilities Special Tax]**Sponsor: Peskin**

Resolution extending the Teeter Plan to special taxes levied for the San Francisco Unified School District under the School Facilities Special Tax.

(Fiscal Impact)

ADOPTED by the following vote:

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

170956 [Accept and Expend Grant - California Department of Parks and Recreation - Twin Peaks Trail System Improvements - \$121,131]**Sponsor: Sheehy**

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant from the California Department of Parks and Recreation in the amount of \$121,131 for the Twin Peaks Trail System Improvements; authorizing the Director of Real Estate to file a Declaration of Restriction with the Assessor-Recorder against the property designated as Assessor's Parcel Block No. 2643, Lot No. 021, providing that the use restrictions contained in the Grant Agreement will be covenants, conditions, and restrictions on the use of the property until June 30, 2036; and authorizing the Director of Real Estate to take actions necessary to annul the deed restriction recorded against the property designated as Assessor's Parcel Block No. 2643, Lot No. 003. (Recreation and Park Department)

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee**170667 [Board Response - Civil Grand Jury Report - Planning to Make Our Parks Even Better]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2016-2017 Civil Grand Jury Report, entitled "Planning to Make Our Parks Even Better;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 19-21, by adding 'a hearing request has been introduced at the Board of Supervisors to review the progress of Recreation and Park's Strategic, Operational and Capital Plans (Board File No. 171072), and', Line 22, by adding 'is currently coordinating with the Recreation and Park Department to', striking 'anticipates', striking 'scheduling' and adding 'schedule', Line 23, by striking 'a' and adding 'the', and Lines 23-24, by striking 'on October 18, 2017 to review the progress of Recreation and Park's Strategic, Operational and Capital Plans'. The motion carried by the following vote:

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

ADOPTED AS AMENDED 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

170418 [Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]

Sponsor: Peskin

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Supervisor Peskin, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 1-6, by adding 'Section 2. This section is uncodified. The provisions of this ordinance shall not apply to a project that has received all approvals required under Planning Code Section 305 from the Planning Department by or before December 31, 2017 and the approvals are final. For this purpose, "final" means an approval action under Section 305 that has been completed by the Department and has not been appealed to the Board of Appeals within the appeal period established by Section 8 of the Business and Tax Regulations Code.'; on Page 9, Line 20, by adding 'preceding ratio'; and making other clarifying and conforming changes. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

170782 [Planning Code, Zoning Map - Rezoning 1990 Folsom Street]

Sponsor: Ronen

Ordinance amending the Planning Code by revising the Zoning Map to change the zoning designation of 1990 Folsom Street from a use designation of Production, Distribution, and Repair-General and a height and bulk designation of 58-X to a use designation of Urban Mixed Use and a height and bulk designation of 90-X; 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.

PASSED ON FIRST READING by the following vote:

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

170835 [Amending Ordinance No. 49-17 - 180 Jones Street Affordable Housing Fund]**Sponsor: Kim**

Ordinance amending Ordinance No. 49-17 to change the timeline, for the first payment of \$1,500,000 from the project sponsor of 950-974 Market Street to the 180 Jones Street Affordable Housing Fund, from "the issuance of the first construction document for that project or July 1, 2017, whichever comes first," to "the issuance of the first construction document."

PASSED ON FIRST READING by the following vote:

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

170860 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]**Sponsor: Mayor**

Ordinance amending the Administrative Code to remove reference to a ten year residency requirement for the Displaced Tenant Preference in City Affordable Housing Programs; 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.

Privilege of the floor was granted unanimously to Amy Chan (Mayor's Office of Housing and Community Development) who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee**170599 [Public Works, Police Codes - Requiring a Permit for Testing of Autonomous Delivery Devices on Sidewalks]****Sponsors: Yee; Fewer and Ronen**

Ordinance amending the Public Works Code to prohibit the operation of autonomous delivery devices on sidewalks and right-of-ways within the jurisdiction of Public Works, amending the Police Code to provide for administrative, civil, or criminal penalties for unlawful operation of autonomous delivery devices; and affirming the Planning Department's determination under the California Environmental Quality Act.
(Supervisor Sheehy dissented in committee.)

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

Supervisor Yee, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the proposed new Public Works Code, Section 723.4, to prohibit autonomous delivery devices; and adding a new proposed Public Works Code, Section 794, that requires permits for autonomous delivery devices on sidewalks. The motion carried by the following vote:

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

Ordinance amending the Public Works Code to require a permit for the testing of autonomous delivery devices on sidewalks; amending the Police Code to provide for administrative, civil, or criminal penalties for unlawful operation of autonomous delivery devices; and affirming the Planning Department's determination under the California Environmental Quality Act. (Supervisor Sheehy dissented in committee.)

Supervisor Yee requested that this Ordinance be re-referred back to the Public Safety and Neighborhood Services Committee. Before a second was identified, President Breed indicated she was uncertain whether to send the Ordinance back to the Public Safety and Neighborhood Services Committee or refer it to the Land Use and Transportation Committee. The President requested Supervisor Yee make a motion to send the matter to "committee," and that the specific committee would be determined at a later time. Supervisor Yee agreed.

Supervisor Yee, seconded by Supervisor Safai, moved that this Ordinance be RE-REFERRED AS AMENDED to Committee. The motion carried by the following vote:

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

(On October 18, 2017, upon the deadline to finalize the draft minutes, the Clerk of the Board requested the President's direction on the committee assignment for File No. 170599. President Breed directed the Ordinance be referred to the Land Use and Transportation Committee, subject to the President's discretion.)

170867 [Environment Code - Flame Retardant Chemicals in Upholstered Furniture and Juvenile Products]

Sponsors: Farrell; Peskin, Sheehy, Ronen, Fewer, Yee, Safai and Tang

Ordinance amending the Environment Code to ban the sale in San Francisco of upholstered furniture and juvenile products made with or containing an added flame retardant chemical.

Supervisors Safai and Tang requested to be added as co-sponsors.

Supervisor Farrell, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 9, Line 1, by adding '(1) Except as provided in subsection (a)(2)', Lines 7-8, by adding '(2) The prohibitions set forth in subsection (a)(1) shall apply to Covered Products with electrical or electronic component beginning July 1, 2019.', Line 19, by adding 'beginning on July 1, 2018', Line 20, by striking 'subject to the restrictions in this Chapter 28' and adding 'or other person', and Line 22, by adding 'for an Establishment or a Covered Product', striking 'Establishment', and 'petitioner'; and Page 10, Lines 1-4, by adding 'By no later than June 30, 2018, the Department of the Environment shall issue rules or regulations establishing a process for the Department's review of petitions and describing factors that the Department will consider in evaluating petitions.' The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

170848 [Liquor License - 150 Kearny Street - BevMo!]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits license; the issuance of a Type-42 on-sale beer and wine public premises license; and the issuance of a Type-86 educational tasting license to Beverages & More, Inc., doing business as BevMo!, located at 150 Kearny Street (District 3), will not serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control deny the issuance of the licenses, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

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

Supervisor Sheehy, seconded by Supervisor Ronen, 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

Supervisor Sheehy introduced, welcomed, and presented a Certificate of Honor to Julia Ready of Growing Up on the occasion of her birthday and in recognition of her many accomplishments providing a successful early childhood program. Supervisor Yee shared in this commendation.

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Laura Sanchez, Legal Director of the Immigration Program at Central American Resource Center, in recognition of her many accomplishments defending and providing advocacy for immigrant rights.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

[170964](#) [Hearing - Committee of the Whole - Disclosure Responsibilities of Board of Supervisors Under Federal Securities Laws - October 17, 2017]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on October 17, 2017, at 3:00 p.m., to receive educational training on the Board's legal obligations under Federal and State securities laws with respect to any Official Statement (OS) approvals; scheduled pursuant to Motion No. M17-122, approved by the Board on September 5, 2017. (Clerk of the Board)

President Breed opened the public hearing, informed the Board of the requested continuance of the hearing, and inquired as to whether any member of the public wished to address the Board related to the continuance. There were no speakers. President Breed closed public comment on the continuance, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Peskin, seconded by Supervisor Kim, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of October 24, 2017, at 3:00 p.m. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Male Speaker; shared concerns regarding Citywide Case Management and its assertive community treatment.

Ray Hartz; expressed his support of free speech and right to protest

Charlie Pappis; shared concerns regarding a proposed project.

Audrey Yan; shared concerns regarding medical cannabis dispensaries.

Female Speaker; expressed support of the Resolution to name the batting cage at Victoria Manalo Draves Park "Tim Figueras Batting Cage" (File No. 171068).

Heather Phillips; expressed support of the Resolution to name the batting cage at Victoria Manalo Draves Park "Tim Figueras Batting Cage" (File No. 171068).

Rudy; expressed support of the Resolution to name the batting cage at Victoria Manalo Draves Park "Tim Figueras Batting Cage" (File No. 171068).

Tom Gilberty; shared concerns regarding the One Oak Project and the need for affordable housing.

Carla Laurel; expressed support of the Resolution to name the batting cage at Victoria Manalo Draves Park "Tim Figueras Batting Cage" (File No. 171068).

Speaker; expressed support of the Resolution to name the batting cage at Victoria Manalo Draves Park "Tim Figueras Batting Cage" (File No. 171068).

Speaker; expressed support of the Resolution to name the batting cage at Victoria Manalo Draves Park "Tim Figueras Batting Cage" (File No. 171068).

Speaker; shared various religious concerns.

Speaker; shared concerns regarding police.

Ace Washington; shared concerns regarding the state of crisis in San Francisco.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Kim was noted absent at 3:50 p.m.

171067 [Urging the United States Congress to Oppose United States House of Representatives Bill 38, and United States Senate Bill 446]

Sponsors: Farrell; Cohen

Resolution urging the United States Congress to oppose the United States House of Representatives Bill 38, the Concealed Carry Reciprocity Act of 2017, and United States Senate Bill 446, the Constitutional Concealed Carry Reciprocity Act of 2017.

ADOPTED

171083 [Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2505 Noriega Avenue]

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 19961, regarding the Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed medical cannabis dispensary located at 2505 Noriega Avenue. (Clerk of the Board)

Motion No. M17-160

APPROVED

171084 [Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - October 24, 2017]

Motion that the Board of Supervisors convene in closed session on October 24, 2017, 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 existing litigation in which the City is a defendant and appellee, American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association v. City and County of San Francisco, Ninth Circuit Court of Appeals Case Nos. 16-16072 and 16-16073, filed in the United States District Court for the Northern District of California on July 24, 2015. (Clerk of the Board)

Motion No. M17-161

APPROVED

171085 [Adopting the Planning Department's Report on Interim Moratorium on Medical Cannabis Dispensaries]

Sponsor: Cohen

Motion adopting the Planning Department's report on the interim zoning moratorium on the approval of medical cannabis dispensaries for 45 days, in accordance with California Government Code, Section 65858; 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.

Motion No. M17-162

APPROVED

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Kim

Supervisor Kim was noted present at 3:59 p.m.

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

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

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

President Breed requested that File No. 171068 be severed so that it may be considered separately.

171068 [Urging the Recreation and Park Commission to Name the Batting Cage at Victoria Manalo Draves Park - "Tim Figueras Batting Cage"]

Sponsors: Kim; Safai, Fewer, Ronen, Peskin and Yee

Resolution declaring the new batting cages installed at Victoria Manalo Draves Park be named "Tim Figueras Batting Cage" after former Gene Friend Recreation Center and longtime community member, Tim Figueras.

Supervisors Safai, Fewer, Ronen, Peskin and Yee requested to be added as co-sponsors.

Supervisor Kim, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing the 'declaring' Resolution to a Resolution 'urging the Recreation and Park Commission to name the batting cages'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Resolution urging the Recreation and Park Commission to name the new batting cages installed at Victoria Manalo Draves Park "Tim Figueras Batting Cage" after former Gene Friend Recreation Center and longtime community member, Tim Figueras.

ADOPTED AS AMENDED by the following vote:

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

171074 [Settlement of Lawsuit - Kevin Smith - \$300,000]

Ordinance authorizing settlement of the lawsuit filed by Kevin Smith against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 26, 2016, in San Francisco Superior Court, Case No. CGC-15-550065; entitled Kevin Smith v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

10/03/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171075 [Settlement of Lawsuit - T-Mobile West, LLC - \$72,500]

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West, LLC against the City and County of San Francisco for \$72,500; the lawsuit was filed on September 9, 2015, in San Francisco Superior Court, Case No. CGC-15-547840; entitled T-Mobile West, LLC v. City and County of San Francisco; the lawsuit involves a Utility Users Tax refund. (City Attorney)

10/03/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171076 [Settlement of Lawsuit - AT&T Corp. - \$498,000]

Ordinance authorizing settlement of the lawsuit filed by AT&T Corp. against the City and County of San Francisco for \$498,000; the lawsuit was filed on October 26, 2016, in San Francisco Superior Court, Case No. CGC-16-555047; entitled AT&T Corp. v. City of San Francisco, Department of Public Health; the lawsuit involves a breach of contract claim arising from a dispute over AT&T's design of a medical grade wireless network at Zuckerberg San Francisco General Hospital; other material terms of the settlement are that the City reserves all rights to pursue claims against AT&T for, and AT&T shall retain responsibility for, latent defects; all extant express and implied warranties under the contract shall remain in full force and effect; the City and AT&T will execute a mutual release; the City and AT&T will each bear its own fees and costs. (City Attorney)

10/03/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

171077 [Real Property Lease Renewal - 1145 Market LP - 1145 Market Street - San Francisco Law Library - \$1,180,000 Initial Annual Base Rent]

Resolution authorizing the exercise of an option to extend the term of a Lease for approximately 20,000 square feet, consisting of a portion of the second floor and entire fourth floor at 1145 Market Street, for the San Francisco Law Library, with 1145 Market Street LP, a California limited partnership, for five years, subject to City's right to terminate, for the period of July 1, 2018, to June 30, 2023, at a monthly base rent of \$98,333.33 for a total annual base rent of 1,180,000 in the initial year with 3% annual increases. (Real Estate Department)

10/02/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171078 [Airport Professional Services Agreement Modification - CAGE Professional Services, Inc. dba CAGE, Inc. - International Terminal Checked Baggage Inspection System Modernization Program and Baggage Handling Improvements Project - Not to Exceed \$14,500,000]

Resolution approving Modification No. 10 to Airport Contract No. 9024.9, Construction Management Services for the International Terminal Checked Baggage Inspection System Modernization Program and Baggage Handling System Improvements Project, with CAGE Professional Services, Inc. dba CAGE, Inc., and approving an amount for further modifications for a total amount not to exceed \$14,500,000 for services through December 31, 2020, pursuant to Charter, Section 9.118(b). (Airport Commission)

09/25/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171079 [Lease Agreement - Wells Fargo Bank, N.A. - Automated Teller Machines - \$475,000 Minimum Annual Guarantee]

Resolution approving the Domestic Terminals Automated Teller Machines Lease A No. 17-0194 between Wells Fargo Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years, to commence following Board approval, with a two-year option to extend, and a minimum annual guarantee of \$475,000 for the first year of the Lease. (Airport Commission)

09/27/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171080 [2011 Airport Lease and Use Agreement - Air Pacific Limited dba Fiji Airways]

Resolution approving the terms of 2011 Lease and Use Agreement No. 17-0183 between the City and County of San Francisco, acting by and through its Airport Commission, and Air Pacific Limited dba Fiji Airways to conduct flight operations at San Francisco International Airport, for the lease term to commence following Board approval through June 30, 2021. (Airport Commission)

09/28/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171081 [2011 Airport Lease and Use Agreement - Air India Limited]

Resolution approving the terms of 2011 Lease and Use Agreement No. 17-0183 between the City and County of San Francisco, acting by and through its Airport Commission, and Air India Limited to conduct flight operations at San Francisco International Airport, for the lease term to commence following Board approval through June 30, 2021. (Airport Commission)

09/28/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171082 [Accept and Expend Three Gifts - Thomas G. Dragges, James Lund and Jon Simmonds - Airport - SFO Museum Collection - Total Gift Value of \$95,103]

Resolution retroactively authorizing the Airport Director, or his/her designee, to accept three gifts for the SFO Museum collection: 1) 998 airline and airport timetables valued at \$47,435 from Thomas G. Dragges, 2) 73 scale model aircraft valued at \$36,500 from James Lund, and 3) 163 commercial aviation artifacts valued at \$11,168 from Jon Simmonds; for a total gift value of \$95,103. (Airport Commission)

09/25/17; RECEIVED FROM DEPARTMENT.

10/17/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:04 p.m.

ADDENDUM

The following information is provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during General Public Comment, as follows: "Colin Kaepernick has earned and will one day be awarded the Presidential Medal of Freedom! Kneeling during the National Anthem is not disrespectful to the flag, the anthem, or the country. It is the exercise of a right enshrined in the First Amendment! It is sign of respect for the Constitution which is the foundation upon which our country is built. Some of his loudest critics, who wish to infringe upon his right to free speech, should remember, that same short paragraph also protects their right to worship. Others should remember: the next short paragraph protects their right to bear arms. The final words of that anthem are: "the land of the free and the home of the brave." Colin Kaepernick is free to express his beliefs and brave in doing so! Think of what he has sacrificed and acknowledge his act as a sign of respect, belief, trust, and hope!"